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To enrich lives through effective and caring service

County of Los Angeles
California

October 2, 2003

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **COMMISSION AGENDA –October 8, 2003**

Enclosed is the October 8, 2003 meeting agenda, together with the minutes from your meetings of August 27, 2003 and September 10, 2003. Also enclosed are reports related to agenda items 3a, 3b, 4a, 5a, 5b, 5c, 6a and 6b.

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

SW:tlh
Enclosures

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

COUNTY OF LOS ANGELES

SMALL CRAFT HARBOR COMMISSION

(310) 305-9527

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

AGENDA

SMALL CRAFT HARBOR COMMISSION MEETING
OCTOBER 8, 2003
9:30 a.m.
BURTON W. CHACE PARK COMMUNITY BUILDING
13650 MINDANAO WAY
MARINA DEL REY, CA. 90292

1. Call to Order and Action on Absences

2. Approval of Minutes: Meetings of August 27, 2003 and September 10, 2003

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

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

   b. Marina del Rey and Beach Special Events

4. **OLD BUSINESS**

   a. Mediation Services for Marina del Rey Apartment & Boat Slip Tenants (PRESENTATION BY DEPT. OF CONSUMER AFFAIRS)

5. **NEW BUSINESS**

   a. Marina del Rey Convention and Visitors Bureau Renewal and Second Amendment of Funding Agreement (RECOMMEND TO BOARD)

   b. Authorize the Chief Administrative Officer and Director of the Department of Beaches and Harbors to Enter into Exclusive Negotiations with Almar Management/Pacific Marina Development for an Option and Long-Term Lease for Development of Parcels 52R and GG – Marina del Rey (RECOMMEND TO BOARD)

c. Authorize the Chief Administrative Officer and Director of the Department of Beaches and Harbors to Enter into Exclusive Negotiations for Lease Options and Long-Term Leases/Lease Extensions for Three Development Projects on Parcels NR/33R, Parcel IR and Parcels GR/22R – Marina del Rey (RECOMMEND TO BOARD)

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

a. Ongoing Activities
- Board Actions on Items Relating to Marina del Rey
- Marina del Rey Water Shuttle Study Timeline
- Design Control Board Minutes

b. ADA Compliance Issues – Holiday Harbor Marina

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

7. **COMMUNICATION FROM THE PUBLIC**

8. **ADJOURNMENT**

PLEASE NOTE:

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

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

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

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

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

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

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

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

Small Craft Harbor Commission
Meeting of August 27, 2003
Minutes

Commissioners Present:

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

Excused Absences:

John Law

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

1. CALL TO ORDER & ACTION ON ABSENCES

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

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

2. APPROVAL OF MINUTES

There wasn't a quorum of Commissioners present today who attended the May 14, 2003 meeting; therefore, Chairman Searcy postponed action on the minutes to the September meeting.

Commissioner Lesser moved and Commissioner Crail seconded a motion to approve the June 11, 2003 minutes. The motion passed unanimously.

Commissioner Lesser moved and Commissioner Crail seconded a motion to approve the July 23, 2003 minutes. The motion passed unanimously.

3. REGULAR REPORTS

a. Marina Sheriff's Department Report

--- Crime Statistics

Lt. Tracee Edmonds reported that there was an overall reduction of crime in the area of theft (residential, vehicle, boat), which had been a rising problem over the last few months, but has now started to decline. She said that one boat was stolen from the Marina, however, determination was made that it was an act of embezzlement rather than theft.

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

Deputy Paul Carvalho reported that two additional boats were disposed of, however, two more boats were impounded. The Property and Evidence Bureau informed him that the grant from the State was approved and the bidding process is complete; therefore, the Sheriff's Department may be able to dispose of some of the vessels within the next few weeks.

Mr. Joe Chesler asked how the Sheriff's Department disposes of larger boats. Deputy Carvalho responded that they're lifted out of the water and placed on a flat bed truck.

b. Marina and Beach Special Events

Mr. Wisniewski said the report summarizes the Marina del Rey and Beach Special Events for the coming month, including the Marina del Rey Summer Concerts Series, Fisherman's Village Concerts, Hermosa Beach Fall Festival, Santa Monica Twilight Dance Series Free Concert, Santa Monica Drive-In at the Pier, and the City of Los Angeles Triathlon at Venice Beach.

4. OLD BUSINESS

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

Mr. Moliere reported that Item 4a relates to a previously approved amended and restated lease for Parcels 111T/112T. In order to build the new facilities, very large scale and complex financing has to take place and this Consent to Assignment will enable the financing. The three actions needed to facilitate financing are:

1) Reorganization of the structure of the leasehold, which amounts to an assignment of the general partnership interest to create this special purpose entity.

Mr. Moliere explained that there is no change in management. Staff has determined, under the three criteria the Department uses to judge whether assignments are appropriate, that all are met and the management and the financial ability of the lessee to perform under the lease will remain intact.

2) Amendments to the amended and restated lease that would give the lender the ability to step in appropriately should there be a default.

Mr. Moliere said that, factually, there is a very onerous reversion provision in the leases, which says that if the improvements are not built as specified, the new term that was granted, the extended term, reverts back to the original term. The lender does not want to lend, in many cases, many, many, millions of dollars, and in some cases, over a hundred million dollars, against a lease that could suddenly revert from sixty years to nineteen years. When lease extensions are granted, it is primarily so that the County gets the benefit of the new facilities; therefore, the reversion provision. Lenders need these new provisions in order to be assured that they will have the ability to step in should there be a default or a bankruptcy so they can take the place of the lessee and complete the construction and prevent reversion of the lease.

3) Lender agreement.

Mr. Moliere said that this is a technical necessity to provide a publicly recorded document that establishes the priorities of the lenders should there be evidences of default.

Commissioner Lesser commented that when reviewing the Consent to Assignment and revisions to the lease, he didn't see any way in which the County would be damaged by having it. Mr. Moliere said that the Consent and amendments provide a protection because, if, for any reason, the lessee is unable to complete the project, the County would have a good, strong lender to come in with the money and resources to resume the project.

Chairman Searcy opened the floor to public comment.

Mr. David Levine, representing the lessees of Parcels 111/112, said, "I just want to take this opportunity to thank the Department and the other parts of the County of Los Angeles that have been involved in putting together what you have before you this morning. This project is now close to fruition after more than five years of hard work and effort on many parties part. I just want to make myself available to answer any questions, should there be any."

Vice-Chairperson Stevens moved and Commissioner Lesser seconded a motion to approve the Consent to Assignment of Partnership Interest in Marina Pacific Associates L.P.; Approval of Revisions to the Proposed Amended and Restated Lease; Authorization of Exercise of Option as to Revised Amended and

Restated Lease; and Approval of Agreement Regarding Encumbrance of Leasehold Estate (Parcels 111T/112T – Marina Harbor Apartments and Anchorage). The motion passed unanimously.

5. NEW BUSINESS

a. Approval of Lease Assignments for Parcel 12R (Deauville Marina) and Parcel 15U (Bar Harbor Marina)

Mr. Moliere reported that Item 5a is a somewhat similar situation to Item 4a, except that in this instance, the point has not been reached where there will be amendments to the restated lease. These relate to the already approved amended and reinstated leases for Parcels 12 and 15. In this case, preparatory to doing the financing, the lessee is going to split the ownership, which is now common, into two separate entities for purposes of enabling the loan and enabling the financing to have both projects go forward. In this case, the guaranty has been retained, which is there already, by Doug Ring, individually, and by the Ring/Miscikowski Trust, to further guarantee the obligation of the two leaseholds. So, both the management and the financial ability of the two leaseholds remains exactly as it was. It is technically a reorganization at this point. At some future date, the Department expects to have similar amendments as were shown in the prior case. This is really a technical reorganization of the lessee into two separate entities to enable financing and construction of the two projects on Parcels 12 and 15, which are, in bulk, about 1,022 new apartments, new promenade, and a number of other improvements that will be made.

Chairman Searcy requested Mr. Moliere to explain the two projects. Mr. Moliere responded that, factually, they have technically been two projects, but had common ownership. They will stay common in the sense that both projects will have to be completed in order to prevent the reversion that he previously explained. There won't be a situation in which the lessee will do one, and say, "Gee, we can't do the other one, but we want to keep the long term on the third." So, there will be a commonality in that sense. Each loan will be something in the neighborhood of $125 million dollars in order to do the construction of all new slips and all the new apartments. There will be an interim term loan to take out one half and a new construction loan on the other half, but the protection to the County remains as strong as before.

Mr. John Rizzo, president of the Marina Tenants Association, dropped off a letter with the Commission Secretary just before today's Commission meeting began. The letter states the Marina Tenant Association's opposition to a new lease for Bar Harbor and Deauville Marinas. Mr. Rizzo informed the Secretary that he would be unable to attend the meeting, but would like copies of the letter distributed to the Commissioners.

Commissioner Lesser asked Mr. Moliere to comment on the letter. Mr. Moliere explained that the lease that is referenced in the letter is not in effect and will come when the lessee exercises the option and puts the new lease into effect. The letter refers to the new lease's provisions. The letter indicates that one reason for the Association's opposition is "because they have taken away protection of revenue from the County by going to two real estate appraisers instead of three in the former master lease." Mr. Moliere explained that the former lease had a provision that if there was a dispute about rent, there were two appraisers picked and if they disagreed, they would pick a third appraiser and the third appraiser would be the deciding factor. The County has gone away from that system in all of its new leases to a new system, which the County believes is much better. It is baseball arbitration, which is decided by a retired judge. Each side presents its position and each side normally has an appraiser, so, in fact, there are two appraisers. Instead of having a battle of appraisers and having the matters decided by an appraiser that often has little experience resolving conflicting evidence and is not used to making decisions, it is much in the nature of a court, decided by a retired judge who hears all the evidence. The baseball provision says that the presider decides one or the other and doesn't "split the baby" so to speak. There tends to be many more settlements and many more realistic discussions and decisions, because instead of one side saying, "Gee, it ought to be $20 million dollars" and the other side saying, "It's $2 million dollars" and being in confusion because the judge has to pick the better of the two proposals and not some middleground, the likelihood is that both sides are more realistic in their approach and come to an agreement or come down to the real issues rather than having the former kind of plan where an appraiser is at a loss. So, factually, there is that change. The Department believes it is stronger and this has been born out by experience. This has been in many of the new leases for sometime now and has worked out quite well.

The second reason for the Association's opposition, as identified in Mr. Rizzo's letter, is, "The price controls which make the Marina public and protect the users of the Marina have been removed." Mr. Moliere stated that there should have been a price control and it is in all the new leases, but was inadvertently dropped from the Parcel 12/15 lease. He has spoken to the lessee regarding this matter and

the provision will be included in the Parcel 12/15 lease amendments when they are submitted to the Commission in the future.

Vice-Chairperson Stevens asked the revenue the County is receiving since Mr. Ring's tenants have all moved. Mr. Wisniewski responded that the County receives minimum rent and it is approximately 75% of the average three years percentage rent.

Chairman Searcy opened the floor to public comment.

Mr. John Davis, speaking on behalf of the Sierra Club, read a statement and submitted it for the record, as follows:

> Honorable Commissioners,
>
> The Director is not enforcing County Policy Statement 25. A result is that the current lessee of Parcels 15U and 12R are in de-facto default of the existing lease due to violation of the maintenance standards required by the lease and by not maintaining continuous use of the County property.
>
> The Lease Extension Agreement is null and void if the applicant is in default, which it clearly is. The Director's dereliction of duty, per Policy Statement 25, does not excuse the de-facto default of the existing lease.
>
> Even if the applicant were not in default, which it is, State lease law requires that the County gain control at the termination of the lease, consider the parcels for other uses, and if it is determined that the parcel should be leased for the same purposes, to open the bid to the public. This is not happening. The County is avoiding the provisions of State lease laws.
>
> The County has not disclosed to the potential new assignees that the parcel is located in a seismic hazard zone and that it is located at the site of a former oil refinery and is in close proximity to a former sanitary landfill.
>
> The County proposes to violate the judicially created doctrines of Public Purpose and Public Trust.
>
> Marina del Rey is categorically excluded from the California Coastal Zone, and, therefore, the County is acting in an extra-jurisdictional manner by leasing State of California and or lands of the United States.
>
> If the Small Craft Harbor Commission approves this re-assignment, it will clearly interfere and abridge with those rights of ways and easements deeded to the United States.
>
> Therefore, the Sierra Club requests the Small Craft Harbor Commission deny this illegal request by the Los Angeles County Dept. of Beaches and Harbors.

Mr. Davis said that he has a partial copy of the map that shows the location of the former oil refinery, which he submitted to Mr. Chesler sometime ago. Mr. Chesler informed the Commission that he has the exhibits to which Mr. Davis referred. He said that staff reviewed it with the Department of Public Works and it is generally accurate, however, staff previously reported to the Commissioners that geotechnical-related conditions, such as this, did not affect future Marina development. Chairman Searcy clarified that what Mr. Chesler is saying, essentially, is that Mr. Davis was referring to matters that were reviewed by geotechnical experts who determined that there is not a deterrent to any construction.

Vice-Chairperson Stevens asked Mr. Moliere to provide a little more clarity on the Parcel 12/15 lease assignment. Mr. Moliere responded that the lease assignment for Parcel 12/15 is an internal reorganization of the lessee entity splitting the ownership of the two leaseholds into two separate ownership entities, each of which is still guaranteed as it was before by individuals and a trust and it is for the purpose of enabling the financing to build the project. He added that the assignment doesn't change the lease in any way. There are two separate leaseholds, each of which has apartments, each of which has boat slips. They will be built in phases so as not to close both at the same time. Parcel 12 will be built first and, when it is completed, construction will start on Parcel 15. Chairman Searcy said that by having two entities now responsible for the development activities, there is, instead of a $250 million dollar project, two $125 million

dollar projects for purposes of the loan. He asked Mr. Michaelson whether all the guarantees still remain. Mr. Michaelson responded "yes."

Commissioner Lesser moved and Commissioner Crail seconded a motion to approve the Lease *Assignments for Parcel 12R (Deauville Marina) and Parcel 15U (Bar Harbor Marina). The motion passed unanimously.*

6. STAFF REPORTS

a. Ongoing Activities Report

Mr. Wisniewski reported that he distributed on the public information table and to the Commissioners a group of exhibits showing dinghy storage racks that were constructed since the last meeting. He said that at the previous Commission meeting there was public comment about the inability to obtain a dinghy storage rack because of the lengthy waiting list. Staff followed up to see what could be done to resolve the problem. The photos in the exhibits show that six additional dinghy storage racks, containing six spaces each, totaling 36 spaces, have been built. Approximately 100 storage racks are now at Marina Beach and there isn't any additional room at this location for more. Staff examined an area by the launch ramp to install additional racks, however, prior to the installation, staff found out that 29 dinghy storage racks at Marina Beach had become available. As soon as the 29 vacancies are filled, the six racks providing 36 spaces will be placed at the launch ramp. If there is additional demand, other areas around the launch ramp would be used. Mr. Wisniewski commended Mr. Schumaker, Chief of the Facilities and Property Maintenance Division, for constructing the dinghy racks within a 30-day period.

Mr. Wisniewski commented that the Ongoing Activities Report also includes information on Board actions relating to Marina del Rey and the Marina Water Shuttle Service. Since the July meeting was cancelled, there are no Design Control Board minutes.

b. Marina del Rey Convention and Visitors Bureau

Ms. Beverly Moore, Executive Director, MdR Convention and Visitors Bureau, said, "The Visitors Center just rapped up a new project to promote business to Fisherman's Village. We undertook a project in conjunction with the Westchester/LAX Marina del Rey Chamber of Commerce and an organization that has been around for many years that you might have heard of called the Traveler's Aid Society. Traveler's Aid helps incoming visitors who arrive at LAX. They have a station to help tourists in every one of the terminals at the airport. As a result of a series of meetings over the last several months they have now agreed to distribute the Visitors Bureau's tourism brochures at all nine of the stations throughout the airport area. We're thrilled about that. Secondly, we worked with their staff to develop a new version of a suggested site-seeing itinerary to Marina del Rey and Fisherman's Village for incoming visitors, particularly international travelers who are in transient. Those who are here for maybe four hours or more and are waiting for some flight that maybe doesn't leave for six to eight hours from now, can take the time to come down to the Marina. We have a step-by-step suggested itinerary of how to get out of the airport, how to take public transportation down here, or a cab, and then what to see and do in Fisherman's Village. These are now also being distributed at all of the Traveler's Aid stations at LAX. The nice thing about that is the Traveler's Aid Society assists over one million visitors a year at that airport alone. We are continuing our outreach to the media. As you know, that is a very important and cost effective part of our program. Since our last chat here, CNN picked up another national story that included Marina del Rey as part of a travel story that they did, giving us a real nice spot on television again. Recently, the California State Tourism Office included Marina de Rey as part of their most popular drives in Southern California to take. So, we're pleased to be included in that publication."

Ms. Moore distributed copies of the current Convention and Visitors Bureau newsletter. She said, "If you look on the backside, it includes some quotes about Marina del Rey from some recent travel articles that we generated. Now you can start to see what journalists are actually writing about and saying about us these days. As you can see, we're getting a lot more positive than negative statements being written about Marina del Rey than we've had in a long, long time, so I hope you will enjoy those quotes."

Chairman Searcy opened the floor to public comment.

Mr. Davis said, "I'm speaking on behalf of the Sierra Club. Briefly, I think that it would be a very good idea for this Commission to request the Director to provide a Maintenance Report on the periodic inspections of both land facilities and docks in Marina del Rey. The Maintenance Department, I believe Wayne Shumaker, employs one sole person to conduct...." Chairman Searcy interrupted and asked Mr. Davis to

which agenda item his comments pertained. Mr. Davis responded that there "should be a new item and that is inspection reports for docks and landside facilities in Marina del Rey."

Mr. Wisniewski said that staff was providing to the Commissioners, what he believes were, quarterly reports, which summarized maintenance deficiencies by leaseholds over a period of time. Chairman Searcy asked the reason for a quarterly, rather than, monthly report. Mr. Wisniewski responded that the report's submission on a quarterly basis allows staff the time required to prepare it. The quarterly basis also allows the lessee time to complete the deficiency work, however, deficiencies deemed to be fairly significant are addressed right away. Mr. Wisniewski said that he would find out when the next report is due to the Commission and it will be included in the Ongoing Activities Report. If it isn't done by the next meeting, Mr. Wisniewski said he will inform the Commissioners when it will be completed.

Chairman Searcy asked whether the Maintenance Report is sent to members of the public who express interest in receiving it. Mr. Wisniewski responded that staff maintains two mailing lists. One list contains the names/addresses of people to receive the Commission agenda only. The second list contains names/addresses of people that receive the entire Commission packet, which consists of all reports identified on the Commission agenda. Chairman Searcy encouraged members of the public to provide staff after today's meeting with their names/addresses if they wish to receive Commission material each month. Mr. Wisniewski requested that, so as not to increase mailing costs, members of the public who are interested in receiving the entire Commission packet obtain it from the Internet since all Commission materials are placed there each month.

7. COMMUNICATION FROM THE PUBLIC

Chairman Searcy opened the floor to public comment.

Mr. John Davis said, "I'm speaking for the Sierra Club. I think that it is very important for this Commission to understand the process by which some of these proposals by Beaches and Harbors are advanced. There is a particular committee that meets at the Department of Beaches and Harbors to determine whether or not to go forward with something like, perhaps, the leasing of Parcel OT, which is a parking lot. The issue is that it doesn't seem this committee is complying with the Brown Act. Those committee meetings should be made public so the public can also make comments before they reach this Committee. The reason that I say so is because, for instance, Parcel OT, is a perfect example. It is on the top of the former County sanitary landfill. It is unclear whether the County of Los Angeles has disclosed to the potential lessee of that parcel, but this is indeed the case. What that does is it allows the permittee process to begin in a backroom sort of environment without the public available to speak and then it gets to Beaches and Harbors. That process should be opened up early on to the public. In some of these cases, it's going to create a liability for the County because once the entitlement process takes place, then maybe later we will find out that, wow, these guys are going to sue the County because they didn't say there was a dump there. We have dumps, we have oil refineries, we have a plethora of abandoned oil wells. We have two active gas and oil wells. Marina del Rey is in a seismic hazard zone in the Venice quadrangle. Therefore, all projects must comply with the Seismic Hazards Mapping Act. In addition, it's located adjacent to a gas and storage field, which by its very nature is leaky. All other such facilities are located miles and miles from communities. This one is located right here. So, basically, the County really needs to consider all liabilities because it must disclose these items to potential lessees. You can't hide it and if the County hides it, it's going to be just inviting lawsuit after lawsuit. The County can't afford lawsuits. We need to do the job right and we need to do the job right now. In closing, I'd like to make a comment on the County's document regarding ownership of Marina del Rey. It was sophomoric in nature. It did not include attachments. It would not have met the muster of my ninth grade composition class. It's full of omissions and diversions and it seeks to sum up everything and end it then and there, and it will not end. The County's assertion that it has the same rights that were won in the Supreme Court by Playa Vista proponents does not apply to the County because the County is a constitutional subset of the State of California and submerged lands of the State of California are to be in control of the Lands Commission. The County cannot assert that it is a private landholder for it is not. It is a component of the State and it must interpret its actions under the constitution of the State."

Vice-Chairperson Stevens asked whether the County is part of the Mosquito Abatement District and whether there is spraying in general because of the West Nile virus. Mr. Wisniewski replied that the County is part of the Mosquito Abatement District and there is spraying. She asked how often the spraying is done. Mr. Wisniewski responded that he didn't know, but would provide a report on the matter next month.

Donald Klein, president of the Coalition to Save the Marina, said that he's speaking on behalf of himself and a gentleman named David Nichols, who is a disabled person who has a boat in the Marina and was unable to appear at today's meeting. Mr. Klein said, "I just wanted to briefly tell you that he has had some problems with access to bathrooms and is unable to go to the office to pay for his rent. He's had a lot of problems. I don't want to go through all of this, but I just want to cover a couple of things. He [David Nichols] says 'there is no parking in Holiday Harbor Marina for disabled boaters. This continues to be unacceptable and non-compliant to ADA standards, however, how would you like to be forced to park your vehicle in a stall with another vehicle so close that you would be forced to wait until the other owner of the vehicle moves so that you can leave because the wheelchair won't fit between the cars? This is unacceptable. I have mentioned this to the dockmaster many times, but the issue falls on deaf ears, yet they want me to continue paying my fees. The second issue is the bathhouse, the bathroom access. There is none. Currently, it is practically impossible for me to even get into the bathhouse to use the restroom or showers because there is no ramp, but a big step. Many occasions I've attempted to enter the facilities only to fall backwards hitting my head on the pavement and falling out of my chair. Needless to say, this is not only quite embarrassing, but emotionally distressful as well. On those occasions when a fellow boater has been able to assist me in getting over the cement ramp, I am then further humiliated once inside the room. I have mentioned the issue to the dockmaster many times only to be told there is nothing we could do. This is unacceptable.' "

Mr. Klein continued, stating, "The third and final...[issue] is the showers are inaccessible. The toilet stalls, the sinks, mirror and towels, so forth, are not available. He's not able to get into the bathhouse to use the toilet. There are several other things here. I don't want to bring all of these issues up, but there is a real serious problem with Panay Way/Holiday Harbor Marina. I told Mr. Nichols that I would submit this to the Commission for review. Also, I would like to have this set for the agenda at the next meeting to find out what, if anything, has been accomplished."

