*To enrich lives through effective and caring service*

LOS ANGELES COUNTY
Department of Beaches & Harbors
Caring for Your Coast

**Stan Wisniewski**
Director

**Kerry Silverstrom**
Chief Deputy

June 7, 2007

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director S Wisniewski

SUBJECT: **SMALL CRAFT HARBOR COMMISSION AGENDA FOR JUNE 13, 2007**

Enclosed is the June 13, 2007 meeting agenda, together with the minutes from your meeting of April 11, 2007. Also enclosed are reports related to Agenda Items 3a, 3b, 5a, 5b and 6a.

Please feel free to call me at (310) 305-9522 if you have any questions or need additional information.

SW:ds

Enclosures

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

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# SMALL CRAFT HARBOR COMMISSION

**AGENDA**
**JUNE 13, 2007**
**9:30 a.m.**

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

1. Call to Order and Pledge of Allegiance

2. Approval of Minutes: Meeting of April 11, 2007

3. **REGULAR REPORTS**

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

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

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

4. **OLD BUSINESS**

   a. None

5. **NEW BUSINESS**

   a. Traffic Mitigation Measures Within Marina del Rey Area – Quarterly Report — (PRESENTATION BY BARRY KURTZ, TRANSPORTATION ENGINEER CONSULTANT, DEPARTMENT OF BEACHES AND HARBORS)

   b. *Sea World UCLA* Research Vessel's Revocable No-Fee Permit For Use Of Dock at Burton Chace Park In Exchange For Services Rendered To The Department of Beaches and Harbors' W.A.T.E.R. Program — (RECOMMEND TO BOARD)

## 6. STAFF REPORTS

a. Ongoing Activities (DISCUSS REPORT)
- Board Actions on Items Relating to Marina del Rey
- Local Coastal Program Periodic Review – Update
- Design Control Board Minutes

## 7. COMMUNICATION FROM THE PUBLIC

## 8. ADJOURNMENT

**PLEASE NOTE:**

1. The Los Angeles County Board of Supervisors adopted Chapter 2.160 of the Los Angeles Code (Ord. 93-0031 § 2 (part), 1993), relating to lobbyists. Any person who seeks support or endorsement from the Small Craft Harbor Commission on any official action must certify that he/she is familiar with the requirements of this ordinance. A copy of the ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.

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

Department of Beaches and Harbors' Website Address: http://marinadelrey.lacounty.gov

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

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

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

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

Si necesita asistencia para interpretar esta informacion llame al (310) 305-9547.

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# SMALL CRAFT HARBOR COMMISSION
# MINUTES
# APRIL 11, 2007

**Commissioners**

Searcy Harley, Chairman; Russ Lesser, Vice-Chairman; Albert Landini, Ed.D; Vanessa Delgado, MPA; Christopher Chuang-Lin, PhD **(Absent)**

**Department of Beaches and Harbors**

Stan Wisniewski, Director

**Also Present**

Thomas Faughnan, Principal Deputy County Counsel; Beverly Moore, MdR Convention and Visitors Bureau; Captain Mary Campbell, Sgt. Michael Carriles, and Deputy John Rochford from the Sheriff's Department

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

Chairman Searcy called the meeting to order at 9:35 a.m. The Commissioners, staff and members of the public stood and recited the Pledge of Allegiance.

## 2. APPROVAL OF MINUTES

Chairman Searcy moved and Commissioner Landini second a motion to approve the March 14, 2007 minutes. The motion passed unanimously.

Tim Riley stated that Item 5, Section C of the last paragraph should read; "The motion passed unanimously."

## 3. REGULAR REPORTS

### a. Marina Sheriff – Crime Statistics

Sgt. Carriles stated there were no significant increases in crimes. He stated that theft crimes were predominant from items being visible in vehicles and that there were two unrelated suicides on March 6, 2007.

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

Dep. Rochford said the total liveaboards decreased from an accounting error from the Marina Boatyard, but that the percentages still remain the same.

**CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Ms. Carla Andrus stated she has requested copies of the Seaworthy Liveaboard Reports and would be able to discuss at the next meeting.