Mr. Wisniewski said that a report responding to Mr. Klein's issues would be provided next month.

Ms. Carla Andrus said, "I want to address the issue I brought up with you after the last hearing, boat price inquiries. Mr. Moliere gave me a letter, which is my only copy, but I think it should be for the record since I'm responding to that. To be clear on that letter, I'm alleging that there are market manipulations on slip pricing. The Director of Beaches and Harbors should have issued defaults of lease agreements on all marinas whose docks cannot serve the public. For example, Two-Partnership, Mr. Ring, holds two parcels with the County's publicly owned assets, Parcels 12 and 15, Deauville and Bar Harbor. Mr. Ring's docks, as he himself has characterized, are held together by bailing wire. Both the County and Two-Partnership have been found liable for $3.5 million dollars in a wrongful death lawsuit due to the conditions of those docks. These docks should be legally condemned. This property is supposed to revert back to the County. The manipulation starts here. Instead of a bid and new blood in this degraded Marina, we are giving Mr. Ring, Two-Partnership, an extended lease on top of the current lease that will not expire for another 20 years. This extended lease comes with a 'from now on' policy. While we already have 717 boat slips out of commission, which is also a violation of the lease agreement, the public continues to get eviction notices, devaluation of their boats and a loss of recreational opportunities. You are saying that the market justifies rent increases on docks, which are comparable. Yet our comparable slips are scheduled for demolition. These increases are not in line with the market. How can you raise the rents on dilapidated slips that have for all intent and purposes been condemned? You don't have to go 65 miles to find docks comparable to those at Bar Harbor, Marina Harbor or Tahiti Way. Just go to Deauville."

Ms. Andrus continued, stating, "I would request that this Commission and other interested agencies and public interests be invited for a walk of the docks, at your own risk of course, with a signed waiver of personal injury. Let's make it a field trip where everyone is invited in order to excite some serious dialogue on this issue. You require specifics. There are boat owners, I thought they would be here today, I told them that the meeting would be longer, so, perhaps, they won't make it to this meeting. They wanted to talk to you about their rent increases, which are a fact. I do have a list of six specific boats, which actually I'll have to get to you later. I told them that you would promise them no retaliation for their testimonies. A lot of people are scared. That's the kind of environment we live in over here. Leases are being offered as an incentive to pay less for these below standard accommodations. I wonder if these leases are legal on docks scheduled for demolition. The line is drawn. The public does not benefit from this blatant mismanagement. Marina Harbor has already evicted a large number of tenants and now another 150 more eviction notices have been issued. It is the lessees of Marina Harbor that should be given the eviction notice. The public is getting the shaft and the only lives being enriched are those of the developers and the County politicians in their pockets. At the last Small Craft Harbor Commission hearing, Mr. Levine told us that he had slips available in 35', 30' and 25' categories. Are these not the same slips that have already been vacated to accommodate the new slips? Is this a joke? Mr. Levine then takes the

opportunity to promote the fallacy that it is the larger boats, 40 to 60 feet, that are in shortage. This was refuted by Deputy Director Deborah Lee of the Coastal Commission. May we see his study?"

Chairman Searcy referenced a letter dated August 11, 2003 from Roger Moliere to Ms. Andrus, which pertained to alleged slip overcharges. In that letter, Mr. Moliere stated to Ms. Andrus that she "need only furnish specifics as to the slip(s) in question, including the name of the marina, slip length and price per foot charged, and we will undertake an investigation of pricing within a 65-miles radius as well as within Marina del Rey to determine whether the price of the slip(s) in question are appropriate and whether any action is necessary." Chairman Searcy said that Ms. Andrus raised an interesting point in her public testimony when comparing apples to apples. He explained that when appraisal work is done in real estate you want to compare apples to apples. Chairman Searcy asked, if someone is charging $5.00 per foot for something that is pristine and someone is charging $5.00 or $7.00 per foot for something that is substandard, whether the County looks at the conditions when it assesses whether the prices on leases are where they should be and the public is not being gauged. Mr. Moliere responded that "You have to assume, because you cannot physically look at the great number you need to determine they are kept in serviceable condition. The market itself tends to set rates for brand new slips that are somewhat higher. To the extent that we are able, we do try to determine the age of slips and things like that, but it's almost literally impossible in a survey to try and compare as opposed to a true appraisal. Your point is well taken. To determine these are brand new docks and, therefore, they are somewhat higher. Factually, if you have an older dock, pricing tends to reflect the age. Also, factually, there is a certain level of maintenance in which docks are kept to be open. They have to be safe, certainly, in the Marina, because we have standards that require not only safety, but that the sightliness of the docks be maintained in terms of painting and other things. In terms of an individual judgment on a per dock basis, no, we do not do that."

Chairman Searcy asked whether anything could be done to ensure that lessees are charging only what they should be charging. Mr. Wisniewski responded that staff reviews price structures when a tenant comes to the Department and explains that they have a problem. As Mr. Moliere's letter indicated, if a tenant submits to staff the specific information, staff would be happy to do a review and write back a letter to the tenant.

Chairman Searcy stated, "Ms. Andrus has indicated she has been in contact with some of these people and unfortunately they are not here. Let's keep this very simple because...otherwise we get this circular movement where the public hears other members of the public saying we got an issue with price gauging. They don't hear the follow-up and we're stating if you have an issue, come in with the specifics, the slip name, the marina name, the slip length, and the price being charged, and provide that information. This is something that has to be done on a specific and particular individual investigation basis. It can't be done just in a broad sense. You will not get the response that you need. It will not be specific enough to find out in fact if someone is violating any of the covenants and conditions that their leases are subject to when they are lessees with the County. So, have those people contact staff with the specifics and they can follow-up specifically; and, any information that you wish to provide to them which would be of assistance with regard to conditions of slips, photographs, etc., I'm sure they are willing to take that...in order to compare apples to apples, as much information as can be supplied will certainly be of assistance."

Ms. Andrus asked whether a videotape of the docks should be submitted. Chairman Searcy responded that the Commissioners would not tell the public how to provide information; the public can submit the information in any form it wishes. He emphasized that it is the information, not the format, that is important to Commission members.

Ms. Andrus emphasized the need for a field trip to the docks. Chairman Searcy informed her that the field trip is not a bad idea, but it would have to be coordinated through the Director's office. Mr. Wisniewski informed the Commission that staff would be happy to schedule a tour of any dock facility in Marina del Rey. Chairman Searcy suggested that staff check with each Commissioner to arrange a date/time when all members could participate at the same time.

Mr. Klein said, "On the issue of apples to apples and oranges to oranges, I'd like to point out that the rate structures that were quoted, and I did this research back in 1984, that the rents in Marina del Rey were based on the low and high rise rents in Beverly Hills and the slip rents in Newport Beach. I would like to point out the apples to apples and oranges to oranges. Newport Harbor is a private harbor, not a public harbor, and the rates charged there should have absolutely nothing contingent with any public harbor whatsoever."

Chairman Searcy responded that he isn't sure what indexes are currently being used now, between 1984 and today, but certainly the methodology used is open. Mr. Wisniewski explained that market rates are

looked at within a 60-mile radius. The fact that the Marina is a publicly owned harbor does not mean the rates should be any less than any other harbor; otherwise, you'll have 10 million other residents of L.A. County subsidizing the residents of Marina del Rey. Commissioner Lesser asked whether, as a philosophical matter, we believe that the rest of L.A. County taxpayers should be subsidizing boat owners in the Marina; he answered that he believes the answer is no. Mr. Wisniewski said that the Department's policy statement requires a market rate comparison that is pursuant to Board policy.

Mr. Levine said he would like to address the comments made earlier relative to Marina Harbor. He said, "First, let me say that we do report on vacancies each month. We're required to and we comply with that request. There were indeed vacancies reported last month and the month before in slips that were 35 feet or shorter that were not among those slips that are designated for demolition and reconfiguration reconstruction this coming winter. That addresses one specific point raised by an earlier speaker. Number two, last month you may recall that during the public comment period there were three boaters who came before this Commission without having the courtesy of having either a conversation with the ownership of Marina Harbor Anchorage or the County of Los Angeles to complain about the lack of availability of slips at Marina Harbor pending the upcoming demolition of the docks and reconstruction of the docks in which they are working. I informed the Department in writing after that meeting that I met with those boaters at the end of that meeting. I went back and met with our anchorage management and essentially the story is this: When we have sent out eviction notices, we've sent them out many, many months in advance and we've sent them out to enable boaters at Marina Harbor either to move within Marina Harbor, if that's possible, or, to seek other slips elsewhere because of the impending construction. I can report to you this morning that the three boaters that came before you last month have all at this point in time now been assured that there will be other slips available for them at Marina Harbor on docks that are not slated for demolition this coming winter. Essentially, we have adhered to the policy, which has been long standing, which is to say that we would do everything possible to accommodate boaters within Marina Harbor and, if not, we give people more than adequate notice of impending construction. The three boaters that came to you last month did not have the courtesy to tell this Commission the truth, which was that they have been assured by our management that if there were additional slips that became available, they would be given the opportunity to move within Marina Harbor. That has indeed become the fact."

Mr. Levine continued, stating, "I think that there is one thing that this Commission ought to be thinking about very seriously, which is to say, is this a Commission or is this Commission an ombudsman for individual problems that are brought to your attention without being vetted through a process which has been established and of long standing? If there is an individual complaint regarding an apartment or a slip, or any other leasehold activity in Marina del Rey, it seems to me that there is a process in place, which is to say that there should be some written notice given to the County of Los Angeles, Department of Beaches and Harbors, to look into the question and respond to the individual complaint. I think it is unfair to the Department. It's certainly unfair to the lessee. And, ultimately it does not work to the advantage of the individual complainant to have people come here every month and say, 'I have in my hand a list of names of people,' where those names are not revealed, where it's not fully vetted in terms of information. This is unfair and it's also inappropriate given the established process for individual complaints that have been established in the Marina. I'm happy to come here every month and defend these charges that are made against Marina Harbor because I'm very proud of our long standing activities as a lessee in Marina del Rey. The Commission needs to grapple with this question: how are individual complaints to be handled? We are presumed guilty. It is simply not fair. It's not good for the individuals involved and it is not good for the lessees and it's not good for the County."

Commissioner Crail commented that Mr. Levine has a very good point. He said that within the last couple of years, the Commission has gotten more involved in individual lessee/slip users' arguments and it's a waste of time for everybody. He suggested the reestablishment of the Mediation Committee to address these types of problems. Mr. Wisniewski explained that the Mediation Committee was comprised of volunteers that addressed issues concerning Marina apartment and anchorage tenants. The Committee did not address issues pertaining to rent. He said rent issues were always handled by the Department and tenants with these concerns would be asked to identify them and the Department would respond in a letter. Mr. Wisniewski said he doesn't want to ever be put in the position of stopping members of the public from addressing the Commission.

Chairman Searcy commented that the Mediation Committee is a good idea. Mr. Wisniewski said that the Mediation Committee requires the voluntary cooperation of the tenant and lessee. Chairman Searcy said it would be helpful to have the Mediation Committee's policies and procedures available for the Commission and members of the public. Mr. Wisniewski said that Mediation Committee information would be provided next month. Chairman Searcy suggested also including a separate informational handout relative to the process.

8. ADJOURNMENT

Chairman Searcy adjourned the meeting at 10:39 a.m.

Respectfully submitted,

Toni Minor, Secretary

Small Craft Harbor Commission
Meeting of September 10, 2003
Minutes

Commissioners Present:

Harley Searcy, Chairman
Carole Stevens, Vice-Chairperson
John Law

Excused Absences:

Joe Crail
Russ Lesser

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

1. CALL TO ORDER & ACTION ON ABSENCES

Chairman Searcy called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:37 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

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

2. APPROVAL OF MINUTES

Commissioner Law moved and Vice-Chairperson Stevens seconded a motion to approve the May 14, 2003 minutes. The motion passed unanimously.

There wasn't a quorum of Commissioners present today who attended the August 27, 2003 meeting; therefore, Chairman Searcy postponed action on the minutes to the October meeting.

3. REGULAR REPORTS

Before discussing Agenda Item 3--Regular Reports, Chairman Searcy informed the public of the change in the procedure for speakers who want to address the Commission. He said that speakers would now use a podium, which should make it easier to manage their documents. Additionally, the Commission request speakers to complete a "Request to Address" form, which enables them to identify their names and the agenda items on which they wish to speak. Chairman Searcy asked Mr. Wisniewski to provide additional information on the new procedures.

Mr. Wisniewski said that the new forms are on the public information table. People who wish to speak on an agenda item should complete a form and submit it to the Commission Secretary, Toni Minor. The forms should be submitted to the secretary before the meeting, however, if this isn't possible, the forms would be accepted anytime prior to when the item on which the person wants to speak is called. He commented that this procedure is quite efficient and used by the California Coastal Commission and Board of Supervisors.

a. Marina Sheriff's Department Report

--- Crime Statistics

Lt. Tracee Edmonds reported that there haven't been any substantial changes in crime statistics since her report at the August 27 meeting. She said the most problematic areas remain grand auto and boat theft and staff is formulating plans to address them. Lt. Edmonds said that, traditionally, by the end of September, these crimes decline on their own since they're usually summer, transient-type crimes.

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

Deputy Paul Carvalho reported that there haven't been any changes in the statistics since the August 27 Commission meeting. There are 16 vessels that need to be disposed of and 13 awaiting lien sale procedures.

b. Marina del Rey and Beach Special Events

Mr. Wisniewski said the Marina del Rey/Beach Special Events Report includes the Fisherman's Village Weekend Concert Series, which the lessee, Pacific Ocean Management, sponsors. The report also includes beach events: California Coastal Clean Up-Day on September 20; 17th Annual Nautica Malibu Triathlon at Zuma Beach on September 13 and 14; and Free Skin Cancer Screening at Santa Monica Pier on September 13 and 14. He encouraged the media that is attending today's meeting to include the events in its publication.

4. OLD BUSINESS

a. None

5. NEW BUSINESS

a. ADA Compliance at Anchorages

Chairman Searcy postponed discussion of Agenda Item 5a until later in the meeting. [Discussion of the item was postponed to allow time for Mr. Dave Nicholls to arrive at the meeting and express his concerns relative to Holiday Harbor's lack of accessible facilities for the disabled.]

b. Mosquito Abatement Program

Mr. Chesler reported that, as a follow up to the Commission's request from the August meeting regarding mosquito abatement, staff contacted the County's West Vector Control District, which is a special district created to handle insect-related vector problems in the Los Angeles County area. The West Vector Control District is partner to the South and North Vector Control Districts, which together cover the entire L.A. County area. He said that the West Vector office is located at Jefferson Blvd. and Centinela Ave. and its activities involve responding to public complaints and overseeing the overall handling of problems in its particular areas of coverage.

Mr. Chesler said that staff provided the Commission with a summary and information from the Vector Control District's website. He said that the Vector Control District responds very quickly when problems affecting the public health or safety exist.

Vice-Chairperson Stevens said that Orange County has a case of West Nile flu. She asked whether West Vector Control District staff check the Marina del Rey community, including the medians, since water surrounds the Marina. Mr. Chesler responded that the Vector Control District's activities are limited in terms of manpower availability. However, it regularly patrols the district, mostly to respond to problems, such as areas that might breed habitat for mosquitoes and other vermin. He said that the West Vector Control District doesn't consider the Marina a major contributor to habitat for mosquito breeding; it drains well and there are very few opportunities for fresh water to stand for the length of time that would allow a mosquito to breed or larvae to develop. The West Vector office immediately responds to public observations of standing water and treats the pools as necessary.

Vice-Chairperson Stevens cited two areas of concern: one is the little lagoon and the other is Mother's Beach, which has stagnant water and children playing there. She suggested that the maintenance staff keep an eye out for any problems so they could notify the West Vector Control District. Mr. Wisniewski said that staff is aware of the concerns relative to stagnant water and would keep an eye out for any problems.

c. <u>Apartment and Boat Slip Tenant Mediation Committee</u>

Mr. Wisniewski reported that, since his time in the Department goes back to 1975, he recalls employee mediation committees for both apartment tenant and boat slip tenant complaints unrelated to rent. He said the committees were fairly active for some time, but he can't remember when the Department last had a mediation request. Mr. Wisniewski said that he believes a mediation committee is a good service to offer Marina tenants. Rather than resurrect the Department's mediation committees, Mr. Wisniewski spoke to Mr. Pastor Herrera, Director of the L.A. County Department of Consumer Affairs, about using its mediation services, which are free of charge. A representative from the Department of Consumer Affairs would address the Commission on this subject at its October 8, 2003 meeting. Mr. Wisniewski said that arrangements could be made with the Consumer Affairs Department when Marina tenants have a need for non-rent related mediation.

Vice-Chairperson Stevens said that, although the apartment tenants in her building observe an 11:00 p.m. lights-out, no noise standard, the liveaboard tenants don't necessarily recognize it and their voices carry into her building. Vice-Chairperson Stevens said she would like the liveaboard tenants to be aware that their voices carry further than they think. Mr. Wisniewski suggested that she alert her resident manager, who would then discuss the matter with the dockmaster. Mr. Wisniewski said that he would prefer the matter be handled on a case-by-case basis. He commented that it's the first time he's heard this complaint in his 25 years of working for the Department.

Vice-Chairperson Stevens opened the floor to public comment.

Mr. Donald Klein, president of the Coalition to Save the Marina, said, "I think this is a resurrection of an old policy. The mediation committee is a very, very good idea, the reason being, having lived here just a few more years, probably longer then Director Wisniewski, I've seen a lot of things happen in the Marina. One of the things that come to mind is that both liveaboard and other tenants, more of the boater tenants, seem to be having a lot of problems with the individual lessees. Basically, it looks like lessees get 39-year lease extensions and boaters get a 30-day notice. It's a big disparity in this and it's not just enough for the boaters to pay their rent on time and follow all the rules and regulations, but for any reason a lessee doesn't like the way a person looks, don't like the way his dog looks, they give him a 30-day notice and this causes a big stress within the community due to the lack of slips and things of this nature. I think this mediation

committee will help...alleviate some of those problems and make it a lot more equitable for the tenants."

6. STAFF REPORT

a. Ongoing Activities Report

Mr. Wisniewski reported that the Ongoing Activities Report includes two Board actions relating to Marina del Rey that were recommended by the Commission for Board approval. One of the items was the Parcel 111/112 amendment and assignment and the other item pertained to the Marina Beach Water Quality Improvement Project.

-- Marina Water Shuttle Service

Mr. Wisniewski continued the Ongoing Activities Report, informing the Commission that the report also includes the Marina Water Shuttle Service Summary, which shows there were over 13,300 users during the shuttle's 16-weeks of operation. Mr. Wisniewski said it is the Department's goal to increase the number of shuttle users by at least 15%. The Department would like to have more than two vessels operating on holidays when there is increased usage and a backup vessel is being considered. Additionally, shuttle sites are being considered for Marina Harbor and Dolphin Marina, both of which have provisions in their leases for the sites. The site at Marina Harbor would be available by Memorial Day 2004.

Mr. Wisniewski said that as more shuttle sites are provided on the Harbor's Westside, it is his hope to enlist the Marina's residential community and boating community in using the shuttle. He said on the evening of the last concert there were 815 shuttle usages, which indicates that many Marina residents and boaters used the shuttle for transportation to and from Chace Park rather than fight the vehicle traffic and worry about finding a parking space at Chace Park.

Chairman Searcy said he wanted the public to be aware that the Ongoing Activities Report also mentions that the Department received a grant from the California Coastal Conservancy and hired the firm, Transportation Management & Design, Inc., to evaluate the performance of the water shuttle pilot projects and recommend program enhancements for implementing a permanent water shuttle service next year.

Commissioner Law asked when staff would provide the Commission with next year's water shuttle plans. Mr. Wisniewski responded that staff would provide the projected timeline in the October Ongoing Activities Report. Mr. Wisniewski asked Mr. Chesler for information on the contractor's timeline. Mr. Chesler responded that there is a six to eight week turnaround for the evaluation of last summer's operation and a continuum of engineering analysis and recommendations leading up to permitting and constructing new facilities to host next year's operation.

Commissioner Law asked whether the present contractor is satisfied with his arrangement. Mr. Wisniewski responded that the contractor is delighted. He said the Department selected a good contractor who was very responsive to the Department's needs and met weekly with staff to address any problems.

Chairman Searcy opened the floor to public comment on the Marina Water Shuttle Service.

Mr. Klein, Coalition to Save the Marina, said, "I haven't seen all of these people, 1,800 people, or whatever it is, who have been using this system. I'm kind of curious as to whether or not there is any data as to whether these people that are using this water taxi service are using it to facilitate

different parts of the Marina or whether they're getting on these vessels and getting, a, if you will, cheap tour of Marina del Rey. If that's the case, I don't see how viable this is...I don't know what actual information is being provided as to...who's getting on and who's getting off where and how long they're staying or what. I can't see somebody going from Fisherman's Village, for instance, to Panay Way, and then walking a quarter of a mile to a restaurant or something there. I mean, it's possible, I guess, but I don't know if there's any data to support that."

In response to Mr. Klein, Chairman Searcy said that, generally speaking, there's probably survey data being gathered that would provide the type of information Mr. Klein is wondering about and this data would be included in the Transportation Management & Design firm's evaluation.

Mr. Wisniewski commented that when staff initially presented the Water Shuttle Service Contract for Commission approval several months ago, the Coalition to Save the Marina spoke against it. He asked Mr. Klein whether the Coalition has reflected on its opposition. Mr. Klein responded that the Coalition hasn't received the report on the shuttle service and this information is needed before the Coalition's evaluation could be done.

Chairman Searcy asked Mr. Klein whether he or members of the Coalition have used the shuttle. Mr. Klein responded that he hasn't received any information that his members have used the shuttle.

Vice-Chairperson Stevens said that she spoke to a Marina resident who took the shuttle to one of the concerts and the person commented that the shuttle was great. The person was disappointed to hear that the shuttle service would not be available after Labor Day.

-- **Premises Maintenance Inspection Report**

Mr. Wisniewski reported that the Premises Maintenance Inspection Report covers the period April 1, 2003 – July 31, 2003. The next report will cover the period August 1 – November 30, 2003 and will be on the January 2004 Small Craft Harbor Commission agenda. The report summarizes deficiencies broken down by major versus minor and the number of pre-default notices that were sent to lessees to correct deficiencies. There are two different inspection schedules: one schedule is less frequent if deficiencies were not found in the previous year and the other schedule is more frequent if deficiencies were found in the previous year. He said that the Department is currently on the intensive schedule for all leaseholds.

Chairman Searcy clarified that the Inspection Report's chart identifies four notices that were issued for "Lease Violation Deficiencies," however, these notices covered a number of deficiencies. Mr. Wisniewski explained that the notices covered 62 deficiencies on the four leaseholds. He said it is his intent to increase the funding allocated to the Premises Maintenance Inspection Program and hire more inspectors.

Commissioner Law commented that the newer leases have a provision for fining a lessee if maintenance is ignored. He asked what leverage is used for older leases to get lessees to correct deficiencies. Mr. Wisniewski responded that the process in place works quite well. He explained that when a lessee does not respond to an inspector's request for correction within a certain period-of-time, staff in the Department's Asset Management Division is notified. They issue a pre-default notice to lessees stating that, unless he corrects the deficiency, a default notice would be sent with a copy to the lender. Mr. Wisniewski said that the lessee is very responsive to the pre-default notification and the default notice doesn't have to be issued. Mr. Wisniewski said that another option the Department has, which hasn't been used during his term as Director, is if the lessee doesn't cure the deficiency, the County could correct the deficiency and bill the lessee.

Chairman Searcy said it his understanding that what Mr. Wisniewski is saying is that, even under the older leases, there are enforcement provisions. Mr. Wisniewski responded "yes," and explained that, particularly under the new leases, there is a provision that would fine the lessee $100 per deficiency for each day a deficiency isn't corrected. Mr. Wisniewski said that this provision came about as a result of Commissioner Law's suggestion.

Chairman Searcy opened the floor to public comment.

Mr. Klein said, "On the notification to lessees, one outstanding one that I'm aware of is G&K Dolphin Marina on the parking problem for the boaters since they took over along side of the Chart House and they built two buildings there. The parking has been deficient for six years now. As far as I know, notification was given to them concerning that. Perhaps, the Director could answer to that." Mr. Wisniewski responded that the matter is being followed up on as a violation of the Regional Planning Permit that was issued. It's a Regional Planning enforcement item; it is not a Premises Maintenance Inspection item.

Vice-Chairperson Stevens said she would like to note, on behalf of G&K, that it has instituted a valet parking system for guests where she lives. She said she doesn't know if the boaters are included, but the parking situation has been eased for visitors to her residence.

Commissioner Law expressed his appreciation for what the Department is doing relative to the leasehold deficiencies. He requested that staff provide the Commission, at some point, in the future, with information on how the policy works. Commissioner Law said he would like to know the number of times the Department allows a deficiency to continue before the next step is taken. He said he would also like to know, perhaps, on an annual basis, if there are lessees with which the Department continually struggles. Mr. Wisniewski responded that staff would try to provide the information in a summary.

Ms. Andrus said, "I believe we're talking about defaults and the 'from now on' policy with the new leases, but that's not very appropriate because we have had policies, and I had paperwork to provide, to show you, that these policies are in effect..." Chairman Searcy interrupted and informed Ms. Andrus that the Commission is discussing new and old leases.

Ms. Andrus continued, stating, "A lot of these marinas should have already been found in default. A lot of these slips are being condemned right now. I don't know if they're being called legally condemned, but they should be legally condemned. There were no defaults given on these marinas and for us to pretend like this happened overnight...these marinas have been decaying in a gradual, gradual way. I have videotapes of Doug Ring's docks just before...all the evictions were taking place. You can see just in a year's time, without all the pounding...which are called repairs, which are no repairs. You could see that those docks left alone on their own are submerged in water, part of them. They look like diving boards out there. A lot of these slips, a lot of the fingers in the marinas, are diving boards right now and they haven't even been condemned yet. So, this 'from now on' policy is so unfair to the boaters. I can't believe that you're even going there."

Chairman Searcy asked Mr. Wisniewski whether the notice for deficiencies is public information. Mr. Wisniewski responded, "yes." Chairman Searcy informed members of the public that if they're interested in knowing which lessees were cited, and how often, the information is certainly available. He told Ms. Andrus that some of the docks to which she referred may have already been cited and may be in the crosshairs of the enforcement agencies. Ms. Andrus asked whether a cost is involved to obtain information on the deficiencies. Chairman Searcy responded

that the material could be made available to the public for review at the Department or, if a person wants copies, staff could make copies of the requested information for a nominal fee.

-- **Design Control Board Minutes**

Mr. Wisniewski reported that a copy of the August 21, 2003 Design Control Board minutes are included in the Commission's packet.

b. Marina del Rey Convention & Visitors Bureau Report

Ms. Beverly Moore, Executive Director, Marina del Rey Convention & Visitors Bureau, reported that a new restaurant guide for Marina del Rey was just published. The guide is a collaborative effort between Beaches and Harbors, the Visitors Bureau, and Arrowhead Waters, with Arrowhead Waters providing the funding. The Visitors Bureau organized the content and Dusty Crane and Walter Popoff coordinated the entire project from concept to delivery.

Moore informed the Commission that, "We've just returned from exhibiting at a meetings trade show in Washington, D.C. This is the second year that we participated in this event, which targets meeting planners on the East Coast and Mid-Atlantic States, which is an important market to Los Angeles. This year, we made over 200 one-on-one contacts with meeting planners compared to only 70 last year because we were first time exhibitors. We're still struggling with the issue that people are not clear where Marina del Rey is located. They keep thinking that we're in San Diego, so we have to keep working on that issue. Clearly, we're starting to make a more positive impression in the meetings industry because of our participation in these trade shows, the direct mail campaigns that we do, and also the advertising efforts that you've seen before."

Additionally, Ms. Moore said that since the Bureau started operations, it has participated in 10 trade shows, made 670 one-on-one personal contacts with meeting planners and e-mailed nearly 10,000 promotional pieces to the meetings industry.

In conclusion, Ms. Moore distributed copies of an article about Marina del Rey that recently appeared in Association News.

5. NEW BUSINESS (Continued from earlier in today's meeting)

a. ADA Compliance at Anchorages

Chairman Searcy announced that the Commission would now discuss Agenda Item 5a--ADA Compliance at Anchorages.

Mr. Wisniewski informed the Commission that the County's expert on the Americans with Disabilities Act (ADA) is also the Department's legal counsel, Mr. David Michaelson, who is attending today's meeting. Mr. Wisniewski said that Mr. Roy Otani, of the Department of Public Works' Building and Safety Division, is also at today's meeting to address specific questions regarding ADA compliance.

Mr. Michaelson said that he has been the County's primary legal advisor on Title II of the ADA for a number of years. He explained that in the 1990's, Congress enacted the Americans with Disabilities Act and there are three titles associated with this act. Title I is the employment section of the ADA and applies to the public and private sector equally. He said he doesn't advise on Title I issues and it isn't applicable to today's agenda item. Title II of the ADA is the aspect of the ADA that applies to local governments. It requires that government program

services and activities be accessible to everyone regardless of disability. This has direct application to the County of Los Angeles and the programs, services and activities that the County of Los Angeles as a governmental entity provides. Today's meeting, for instance, which is being held in a public facility, is subject to Title II of the ADA. Mr. Michaelson said that Title III of the ADA is similar to Title II in that it primarily concerns physical accessibility of facilities. Unlike Title II, Title III applies to the private sector. A private business that is open to the public needs to be concerned about Title III of the ADA. Title III requires that these businesses take steps to physically remove barriers that might otherwise impede access if it's readily achievable to remove those barriers.

In terms of carrying out the mandates of the physical aspect of the ADA, or providing physical accessibility of the ADA, Mr. Michaelson said that it falls to government regulations promulgated by the federal government and the state of California. The federal government has, what is known as, the Americans with Disabilities Act Architectural Guidelines (ADAAG). ADAAG has specifications that tell someone constructing a new building what he/she needs to do, whether it's for parking, path of travel, entrance into the building, widths of hallways, specifications for water fountains, restrooms, etc. The California equivalent of ADAAG is in the California Building Code, Title 24, which has specifications very similar to ADAAG. He said that some of the specifications in the California Building Code might actually be more stringent and the law requires that the more stringent of either ADAAG or the California Building Code be applied. When a new building is constructed, the builder should pay close attention to ADAAG and the California Building Code. Most architects are sophisticated with respect to this issue and private consultants help in this regard.

Mr. Michaelson said that Mr. Otani and the Building & Safety Division are very knowledgeable and have a high degree of expertise regarding ADAAG and the California Building Code as it pertains to accessibility standards. Building and Safety staff members are called upon in both the private and public sector to lend their expertise. He said the particular concern regarding Mr. David Nicholls, which was raised at the August meeting, relates to Title III of the ADA. Mr. Nicholls' concerns pertained to his inability to access various features of the lessee's facilities at Holiday Harbor. Mr. Michaelson said that, as he understands it, the Department contacted the lessee and requested that he meet with and carefully consider Mr. Nicholls' concerns and take appropriate actions to comply with federal and state law. He informed the Commission that the Department would continue to monitor the issue and report back at a later date on the outcome of the lessee's dialogue with Mr. Nicholls. Chairman Searcy emphasized that the Commission looks forward to hearing the report and expects it to be comprehensive, including how all of the issues are going to be addressed by the lessee and, if the lessee does not rectify the matter, what the next steps are to address the violations.

Commissioner Law asked what could be done about older leaseholds for which there are no planned improvements. Mr. Michaelson responded that Holiday Harbor, for example, was built sometime ago and predates both the federal and California laws concerning accessibility standards for people with disabilities. He said there is still some ongoing obligation on the part of the lessee to meet in good faith with Mr. Nicholls, who is trying to access the facility. The lessee should take reasonable and appropriate steps to remove the physical barriers and make the facility compliant with Title III of the ADA. Mr. Otani said that the ADA, which is different then state requirements, is not triggered by construction activities; however, any construction activity would trigger Title 24. In the case of an existing facility built prior to the laws, the County's Building and Safety Division does not have a mechanism for enforcement. He said it is the owner's obligation to ensure he/she complies with the ADA under Title III. Mr. Otani said that Building and Safety enforces the State Building Code and Title 24 enforcement is part of construction activity; in other words, there must be a construction permit in order for Building and Safety to enforce the state requirements.

Chairman Searcy said that, as he understands it, there is still an obligation even for older facilities to comply with Title III. He asked, for discussion purposes only, the enforcement mechanisms that are in place if a lessee doesn't wish to comply with Title III. Mr. Michaelson responded that at the first level, the burden falls on the shoulders of the lessee to comply with Title III, to remove physical barriers where it is readily achievable to do so and, therefore, to meet and discuss in good faith with an individual, such as Mr. Nicholls, regarding his concerns and to address his concerns under Title III. If the lessee isn't receptive to such an approach, arguably there would be a violation under Title III. Mr. Nicholls, the one who is aggrieved, would then have the ability to file a federal lawsuit in federal court, under Title III of the ADA, and pursue his legal rights under the law. Mr. Michaelson stressed that this is an academic discussion and the Department has no indication that the lessee would not cooperate and comply with the law.

Chairman Searcy asked whether the older leases have a catchall phrase in terms of the lessee's compliance with all applicable state, local and federal rules, and regulations and guidelines, which would give the County some standing to indicate that this could potentially be a lease violation. Mr. Michaelson responded that the individual leases would have to reviewed, however, more than likely, the older leases have a general provision stating the lessee must comply with all federal, state and local laws. He said that there would be an argument here, if indeed the allegation was factually accurate and legally had merit, that this lessee would not be in compliance, which is, in this case, a violation of federal law, and which would give a different avenue to possibly consider a remedy, which would be the County of Los Angeles, under the lease, claiming that it was a violation of the lease because a material aspect of the lease is not in compliance with the federal law. If it turns out the federal law isn't complied with, that gives the County independently, under a breach of lease type-argument, the ability to take some action itself.

Chairman Searcy said, "I think you can appreciate from this Commission's standpoint in trying to look at the process, albeit it gives them a right and standing, that right and standing could sometimes be burdensome to an individual citizen who may not have the wherewithal and legal resources or monetary resources to enforce that right, and such that, if these types of things should prove to be the case, that would be something that we think would be a good use of the Commission's time and the County's efforts and monetary resources." Mr. Michaelson said that there are provisions in the ADA for recoupment of attorney's fees if ultimately a lawsuit brought by an individual is found meritorious by the court. Mr. Michaelson offered a word of caution and recommended that the County be careful before alleging a breach of lease, that the lessee is not complying with federal law, until that has been proven. Under Title III, there are a number of defenses that a lessee could point to that might suggest that physical barriers in this particular circumstance do not need to be removed because it's not readily achievable to do so.

Chairman Searcy opened the floor to public comment.

Mr. Don Klein stated, "Concerning Title I, II, and III, I'm not sure which one of those covers the codified regulations for marinas. I understand that there is a specific set within one of these titles and I don't know which one it is, but I would like to have a copy of the regulations, if you will, for ADA requirements for marinas. Now, my last understanding was that these regulations, that there were none for the marinas, but they were in committee and they had not been approved. Can you reflect on that for me?" Mr. Michaelson responded that the federal government, for a number of years, has looked at specific building requirement specifications for the marina environment. He said it is his understanding that, approximately 6 months ago, the committee in Washington that's been addressing this issue adopted the new rules. Those guidelines will now go to the Department of Justice for final approval. Mr. Michaelson said that many entities around the country are now embracing these very specific specifications for marinas in their operations, including the state of California. This issue would not impact Title I, which is employment, but it

would have application to both Title II and Title III. He said he doesn't believe the guidelines draw a distinction between the private sector, which may have a marina that's open to the public, compared to a public entity, a government, that has an entity that's open to the public.

Mr. Klein said, "Some of the lessees have offered to build docks and ramps...that are ADA compliant. My question is, how can they do this if it hasn't been approved? We have no objection whatsoever...we just want to make sure that the building of whatever it is that they're doing is compliant with the approved regulations."

Mr. Otani informed Mr. Klein that the County has a policy on how to handle gangways and marina facilities under construction and has been working with the state on this issue. He said the policy is in conformity with the state code requirements and ensures there is a fully accessible facility once the permit is issued. Mr. Klein asked whether this means it is entitled by the County and not ADA. Mr. Otani responded that the state requirements are as stringent as ADA, so if a lessee is in compliance with the State Building Code, he/she is also in compliance with ADA. Mr. Michaelson added that the rules that were recently promulgated in Washington D.C. that apply to marinas are there to carry out the ADA's mission. He said that the State Architect for California is very conversant with this issue and utilizes and relies upon the marine environment's guidelines. Chairman Searcy commented that it is a good thing that when there are issues of interpretation, there is the State Architect's office to make the interpretation and ensure there is uniform application throughout the state.

Ms. Andrus voiced her opposition to the new procedure for speakers. She said, "This [new procedure] was pushed on us. Nobody got to say anything about that. I would like to say that this isn't a Coastal Commission meeting with all this extra paperwork. It's a little community meeting where we used to sit at the table with you guys and it was so much more comfortable..." Chairman Searcy interrupted Ms. Andrus and requested that she address the item currently under discussion: Agenda Item 5a.

Relative to Agenda Item 5a, Ms. Andrus recounted her first meeting with Mr. Nicholls. She said he was in his wheelchair trying to jump up on top of the steps to get to the men's room at Holiday Harbor. Ms. Andrus offered to help him and he gratefully accepted. Mr. Nichols told her that he asked Holiday Harbor for a ramp, a wooden plywood ramp, so he could access the bathrooms.

Ms. Andrus said to the Commissioners, "There's no reason why, when he asked for that ramp right then and there, he couldn't have had one. Do you know how liable that would have made you? As I talked to him further, I found out that he had just gone through surgery and of course he shouldn't have been trying to get up that ramp."

Mr. Dave Nicholls, who drove from Big Bear, CA to the Marina to address the Commission, said:

> Thank you for giving me the opportunity to speak on behalf of other disabled individuals and I'm glad that this forum exists. I didn't really know about it, so I just want to start off by saying thank you for giving me the opportunity to speak with you for a few moments...it's been a challenge. I've been a small craft boater for a number of years and before I had my accident I had my boat there at Holiday Harbor for about a year and a half, almost two years. Unfortunately, I had a skiing accident that kind of changed my life around for a little bit and it's necessary for me to get around in a wheelchair, which doesn't really work very well in Holiday Harbor.
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> There's no parking for disabled people in Holiday Harbor at all. I've had notes written on my car because I've had to take two spaces, because if I just take one

space and somebody parks next to me, then I can't get into my car or I have to sit there for an hour until somebody moves their car, so I purposely take two spaces and I have nasty notes written, you know, 'Are you mentally handicapped?' or 'You're parking in two spaces, what's your problem?' That's an issue because that kind of affects me emotionally and causes undue stress and I'd rather not have to deal with that. There's no accessible parking in Holiday Harbor.

Getting from the parking lot onto the sidewalks, there's no curb cutoffs, so it's very difficult for someone who is in a wheelchair to get onto the sidewalk, to get to the boat ramp, so that's a challenge. There's one little area by the gym where I need to go all the way down that way just to get up onto the sidewalk, so that's an issue you might want to be addressed. Then, let's talk about the gate access, actually going through the gate down the ramp to your boat. It's just dangerous the way it is right now for someone in a chair. The only time I can access my boat for the most part and be able to leave my boat is when the tide is high; otherwise, it's like a 90 degree ski slope and it's real dangerous for someone in a chair. If you slip, if it's rainy, you could skid. I've skidded down there a couple of times. It's just not safe. I really don't have access to my boat. To use the facilities only when the tide is high, it's impossible for me to get up the ramp by myself unless the tide is high.

The issue of public restrooms is they're not public, not if you're in a wheelchair. There's no place for me to do what I need to do. It's very unfortunate because some of my other friends that I've met who are in a wheelchair don't come, like from the Long Beach Marina, up to visit, because they know they can't use the restroom facilities. That's an issue. I can't fit my wheelchair into the bathroom. First of all, I can't even get up the ramp to get into the bathroom, the bathhouses.

I was just like everybody else here in this room before I got hit by an out of control snowboarder. I keep paying my rent to the marina every month and they charge me late fees, which is another issue, because there's no ramp access to get to the Dolphin Holiday Marina Harbor rent box. They're quick to charge me the late fees and I explain to them, 'well, I sat out there for a half hour and nobody came by.' If I'm at my boat it's Saturday, Sunday morning, whatever, early in the morning, you know, I have to wait for somebody to come by just to take my check up to the rent box.

Just to get up to the bathhouse, there's a step. I've asked three, four, five times. I've written them a letter a number of times, 'Please can you make just a little ramp access so I can get in and out of the bathroom without falling and breaking my head?' I've fallen two or three times. If it wasn't for this kind lady, Carla, who helped me get up the last time I was there, I probably would have fallen again. It's just difficult. There's been no response. He just gives me lip service and he says, 'by the time I get this approved and that approved and this approved and that approved, they're tearing the whole place down anyway, so there's nothing I could do.' Maybe I shouldn't pay my rent anymore if I don't have full access to their facilities. It's not cool. Once I get in the bathroom, if I get up the ramp, I can't fit into the stalls because they're not accessible...I have to do my business on my butt on the floor in the shower, which is not clean. I don't think any of you in this room would want to be so demeaned to have to do what you need to do on the floor. If this is a public facility and these marinas are supposed to be used for the public, I think that includes disabled people and I don't think we should

> have to be doing what we need to do on the floor on our butt. The whole setup really needs to be looked at.
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> It doesn't sit well with me that I have to keep paying my rent every month non-stop, keep getting late fees tacked on because they don't get it in the mail exactly on the first, or whatever, and I don't have full use of the facilities. The marina itself wants to tow my car because I'm in two spots and they've left nasty notes and warning signs that 'if you leave your car like this again we're going to have to tow your car.' They're not very friendly to people in wheelchairs. I didn't ask to be in this situation, but I am now. Whatever we can do as a group to kind of work together and make things change would just be great.

Chairman Searcy thanked Mr. Nichols personally, and on behalf of the Commission and the Department, for bringing this issue to their attention. He also thanked Mr. Nicholl's friend, Donald Klein, for bringing the issue to the Commission's and Department's attention at the August meeting. Chairman Searcy said it is his understanding that the Department has already spoken with Holiday Harbor's lessee and requested him to meet with Mr. Nicholls regarding these issues. Chairman Searcy said he is pleased that Mr. Nicholls clearly delineated each item of concern and staff members took note of them. He added that extensive discussion about this issue was held before Mr. Nicholl's arrival today. Chairman Searcy informed Mr. Nicholls that there seems to be several areas that he identified, if not all areas, that could be readily rectified.

Mr. Michaelson expressed appreciation to Mr. Nicholls for bringing these issues to the Commission's and Department's attention. He said the County of Los Angeles takes these types of issues extremely seriously. Mr. Michaelson explained to Mr. Nicholls that he is with the County Counsel's office and he advises the Department on Marina-related issues. He said one of the other hats he wears for the County has historically been with regard to the Americans with Disabilities Act, particularly Title II of the ADA, concerning government programs, services and activities being accessible to everyone regardless of their disability.

Mr. Michaelson informed Mr. Nicholls that before his arrival today, Mr. Michaelson provided the Commission with background on the ADA's Title I, Title II and Title III. He explained to Mr. Nicholls that Title II requires facilities to be accessible. Title III applies to a private entity that is providing public services and inviting the public into their business. The lessee, Holiday Harbor, would be subject to Title III of the ADA. It is Mr. Michaelson's estimation that Title III requires the lessee to remove physical barriers, if readily achievable to do so, to make the facilities accessible. He informed Mr. Nichols that the Department already contacted the lessee and requested the lessee to meet with Mr. Nicholls and act in good faith to resolve these issues. Mr. Michaelson said that staff would follow up on the matter and provide a report to the Commission on the status and outcome of the dialogue that would occur between Mr. Nicholls and the lessee.

Mr. Wisniewski expressed his appreciation to Mr. Nicholls for bringing the issues to the Department and Commission today.

Chairman Searcy asked whether it would be within the Department's purview, or appropriate, to accompany Mr. Nicholls, if he requested it, to the meeting with the lessee. Mr. Michaelson responded that there are multiple ways to do it. His initial thought is to allow the lessee, who has the frontline responsibility for dealing appropriately and legally with this issue, a reasonable period of time to meet with Mr. Nicholls and attempt to work it out. If that doesn't occur within a reasonable period of time, the Department, playing the role suggested by Chairman Searcy, would be of assistance.

Chairman Searcy requested the Department to make sure that Mr. Nicholls has the names of staff members to contact so the Department could receive his feedback. Mr. Wisniewski asked Mr. Nicholls to give Mr. Moliere his telephone number and he asked Mr. Moliere to give Mr. Nicholls his business card. Chairman Searcy asked Mr. Nicholls to please let Mr. Moliere know what happens so that Mr. Moliere can report back to the Commission.