### b. Marina del Rey and Beach Special Events

Mr. Wisniewski discussed the upcoming events and suggested that it be posted in the Argonaut. The MdR and Beach Special Events were submitted and discussed at the meeting.

### c. Marina del Rey Convention and Visitors Bureau

Ms. Moore stated that detailed information on bird watching is available on the Departments website at www.visitmarina.com including exact schedules of other activities and events. She commented that the Bureau launched an aggressive media relation's outreach and has initiated over forty contacts. The Bureau has ten pending media placements for stories and articles. Thirty-five contacts were made at the Southern California Corporate Travel Trade Show Media Planners meeting. She said she would be attending an exhibit in Northern California and the Western US meeting in June. In conclusion, she said that in 2006 hotels in MdR generated $5.8 million in hotel bed tax to the County, which was a 10% increase.

**CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Ms. Andrus asked what was the hotel occupancy.

Ms. Moore said that in the past year hotels were in transitions and may have been as low as 70%, but at this point there is an increase in average rate hotel room rate. MdR has the advantage of still being below the Westside average as far as hotel room cost.

## 4. OLD BUSINESS

### a. Panay Way Marina Boat Slip Eviction of Ruben Cardona (continued from March 14, 2007)

Mr. Wisniewski stated at the March 14, 2007 meeting the Commission requested that Mr. Sherman Gardner and Mr. Horia Ispas attend the April 11, 2007 meeting and provide written documentation containing the tenancy of Mr. Rueben Cardona. The Commission also requested that the Department invite Mr. Cardona to attend this meeting, which was done and a copy of the letter was submitted.

Mr. Gardner commented that it was very disrespectful that the tenant was absent, but would be happy to discuss further if the tenant were present.

Commissioner Lesser asked was confidential information in Mr. Cardona's file and would it be a problem if something were released from his lease file without his consent.

Mr. Faughnan stated that he could not answer that question without knowing what Mr. Gardner has in his file. He does not handle private party issues, but could look into it. If they were advised from their Counsel of legitimate concerns for privacy and asked for written consent it is not an unreasonable request to make.

Chairman Searcy asked was the document submitted to Mr. Cardona.

Mr. Gardner stated it was not and did not know how to reach him.

Mr. Wisniewski said this was a non-commercial agreement. The County typically allows the Lessee to manage percent to laws of California. He suggested that Mr. Gardner's response be sent to Mr. Cardona asking him to inform the Commission when he would give the Department notice as to when he would be attending so that this could be placed on the agenda.

**CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Mr. Jun Yang commented that at the March 14, 2007 meeting Mr. Gardner and Mr. Ispas from Panay Way Marina were asked to come prepared with violations. At that time they stated there were no violations, Mr. Cardona left on his own accord and was already a tenant of King Harbor. Mr. Yang stated that Mr. Cardona informed him this was not true.

Ms. Nancy Marino commented that disrespect is an issue, the Lessee has been late twice and the agenda was readjusted. She said Mr. Wisniewski stated at the February meeting that it would have been inappropriate for Panay Way to invite Mr. Cardona back because of certain unspecified violations. Since the charge was publically made in punning Mr. Cardona's character it would be appropriate for the Commission to ask that Mr. Wisniewski issue a formal written apology to him for any harm or disrespect shown to his tenancy, since they didn't have a problem making the charge publically.

Ms. Carla Andrus stated that Beaches and Harbors was given Mr. Cardona's address so that Panay Way Marina Harbor could provide him with the reasons why he was evicted. He only received a notice from Beaches and Harbors inviting him to this meeting. She commented that the public has been speaking on his behalf and that he was to privately meet with Panay Way to review the letter, which was not done. She reiterated a comment made by Helen Garrett at the March 14, 2007 meeting, "The public didn't want to wait until the last minute when there is no time to review what the issues are." Ms. Andrus said this is not what happened here.

Commissioner Lesser stated that the SCHC is not under the purview of the relationships with Lessees or tenants and Lessees have the right to evict anyone at anytime legally. The SCHC does not appreciate or want Lessees who are going to arbitrarily treat people poorly and not in the best interest of the County. If a Lessee is evicting a good tenant its wrong, but it may not be illegal. He stated there isn't much that can be done, but at least some pressure can be put on the Lessees. He commented there might be private information that Panay Way does not want to release in fear that without authorization Mr. Cardona would be able to sue them. Lastly, he stated that Mr. Cardona has to submit in writing authorization for Panay Way to discuss his tenant file in public, but the Commission can't demand anyone to show up.

Mr. Wisniewski said the Department would send a letter to Mr. Cardona asking that he submit written authorization for Panay Way Marina to discuss his eviction.

Chairman Searcy explained that this is Mr. Cardona's private information. He can authorize it to be released but it has to be done in writing.

**b. Liveaboard Bill of Rights Review By County Counsel (continued from March 14, 2007)**

Mr. Faughnan stated the report reviews the prior submittal of POWER and sets the legal and contractual context for the issues of the issues raised by POWER. He suggested a further more detailed discussion would be appropriate when POWER submits something further.

**CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Mr. Jun Yang said POWER has been working with the community and is in the process of working on a proposal that will be effective for liveaboards and boaters. When completed will ask that it be submitted on the agenda.

Commissioner Landini asked if this extension was ok with him. Mr. Yang confirmed that POWER requested the extension.

**5. NEW BUSINESS**

**a. None**

**6. STAFF REPORTS**

**a. Ongoing Activities**

The Ongoing Activities Report was submitted and discussed at the meeting.

Chairman Searcy asked that the Commissioners adjust their schedules to participate in at least one or two evening meetings in the planning process public outreach, so people who work can attend.

Mr. Wisniewski said he would try to schedule a light agenda.

**CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Ms. Donald Klein stated that the LCP has been calendared for October 2007 and is concerned with the Commission and County's ability to be able to get through this review and process. It has been twenty-one months since the County has received the information and recommendations from the Commission. He said they seem to have enough time to do the restated leases, terms and conditions, but doesn't seem to have enough time to review the LCP. He said the Coalition has a Consent Decree, which was not enforced for the last couple of years, because they were trying to work with them. Finds that this is an egregious action pushing this on to October. He stated that this would leave them no option, but to have the Consent Decree enforced and have it processed. He stated that he is very upset this is happening. He asked Mr. Wisniewski how many Asset Management Strategy (AMS) program projects are going to require LCP approvals. Lastly, he commented that he has a problem with the way the Commission conducts its business. The Commissioners talk among themselves and the public is not given an opportunity to return for comments.

Mr. Wisniewski stated he did not have the exact number of projects, but has been providing status reports to the SCHC and DCB well over a year. The reports are available on the Departments website and indicates what projects require LCP Amendments, which Mr. Klein is fully aware of.

Commissioner Landini stated the AMS Plan seems to be the Defacto Master Plan for the Marina and since he has been on this Commission all the major projects have required LCP Amendments.

Mr. Wisniewski commented that this was incorrect.

Chairman Searcy stated they do not all require LCP Amendments.

Mr. Wisniewski concurred with Chairman Searcy and commented that the AMS is not a Defacto Master Plan. It is a Business Strategy and an Outreach Strategy for generating visitor servicing leases in MdR and enhancing the recreational boating environment, pursuant to the LCP. He stated that many require LCP Amendments and has always explained the process. He explained that no developer would invest money into a project unless he knew there would be a business deal. When the developer is informed of the business terms it would go into a regulatory process.

Commissioner Landini said Ms. Marino had a list from the Argonaut that detailed all the projects that are currently coming through such as Mothers Beach Plan Amendment, Fisherman's Village and the Presidential Project.

Mr. Wisniewski said he had no plan amendments for Mothers Beach, Fisherman's Village and the Lyons Project. They do not require LCP Amendments, but there are several that do.

Chairman Searcy commented that there are five on the report, which Ms. Marino provided and that the rationality behind Mr. Klein's question is that he feels development continues without allowing the LCP to catch up. He said in his opinion Mr. Klein seems to feel that Beaches & Harbors has power over the Coastal Commission and can direct them when and how to delay their meetings. He stated this is not the first time in history the Coastal Commission has had multiple postponements and cancellations of meetings. Lastly, he said that the Commission does not control the California Coastal Commissions' schedules.