Vice-Chairperson Stevens pointed out that there is a dearth of handicapped parking spaces throughout the Marina. She said the only place that provides handicapped parking is the Westside Center and most of the residential buildings do not; some don't have any, which Vice-Chairperson Stevens believes is illegal. She said that a ramp leading to the bathrooms is necessary, however, the non-handicapped persons who might not be able to walk down the ramp should also be considered. Vice Chairperson Stevens suggested that the facilities with three or four bathrooms offer one bathroom with a handicapped ramp and the remainder with steps.

Mr. Nicholls said he toured around the very end section of, what he believes to be, the "C" area, where there's one long accessible ramp down to the docks at the very end of the finger, of Holiday/Panay Way. [A member of the public interjected that the area is Dolphin.] Mr. Nicholls continued, stating "There are bathrooms in that area as well, and bathrooms there that are part of the apartment buildings, that are non-accessible and have steps. So, having a ramp is nice, but it doesn't work if you don't have access to the facilities as well. The last point that I needed to make is that the beveled sidewalks are really not conducive to someone in a wheelchair because all you get is vibration and for someone with a neck injury, such as myself...someone who is trying to use a walker, or a cane, or wheelchair, could have a accident. Those little beveled bricks, if you will, are really not safe. My neck was so sore that night after just trying to tour around the area, maybe the Commission could come up with some other suggestion to the management or lessee...they might want to choose a different type...maybe just a sidewalk, something flat."

Chairman Searcy informed Mr. Nicholls that, "When there's new construction, there are certain standards in terms of surfaces, in terms of incline, in terms of width, that have to be met. Hopefully, as an outgrowth of the discussion that you'll be having with the lessee in this regard, when they come to some 'recommended resolutions,' those surfaces and construction techniques, etc., would have to meet with the codes and standards that are set forth to address just these types of issues."

7. COMMUNICATION FROM THE PUBLIC

Chairman Searcy reiterated his earlier announcement that a podium is now part of the new procedure for speakers. He explained that the podium makes the process more user-friendly and provides a place for speakers to place their material. Chairman Searcy emphasized that this addition is one way the Commission shows how important the speakers' comments are and how seriously their comments are taken. Additionally, the new Request to Address form is not intended to decrease public comment, but, rather, make the process more efficient and easier for the Commission Secretary to identify the speakers and agenda items they're addressing as she transcribes the Commission tape. He said the Commission wants to formalize the procedure for addressing the Commission and it is, in fact, the way that most of the Commissions throughout the County operate.

Mr. Klein asked, "Who sets the agenda items for the Small Craft Harbor Commission? Who has that authority? What process is being used to determine the importance of the items?" Mr. Michaelson responded, "Commissioners can place things on the agenda. The Department itself prepares the agenda pursuant to the California Brown Act.... Everything on the agenda has a

similar level of significance. I don't think there's really any suggestion that one item has any less significance that the other, if that was your question."

Mr. Klein said that Mr. Michaelson misunderstood his question. Mr. Klein asked, "Who sets the agenda items? Who has the responsibility? In other words, if I ask Chairman Searcy, I want to have something to be put on agenda and he said, 'Well, I don't like that and its not going on,' or, Director Wisniewski does the same, or he wants to put something on the agenda. How does the public get agenda items put on and what is the process for determining whether or not an item goes on the agenda?"

Mr. Michaelson responded to Mr. Klein, "The public cannot place items on this agenda or any other agenda of a governmental entity that I'm aware of directly. There is no provision of law that allows for it. I'm not aware of any governmental entity that does that. The agenda is ultimately controlled by the Commission and, in most instances, by the Chair of that Commission. If, during public comment, there's an issue of importance and significance for you concerning things that fall under the jurisdiction of this Commission and you believe that this Commission should take up the issue, during public comment you could bring that up, indicate what your concerns are. It's really at the discretion of the Chair of this Commission and the Commissioners if they want to follow up on it and put it on a future agenda, if it needs to be agendized for a future agenda, and for staff to play the appropriate role in that respect too."

Mr. Klein asked Mr. Michaelson whether the Commission's practice is "encompassed in Public Resources Code 30006, as far as active participation by the public." Mr. Michaelson responded, "I don't have the law, let alone that section, in front of me, so I can't really speak to it, but I would be happy to take a look at it."

Chairman Searcy commented, "To the extent an item comes up from the public and it's mentioned either as an adjunct to an existing agenda item, as a response to a staff report, or something that comes up in the public comment period, if it's something that has a significant concern to the public, I'm unaware of any request, <u>any</u> request that has been made from the public for an item to be agendized, that is of significance, and that the public considers significant, that has been refused. I just want to make that clear for members of the public. If you have a specific item that you have been referring to, then I would like to know of it."

Mr. Hans Etter informed the Commission of problems he's encountered in the Marina. He said:

> I have a boat here in the Marina, actually, right now, I have it out in Ballona Creek. I have to keep it there. I have several complaints. One of the complaints is the navigational aids in the main channels. Nine out of ten is out of alignment, sinking or missing. As I came in today, I counted probably six or seven, they were totally out of whack and two months ago, one of the red buoys marking a shoal on the south end jetty had broken loose and was marked up. This was the end of June and it was washed up on the breakwater. It has not been replaced and it is a very shoal area. There is only one red buoy left and one white buoy, which is the end of the shoal. Last week, there was one white buoy marking, the fairway, I think you call it, in the incoming lane next to the south end jetty that has washed up on the breakwater.
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> I have repeatedly called the Beaches and Harbors' office and told them not to park in the fire lane, which is the tow-a-way zone by the maintenance office. Their employees, including the parking office, continue parking there. I have also been taking pictures with my video camera and I have e-mailed those to Don Knabe's office. There is a big parking lot in Pier 52, with about the distance from

me to you, where they can park their vehicles. They continue, to this day, parking there and when I park there, I get my vehicle, if I do, which I don't, I get my vehicle towed away, or I get fined.

I met a fellow boater this weekend that had parked in the launch ramp and he had got his receipt in the windshield upside down, he got a $51 ticket because it was upside down. He told me that there were fourteen signs and, out of the fourteen signs, if you miss one of them, or fail to comply with them, you either get towed away or a ticket. Secondly, I have called Beaches and Harbors and asked them to clean the launch ramp because the boaters are paying to come down the launch ramp $5 per launch. It is filthy from the birds and also boaters, like me, go over there to use the pump-out. They never responded, never increased the cleaning or nothing. I got from Stan Wisniewski a courtesy return phone call, but not from Beaches and Harbors and Wayne Shumaker, who also parked in the fire lane when I talked to him and did not move his vehicle. I complained to the sheriffs and asked them to investigate why Beaches and Harbors' Park Enforcement, why they park in the fire lane. They said it was not their department.

Two years ago, I pulled a man out of the water at Deauville Marina. He was drowning, so I got him out and the medics came and took him to the hospital and he died later on. His family sued Deauville Marina and Los Angeles County for a wrongful death suit. They just recently settled, made a settlement...and that is one of the reasons I have been unable to get financed. I was subpoenaed to testify and ever since then I have been retaliated against in different ways. One of the ways they retaliated is the sheriffs have been harassing me in different places. For example, the latest incident, and all these incidents, I have been filing complaints with the Sheriff's Department. The latest incident happened in Burton Chace Park and...my electric windless was broken because I had been anchoring out and I was coming in and I could not get my anchor out, which is a 110 pound anchor and about 75 feet of chain. Under state law, you are allowed to seek refuge when you have an emergency in any kind of harbor. I pulled into a regular slip and my motor was still running. I had one bowline tied off to the docks when two deputies walk up. One female and one male officer, by the name of Clark, walks up to me and he tells me, 'You have to get out of here, you are not allowed to be in the Marina, you're blacklisted from the Marina.' I said, 'Hey, I am not blacklisted, I have no unpaid debt here. My boat is fully documented, fully insured, it's surveyed at $80,000 dollars and it's fully seaworthy except for this emergency that I am having. Secondly, I have an emergency and I have the right to seek shelter and I cannot move it even if I wanted to.' I proceeded to walk back to tie up the stern line because my boat is 22-ton reinforced concrete.... I can handle it myself, but it started drifting and I did not want it to hit the dock, which is public property and I do not want to cause any damage to the docks because I am a taxpayer and I am paying for taxes for those, I am paying property taxes for my vessels. So, he comes up behind me, stops me, handcuffs me, walks me over to the patrol boat, puts me on a patrol boat, runs my record. I have no criminal records. I have no outstanding warrant, neither in Sweden or here. I have completed my military service in Sweden with an honorable discharge and I am paying taxes and working here in this city and county. I spent well over $15,000 in the boatyard...supporting local business with my vessels. He [the sheriff] says, 'You are on a blacklist' and I ask, 'Can I see the black list?' He says, 'I have seen it, but I don't have it.'

Where is the due process in America? You have been charged with a crime and you cannot confront the people that are charging you. You do not get ticket, you do not get a warning, there is no policy based on what circumstances you get blacklisted. I heard this from other people too that are not as fortunate as me because I am hiring a lawyer and I am suing the County and the sheriffs for violating my civil rights. I went over to the office and filed a complaint and they told me they would call me back and get my side of the story. This was the end of June. I called and spoke to Sergeant Thornton three days ago and he told me the response was mailed out to me on the 28th of July. I never got a response from them. I never got anything in the mail from them. I never got a phone call and no one even asked me what the circumstances were. He told me that the sheriff was justified because I was verbally abusive to him and he felt threatened. I said that is strange and he said that I also failed to register at the office. How can I register at the office when I come here at eight o'clock and the office is not open? I have one line tied up on the boat. I have not been able to make it from the dock into the park. This is how they treat boaters.

You have a Visitors Center up here and you want to welcome more visitors, but to have a transient dock, after seven days, no matter what problems you have, they kick you out or have your boat impounded. They say they have all these empty slips sitting here for small boats and can't rent them out. I guess that is why they have 25 to 30 seaworthy boats sitting at the police impound and another 25 to 30 boats sitting out at Ballona Creek and, despite the weather and no shelter, surviving. I tell you that any one of those boats can be taken to Catalina, any day and back, in a safe condition.

Chairman Searcy asked Mr. Etter the length of his boat. Mr. Etter responded that it is 57 feet. Chairman Searcy asked the location of his boat. Mr. Etter responded that it is at Ballona Creek, "I" basin, Playa Vista. Mr. Etter added that he didn't need a slip. He said that his boat has, "radar, GPS, autopilot, hot and cold water, generators, showers, the proper waste tank, everything."

Mr. Etter said, "It's not the first time they harassed me. Another time, when I was out in Ballona Creek at one o'clock at night, I was outside the demarcation line, meaning outside the harbor. It's not inside their jurisdiction. I'm not blocking their navigational lines. They come up to me at one o'clock, shining a light on my boat, honking their horns, waking me up and then they ask me, 'What are you doing here? What is your name? Whose boat is this? We didn't see a dinghy here last night,' but I'm on my boat every night. That was an obvious lie to me. Immediately, I called the Sheriff's office and filled a complaint over the phone and they said, 'Oh, we have some kids stealing boats' and I said, 'You couldn't steal this boat if you were a kid because this is a 57' boat, 22 tons, and I'm always on my boat.' I asked, 'Do you also go to people's homes in the middle of the night and knock on doors and ask them do they live here, is this your home, what is your name, what are you doing? No, you don't, but you do it with boaters because you think you can get away with it.' It's abuse of power. I have sheriffs drive through the anchorage at 20 knots creating big swells and almost throwing me off my boat when I'm set in anchor and I have witnesses to all of these things, but most of my witnesses are all terrified to testify because they know they are going to be retaliated against. As the expression says, 'the nail that sticks out gets hammered.' "

Since Mr. Etter said that the Department's staff parks in the red zone at Dock 52, Mr. Wisniewski asked Mr. Chesler the location of the red zone. Mr. Chesler responded that it's the red curb located along the edge of Dock 52, which adjoins the trailers on 13483 Fiji Way. He said that

staff was instructed to not use the red zone. Mr. Chesler added that, occasionally, employees from other County departments, who are not aware of the policy, park there.

Mr. Wisniewski suggested that Mr. Etter talk with Mr. Moliere regarding his property management issues. Mr. Wisniewski encouraged Deputy Carvalho to address the navigational issues that Mr. Etter raised.

Deputy Carvalho said, "Regarding the buoys: that has been brought to the attention of our Fleet Communications Bureau, which is ultimately responsible for repairing those. They are in the process of obtaining the equipment to do so. I can't give you a time period in which that will take place. If it is going to take a longer period-of-time then what's acceptable, a notice to mariners will be put out by the Coast Guard advising boaters of that navigational hazard. In regard to the blacklist, I am not aware of any blacklist and as far as Mr. Etter's comments regarding the Sheriff's Department and his contacts with them, it would not be appropriate for me to comment on that since he has an active complaint being investigated."

Chairman Searcy asked whether the Sheriff's written response to Mr. Etter, that he apparently did not receive, would be re-mailed. Deputy Carvalho responded, "Apparently, a written response was mailed to him. If he did not receive it and wants to know what the outcome of the investigation is, he is more then....." Mr. Etter interrupted Deputy Carvalho and said that Sgt. Thornton told him the letter would be re-mailed.

Chairman Searcy said the Commission appreciates Mr. Etter bringing these issues to its attention. He said it is not the policy of the Commission, Beaches and Harbors, or the County of Los Angeles, to have such a blacklist. Chairman Searcy said the Commission is hopeful that all of the issues he raised would be dealt with quickly.

Mr. Etter said, "I was told that same night by the security guard that I was not on the list, but the fact that he acknowledged such a thing indicates there was such a list. I have been told by other people too. The rest of my issues will be in the Argonaut, in the letter section, probably tomorrow and next month."

Ms. Andrus said, "I asked some people to come here and a few other people from the last meeting. A lot of these people couldn't show up. The rescheduling was too much. First, I asked them to come to the first meeting in August; that was rescheduled to the 27th. Then, some of those people tried to show up on the 27th but some of them could not make it. Now, it's a new meeting altogether. I provided Mr. Moliere with a list of price increases and I would like to know what is going to become of that. I'd also like the public to be assured that are on this list, that there will be no retaliation. I can tell you that this list would have been longer in both marinas, which is Bar Harbor and Tahiti, but people declined because they are afraid of evictions or they are afraid.... Everybody says there is no blacklist, but there is some kind of list in the minds of some people. I don't know how that all works. These boaters are afraid to let that be known, to participate in this kind of thing because they may not get a slip in the future, they might be moved, or they will be simply be evicted. These are concerns of the boaters. I don't think that this is new. There is probably a history of that. I wish you would say to them for sure that they will not be retaliated against."

Ms. Andrus continued, "I am making a video for you and I was wondering too about the field trip. Are we going to be able to have that? There is no better way for this Commission to see what's really going on at this Marina. All you have to do is go down there and look at it and talk to a few people candidly. You will be surprised. I will provide you a little video. I hope to have it ready by this next meeting. It will kind of give you some indication of what's really going on here and how un-user friendly this is."

Mr. Steven Alexander, a liveaboard tenant, said, "In July, I spoke to this Commission and explained my personal predicament. I was evicted from my boat slip at Marina Harbor. I am a legal liveaboard. None of the other marinas accept liveaboards. I had nowhere to move and I asked for the help of this Commission. Chairman Searcy, you did arrange for me to meet with David Levine, the lessee of Marina Harbor. Indeed, since that time, I have been accommodated. I do have a new slip. I have moved the boat. I'm here this morning to express my appreciation to you, Chairman, members of the Commission, and to Mr. Levine, for their cooperation. Thank you all very much." Chairman Searcy responded, "You're welcome."

Mr. Alexander continued, "Prior to coming to the Commission with my personal problem, I had repeatedly spoken to the dockmaster at Marina Harbor. I sent a lengthy letter to Mr. Richard Stevens, Chairman of the Board of Bellport Management. I had contacted the Los Angeles County Department of Beaches and Harbors' Real Estate Asset Management Division, which was the only public agency that claimed to have any kind of responsibility over this. These contacts resulted in absolutely nothing. I only came to this Commission because I received no accommodation in any channel I tried. Had there been a mediation system or committee to go to, I certainly could have used it. I certainly agree that the mediation committee should be reinstated. It would have helped me. It would of relieved this Commission of dealing with my personal situation."

In response to Vice-Chairperson Steven's earlier comments about liveaboard boaters making noise at her residence, Mr. Alexander informed her, "There is a noise law. I not sure if it's a law or a rule or a regulation, but after 10:00 p.m., if people are making loud noises, you can call the Sheriff and they will come out and they will ask those people to quiet down."

8. ADJOURNMENT

Chairman Searcy adjourned the meeting at 11:32 a.m.

Very truly yours,

Toni Minor, Secretary

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

	West Marina 2760	East Marina 2761	Lost R.D. 2762	Marina Water 2763	Upper Ladera 2764	County Area 2765	Lower Ladera 2766	Windsor Hills 2767	View Park 2768	TOTALS
Homicide										
Rape										
Robbery: Weapon							1	1		**2**
Robbery: Strong-Arm							2			**2**
Aggravated Assault							1	2	1	**4**
Burglary: Residence	3	1			2	1	1	1	2	**11**
Burglary: Other Structure	3	2		1		1		1		**8**
Grand Theft	6	5		1		1	3	1	3	**20**
Grand Theft Auto	2	1			1		1	4	2	**11**
Arson										
Boat Theft										
Vehicle Burglary	5						4	2	4	**15**
Boat Burglary				1						**1**
Petty Theft	2	4			2	1	1		4	**14**
REPORTING DISTRICTS TOTALS	**21**	**13**		**3**	**5**	**4**	**14**	**12**	**16**	**88**

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

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

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART I CRIMES- SEPTEMBER 2003

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide	0	0
Rape	0	0
Robbery: Weapon	0	2
Robbery: Strong-Arm	0	2
Aggravated Assault	0	4
Burglary: Residence	4	7
Burglary: Other Structure	6	2
Grand Theft	12	8
Grand Theft Auto	3	8
Arson	0	0
Boat Theft	0	0
Vehicle Burglary	5	10
Boat Burglary	1	0
Petty Theft	6	8
Total	37	51

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

Source- LARCIS, **Date Prepared** – October 1, 2003

CRIME INFORMATION REPORT - OPTION B

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

October 2, 2003

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

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

MARINA DEL REY EVENTS

MARINA DEL REY OUTDOOR ADVENTURES
FINAL SESSIONS

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

Ocean Experience Program
Saturday, October 11

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

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

Bird Watching Experience Program
Thursday, October 23

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

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

Harbor Kayaking Program
Saturday, October 25

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

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

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

FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES

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

Saturday, October 11
Eric Vincent & the Diamond Cutters, performing a tribute to Neil Diamond

Sunday, October 12
Dirk K, playing Jazz

Saturday, October 18
11 O'clock Blues, playing Blues

Sunday, October 19
Tim Harmony, playing R&B, Blues, Jazz & Pop

Saturday, October 25
The Andersons, playing Pop & Rock

Sunday, October 26
The Sullivan Hall Band, playing R&B, Blues & Pop
1:00 p.m. – 4:00 p.m. for this performance

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

DISCOVER MARINA DEL REY DAY 2003

Sunday, October 12
11:00 a.m. to 4:00 p.m.
Burton Chace Park
Sponsored by the Los Angeles County Department of Beaches and Harbors
and Arrowhead Mountain Spring Water

Discover Marina del Rey Day 2003 is a community event that can be enjoyed free of charge to the public. Visitors that wish to use the popular inflatable games pay $5.00 for a wristband that entitles them to cotton candy, popcorn, a pumpkin from the pumpkin patch, and face painting. Food and soft drinks are also available for sale at the Park's concession stand throughout the day.

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

Parking is available in Los Angeles County Lot #4 on Mindanao Way near the park for $2.00.

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

BEACH EVENTS

DOLPHIN RUN TRIATHLON

Presented by USC University Hospital Center for Athletic Medicine
Saturday, October 11, 8:00 a.m. to 5:00 p.m.
Sunday, October 12, 8:00 a.m. to 11:30 a.m.
Zuma Beach, Malibu

This 13th annual festival features a 10K-5K fun run/walk, 1K kids' run, 12-mile mountain bike ride and the famous Arrowhead Battle of the Olympians where America's greatest Olympians square off in a half-mile ocean swim.

Other events include:

Celebrity Mile
Dolphin Celebrity Beach Ball
Tanita Health & Fitness Expo
Dolphin Youth Basketball Tournament

For registration and information call: Dolphin Run Information Line at (310) 450-8540.

SW:DC:mc

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

County of Los Angeles
California

October 1, 2003

To: Small Craft Harbor Commission

From: Stan Wisniewski, Director Stan W.

Subject: **ITEM 4a – MEDIATION SERVICES FOR MARINA DEL REY APARTMENT & BOAT SLIP TENANTS**

Item 4a on your agenda relates to the discussion at your Commission's September meeting relating to methods of providing mediation services for Marina del Rey apartment and boat slip tenants on matters unrelated to rent.

A representative of the County Department of Consumer Affairs (DCA) has been invited to make a presentation relating to the mediation services offered through DCA, and will also be available to answer any questions relating to the services offered by that department.

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

SW:rm

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

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

October 2, 2003

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: **ITEM 5a –MARINA DEL REY CONVENTION AND VISITORS BUREAU RENEWAL AND SECOND AMENDMENT OF FUNDING AGREEMENT**

Item 5a on your agenda pertains to the renewal and second amendment of the County's funding agreement with the Marina del Rey Convention and Visitors Bureau. The attached Board letter contains background information on our recommendation to approve the accompanying amendment.

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

SW:wp
Attachments

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

October 9, 2003

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

Dear Supervisors:

RENEWAL OF AND SECOND AMENDMENT TO MARINA DEL REY CONVENTION AND VISITORS BUREAU AGREEMENT
(4th DISTRICT)
(3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the attached second amendment (Attachment A) to extend Agreement No. 73267 (Agreement) with the Marina del Rey Convention and Visitors Bureau (MdR CVB) for one year with a one year optional extension, commencing on January 1, 2004, that leaves all terms of the current Agreement intact but provides for an additional annual payment of up to $40,000, commencing November 1, 2003, to compensate the MdR CVB for providing seven-day-a-week (9:00 a.m. to 5:00 p.m.) promotional services at the Marina del Rey Visitors Information Center (Center), as well as for engaging in joint projects with the Department of Beaches and Harbors (Department) that promote Marina del Rey.

2. Authorize the Director of the Department of Beaches and Harbors (Director) to consent to the one (1) one-year extension of the Agreement commencing January 1, 2005 if he deems it appropriate at the time.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Establishment of the MdR CVB

On October 3, 2000, your Board approved an implementation plan to create the first ever Marina del Rey Convention and Visitors Bureau (MdR CVB), jointly funded by the hotels in Marina del Rey as well as the County itself, to attract tourists, business travelers and visitors to Marina del Rey as a destination of choice. A one-year Agreement between the County and MdR CVB was subsequently signed on February 27, 2001. After the MdR CVB had

successfully established its first-year promotional operations, your Board approved on December 4, 2001 a one-year extension of the MdR CVB Agreement and authorized the Director to exercise another one-year extension that subsequently extended the Agreement to December 31, 2003.