Mr. Wisniewski stated that any project built in MdR has to be complied with the LCP and there is a process for amending the LCP. He said he has heard abnasium comments from the public that somehow the Department has gone astray because the LCP has to be amended, which is amended all the time.

Chairman Searcy said the public feels that if an approval is given that the project could proceed if it goes through Regional Planning, EIR and the LCP will start the process. He concluded that it does not happen this way.

Mr. Wisniewski stated information is received from the consultants and Lessees and no developer would enter the entitlement process until they know what the business terms are and because it is so expensive. He explained that if it requires a LCP Amendment it is disclosed in reports to the SCHC, DCB and the Board Of Supervisors.

Commissioner Landini stated that the perception is that there is a LCP in place, which has been criticized severely by the California Coastal Commission. The review from Beaches & Harbors for some reason has lagged and does not know if the concept for the project for AMS occurs. He said the concern is that there is negotiation over what the project should be and if it needs to be different from what the plan approves that somehow the plan amendment process will take care of that and the decision process is not public.

Mr. Wisniewski stated the initial process for the AMS and LCP are public. The projects start as a RFP, reviewed by the SCHC in route to the Board of Supervisors before soliciting for proposals. An explanation is given why soliciting is being conducted and what the Department plans to receive from the proposals. Public comments are taken from the SCHC and the Board of Supervisors who authorizes the release of the RFP. He said he appoints a committee that evaluates proposals that are submitted to the Department. After receiving recommendations from the SCHC, reports to the Board of Supervisors in a public session and at that time a developer/proposer is selected. Lastly, he stated that an explanation is given to the SCHC and Board of Supervisors as to what the Department intends to pursue in a business deal that outlines the term sheet.

Chairman Searcy said if the SCHC or public has suggestions they are added in the RFP draft, if it is a good idea. When RFP responses are returned there is always a major extent that outlines the various proposals and what each of them propose on each specific item such as money, number of slips, apartments, landside improvements, visual impacts and is very transparent.

Commissioner Landini asked where does the birth of the idea for the project start.

Commissioner Searcy said it starts with the Asset Management Strategy (AMS).

Mr. Wisniewski concurred. He stated that the Board of Supervisors considers the AMS and LCP along with the documents for approval. He stated that the SCHC is the appointee and the Department carries out the wishes of the Board, which is done in a transparent and public process.

Chairman Searcy stated that the AMS lists what needs to be done and it recommends a series of procurement transactions to achieve a rebeautification of what was built in the mid 60's.

Mr. Wisniewski stated this was the RFP process. The Department negotiates the business terms with the Lessee called a term sheet. It then goes back to the Board of Supervisors in a closed session and does not go before the SCHC. The Board of Supervisors gives its negotiators (Mr. Wisniewski, David Jannsen, CEO for the County, and Lead Negotiator Attorney Richard Volpert) instructions on each deal. The Department will return the term sheet to the Lessee with the approval from the Board of Supervisors and that term sheet is used as an outline for the lease. The lease is created by County Counsel and Attorney Richard Volpert then submitted to the SCHC and back to the Board of Supervisors, which starts the regulatory process.

He continued stating that the Board of Supervisors has tightened the timelines in which the DCB has its review ability and can simultaneously submit projects to Regional Planning and the DCB. He said the DCB's input is very important and has been given 120 days to submit there input to the Regional Planning Commission. He stated projects have no fewer than six to seven public hearings, which does not count how many times Regional Planning Commissioners hear them. Lastly, he said that he receives many public comments and is always amazed at how many times he has to explain this process.

Commissioner Landini commented that the key document is the AMS.

Mr. Wisniewski stated that the Board of Supervisors approved it, and asked why he was so concerned about this. He asked why is the AMS scrutinized as being inappropriate. It is one of two key documents and the LCP can't be understated. The value of it is that one restricts all development in MdR and the AMS would be insignificant without the LCP.

Mr. Faughnan stated that plan amendments go through Regional Planning, the Board of Supervisors then to the Coastal Commission.