Funding of MdR CVB Operations

This second amendment (Amendment) would continue the County's current Agreement with the MdR CVB for up to two more years and also authorize the Department to reimburse the MdR CVB for up to an additional $40,000 to provide comprehensive seven-day-a-week promotional dissemination services at the Center, as well as to engage in joint projects with the Department that promote Marina del Rey. Public walk-in inquiries at the Center in calendar year 2002 increased over 80% from 2001 in response to the MdR CVB's promotional efforts, up from 8,000 to 14,500, and calendar year 2003 is on track to equal or exceed the 2002 inquiry level.

To satisfy this increasing demand for information, the MdR CVB has developed a number of focused publications that highlight local hotels, restaurants, businesses and attractions. It is now believed that the MdR CVB services should be expanded on a seven-day-a-week basis to involve specialized staff to professionally and effectively distribute that information. In the past, the Department has merely had a clerk to handle the most elementary public services on a five-day-a-week basis, but a more specialized and professional service is required on a seven-day-a-week basis with the redevelopment and increased promotion of the Marina. The MdR CVB has agreed to provide the necessary specialized staff to disseminate its promotional material and information and the Department recommends up to $30,000 annually for these purposes.

The remaining up to $10,000 annually will be utilized to share the expense of participating with the MdR CVB in specific projects that promote Marina del Rey special events and generally attract visitors into Marina del Rey. For instance, this past year the MdR CVB and the Department have cooperatively developed signage and information that promoted the Marina del Rey summer concerts, the new Marina Coastlink water shuttle and a scenic pedestrian strolling area called the Waterfront Walk.

Implementation of Strategic Plan Goals

Entering into this Amendment will promote "Service Excellence", "Organizational Effectiveness" and "Fiscal Responsibility" of the County's Strategic Plan Goals. The goal of

"Service Excellence" is promoted by providing and disseminating quality information meant to highlight various visitor services, recreational activities and special events in Marina del Rey. The ongoing collaboration across the public and private sectors (the County and private sector businesses) that encourages the increased use of Marina del Rey serves to advance the goal of "Organizational Effectiveness". Because the Agreement with the MdR CVB seeks to use its dedicated and professional expertise to create unique, attractive and cost-effective promotional campaigns for Marina del Rey and the Amendment seeks to expand services to include specialized staff for information dissemination purposes and to allow for joint promotional projects, the Department believes that the County is continuing to practice "Fiscal Responsibility" by continuing its support of the MdR CVB.

FISCAL IMPACT/FINANCING

Funding for the MdR CVB will continue to be largely provided by the six hotels that operate in Marina del Rey (Marina hotels). Since the creation of the MdR CVB, the County's basic annual funding commitment has been $177,400 per year, which will continue to be paid in three equal installments of $59,133 on January 5, May 5 and September 5 of each year, respectively. Additionally, the County has allowed use by the MdR CVB of Visitor Center office space, at an estimated annual value of approximately $18,600. Pursuant to this Amendment, the Department would be authorized to annually reimburse the MdR CVB for an additional up to $40,000 for services added by this Amendment that were not part of the original Agreement.

The Marina hotels contributed approximately $330,000 to the MdR CVB budget in fiscal year 2002-03, which reflects approximately 65% of its budget, with the County having contributed the remaining 35% or $177,400 (excluding the office space value). It is anticipated that with the additional up to $40,000 authorization, the County's contribution to the MdR CVB will potentially increase to approximately 40% of the MdR CVB's 2004 budget.

The Department has sufficient budgeted funds for this expenditure this fiscal year and will request funds for the following year through the budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The creation of the MdR CVB approximately three years ago has provided the Marina with an important promotional tool in bringing business travelers and visitors into Marina del Rey. There are many cities in the greater Los Angeles Area with CVBs that continue to aggressively market their destinations for businesses, tourists and visitors, and in this

competitive environment, the MdR CVB helps the Marina retain its attraction as a destination of choice without losing market share to other cities. Especially since the tragic events of 9/11 and with the depressed national economy, the business travel and tourism industry nationwide has suffered. More than ever before, the MdR CVB, which as a business development agency seeks to attract overnight visitors to the Marina with the expectation of increasing the revenue of local area businesses, remains an essential tool in ensuring the revitalization of the Marina. With the ongoing second-generation development in the Marina, the County's continued support of well-coordinated promotional efforts through the MdR CVB will contribute to the future success of the Marina's growth.

During its first three years of operation, the MdR CVB has developed an infrastructure for responding to the needs of the travel industry, local government and businesses in the Marina. This infrastructure includes the first-ever tourist-friendly website dedicated to promoting Marina del Rey (hits increased from approximately 16,000 in 2001 to over 1.2 million to date in 2003), the successful development of regular information tours and targeted information packets for travel writers, the publication of new brochures/literature, regular meetings with local government officials on Marina development, cooperative business promotions among Marina businesses and a system for bidding on group/convention business at hotels and restaurants. The MdR CVB also has assisted local businesses in coordinating their marketing and promotional efforts for the economic well being of the Marina.

The MdR CVB's 2003 marketing work plan (Attachment B), along with a detailed list of its 2002 accomplishments, is attached for reference and has been used to guide the MdR CVB in its promotional efforts this year.

All of the hotels, restaurants and local businesses in Marina del Rey unanimously support the MdR CVB and its positive effects on the local economy. The MdR CVB's efforts ultimately benefit the County as well through increases in lease and tax revenue.

Next year, the Director will evaluate the performance of the MdR CVB before extending the Agreement for another year. This type of authority was included in the County's first amendment to the Agreement with the MdR CVB, as well as in past Marina promotional services agreements with Fleishman-Hillard from 1996-2000, wherein the Director determined on an annual basis if the contract should be renewed.

County Counsel has approved this Amendment as to form. On October 8, 2003, the Small Craft Harbor Commission _____ its approval by your Board.

CONTRACTING PROCESS

All of the Marina hotels have already signed separate and identical two-year agreements with the MdR CVB to continue funding the MdR CVB through a voluntary 1% self-assessment on rates charged for room accommodations during the same time period covered by this Amendment, which are calendar years 2004 and 2005. Thus, the County's own MdR CVB Agreement in those years will continue to be augmented by 100% participation from all the Marina hotels.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The MdR CVB has managed the development of professional Marina del Rey visitor information. With the expanded specialized service to be provided by the MdR CVB for the dissemination of this information on a seven-day-a-week (9:00 a.m. to 5:00 p.m.) basis, service to Marina visitors will be enhanced. Similarly, future promotional efforts will be enhanced by the ability of the County and MdR CVB to engage in joint promotional projects.

CONCLUSION

Instruct the Executive Officer, Board of Supervisors, to forward an approved copy of this Board letter and two copies of the executed Amendment to the Department of Beaches and Harbors.

Respectfully submitted,

Stan Wisniewski, Director

SW:kg
Attachments (2)
c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

ATTACHMENT A

AMENDMENT NO. 2 TO AGREEMENT NO. 73267 BY AND BETWEEN THE COUNTY OF LOS ANGELES AND THE MARINA DEL REY CONVENTION AND VISITORS BUREAU

This Amendment No. 2 is entered into this ____ day of _____2003, by and between the COUNTY OF LOS ANGELES (the "County"), a political subdivision of the State of California, and the MARINA DEL REY CONVENTION AND VISITORS BUREAU (the "MdR CVB"), a California non-profit corporation.

RECITALS

A. The MdR CVB, a non-profit mutual benefit corporation, was formed to operate a convention and visitors bureau in cooperation with the private and public sectors for the purpose of inviting, attracting and welcoming tourists, business travelers and visitors to Marina del Rey as a destination of choice through advertising, promotion and other services.

B. On February 23, 2001, the MdR CVB and the County entered into Agreement No. 73267 for the creation and implementation by the MdR CVB of an advertising/promotional campaign for Marina del Rey to promote Marina del Rey as a destination of choice for tourists, business travelers and visitors (the "Agreement").

C. On December 4, 2001, the MdR CVB and the County approved Amendment No. 1 to the Agreement whereby the term of the Agreement was extended for an additional two years.

D. The parties have fulfilled the terms and conditions of the Agreement and Amendment No. 1 to their mutual satisfaction, and now desire to extend said Agreement for an additional period of up to two years on the same terms and conditions, as provided for in the Agreement, except that the MdR CVB will be entitled to additional annual reimbursement for providing seven-day-a-week promotional services at the County's Marina del Rey Visitors Information Center, as well as for engaging in joint promotional projects with the County.

AMENDMENT

NOW THEREFORE, in consideration of these premises, it is hereby agreed by and between the parties as follows:

1. The term of Agreement No. 73267 is hereby extended effective January 1, 2004 to and until December 31, 2004, and thereafter the Director shall have the authority to extend the term of this Agreement for one year from January 1, 2005 to and until December 31, 2005.

2. Section 2, Services, is hereby amended as follows:

   Section 2(b)(iii) is added as follows:

   "The MdR CVB shall provide seven-day-a-week promotional services at the Marina del Rey Visitors Information Center from 9:00 a.m. to 5:00 p.m."

Section 2(c)(i) is added as follows:

"The MdR CVB may engage in joint promotional projects with the County that bring tourists, business travelers and/or visitors into Marina del Rey."

3. Section 3, Consideration, is hereby amended as follows:

Subsection 3(a)(i)(a) is added as follows:

"Beginning on November 1, 2003, up to $40,000 annually during the term of this Agreement for the services rendered by the MdR CVB in Sections 2(b)(iii) and 2(c)(i). All such services rendered pursuant to Sections 2(b)(iii) and 2(c)(i) must be approved in advance by the County. The MdR CVB will invoice the County for its extended promotional services and the County's portion of joint promotional projects. The late payment penalty in Section 3(a)(ii) immediately below will not apply to these payments."

4. Except as otherwise expressly stated herein, all other terms and conditions of the Agreement shall remain in full force and effect and are hereby reaffirmed by the County and the MdR CVB.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2 to Agreement No. 73267 as of the date first above written.

MARINA DEL REY CONVENTION AND VISITORS BUREAU, a California non-profit corporation.

By _____
President

COUNTY OF LOS ANGELES

By _____
Chairperson, Board of Supervisors

ATTEST:

VIOLET VARONA-LUKENS
Executive Officer-
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By _____
Deputy

ATTACHMENT B

Marina del Rey
CONVENTION & VISITORS BUREAU
CALIFORNIA

Marina del Rey Convention & Visitors Bureau

2003
WORK PLAN

Marina del Rey Convention & Visitors Bureau

2003

WORK PLAN

Mission Statement

Marina del Rey
Convention & Visitors Bureau
works to increase visitor expenditures, tourism revenues, local tax receipts and employment through promotion of the area as a travel destination.

Visitors Bureau History

Marina del Rey Convention & Visitors Bureau, Inc. is a private, 501c (6) non-profit corporation formed in November, 2000 through the joint efforts of the Los Angeles County Department of Beaches & Harbors and six hotels located in Marina del Rey. The Bureau hired its first Executive Director in March 2001, and began formal operations at that time.

Role of the Visitors Bureau

The Bureau is the official tourism development agency for the Marina del Rey area, and is the focal point of leadership for the area's tourism industry. The Bureau serves as an umbrella organization that represents the community in the solicitation and servicing of travelers to Marina del Rey.

MdR CVB is the information and communications center for visitors, prospective visitors, travel media and the travel industry. It works to enhance the image of Marina del Rey, coordinates its hospitality resources, and generates interest in Marina del Rey through the travel and convention industries. By working closely with meeting planners, travel agents, tour operators and the travel media, the Bureau helps boost the local economy through increased visitor spending.

The Bureau advises local government in the improvements of local facilities, services and attractions, and works with local leaders in carrying out the community's economic development goals. The Bureau provides hands-on technical assistance to local businesses, and educates the community on the economic and social implications of a healthy tourism environment.

Funding & Governance

The Visitors Bureau is funded by a volunteer self-imposed assessment of a portion of hotel room revenues contributed from six Marina del Rey hotels located in the unincorporated area of Los Angeles County, and by a grant from the County of Los Angeles through the Department of Beaches and Harbors.

MdR CVB is governed by an 11-member Board of Directors composed of business, community and governmental leaders.

Formal Name:	Marina del Rey Convention & Visitors Bureau
Address:	4701 Admiralty Way Marina del Rey, California 90292
President:	Susan Reardon
Type of Organization:	501 (c) 6 private, non-profit corporation
Governance:	11-member Board of Directors

Bureau Objectives

- Build effective awareness of Marina del Rey as an attractive and unique travel destination
- Expand Marina del Rey's ability to compete in the travel marketplace for meetings and conferences
- Expand consumer and travel industry awareness of Marina del Rey as a leisure, business travel and meetings destination
- Build efficient information distribution networks for visitor, trade and media inquiries

MdR CVB Achievements 2002

Press and Publicity Efforts

Media kit developed, including four fact sheets, background features and new photography library on Marina del Rey; nine news releases distributed; newsletter exclusively for travel media developed on Marina del Rey.

Inclusion for the first time in all State of California tourism publications, with over 1 million pieces distributed.

22 travel media hosted on familiarization tours to Marina del Rey.

47 placements in newspapers, magazines and TV generated, reaching over 9.5 million readers (potential visitors) including:

- *LA Times Weekend Escape* column featured Marina del Rey in a ½ page article on the destination in late July.
- *Yachting* Magazine named Marina del Rey as one of top 10 Marinas in North America as a result of a CVB- hosted visit in June.
- *CNN Headline News* featured Marina del Rey as part of their "Summer Weekend Escapes" series.

Hotel Promotions

Conducted first collaborative off-season campaign with six local hotels for special holiday hotel promotion extending into 2002, targeting visiting friends and relatives, generating 612 room nights.

Coordinated local participation with all six local hotels in off-season LACVB promotion. 428 room nights were booked in conjunction with that promotion. In addition, Marina del Rey publicity coverage in major newspapers, exceeded 2 million readers.

"You Are Here" Bulletin Boards

"You Are Here" four-color locator maps were designed to help visitors and installed on public bulletin boards throughout the marina. Includes all hotel and restaurant locations in addition to local attractions and landmarks.

Travel Industry Sales

Travel Industry Sales Kit published including full-color destination overview geared to group planners coupled with sales sheets for each hotel in Marina del Rey.

Group Dining Directory created to promote group capability of local hotels, restaurants and cruise companies

Exhibited as a destination for the first time at five travel industry tradeshows in 2002, with hotel sales staff joining a destination booth for the first time, including:

- California Travel Market (foreign tour operators)
- Affordable Meetings West
- Destinations Showcase
- Southern California Meeting Planners International
- Affordable Meetings National

Prepared direct mailings to over 8,000 pre-registered planners to boost booth attendance in advance of all tradeshows.

Web Site Development

A preliminary web site was established on www.VisitTheMarina.com. which has generated over 260,000 hits and 47,000 unique visitors.

Visitor Information Center

Total reorganization of visitor center services and available handouts, tripling available information.

Aggressive marketing of center services, which gnerated significiant increase in visitation to the center. Year to date (through October 31, 2002) inquiries total 12,960, compared to 6,043 in 2001, a 114% increase, despite area wide decreases in tourism.

Implemented on-going training programs for visitor center staff.

Visitor Publications

Corporate logo was developed for the Visitors Bureau to be used in all printed materials and promotional programs for the industry.

75,000 new visitors map and guide to the Marina distributed at over 100 locations including all California State Welcome Centers.

Handouts for visitors have been developed andare being distributed on:

- Marina del Rey Hotels
- Los Angeles County Beaches

- Private Charters in the Marina
- Public Boat Tours, Rentals and Excursions
- Marina del Rey Calendar of Events
- Restaurants in Marina del Rey

Advertising

From May through September 2002, the bureau launched its first travel trade campaign geared to meeting planners. Titled, "When Your Next Meeting Needs More than One Point of View", the ads featured Fisherman's Village, Luxury Yachts, and Outdoor Dining..Exposure on this campaign totaled over 125,000 impressions.

In July, 2002, inserted "Helmsman Group Sales Guide" brochure into "Association News" magazine to over 3,000 meeting planners in California and Arizona. The editorial in the publication included strong feature on Marina del Rey.

Placed consumer destination ads in State of California Official Tourism Guide and LA Inc (LACVB) publications.

Community & Industry Relations

Provide monthly updates to the Small Craft Harbor Commission.

Provide monthly update to Harbor Committee of Chamber of Commerce

Appointed ex-officio director of Chamber of Commerce and provide monthly update.

Participation in Trade & Tourism Committee of Chamber of Commerce

Hosted Marina del Rey Visitors Booth at the In Water Boat Show. 700 people stopped by the booth.

Hosted meeting for commercial boating companies operating in the marina to create a networking opportunity, educate them on the role of the Visitors Bureau, and collect resource information on their company's services.

Executive Director actively participates as a member of the Board of Directors of the California Travel Industry Association, the strongest and most influential travel industry coalition in California.

Executive Director serves as a member of the Marketing Advisory Committee for the California State Tourism Office.

Market Conditions and Issues Affecting Marina del Rey Tourism

The terrorist attacks and downturn in the economy continue to impact travel and tourism for California destinations, including LA and Southern California.

According to an economic impact study by CIC Research of Santa Diego, year-end 2002 will show little improvement in visitation from 2001 levels in Los Angeles. Total overnight visitors and total visitor spending are forecast to decline between 2001 and year-end 2002. According to this study, domestic spending is expected to decline 0.6% in 2002, but greater declines of almost nearly 9%, are expected in international travel marketplace, on which Los Angeles and West side destinations depend. For the year 2002 through September, average LA area hotel occupancy has hovered around 67%, or nearly 6% below the January through September 2001 reporting period. Traffic at Los Angeles International Airport is off nearly 14% for the same period, and consumer confidence has fallen to the lowest point since 1993.

PKF Consulting of Los Angeles sees little improvement for LA's lodging industry in 2003. The forecasts reflect the slower-than-expected recovery of business travel, international visitation, and like other major convention destinations, a slowdown in convention bookings and increased attrition in meeting and convention attendees. PKF is forecast more or less a flat year for Los Angeles tourism in 2003. Downtown LA hotel occupancy is expected to continue to decline

Tourism in Marina del Rey has also been affected by 9/11 and downturns in the economy. Heavily dependent upon Westside-bound business travelers for tourism revenues, hotels and local restaurants continue to report decreases in revenues and occupancy. Nevertheless, average hotel occupancy in the community remains above the average for LA County at 73.7% through September.

Recognizing the state of affairs for tourism, the CVB has redirected its 2003 promotional outreach to include additional regional programs to consumers in Southern California, as well as increased outreach to the California meetings market. These strategies and opportunities are included in more detail in the attached work plan.

Destination Assets

- ✓ Water-front visitor facilities
- ✓ Convenience to LAX and area freeways
- ✓ Easy access to Westside LA
- ✓ On-the-water activities unique in LA
- ✓ Variety of restaurants suited for groups
- ✓ Safe and friendly community

Destination Liabilities

- ❖ Lack of a sense of place to the community
- ❖ Out-dated services and facilities
- ❖ Lack of reinvestment in community
- ❖ Limited variety of things to do for visitors
- ❖ Lack of pedestrian orientation
- ❖ Limited shopping of interest to visitors

Marketing Challenges

- Low awareness of destination
- Disparity in hotel product
- Perception of run-down facilities
- Post-9/11 fear of travel and threat of war
- Disparity between high-end hotel inventory and local visitor attractions
- Declining business and international travel

Marketing Opportunities

- Increased potential for regional leisure travel
- Boast competitive accommodations pricing
- Capitalize on Marina del Rey's convenient location
- Only West LA destination with recreational boating
- Emphasize predominance of water-front assets
- Leverage nearby attractions to enhance appeal and consider co-op with CVBs
- Focus on attractive rates in California markets

Visitors Bureau Program Areas

- **Travel Industry Sales** - tradeshow participation, travel trade advertising, sales calls, familiarization tours, group sales efforts, direct mail marketing;

- **Visitor Information Services** – services to visitors already in the community, including brochures, maps and tools to assist them in visiting the community; management of Visitor Info Center;

- **Media Relations** – outreach to generate coverage of Marina del Rey in travel print and broadcast media, news releases, travel writer tours, photography library development, travel guide and directory updates, special events promotion;

- **Visitor Marketing & Promotion** – cooperative promotions, advertising, website development, hospitality training, brochure and promotional material development to attract new visitors from outside the community;

- **Market Intelligence** – tracking of tourism revenues; identification of traveler behavior patterns, characteristics and demographics;

- **Local Services & Facilities** – working to encourage improvements in local tourist services and facilities

- **Community Relations** – keeping community informed of bureau activities, be sensitive to concerns of local residents; educate residents about tourism.

Travel Industry Sales

- Travel Industry Tradeshows

North California Meeting Planners	San Francisco	Feb
Sou. California Meeting Planners	Los Angeles	Mar
Affordable Meetings West	San Jose	Jun
SCCMPI – CVB Showcase	Los Angeles	Jul
MPI – WEC	San Francisco	Aug
Affordable Meetings National	Wash DC	Sep
Meetings Quest	Orange Cty	Dec

- Travel Trade Advertising

"Meetings in The West"	Feb, Mar, Apr, Aug, Sep, Oct
"NCCMPI"	Feb, Mar, Apr, Aug, Sep, Oct
"SCCMPI"	Feb, Mar, Apr, Aug, Sep, Oct
"Meeting News"	TBD

- Direct Mail To the Travel Trade

  Direct mail campaigns will be targeted to specific trade groups, associations, and pre-registered travel planners prior to each tradeshow in which the bureau will participate in 2003.

- Sales Database

  The Bureau's in-house sales database needs to undergo extensive re-programming to allow effective utilization of the software for sales purposes and reporting.

- Site Inspections and Familiarization Tours

  Upon request, we will conduct site inspection tours for meeting planners, tour operators and travel agents.

- Publications

  Revise and reprint Sales Brochures including hotel sales sheets, group sales brochure and event sites resource information.

Visitor Information Services

- Initiate regular Visitor Center staff training:
  - Feb — Local Restaurants
  - Apr — Commercial Boating Companies
  - Jun — Local Restaurants
  - Oct — Wedding Sites
  - Dec — Local Hotels

- Initiate annual educational tour for front line employees of local hotels

- Develop on-going Calendar of Events fax system for local area concierges

- Facilitate County construction of five new community bulletin boards in tourist areas.
  - Admiralty Park
  - Washington Blvd near Venice Beach
  - Fisherman's Village
  - South Jetty near Bike Path
  - North Jetty near Austin Park

- Reprint and install "You Are Here" posters

- Conduct Annual Review of Info Center operations

- Conduct Annual Review of Bureau publication distribution system

Media Relations & Publicity

- Press Release Schedule
  - Wind & Wine Off Season Promotion
  - Memorable "At Land & At Sea" – Social Celebrations
  - Sail into Spring – sampling of West LA Recreational Activities
  - Summer Salute to Seasonal Seafood
  - Five Best Places to View A Sunset
  - Sultry Summer Nights - Music
  - Holiday Homecoming Promotion

- Photography Library Expansion
  - Live entertainment w/picnic in Chace Park
  - Alfresco Dining Shot
  - Restaurant shot with people and music
  - Exterior hotel shots
  - Family learning to sail
  - Meetings in the Marina (seminars at sea)
  - Holiday Boat Parade

- Promotional Package Publicity
  - Wind & Wine – Jan – Mar 2003
  - Holiday Homecoming Promotion Nov 2003

- "Fresh Air" Newsletter to the Media
  - Spring 2003: Seasonal Celebrations/Picnics/Entertainment
  - Fall 2003: Holiday Packages/Promotions/Boat Parade

- The Press Room – Website Media Section

Develop a For the Media section to the expanded Bureau website.

- CVB-Hosted Travel Writer Tours
  - Goal of 20 individual journalists
  - Six journalists for sailing group press trip
- Media Market Tours
  - Spring 2003 – Western US: Palm Springs, Las Vegas, Phoenix, Scottsdale
- B Roll Video Development
  - Waterfront dining and dusk
  - Cycling
  - Sailing/Yachting
  - Picnic and Burton Chace Park
  - Venice Beach/Muscle Beach
  - Abbott Kinney Boulevard
  - Nightlife
  - Sunset Shots

Visitor Marketing & Promotion

- Launch expanded, comprehensive destination website for Marina del Rey:
  - Accommodations
  - Dining and Entertainment
  - Things to See and Do
  - Calendar of Events
  - Transportation
  - Local Community Information
  - For the Media
  - Meetings & Groups
  - About Us

- Develop marketing strategy for the new website, optimizing search engine registrations, travel industry links, and research promotional opportunities with top travel sites.

- Launch late winter/early spring 2003 off-season promotion January through March to increase hotel occupancy from drive-in markets within three-hours drive of Marina del Rey

- Launch Holiday Homecoming hotel promotion from November through January to increase hotel occupancy from local and regional areas targeting visiting friends and relatives' market.

- Develop new advertising concept for domestic and trade destination awareness advertising

- Research expanded destination awareness consumer advertising:
  - LACVB's "LA Now"
  - Sunset Magazine
  - National Geo Traveler
  - Travel & Leisure
  - Travel Holiday
  - CALTOUR Official State Tourism Guide
  - "Where" Magazine – Restaurant Coop
  - Westchester/LAX/Marina del Rey Chamber of Commerce

- Publish Marina del Rey Harbor Directory supported by advertising.

- Revise and enhance Marina del Rey Visitors Map & Guide.

- Collaborate and support LA County Department of Beaches & Harbors in development of a sponsor-supported Restaurant Guide and new South Bay Map Trail Guide.

Market Intelligence

- Continue to monitor monthly transient occupancy tax revenues Marina del Rey hotels through LA County data.

- Monitor Marina del Rey and Southern California monthly hotel occupancy through PKF Consulting

- Study feasibility of developing a model to determine visitor behavior, origins and spending of Marina del Rey visitors

Local Services & Facilities

- Collaborate with County officials, local businesses and governing commissions to heighten awareness of need to improve maintenance and appearance of Marina del Rey as a visitor attraction.

- Cooperate with government and business leaders to stimulate forward progress on

  - Waterfront walk designation and demarkation
  - Admiralty Way improvements
  - Mother's Beach improvements
  - Support community water taxi system
  - Encourage bike trail improvements
  - Improve local wayfinding signage
  - Encourage attractive portals to community
  - Houseboat regulation complaince

Community Relations

- Make speeches and personal appearances before local organizations to discuss Marina del Rey's role in tourism, solicit input, and provide updates on bureau activities.

- Publish periodic newsletter to inform local business, government and community leaders on bureau programs.

- Provide monthly verbal reports to members of the Los Angeles County Small Crafts Harbor Commission.

- Initiate outreach to local representatives of state and national elected officials to educate them about the role of the CVB and tourism in our community.

- Communicate regularly with members of the local media to keep them aware of tourism promotion activities.

- Collaborate and support the activities of the local Chamber of Commerce in support of tourism

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

October 2, 2003

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: AGENDA ITEM 5b – AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF THE DEPARTMENT OF BEACHES AND HARBORS TO ENTER INTO EXCLUSIVE NEGOTIATIONS WITH ALMAR MANAGEMENT/PACIFIC MARINA DEVELOPMENT FOR AN OPTION AND LONG-TERM LEASE FOR DEVELOPMENT OF PARCELS 52R AND GG – MARINA DEL REY

Item 5b on your agenda relates to proposals received in response to a Request for Proposals (RFP) for development of a dry stack boat storage facility to be located on Parcels 52R and GG in the Marina. We are requesting authorization to enter into exclusive negotiations with the recommended developer.

The attached Board letter and evaluation committee report contain details regarding the proposed development project and the selection process. Your Commission's endorsement of our recommendation to the Board of Supervisors, as contained in the attached letter, is requested.

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

SW:SI

Attachments

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

September 30, 2003

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:

AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF THE DEPARTMENT OF BEACHES AND HARBORS TO ENTER INTO EXCLUSIVE NEGOTIATIONS WITH ALMAR MANAGEMENT/PACIFIC MARINA DEVELOPMENT FOR AN OPTION AND LONG-TERM LEASE FOR DEVELOPMENT OF PARCELS 52R AND GG - MARINA DEL REY
(4th DISTRICT)
(3 VOTES)

JOINT RECOMMENDATION WITH THE CHIEF ADMINISTRATIVE OFFICER THAT YOUR BOARD:

1. Find that the proposed exclusive negotiations are categorically exempt under the California Environmental Quality Act pursuant to class 1(r) and 4(j) of the County's Environmental Document Reporting Procedures and Guidelines.

2. Authorize the Chief Administrative Officer ("CAO") and Director of the Department of Beaches and Harbors ("Director") to proceed with exclusive negotiations with Almar Management/Pacific Marina Development for development of Parcels 52R and GG in Marina del Rey.

PURPOSE AND JUSTIFICATION OF RECOMMENDED ACTION

Pursuant to your Board's authorization, the Department issued a Request for Proposals (RFP) for development of Marina del Rey Parcels 52R and GG. The solicitation requested proposals to provide for replacement, expansion and enhancement of boat storage and small boat repair facilities now located on Parcel 77W which, along with a portion of Parcel 44U, is slated for County acquisition in connection with expanded park, recreational boating

and visitor-serving development. The RFP solicited proposals from parties for new dry boat storage and allied uses, including mast-up storage, boat wash down facilities, small boat repair facilities, as well as replacement of the existing Sheriff's boatwright facility and the maintenance dock situated on Parcel GG. The RFP also provided the opportunity for a combined project that could include parcels adjacent to or near the proposed project site, so long as such proposals demonstrated control of any such adjacent parcel. Three proposals were received prior to the submission deadline and evaluated by a committee formed for the purpose of reviewing the proposals (Evaluation Committee). Approval of this item by your Board would authorize the CAO and Director to proceed with exclusive negotiations with the highest ranked proposer, Almar Management/Pacific Marina Development (Almar), for a long term lease and development of Parcels 52R and GG.

Implementation of Strategic Plan Goals

In furtherance of County Goal #4, "Fiscal Responsibility," the recommended action will allow the Department to implement that portion of its Strategic Plan that enhances strategic partnerships with existing and prospective lessees through proactive implementation of the Marina del Rey Asset Management Strategy toward both revenue maximization and property development. Implementation of these goals will be accomplished in conjunction with architectural and urban planning guidelines that ensure the integration and aesthetics of the Marina's redevelopment while achieving fair market returns from County property.

FISCAL IMPACT/FINANCING

The recommended Almar proposal offers improved County lease revenue on each of the parcels to be redeveloped. Existing income to the County from parcel 52R, largely utilized for auxiliary parking, was approximately $20,250 for fiscal year 2002/2003. County-operated Parcel GG is currently used for administrative offices by the Department, and includes one of the County's maintenance facilities, temporary office trailers, the County Sheriff's boatwright shop and related dock space as well as a Sheriff's auto servicing/repair facility, and provides no current County income. The Department will be responsible for relocating its administrative and maintenance facilities while the Sheriff will be responsible for relocating its auto servicing/repair facility. The Sheriff's boatwright facility and the maintenance dock will be retained and rebuilt by Almar as part of the proposed project. Income to the County after completion of construction and stabilization of the proposed project is projected to increase to approximately $292,000 annually, an approximate $272,000 annual increase.

If negotiations are authorized, the County will incur costs for economic and legal consultants utilized in the negotiations and preparation of documents for the proposed project.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Three proposals were received prior to the RFP due date and reviewed by the Evaluation Committee appointed by the Director. A fourth proposal was rejected due to late and incomplete filing. The committee was composed of Richard Volpert, Esq. the County's chief negotiator, Robert Wetmore, one of the Department's economic advisors, Richard Orne, one of the Department's design consultants, and Cheryl Fuerth of the Chief Administrative Office's Asset Management Division.

The three proposals received and evaluated were provided by Almar, The KOR Realty Group (KOR) and Waterfront Investors, LLC (Waterfront). The Evaluation Committee reviewed each proposal and conducted interviews with the proposers, after which it scored and ranked each proposal and presented its recommendation to the Director.

All three proposals were judged by the Evaluation Committee to have been submitted by well qualified respondents and met the base RFP criteria. However in each of the RFP judging criteria - a) revenue enhancement; b) project implementability ; c) implementation of Asset Management Strategy (AMS) concepts relating to design and development and ;d) creativity and Marina upgrade – the Almar proposal received the highest Evaluation Committee scores and was recommended for exclusive negotiations. Details relating to the Evaluation Committee's actions and its assessment and scoring of each proposal are set forth in the Committee's recommendation letter to the Director, attached as Exhibit 1.

The recommended project proposed by Almar calls for the two-phase development of two dry stack storage buildings, with the buildings designed to extend over portions of the leasehold water area, creating additional space for parking, boat dry stack and mast-up storage. The buildings contain space totaling 55,880 sq. ft. (361 dry stack boat storage spaces and space for an additional 19 vessels within the building space to allow the queuing, launching, retrieval and servicing of boats; two overhead six-ton capacity cranes; a 1,600 sq. ft. small boat maintenance and repair facility; lobby and office); a staging area for 31 vessels; 1,250 lineal feet of docking facilities; an ADA compliant boat ramp; 32 mast-up sailboat surface storage spaces; 3 double-spaced public wash-down facilities; 148 parking spaces; a 28 foot pedestrian promenade; a five-ton capacity boat launch hoist and a separate building containing a 6,000 sq. ft. Sheriff's boatwright shop;.

The two-building design allows for maximized view corridors to the water from the street side of the project and utilizes overhead cranes, rather than forklift apparatus, to store, retrieve and launch boats, resulting in a more space-efficient operation that maximizes the storage and facility capacity.

Regulatory Amendments Required

This proposed project will require an amendment to the Marina del Rey Local Coastal Program ("LCP"), approved by the California Coastal Commission in 1996, in that the LCP

designates Parcel 52R and GG for Public Facility and Water development. The proposed development will involve a change in zoning to Marine Commercial with a Waterfront Overlay Zone designation to accommodate the proposed project.

The Small Craft Harbor Commission, at its meeting held on September ___, 2003, _____ the Director's recommendation to your Board to authorize exclusive negotiations.

ENVIRONMENTAL DOCUMENTATION

Approval of the proposed exclusive negotiations is categorically exempt under the California Environmental Quality Act pursuant to class 1(r) and 4(j) of the County's Environmental Document Reporting Procedures and Guidelines. Development of the proposed dry stack boat storage and improvements will require the issuance of various land use entitlements, including coastal development permits and LCP amendments. A full environmental review will be conducted as part of the land-use entitlement process. The issuance of permits authorizing any of the proposed construction will be contingent upon completion of the land use entitlement and/or environmental review process. Exercise of any option for a long term lease approved by your Board as a result of the exclusive negotiations recommended by this letter will be contingent upon the successful completion of these regulatory processes.

IMPACT ON CURRENT SERVICES OR PROJECTS

Parcels 52R & GG contain approximately 3.09 acres of land area and 1.16 acres of water area and includes 400 feet of water frontage. County-operated Parcel GG is currently used for administrative offices by the Department, as a County maintenance facility which also houses the Sheriff's boatwright shop and County maintenance dock. Parcel 52R is currently used a pick-up and drop-off area for charter boat operations and for public parking. The County will assume responsibility for the relocation of its administrative and maintenance offices located on Parcel GG while replacement facilities for the Sheriff's boatwright operation and the County maintenance dock will be relocated on-site as part of the proposed project. The current public parking and charter boat pick-up activities of parcel 52R will be moved to Parcels 55, 56 and W as part of a proposed new project at that venue. Following completion of the proposed development for Parcels 52R and GG, the lessee will be responsible for providing parking for its own on-site uses.

CONCLUSION

Find that the proposed negotiations are categorically exempt under class 1(r) of the County's Environmental Document Reporting Procedures and Guidelines and authorize the CAO and Director to proceed with exclusive negotiations for a long term ground lease to develop, construct and operate the dry stack boat storage at Boat Central on parcels 52R and GG in Marina del Rey and forward one adopted copy of this Board letter to the Department of Beaches and Harbors.

Respectfully submitted,

Stan Wisniewski
Director

David E. Janssen
Chief Administrative Officer

SW:RM:AK:SI

Attachments (1)

c: Executive Officer, Board of Supervisors
County Counsel

EXHIBIT 1

MEMORANDUM

To: Stan Wisniewski, Director
Department of Beaches and Harbors
County of Los Angeles

From: Boat Central RFP Evaluation Committee

Subject: Evaluation of Responses to *Request for Proposals for Development of Boat Storage Facilities on Parcels 52R and GG*

Date: September 30, 2003

Introduction

The Boat Central Evaluation Committee (the "Committee") was formed to evaluate submittals received in response to the *Request for Proposals for Development of Boat Storage Facilities on Parcels 52R and GG* (RFP). This solicitation was approved by the Board of Supervisors and issued by the Department of Beaches and Harbors (the "Department") on April 1, 2003.

The primary stated objective of the RFP is development of boat storage facilities incorporating boater-friendly, waterfront-oriented design. Additional stated aims of the RFP include development of other boater/coastal dependent uses that will encourage recreational boating, and visitation and use of the Marina's retail, restaurants and public facilities in the vicinity.

The RFP also required the proposer to provide facilities on the RFP parcels that include: 32 sailboat mast up storage spaces and a launching hoist; short-term dock queuing space; a small boat repair operation; boat wash down facilities; a Sheriff's boatwright shop and related dock space for both the Sheriff and the Department's maintenance craft.

Evaluation Process and Methodology

The Department received a total of three (3) submissions by the June 30, 2003 deadline. One (1) late and incomplete submission was also received on July 1, 2003, and was therefore rejected.

The proposals were evaluated by the Committee which is comprised of four members: Richard Volpert, Esq. of Munger, Tolles & Olson, the Department's chief negotiator; Bob Wetmore of Keyser Marston Associates, Inc. one of the Department's economic consultants; Richard Orne of Orne Associates, one of the Department's design consultants; and Cheryl Fuerth of the Chief Administrative Office's Asset Management Division. The Committee's charge was to judge competing proposals and to make a recommendation to the Director as to which proposal should be considered for exclusive negotiations with the County for construction of the proposed project.

The Committee evaluated and scored each proposal on a competitive basis. Proposals were judged on their relative revenue enhancement, the likelihood that the project would be implemented,

conformance of the project with the Marina del Rey Asset Management Strategy ("AMS"), and the overall creativity of the project. A summary of the Committee's Evaluation Criteria is set forth in Table One below.

Table One
Evaluation Criteria

Purpose: The Development of Boat Storage Facilities Incorporating Boater-Friendly, Waterfront-Oriented Design.

- Revenue Enhancement
- Project Implementability
- Implementation of AMS
- Creativity and Marina Upgrade

The Committee met on three separate occasions to analyze the proposals and to consider potential policy considerations relating to each individual submission. Each of the respondents was also interviewed by the Committee. The information evaluated includes project specifics, such as the number of dry boat storage spaces proposed, the overall cost of the project, the proposed annual rent to the County, and design factors. Each of the proposals was scored on the basis of the above criteria.

Results of Evaluation

Proposals were received from Almar Management, Inc./Pacific Marina Development, Inc. (Almar), KOR Realty Group (KOR), and Waterfront Investors, LLC/Bellport Group (Waterfront). Each proposal was evaluated and scored by the Committee. The Committee recommends that the County pursue exclusive negotiations for the RFP project with Almar.

Each of the timely submitted proposals received in response to the RFP were from well qualified respondents and each met the base criteria of providing at least the minimum number of dry storage and mast-up spaces plus other required facilities. While the proposals submitted by the other two proposers, KOR and Waterfront, also met the requirements and major goals of the RFP in overall terms, the Almar proposal was judged superior in all of the evaluation criteria categories. The Almar proposal maximizes the site's buildable area with a design for a storage structure partially built over the water. This design concept results in a larger capacity project and eliminates the need for expensive structured parking. The following table summarizes the average numeric scores of the three proposals.

Table Two
Summary of Scores

Respondent	Recommended for Exclusive Negotiations	Score
Almar Management/PMD	Yes	91
Boat Yard/KOR Realty	No	86
Waterfront Investors	No	56

Discussion

Almar Management/Pacific Marina Development, Inc.

The Almar project is proposed as a partially over water, two-building (55,880 total square feet), two-phase development, with construction of the second phase to commence upon achieving 60% occupancy of phase one, and will accommodate 361 dry stack spaces, 32 mast-up spaces, staging area for 31 boats, 1,250 lineal feet of dock, and 148 parking spaces along with additional RFP required elements.

This project yields the highest potential ground rent to the County, and although the Committee recognizes the potential complexity of a phased approach and recommends that the phasing be allowed only on condition that firm construction and completion dates for the second phase of the project be contractually required, the Committee believes this project has the ability to generate the highest revenue of the three proposals submitted. The over water design frees additional landside area and eliminates the need for a parking structure. The design of on-site parking that is set slightly below grade acts to enhance the view corridors of the water from the adjacent Fiji Way, allowing views from the street less obstructed by parked cars. The economic projections appear realistic for the proposed project and, based on the demonstrated demand at other Southern California dry stack storage sites, the proposed rates seem achievable if properly marketed.

Almar's submittal of a two-building, partially over-water design presents a unique and efficient design as well as a striking architectural statement that upgrades and enhances the value of the RFP site. The building shell is proposed as a low maintenance, translucent outer covering that presents a luminous night-time surface. While the Committee appreciates that the proposed design is aggressive and acknowledges that placing part of a building over the water may present regulatory challenges, this design has many demonstrated positive characteristics and our planners have not identified factors that place this plan in contradiction to regulatory requirements. The two building configuration maximizes view corridors and the Committee is also satisfied that there are no significant wind-shadow or navigational obstacles presented by the design. The use of overhead cranes to move and place boats in the water results in a higher speed, more space efficient launch and retrieval system and further allows for increased site capacity. Almar appears to have a strong

commitment to the project as they propose a 40% equity participation. In addition to their design and construction experience, Almar has extensive Marina experience, currently operating numerous marina facilities in California and throughout the U.S.

The Committee was particularly impressed by the depth and expertise of the project team, virtually all of whom have long and direct experience in the development, construction and operation of marina facilities and particular experience in dry-stack design, construction and operation. As a result, the Almar proposal was ranked first among all proposals in each criterion.

KOR Realty Group

The KOR project presents a combined proposal, utilizing the adjacent Parcel 53 controlled by the lessee-proposer. The project proposed is a single, 5-story storage building (42,000 total square feet), that will accommodate 285 dry stack spaces, 30 mast-up spaces, staging area for 19 boats, and 162 parking spaces along with additional RFP requirements.

The Committee was impressed with the financial strength and project management capabilities of KOR. However, although KOR has strong Marine experience (it owns and operates the adjacent Parcel 53-Boat Yard), KOR did not demonstrate dry-stack operation experience nor the depth of experience and expertise shown by the higher ranked Almar proposal. The design, although utilizing a larger footprint combining the RFP parcels and Parcel 53, provides somewhat lesser boat storage capacity and consequent lower revenue. KOR's well thought out marketing plan indicates an aggressive pursuit of boaters, utilizing their marketing experience from other arenas (e.g. hotel and apartment operations).

However, KOR's percentage rent proposal was lower than Almar's and, combined with fewer stacked storage spaces, would yield less revenue to the County. Further, the Committee's analysis indicated that there appear to be good prospects that the increase in revenue generation and, hence, County rent projected by the KOR combined proposal for Parcels 53 and the RFP parcels could largely or entirely be accomplished without KOR's proposed development of the stacked storage facility, since much of the projected additional revenue is attributable to proposed added retail sales that could be accommodated on its existing Parcel 53 leasehold. The dry-stacking operation itself, as opposed to the overall rent proposed to be derived from the combined proposal for Parcels 52/GG/53, does not yield sufficiently attractive additional revenue over that derived from the currently existing operations at the adjacent parcel (Parcel 53) without the stacking operation and is therefore less attractive than the competing Almar proposal. The proposal also offered no extension fee for the requested extension of the Parcel 53 lease term, and overall, this proposal fails to meet the County's revenue enhancement expectations.

The Committee was favorably impressed by the overall planning and thought that was evident in the placement of the various project elements and the concept, largely rendered possible by the lessee's existing adjacent boating operations, of one-stop service for a variety of boater needs. However, the financial, direct experience and overall design factors demonstrated by the higher-ranked Almar proposal were judged to outweigh these attractive KOR project features.

Waterfront Investors, LLC/Bellport Group

The Waterfront project proposes a single storage building (42,000 total square feet), that will accommodate 288 dry stack spaces, 23 mast-up spaces, 15,600 square foot staging area, and 177 parking spaces along with additional RFP requirements.

The Waterfront proposal appears to be backed by adequate financial resources and presents a basic, utilitarian design, using a steel frame structure.. Of the 3 proposals submitted, the Waterfront proposal represents the most basic method of dry boat storage, however less attention appears to have been paid to architectural design and planning. While the design could be expected to function well, it does not present the view corridor enhancement or architectural treatment that are evident in the other proposals.

A significant detriment to the project is the proposed on-site parking structure that both limits capacity and increases project costs. This significant additional parking cost results in a greatly decreased ability to pay County rent and the proposed on-site parking structure also greatly reduces view corridor of the water from Fiji Way. Although the Waterfront team and its principals have many years of solid and proven operating experience as well as demonstrated strong project management capabilities, the configuration of this project is not highly desirable and the constraints imposed by the design render the proposal the least desirable of those submitted.

Despite the fact that the proposed rental rates are set at the higher end of potential market, the proposed County rent is low, given the potential of the parcel. The cost of a two-level parking structure significantly impacts potential revenue to County such that the proposer offers no rent to the County for the first five years of the lease and revenue to County is further limited by the proposer's requirement that additional percentage rent be paid only after computed minimum threshold returns to the proposer. The Waterfront proposal was, therefore, ranked below the others in terms of both design/creativity and revenue and, although scoring well for the demonstrated experience of the development team, not recommended for further negotiations.

Conclusion

During the evaluation process, the Committee was mindful of the primary objective of this RFP: the development of boat storage facilities envisioned as incorporating boater-friendly, waterfront-oriented design. While each of the proposals were from highly qualified respondents and met many of the basic criteria and primary objectives of the RFP, the Committee recommends that the Almar Management/PMD proposal presents the best alternative, in terms of both financial and operational objectives, as well as providing the most visually creative, exciting and innovative proposal offered.

Respectfully submitted by members of the Boat Central Evaluation Committee, as set forth below.

Richard S. Volpert Partner Monger, Tolles & Olson LLP	Bob Wetmore Principal Keyser Marston Associates Inc.

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John S Edmiston for

Cheryl Fuerth
Office of the Chief Administrative Officer
County of Los Angeles

Richard Orne
Principal
Orne Associates

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Office of the Chief Administrative Officer
County of Los Angeles

Richard Orne
Principal
Orne Associates

Los Angeles County
Caring for Your Coast
Beaches & Harbors

To enrich lives through effective and caring service

October 2, 2003

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

SUBJECT: AGENDA ITEM 5c – AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF THE DEPARTMENT OF BEACHES AND HARBORS TO ENTER INTO EXCLUSIVE NEGOTIATIONS FOR LEASE OPTIONS AND LONG-TERM LEASES/LEASE EXTENSIONS FOR THREE DEVELOPMENT PROJECTS ON PARCELS NR/33R, PARCEL IR AND PARCELS GR/22R – MARINA DEL REY

Item 5c on your agenda relates to proposals received in responses to a Request for Proposals (RFP) for development of hotel and other visitor-serving uses at two locations and for hotel/visitor serving or a mixed-use (residential/visitor serving) project at the third location (Parcel NR), all located in the Marina Beach area of Marina del Rey. We are requesting authorization to enter into exclusive negotiations with three selected proposers for projects to be located on Parcels NR/33R, IR and GR/22R, respectively.

The attached Board letter and evaluation committee report contain details regarding the proposed development projects and the selection process. Your Commission's endorsement of our recommendations to the Board of Supervisors, as contained in the attached letter, is requested.

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

SW:RM:TA

Attachments

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

September 30, 2003

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:

AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER AND DIRECTOR OF THE DEPARTMENT OF BEACHES AND HARBORS TO ENTER INTO EXCLUSIVE NEGOTIATIONS FOR LEASE OPTIONS AND LONG-TERM LEASES/LEASE EXTENSIONS FOR THREE DEVELOPMENT PROJECTS ON PARCELS NR/33R, PARCEL IR AND PARCELS GR/22R-MARINA DEL REY
(4TH DISTRICT)
(3 VOTES)

JOINT RECOMMENDATION WITH THE CHIEF ADMINISTRATIVE OFFICER THAT YOUR BOARD:

1. Find that the proposed authorization to enter into exclusive negotiations for lease options and lease extensions 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 Chief Administrative Officer ("CAO") and Director of the Department of Beaches and Harbors ("Director") to proceed with exclusive negotiations with the following proposers:

   a) EMC Investment Company ("EMC") for a mixed-use project including apartments, retail, restaurant and office space on Parcels 33R and NR;

   b) Invest West Financial Corporation/Pacifica Hotel Investors,LLC ("IWP") for development of a hotel on Parcel IR; and

   c) Marina del Rey Promenade, LLC (" MDR") for a proposed project including hotel, retail and restaurant space uses on the specific condition that the proposed project be limited to Parcels 22R and GR only.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Pursuant to your Board's authorization, the Department issued a *Request for Proposals for Development of Hotel and/or Other Uses on Parcels GR, IR and NR in Marina del Rey* (the"RFP"). The RFP solicited proposals from parties interested in new development in Marina del Rey on these County controlled parking lots and also provided the opportunity for projects that combined the offered parcels with adjacent leased parcels, so long as such proposals demonstrated control of any such adjacent parcels. Proposals for resort-themed, visitor–serving uses were encouraged, consistent with the goals of the Marina del Rey Asset Management Strategy ("AMS"). The RFP also required that proposals provide for the full replacement of all public parking now located on the RFP parcels, either on-site or at nearby locations, in order to observe the policy guidelines set forth by the California Coastal Commission and the County Regional Planning Commission. In order to assist proposers in meeting this requirement, the RFP also contained a provision allowing up to 260 parking spaces to be located at Parcel 21, adjacent to Marina Beach, pursuant to an arrangement made with the Parcel 21 lessee (Goldrich & Kest) as part of the negotiation for the extension of the Parcel 21 lease, such spaces to be provided at the per-space development cost of the structured parking to be constructed on Parcel 21. Approval of these items by your Board would authorize the CAO and Director to proceed with exclusive negotiations with the three recommended proposers for development of Parcels NR/33R, IR and GR/22R.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

In the furtherance of County Goal #4, "Fiscal Responsibility," the recommended action will allow the Department to implement that portion of its Strategic Plan that enhances strategic partnerships with existing and prospective lessees through proactive implementation of the Marina del Rey Asset Management Strategy. Implementation of these goals will be accomplished in conjunction with architectural and urban planning guidelines that ensure the integration and aesthetics of the Marina's redevelopment while achieving fair market returns from County property.

FISCAL IMPACT/FINANCING

Each of the three proposals recommended for exclusive negotiation offer improved lease revenue on the parcels to be redeveloped. Current parcel income from proposed project sites and the projected additional income projected to be derived as a result of redevelopment is as follows:

1) Parcels NR/33R: a) Parcel 33R (Harbor House Restaurant) - $122,000 annual rent; b) Parcel NR – approximately $18,000 annual parking revenue. Combined parcels currently yield approximately $140,000 annual County income. The recommended proposal is projected to provide approximately $1,285,000 in

annual County rent at stabilization, an increase of approximately $1,145,000 annually.

2) Parcel IR: Approximately $36,000 annual parking revenue. The recommended proposal is projected to provide approximately $500,000 in annual County rent at stabilization, an increase of approximately $464,000 annually.

3) Parcels GR/22R: a) Parcel GR – approximately $187,000 in annual parking revenue. Parcel 22R – approximately $684,000 in total annual County revenue. The vast majority of income from both parcels is provided by the subtenant Cheesecake Factory Restaurant sublease on Parcel 22R and associated overflow restaurant parking revenue at the adjacent County Parcel GR. As the larger proposed multi-parcel project is recommended to be restricted to Parcels 22R and GR only, it is not possible to accurately project total income from the two parcels as a result of the new project. However the principal County income generator (Cheesecake Factory Restaurant) will remain and the project will also provide expanded specialty retail and/or hotel uses and is, thus, projected to clearly provide higher, although currently undetermined, County income from the two parcels.

If negotiations are authorized, the County will incur costs for economic and legal consultants in the course of negotiation and document preparation for the eventual projects. To the extent that negotiations involve projects that include currently leased parcels for which a lease extension is sought as part of the development plan (i.e., Parcel 33R as part of the EMC Parcels NR/33R proposal, and Parcel 22R as part of the MDR parcels GR/22R proposal) the County will recover a pro rata share of its negotiating costs, pursuant to the Board-adopted lease extension policy for Marina del Rey.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Five proposals were received prior to the RFP due date and reviewed by an evaluation committee ("Committee") appointed by the Director. The Committee was composed of Richard Volpert, Esq., the County's chief property negotiator; James Rabe, one of the Department's economic consultants; Richard Orne, one of the Department's architectural/design consultants and; Cheryl Fuerth of the Chief Administrative Office's Capital Projects/Debt Management Division. The five proposals received and evaluated were provided, respectively, by EMC, IWP, MDR, Camden Development, Inc. and Pacific Properties/Fancher Partners.

The Committee reviewed each proposal and conducted interviews with each proposer team, after which it scored and ranked each proposal and presented its recommendations to the Director. Details relating to the Committee's actions and its assessment and scoring of each proposal are set forth in the Committee's recommendation letter to the Director, attached as Exhibit 1.

The Committee recommended three proposals for exclusive negotiation, with which recommendation I concur. The details regarding the recommended projects are set forth below in the order of the Committee's ranking:

a) EMC: The EMC proposal envisions a mixed-use (residential/retail/restaurant) project including 292 new luxury residential units on upper floors, while proposed ground level facilities would include 22,500 square feet of retail space, 13,200 square feet of restaurant space and 4,700 square feet of lessee office space to serve the residential and retail components - all located on Parcels 33R and NR (the intersection of Palawan and Admiralty Ways). 865 parking spaces will be provided on-site to meet requirements for the proposed apartments, retail, restaurant and office uses, including 191 spaces that replace the number of public parking spaces now existing on Parcel NR. The proposal also includes a publicly accessible observation deck atop the project and promenade treatment along the waterfront portions of the project site. The developer has provided a contract for the purchase of Parcel 33 from the current lessee and a lease extension for Parcel 33R is contemplated to run concurrently with the proposed new lease for Parcel NR. This proposal received the Committee's highest overall ranking.

b) IWP: The IWP project proposes a new 147-room Residence Inn Hotel by Marriott on Parcel IR. The projected facility - a proposed "extended stay" hotel - is to include fully equipped kitchens, outdoor pool and public areas, construction configured as two separate buildings to provide an enhanced view corridor from the Via Marina entry to the water, and a beachfront promenade. Parking for the hotel facility and replacement of some public spaces is provided on-site by a combination of below -grade and surface parking, while the remainder of required public parking replacement spaces (approximately 70) are proposed to be located at Parcel 21, pursuant to the arrangement set forth in the RFP. IWP is the current lessee of the adjacent Parcel 27R (Jamaica Bay Inn) and Marriott Corporation has designated IWP as an approved franchise developer for Marriott hotels, thus providing authority for the proposed Marriott designation. The Committee ranked this proposal second overall among the five proposals received.

c) MDR: The MDR project, as submitted, envisioned development on all offered RFP parcels as well as on Parcel 22R (Foghorn Inn/Cheesecake Factory Restaurant), currently leased to an entity beneficially owned by Chuck McGuire and Bill Arnold, who are also proposed minority beneficial owners of MDR. The submitted proposal envisioned an integrated project for the entire Marina Beach RFP area, including 332 apartments, a 34-room boutique hotel and over 80,00 square feet of specialty retail and restaurant space with approximately 300 parking spaces to be provided on the various project sites. While the Committee felt that the project was somewhat over ambitious and presented potential risks to the County in allowing a single development entity to proceed on multiple and varying projects for the entire Marina Beach area, it was impressed by many of the design components and the demonstrated strength of the

development team. The Committee has therefore recommended exclusive negotiations be pursued with MDR, but limited to development of Parcels 22R and GR only, with projected uses restricted, per the requirements set for the in RFP, to visitor-serving facilities such as the proposed hotel, retail (including specialty and grocery) and restaurant uses. The proposer has indicated its willingness to modify its proposal and the Committee ranked the MDR proposal third overall among the five submitted proposals.

The remaining proposals, submitted by Camden Development and Pacific Properties/Fancher Development, respectively, both sought to utilize Parcel NR for mixed-use projects. While each proposal represented creative and interesting proposed developments by experienced and strong development teams, each scored significantly lower than the recommended EMC project with which they were competing for the use of Parcel NR and were therefore not recommended. More complete details regarding each of the proposals and the relative scoring and ranking of all five submitted proposals is provided in the attached Exhibit 1.

Amendments Needed

The recommended projects would necessitate zoning changes sufficient to require amendment to the LCP as follows:

a) EMC Investments Company. The LCP designates Parcel NR, located in Development Zone (DZ) 5, for parking use while Parcel 33R is designated as visitor-serving/commercial. The proposed development would involve a change in zoning on these parcels to Mixed Use Overlay Zone. The proposed use will also require the transfer of available residential entitlements from nearby DZs to DZ5.

b) Invest West/Pacifica. The LCP designates Parcel IR, located in Development Zone 5, for Parking use. The proposed development would involve a change in zoning on this parcel to Waterfront Overlay Zone.

c) MDR Promenade,LLC. The LCP designates Parcel GR, located in Development Zone 5, for Parking use. The proposed development would involve a change in zoning on this parcel to Waterfront Overlay Zone to accommodate proposed visitor-serving uses. No zoning change would be required for Parcel 22R

ENVIRONMENTAL DOCUMENTATION

Approval of the proposed authorization to enter into exclusive negotiations for lease options and lease extensions is categorically exempt under the California Environmental Quality Act pursuant to class 1(r) of the County's Environmental Document Reporting Procedures and Guidelines. The County, acting through the Regional Planning Commission, has previously approved a mitigated negative declaration for the proposed landside and waterside redevelopment/replacement contemplated to be performed under any restated or new lease.

Development of proposed hotel, visitor-serving commercial and apartment improvements will require the issuance of various land use entitlements, including coastal development permits. In addition, hotel and visitor-serving commercial improvements will require a Local Coastal Plan amendment. Full environmental review will be conducted as part of the land use entitlement process. The issuance of permits authorizing any of the proposed construction will be contingent upon completion of the land use entitlement/ environmental review process. Exercise of any lease option or grant of a new lease or lease extension approved by your Board as a result of the exclusive negotiations recommended by this letter will be contingent upon the successful completion of these regulatory processes.

IMPACT ON CURRENT SERVICES OR PROJECTS

County-owned Parcels GR, IR and NR are all situated on the waterfront and currently serve as public parking lots. While the offered parcels are currently designated as public parking, a significant objective of the AMS is the relocation of such waterfront parking to off-water areas, and/or to provide alternative visitor-serving uses on such parcels that would incorporate such parking. In furtherance of this objective, the RFP contained a provision allowing for up to 260 public parking spaces located on the RFP parcels to be relocated to Parcel 21, the lessee of which has agreed to provide such parking as part of its arrangements for a lease extension for that parcel.

All three recommended proposals referred to herein provide for replacement of the existing public parking spaces which are 264 spaces on Parcel GR, 216 spaces on IR and 191 spaces on NR. Hence, there is no direct impact on County services. However, the County will need to ensure safe and convenient access from Parcel 21 east of the public beach to the area of Marina Beach.

CONCLUSION

Find that the proposed authorization to enter into exclusive negotiations for lease options and long-term leases/lease extensions with the three development proposers referenced herein is categorically exempt under the California Environmental Quality Act pursuant to class 1(r) of the County's Environmental Document Reporting Procedures and Guidelines.

Authorize the Chief Administrative Officer and the Director of the Department of Beaches and Harbors to proceed with exclusive negotiations for lease options and long-term leases/lease extensions to develop, construct and operate the three recommended development projects in the Marina Beach area of Marina del Rey referenced herein and forward an adopted copy of this Board letter to both the Department and the Chief Administrative Office.

Respectfully submitted,

Stan Wisniewski
Director

David E. Janssen
Chief Administrative Officer

SW:RM:AK:TA
Attachments (1)

Exhibit 1: Marina Beach Evaluation Committee Report

c: Executive Officer, Board of Supervisors
County Counsel

EXHIBIT 1

MEMORANDUM

To: Stan Wisniewski, Director
Department of Beaches and Harbors
County of Los Angeles

From: Marina Beach Resort RFP Evaluation Committee

Subject: Evaluation of Responses to *Request for Proposals for Development of Hotel and /or Other Uses on Parcels GR, IR, and NR in Marina del Rey*

Date: October 1, 2003

INTRODUCTION

The Marina Beach Resort Evaluation Committee (Committee) was formed to evaluate submittals received in response to the *Request for Proposals for Development of Hotel and /or Other Uses on Parcels GR, IR, and NR in Marina del Rey* (the "RFP"). These solicitations were approved by the Board of Supervisors and issued by the Department of Beaches and Harbors (the "DBH") on April 29, 2003.

All parcels offered in connection with the RFP are located in a single Development Zone (DZ), DZ5. The RFP area is also subject to the strategic redevelopment plan set forth in the Marina del Rey Asset Management Strategy ("AMS"), adopted by the Board of Supervisors on April 15, 1997. The AMS suggests the Marina Beach area as the second of two areas in the Marina targeted for redevelopment activity anticipated to also generate renewal of other nearby Marina parcels.

While the offered parcels are currently designated as public parking, a significant objective of the AMS is the relocation of such waterfront parking to off-water areas, or to provide alternative visitor-serving uses on such parcels that would incorporate parking. In furtherance of this objective, the RFP contained provision allowing for up to 260 public parking spaces located on the RFP parcels to be relocated to Parcel 21, the lessee of which has agreed to provide such parking as part of its arrangements for a lease extension for that parcel at a cost to proposers equal to such proposers share of the development cost on a per-space basis for the proposed Parcel 21 parking structure. Additionally, it was recognized that each RFP parcel will require an amendment to the Local Coastal Plan ("LCP") allowing for development of the uses proposed. As these proposed uses are largely visitor-serving and thus in conformity with the overall goals of the LCP to provide visitor-serving uses on the waterfront, the Committee was mindful of the proposed uses submitted by proposers and of the necessity to secure Coastal Commission approval for any proposed project. As part of its review, therefore, the Committee considered the likelihood of eventual regulatory approval of proposed project uses and configurations as well as the availability of needed entitlements for development.

The Marina Beach Resort RFP specifically requested visitor-serving proposals, with a lone exception allowing proposals for mixed-use development (residential combined with visitor-serving) on Parcel NR, provided that the residential uses were restricted to the upper floor(s) and a significant component

of visitor-serving uses was placed at ground level. Further, proposals utilizing Parcel IR were required to provide open space on the central portion of the parcel to enhance the view corridor and to add connections to the Marina Beach waterfront by means of a pedestrian access and a waterfront promenade.

The RFP also allowed submission of development proposals for other Marina parcels related by physical proximity for purposes of interconnected use, so long as the proposer could demonstrate control of such adjacent parcels included in its submission. Proposals which included a hotel component were particularly encouraged because the addition of hotel accommodations will serve to enhance the "critical mass" of hotel rooms and provide a dynamic, vital set of land use components on the Marina's west side.

DBH received a total of five (5) submissions from five separate respondents by the August 11, 2003 deadline. The Committee initially reviewed the submissions for conformity with the requirements of the RFP, and then examined the proposals to determine which merited further consideration for exclusive negotiation.

EVALUATION PROCESS AND METHODOLOGY

The proposals were evaluated by the Committee comprised of four members: Richard Volpert, Esq., the County's chief real property negotiator; James Rabe, one of the Department's economic consultants; Richard Orne, one of the County's architectural/design consultants; and Cheryl Fuerth of the Chief Administrative Office Capital Projects/Debt Management Division. The Committee's charge was to rank and recommend proposals to the Director for exclusive negotiations with the County.

The proposals were initially reviewed by the Committee for compliance with the submission requirements. The proposals were then considered, scored and ranked by the Committee according to the evaluation criteria set forth in the RFP, a summary of which is provided below:

Evaluation Criteria

Purpose: Development of new resort-themed, visitor-serving projects incorporating a pedestrian-friendly, waterfront-oriented design.

- Revenue Enhancement
- Implementability
- Implementation of AMS
- Upgrade of east side of Marina
- Creativity

The Committee met on two separate occasions to analyze the proposals and consider policy matters related to submissions. Prior to interviewing the respondents, the Committee distributed a list of general questions to all respondents as well as a list of questions specific to each respondent, to provide an initial basis for proposer interviews and to allow proposers the opportunity to consider a number of the Committee's concerns in advance of the interviews. The Committee then conducted interviews with all five respondents over a two-day period.

SUMMARY OF RECOMMENDATIONS

The Committee recommends two proposals for exclusive negotiations: 1) EMC Investments (Edward Czucker, principal) for development of Parcels 33 and NR and; 2) Invest West/Pacifica (Dale Marquis, principal) for development of Parcel IR.

The Committee also recommends a third proposal, the MDR Promenade (Separzedeh/McGuire/Arnold, principals) proposal for development of Parcels 22R, GR, IR, and NR, for exclusive negotiations on the specific condition that MDR Promenade agree to modify and limit its proposal and negotiations to projects to be sited on Parcels 22R and GR only.

While the Committee is unable to recommend either Camden Development, Inc. ("Camden") or the team of Pacific Properties & Fancher Partners ("Fancher") proposal, the Committee is appreciative of the time and effort expended in responding to the RFP and extends thanks to each of these respondents for their participation in the solicitation process. The Committee suggests that both Camden and Fancher would be positive additions to the roster of Marina lessees and should be encouraged, if opportunities for future Marina development or operations arise, to propose participation in such projects.

RESULTS OF EVALUATION

EMC Investment Company-Parcels 33R and NR

The EMC Investment Company ("EMC") submitted a proposal for a project encompassing Parcel NR as well as the adjacent Parcel 33R (a "Combined Proposal," specifically authorized under the terms of the RFP) on which the proposer holds a contract to purchase.

The conceptual plan calls for 292 luxury residential units including one Penthouse apartment; 22,500 square feet of retail space (including a specialty market use not currently present in the Marina); nearly 13,000 square feet of street level and waterfront restaurants; approximately 4,700 square feet of service commercial space to be utilized as the leasing office for the project residential/retail component and, 865 parking spaces provided on-site. The proposed project also includes a large 5,000 square foot roof top observation deck open to the public seven days a week. The Committee believes that the proposed project design provides significant enhancement of views and connections to the water from surrounding streets as well as a strong visitor-serving component that will meet the goals of the Marina del Rey Local Coastal Plan.

The EMC proposal is projected to provide estimated annual revenue to the County of approximately $1,250,000 at stabilization and contains a combination of visitor-serving uses, residential uses and ample on-site parking for all uses. The proposal would provide the only public access rooftop observatory in the Marina and its use of striking contemporary architecture, combined with panoramic views, would provide a unique and exciting attraction for the Marina Beach area.

The Committee has determined that the EMC development team has the necessary experience, track record and financial resources to successfully design, finance, build, lease and manage the proposed project. The Committee notes that EMC has completed over $750 million in California real estate

development transactions since the company's inception in 1950. EMC also indicates it is currently in discussions with General Growth Properties (NYSE:GGP), the nation's second largest retail shopping mall owner/operator, to master-lease the retail component of the proposed project and has also conducted discussions with a number of proposed retail and restaurant tenants of national standing that have indicated interest in operating within the project.

While the Committee strongly recommends this proposal for exclusive negotiations on Parcels 33R and NR, the Committee suggests that certain elements of the proposed design will require further study. The Committee is primarily concerned with whether the design will comply with the requirement that the proposer provide a 40% view corridor to accommodate the proposed 75-foot building height and whether or not 8 floors and a 75-foot height will be approved. In addition, the impact on design, configuration and operation of the proposed project if the Coastal Commission does not approve the proposed design needs to be considered. In the event that all elements of the proposed design are not allowed due to required expansion of proposed view corridors, EMC has indicated that it is willing to proceed with the project by reducing the proposed number of apartment units and retail space, with a consequent reduction in required parking. *Score: 89.*

Invest West/Pacifica-Parcel IR

The Invest West/ Pacifica ("IWP") proposal envisions an extended stay hotel project for Parcel IR. The principal of IWP is the lessee of the adjacent Marina Parcel 27 – Jamaica Bay Inn. In addition to operating the Best Western Jamaica Bay Inn in the Marina and the Holiday Inn Express on Washington Boulevard adjacent to Marina del Rey, IWP operates a number of other Southern California hotels, including 24 owned hotels, 19 of which it self-manages.

The Committee believes that the IWP proposal for a 147 room "extended stay" Residence Inn Hotel by Marriott meets the overall goals of the RFP. The proposer has already received its approval as a Marriott franchisee. Operation of the hotel is projected to provide approximately $510,000 of ground rent to the County annually at stabilization, while providing the Marina with much needed hotel product in the mid-price range. The proposed design, containing bifurcated buildings to allow for a central view corridor, enhances both the view and pedestrian connections to other Marina locations.

While the Committee recommends this proposal for exclusive negotiations on Parcel IR, the Committee suggests that certain elements of the proposed design will need to be further refined. The proposal offered pockets of surface parking, placed somewhat below grade to provide enhanced view corridors, and offered additional view sight lines. Ingress and egress, however, may need to be further refined (e.g., the Committee questioned the feasibility of placing a second driveway on Admiralty Way as called for in the site plan, and the Committee believes that the projected left turn lane to/from the property requires further consideration in conjunction with traffic planning and the Department of Public Works). Also, the Committee had concerns regarding security associated with the public walkway through the middle of the project. The Committee notes that, as an extended stay product, the proposal does not include any food service or other retail to engage the public, but does provide a needed hotel product and design enhancements that will fit well with other proposed and existing projects in the Marina Beach area. *Score: 84.*

MDR Promenade-Parcels 22R and GR

The MDR Promenade, LLC ("MDR") proposal was submitted by Action Investment Group (Mayer Separzedeh, principal) and William Arnold/ Chuck McGuire, the current lessees of Parcel 22R (Foghorn Inn). This Combined Proposal for Parcels 22R, GR, IR, and NR envisions creation of a "local village" where Marina area residents could live/work in lofts, contains a site plan configured for cycling or walking, and one that would attract visitors with upscale, street-level and boardwalk retail facilities. The plan includes an electric shuttle to be utilized during peak traffic hours to provide mitigation of traffic impacts. The Combined Proposal's site plan for Parcels IR and 22R contains a 34 room "boutique" hotel, 117 dwelling units over retail and restaurant (including retaining a renovated Cheesecake Factory Restaurant), with a below grade parking garage on Parcel 22R and 61 residential units over retail and restaurant with a parking structure on Parcel GR. However, the Committee felt that the proposed 34-room "boutique" hotel on Parcel IR, projected at a cost-per-room basis consistent with high-level quality, was priced at an inappropriately low level, thereby raising a question as to the projected price point/target market level of the hotel component as part of the overall plan. The proposed site plan also includes 83,000 square feet of retail and restaurant including 40,000, 22,000, 18,000, and 3,675 square feet on Parcels 22R, IR, GR, and NR respectively. As submitted, the proposal would provide approximately $1.55 million annually in County rent at stabilization.

The proposer, during its interview, also indicated that the proposed 154-unit apartment complex on NR and other residential components added to the overall design in order to support the economics of the Combined Proposal. However, the RFP was specific in its indication that any residential components of submitted plans be both limited to Parcel NR and supported by a significant visitor-serving component. Obtaining regulatory approval from the Regional Planning Commission and the California Coastal Commission will be required for the change of use envisioned for all RFP parcels and a significant visitor-serving element will, in the estimation of the Committee, be required in all parcel uses. The Committee, therefore, had doubt that all elements of the project as submitted could be approved by regulatory authorities.

As proposed, the building heights of 75 to 95 feet presented a bold and imaginative design concept but as presently configured, do not appear to contain sufficient compensating view corridors. While the Committee appreciates MDR's attempt to enhance the development options by combining all three RFP parcels, we also perceive considerable risk to the County if a single respondent is allowed to develop all three parcels.

The Committee also raised a concern relating to the proposed location of a parking structure along the water frontage facing the channel. The Committee feels that the water views facing north and east, occupied by the proposed parking structure on Parcel GR in the current plan, would be better utilized by restaurant or other visitor-serving retail uses along this water frontage facing the Basin D channel. In addition, the Committee believes that the massing and building heights along Parcel 22R and the west half of Parcel GR should be revised to provide an enhanced view corridor looking east into Basin D.

The Committee recommends an exclusive negotiation with the respondent on the condition that the proposer consents to a revised plan to include only Parcels 22R and GR. The Committee believes that

the requirements of the solicitation and the overall design/use aims envisioned in AMS could be achieved by redeveloping these two parcels in concert, while retaining one of the Marina's most popular and profitable restaurants currently located on Parcel 22R (Cheesecake Factory). The use of GR, a parcel with streetside area largely removed from the waterfront, could provide ample opportunity for parking replacement while freeing the waterside portion of GR and all of Parcel 22R for a combination of hotel, restaurant and retail uses that would be highly complementary to the overall Marina Beach development.

The Committee also believes that the project team would further benefit by addition of a member with experience and expertise in retail development, as the current team member's expertise appears to be largely in the office and hotel development areas. This would further mitigate risk and enhance the ultimate feasibility of the proposal. *Score: 71.*

Camden Development – Parcel NR

Camden Development, Inc. ("Camden") submitted a mixed-use (residential/retail) proposal for Parcel NR. Camden is a multifamily Real Estate Investment Trust (REIT) headquartered in Texas that owns and operates 145 apartment communities nationally, containing a total of 55,000 units. Camden's recent projects include significant multi-family development in Mission Viejo, Long Beach and other southern California venues. As a publicly traded REIT, Camden is able to fully fund its projects via internal equity, and thus presents a proposed project with a high likelihood of obtaining project funding.

The proposal envisions 150 luxury residential units (130 of which are 1 bedroom) in a 3 or 4 story structure with, however, only 5,000 square feet of "resident serving" retail and 150 parking spaces. The proposal would provide $500,000 in annual ground rent to the County at stabilization.

The Committee does not recommend this proposal due to the lack of a significant visitor-serving component as required by the RFP and the lack of a plan to provide replacement parking for the existing 191 public parking spaces. The Committee did, however, appreciate the proposer's willingness to revise its proposal to include such visitor-serving elements and replacement parking as well as its demonstrated abilities and expertise in multi-family developments. The Committee also felt that Camden's presentation and stature as a leading multi-family residential developer should lead the County to encourage this respondent to pursue other purely residential development opportunities in the Marina. *Score: 65.*

Pacific Properties/Fancher Partners – Parcel NR

Pacific Properties and Fancher Partners ("Fancher") submitted a proposal for Parcel NR calling for a total of 106 residential units, 16,000 square feet of restaurant and 2,000 square feet of retail uses. The proposal would provide 333 parking spaces and utilized the off-site parking provided for in the RFP for 191 replacement parking spaces (the RFP indicates that the County has a proposed agreement with the lessee on Parcel 21 to provide land area for the construction of replacement parking by which respondent may offer to pay its pro-rata share of the development cost in lieu of providing such parking on-site).

After the interview, Fancher provided corrected ground rent projections. The revised projections showed County ground rent at stabilization to be $377,000.

Pacific Properties owns 20,000 multifamily units and 2.8 million square feet of retail space. Fancher has 20 years experience in regional mall, power center and lifestyle retail center development and headed the development subsidiary of AMC Theatres, but has not demonstrated particular multi-family development or operational expertise.

The Fancher proposal was not recommended due to its less attractive return to the County and the Committee's preference for the EMC design and configuration, thus resulting in a lower score on the judged criteria. However, the Committee appreciated Fancher's creative design interpretation of the view corridor as provided based upon linear feet along Admiralty Way sidewalk versus linear feet along the water line. The Committee also felt, however, that the proposed parking garage at grade limited pedestrian access, thereby limiting the availability of the promenade for two thirds of the length of the parcel. Further, the Committee preferred joint venture partners with a more extensive track record with this mixed-use real estate product type and with each other. *Score: 62.*

CONCLUSION

Of central importance to the Committee in making its recommendations was the overriding objective of seeking integrated developments and/or those designed to incorporate adjacent or contiguous parcels into a "critical mass" which would establish Marina del Rey as a prime destination resort area balanced by hotel, retail, dining, recreational and residential uses.

By providing a critical mass of resort-oriented, visitor-serving projects, the Committee's recommendations fulfill the objective of the AMS to bring "a powerful sense of place" to the Marina Beach area thereby increasing public enjoyment of the waterfront.

Respectfully submitted by the members of the Marina Beach Evaluation Committee, as set forth below.

Richard S. Volpert, Esq.
Partner
Munger, Tolles & Olsen LLP

Cheryl Fuerth
Manager Property Development
County of Los Angeles (CAO)

James Rabe
Principal
Keyser Marston Associates

Richard Orne
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Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

October 2, 2003

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director Stan W.

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

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

At its September 9, 2003 meeting, the Board of Supervisors approved and authorized the Chair to sign the amendment to lease agreement for Parcel 41, Catalina Yacht Anchorage, Marina del Rey, pertaining to the readjustment of rents and insurance for a ten-year term ending May 31, 2012, which reflects a negotiated settlement based on current market conditions to: a) increase the initial minimum rent from $9,473.99 to $11,491.77 per month with subsequent adjustments; b) increase percentage rent for Boat Haul Out/Repair category from 4% to 5%; and c) increase the commercial general liability to $4 million per occurrence and $6 million aggregate, from the previous levels of $1 million and $2 million, respectively; and find that proposed lease amendment is exempt from the California Environmental Quality Act. This item was previously considered and recommended by your Commission.

MARINA DEL REY WATER SHUTTLE STUDY TIMELINE

With a grant from the California Coastal Conservancy, the Department has hired the firm of Transportation Management & Design, Inc. (TMD), to evaluate the performance of the past two pilot projects and to recommend program enhancements for implementing a permanent water shuttle service next year. The anticipated deliverables and schedule are as follows:

Draft Working Paper 1 - October 20, 2003

- Evaluation of 2002 and 2003 operations;
- Investigation of alternative fuels (including solar power, fuel cells and diesel-electric hybrid);
- Survey of existing small capacity water taxi/water shuttle operations;
- Results of interviews/discussions with responsible agencies/stakeholders; and
- Review public use patterns and identify stop locations for eventual full-scale system in priority order.

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

Draft Working Paper 2 - November 17, 2003

- Study of feasibility of permanent cross-channel coast trail ferry link;
- Evaluate alternative vessel configurations (dependent on fuel type);
- Develop infrastructure recommendations;
- Develop three alternative concepts for project design, including service levels and project configuration; and
- Present the alternatives at a public workshop in Marina del Rey to solicit public input from area stakeholders.

Final Report - December 8, 2003

- Incorporating Draft Working Papers 1 & 2 and results of public workshop;
- Final recommendations (preferred conceptual program and schematic-level design plans); and
- Other studies/research recommended.

In addition to the above consultant's work plan, staff has embarked on a variety of other related initiatives, including identification of funding opportunities, investigation of permitting responsibilities and integration of the permanent operation with the existing Marina infrastructure.

Further progress reports will be provided to the Commission as the work effort advances.

DESIGN CONTROL BOARD MINUTES

The draft minutes for the Design Control Board meeting of September 18, 2003 are in your packet.

SW:tlh

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MINUTES
OF
MARINA DEL REY
DESIGN CONTROL BOARD

September 18, 2003

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

Members Present:	Susan Cloke, First District, Chair Jackie Ignon, Fourth District, Vice Chair David Abelar, Second District Tony Wong, Fifth District Katherine Spitz, Third District
Department Present:	Joe Chesler, Chief, Planning Division Julie Cook, Planner LaTrina Hancock, Secretary
County Staff Present:	Kevin Johnson, Regional Planning
Guest Present:	Parvis Gerami, Shanghai Red's Stefano Baccianella, Sapori Italian Restaurant Doris Sorensen, Pacific Ocean Management Jack Hollander, Jack Hollander & Associates Allan Lelbow, Mark David Levine Design Group Alan Fleischacker, Mark David Levine Design Group Mark David Levine, Mark David Levine Design Group Tim Riley, Marina Lessee Patricia Younis, Westchester LAX Chamber of Commerce Aaron Clark, Mark Armbruster & Associates

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1. Call to Order & Absences
Ms. Cloke called the meeting to order at 2:00 p.m. Mr. Wong led the Pledge of Allegiance.

2. Approval of Minutes from June 19, 2003 and August 21, 2003
Item deferred until the next meeting in October.

3. Approval of DCB Reviews #03-011, #02-017, #03-009 and #03-005
Item deferred until the end of the meeting.

4. New Business

A. Parcel 61 – Shanghai Reds – (DCB #03-013)
Approval of decorative promenade paving.

Public Comments
None

Board Comments/Questions
Ms. Ignon asked if a portion of this submittal is a planted area. Ms Cook replied that the project only includes the paved promenade area. Staff advised the Board that the proposed pavers are solid, all the way through and is ADA compliant. Ms. Ignon advised the applicant that the Board would like to see a continuous flow of the promenade through and a pattern within the material; and that there should be more amenities for pedestrians such as benches, trash receptacles, and additional lighting. Ms. Cloke advised the applicant there should be seating areas, light standards and fencing amenities within their proposal, which is all a part of the waterfront plan for the Marina.

Ms. Ignon (Abelar) moved to continue the applicant's request, which must be revised to include implementing pedestrian amenities and features per the Marina waterfront promenade guidelines. The applicant has 60-days to come back to the Board with the revised submittal. Motion passed unanimously.

** Commissioner Katie Spitz arrived at the meeting 2:20 p.m.)*

5. Old Business

B. Parcel 56 – Sapori Italian Restaurant at Fisherman's Village – (DCB #03-012B)
Approval of two revised signs.

Public Comments
None

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Board Comments/Questions
The applicant has approval for two four signs to date and two awnings. Mr. Baccianella advised that the signs made from an aluminum-sheeted material with plastic decals for the lettering, and are washable and long-lasting.

Ms. Ignon (Spitz) moved to approve two signs, which will be two feet in height by six feet in width. The signs must be centered between the windows in both directions. The applicant must provide Staff with two scaled drawings before the signs can be approved and installed at the restaurant.

The Board advised Staff that a status report of the submittal must be presented at the October 2003 Meeting.

6. Report from the Chief of Planning

A. Temporary Permits
None

B. EDAW – Urban Design Update
Mr. Chesler reported that the Urban Design Consultants have been looking at urban planning options for the expansion of Burton Chace Park. The Department has also been working on the scope of work for the completion of the Urban Design Guidelines so that it can be presented to the public in a workshop format. As of now, the date for this workshop is unknown, but the Department is hoping that it will take place at the end of this year (2003). These guidelines will include, the Urban Design Guidelines for public and private properties, signage guidelines and the park and open space plan.

C. Marina Redevelopment RFP Briefing
Mr. Chesler reported that the Department is evaluating five proposals for the Mothers (Marina) Beach area. The results will be brought to the Board in the near future. Recommendations for two of the existing RFP proposals, the Entertainment Retail Center and Boat Central have been completed by the evaluation committees and forwarded to the Director

Oxford Basin – Bird Sanctuary Update
Mr. Chesler advised that Staff has been in discussion with the Department of Public Works regarding water quality enhancement in the Marina. Both Departments are looking into other options for using the Oxford Basin.

Public Comments
None

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5. Old Business - cont'd

A. Parcel 97 – Marina Beach Shopping Center – (DCB #03-013)
Post-entitlement approval of design details, including the park, building finishes and color, signage criteria for all tenants, monument signage, decorative paving, landscaping and lighting.

Michael Pashaie, Golden West Properties, explained in more detail the proposed changes for the shopping center, noting that construction will take six or seven months.

Jack Hollander, Hollander and Associates, project architect, explained in detail the proposed changes for the project.

Alan Lelbow, Light Vision, lighting designer for the project, explained the many types of lighting that are being proposed for the project, noting that different features and ways that lighting will be used to enhance the project and that the exact lighting particulars have not been worked out with the applicant. Mr. Lelbow explained that the brightness levels of the lights can be adjusted to a dim version and advised the Board, who had concerns about the lights being on all night, that the lights can be timed to go on and off at the Boards desired time.

Allan Fleischacker, landscape architect, explained in more detail the landscape ideas for the project showing the Board a plant palette.

In response to Ms. Cloke's questions, Mr. Hollander replied that the parking lot would be designed so that the run-off flows into the planting area. Mr. Fleischacker explained in detail the landscaping e for the park areas, noting that some of the proposed shade trees will be located near benches. There is also a proposed water fountain (using recycled water) but it is unclear how much water the fountain will use or how much will need to be replaced daily. Mr. Pashaie advised the Board this portion of the project would have an ozonation system in place.

Ed Gardner, National Sign Co., explained the proposed signage for the project, in which all of the signs are aluminum and would have a "halo" effect. Mr. Gardner explained the blade signs were created to help enhance the location and would be consistent among all the store tenants. Mr. Gardner explained that the monument signs would have "push through" letters.

Public Comments
Tim Riley, Marina del Rey Lessees Association, advised the Board that he supports this project.

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Pat Younis, Westchester-LAX Chamber of Commerce, also advised the Board that she and her organization support this project.

Board Comments/Questions
Ms. Spitz asked has the proposed water fountain been included in the budget of the project. Mr. Pashaie advised yes.

Lighting Details – Recommendation/Approval
Ms. Cloke advised that the project has too much lighting and that the lights should not be on all night. Ms. Spitz voiced her concerns regarding the use of and sustainability of the lighting. Mr. Pashaie advised the Board that the lighting could be lessened at the Boards request and that he will give the Board the requested information regarding the number and wattage of hours for lights. Mr. Lelbow advised that the Lumca Standard Light Poles will be used.

Ms. Cloke (Ignon) moved to approve the lighting plan submitted using the Lumca Standard Light Pole and with the condition that the applicant come back to the Board with a plan that shows which lights are going to be on at what time and the level of illumination. Motion passed unanimously.

Color Palette for the Building – Recommendation/Approval
The Board advised the applicant to eliminate the *powder plume color*, which is too light, from the color palette. The applicant needs to simplify the color palette and use warmer tone colors.

Ms. Cloke (Spitz) moved to simplify the building color palette, keep all colors in the same plane, and change the concrete base for the columns to a warmer color and for all of the colors to be consistent with the color palette.

Landscape – Recommendation/Approval
The Board encouraged moderate use of water, alternative plants, and more shade trees, although too many shade trees will obstruct the view of some buildings.

Ms. Cloke (Spitz) moved to approve the landscape and pavement plans as proposed with the condition that the applicant return to the Board to answer questions regarding additional shade trees and the replacement for the Azaleas. Motion passed unanimously.

Corner Park & Paving Materials – Recommendation/Approval
Aaron Clark advised the Board that the proposed parks will be different, but will compliment each other.

Ms. Cloke (Ignon) moved to approve the corner park with the addition of eight canopy trees as proposed by Staff. The applicant must also use ozonation and add more native water plants to help control water usage.

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Materials used for the paving approved as submitted. Motion passed unanimously

Signage – Recommendation/Approval
It was suggested by Mr. Pashaie that the blade signs have copper oxidized lettering. The Board advised that the letters can not be larger that 18 inches. Each business can have there own lettering style, but all of the letters must be the same size lettering. The type-face on the blade signs would be the lessee's logo. Ms. Spitz felt the range of sign colors was too brood and that a more sedate palette of colors would be consistent with the project.

**Commissioner Wong left the meeting at 4:45 p.m.*

Ms. Cloke (Spitz) moved that this item be continued so that the applicant can return to the Board with a rendering that shows how the signs would look and a scaled drawing, both must look as real as possible. The drawing must also show the cooper lettering, the intended sign colors, which also must be unified and have the same depth. The materials and colors must be shown along with the illumination affects. Motion passed unanimously.

The Board also suggested that the entire blade sign be completed in cooper. Mr. Pashaie advised the Board that the letters of the blade sign can be in copper, but the background of the sign will be in brass.

The monument signage will be discussed when the applicant returns to the Board with the updated information requested by the Board.

**Commissioner Ignon left the meeting at 4:55 p.m.*

3. Approval of DCB Reviews #03-011, #02-017, #03-009 and #03-005 cont'd
Ms. Cloke (Spitz) moved to approve DCB Review #03-005-A1 with corrections. Motion passed unanimously.

Ms. Cloke (Abelar) moved to approve DCB Review #03-011 with corrections. Motion passed unanimously.

Ms. Cloke (Abelar) moved to approve DCB Review #03-009 with corrections. Motion passed unanimously.

Ms. Cloke (Abelar) moved to approve DCB Review #02-017 as submitted. Motion passed unanimously.

7. Election of Officers
Held until all members are present at the meeting.

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8. Public Comments
None

Ms. Cloke advised that the new procedure for public comments before the Design Control Board will be a speaker form that must be completed by anyone who wants to address the Board with comments.

Meeting adjourned at 5:00 p.m.

Respectfully Submitted,

La Trina Hancock-Perry

Design Control Board Secretary

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

October 2, 2003

To: Small Craft Harbor Commission

From: Stan Wisniewski, Director Stan W.

Subject: **ITEM 6b – ADA COMPLIANCE ISSUES – HOLIDAY HARBOR MARINA**

At your Commission's September meeting, you heard from Mr. David Nicholls, a Holiday Harbor Marina boat slip tenant, who brought to your Commission's attention issues relating to the need for measures to provide accessible facilities in compliance with the federal Americans with Disabilities Act (ADA) at the leasehold. Mr. Nicholls related the difficulties he encountered with wheelchair access to the rest room, docks and other leasehold areas, as well as the lack of handicapped parking. We committed to provide a follow up report to your Commission.

We have encouraged the lessee to meet with Mr. Nicholls to discuss the matters raised both in his written communication to the Commission and in his testimony at the September meeting. We also encouraged the lessee and its counsel to meet with our planning staff and County Counsel to review the responsibilities imposed by ADA as they relate to making existing facilities accessible to persons with disabilities. Our letters further requested that the lessee furnish us, not later than September 25, 2003, with a written response detailing its meetings with Mr. Nicholls and any progress or resolution the lessee may have reached with regard to the issues raised by Mr. Nicholls.

While staff did recently meet with a lessee representative, as of the date of this report, we have not received the requested written response from the lessee. At our meeting, the lessee's representative indicated he had been in contact by telephone with Mr. Nicholls to advise him that a handicapped parking space had now been provided and planned to meet with him to discuss the other ADA issues raised, but that no meeting had yet been scheduled. Staff also spoke with Mr. Nicholls on two occasions to offer our continued assistance in facilitating resolution of his concerns.

The lessee has been invited to your Commission's meeting to answer any questions you may have regarding this matter. The Department intends to continue to monitor lessee progress to insure compliance with lease obligations that include compliance with all federal and state laws.

SW:RM:be

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