Mr. Wisniewski said he understood why Commissioner Landini was concerned regarding the AMS being out of sync with the LCP. The AMS put into place a process to redevelop MdR pursuant to the goals that are not just in the LCP but also the AMS. He stated that if you read the AMS you would find that all of its goals are totally consistent with the LCP. The projects that come out of that RFP process are not necessarily consistent with what development can occur in what areas. He said sometimes entitlements are moved from one zone to another, but in all cases every project pursued is in compliance with the over reaching goals of the Coastal Commission. This is done to increase more members of the public to the Marina and enhance recreational boating opportunities. He commented that its not just for the 10 million people who own it, but for the world where people come enjoy the water, engage in educational activities, recreational boating and have an opportunity to live here.

Commissioner Landini stated that Mr. Wisniewski did not answer the question; has the Regional Planning Commission ever denied an Amendment to the LCP. Mr. Wisniewski said he assumed his question was answered.

Chairman Searcy stated the Coastal Commission has the final approval. Mr. Wisniewski said he did not know.

Commissioner Lesser stated that no project has ever been built that needed an Amendment that did not get approved by the California Coastal Commission. Chairman Searcy commented that there have been projects that did not get built or come from Regional Planning.

Mr. Wisniewski stated that projects have gone through the RFP process, but because of the weight of the regulatory process became distinct. The first catalytic project was a very long process that the County and proposer were engaged in.

Commissioner Landini said he wanted to understand the process and commented that if the LCP Amendment process had never been denied that makes the AMS the key document. Chairman Searcy said that for a variety of reasons every project does not make it.

Mr. Wisniewski stated that the AMS is the initiator of the process, but the LCP has the final word. Before the AMS was developed and the RFP process was put into place there was no development proposals under consideration. The Board of Supervisors was concerned that the Department had a 1960's development in MdR and redevelopment was needed. This is why the AMS was developed and taken to the Board of Supervisors.

Ms. Nancy Marino stated that a 19-story building would block the view as well as a 78-story building. She challenged Mr. Wisniewski's claim about the LCP Amendments to strip the DCB of it authority for conceptual review and the Coastal Commission review and the AMS. She pointed out the inconsistency between the AMS and LCP. She stated that the LCP program stipulates that the County's responsibility is to maximize the revenue potential of recreational use of the parcels in MdR. The AMS stipulates only that the revenue be maximized from the parcels themselves. She commented that she thinks this is the key difference and this is what's driving the disputes between the members of the community and people outside who are beginning to learn about this and what is actually happening with the County. She stated that notices regarding LCP Amendments went out to 2,167 people and she was not one of them, even though she is on every list. She stated she submitted a Public Information Request on February 14, 2007 to the Board of Supervisors for a list of residents and is still waiting. Lastly, she said these LCP Amendments will affect everyone in the Marina and almost no one in the Marina received a notice.

Mr. Faughnan stated he would research and find out what happened to her request.

Ms. Marino commented on the statement that it is the intent of the Coastal Act and the LCP to get more people to the Marina. She said it is to maximize public access to our valuable coastal resources not the buildings that will destroy those assets. She stated that the community wants a public review of the Master Plan.

Chairman Searcy said that was previously discussed, but would be on the July Agenda with a timeline to look at the overall process and procedure.

Ms. Carla Andrus asked that this be put on the agenda for next month and would like to know the agreement and disagreements in respect to the current draft. She stated she would like to see the draft of what is being presented to the Coastal Commission, receive help with the format from the Local Coastal Commission and to have a solid format for the Strategic Planning Process.

## b. RESPONSE TO PUBLIC INQUIRIES

**Parcel 20 (Capri Apartments) Affordable Housing – Parking Charges and Rent Increases**

Mr. Wisniewski stated that the Executive Director of the Community Development Commission submitted a letter regarding Affordable Housing – Parking Charges and Rent Increases.

Mr. Faughnan stated that in the letter their jurisdiction regarding enforcement does not start until the CC&R's are recorded. They are in the process of being recorded, but at the time of the asserted overcharges it had not yet been recorded. He said he would continue having ongoing discussions with the Lessee and their Counsel on this issue to see if they could come to a resolution.

Commissioner Lesser asked how long does it take to record CC&R's.

Mr. Faughnan stated there were protracted negotiations regarding the terms of the CC&R's, which are final and have been executed by all parties. They should have been recorded by now, but technical issues with regards to getting them recorded, appropriately notarized such as signatures are in the process of making sure that the title company has all that it needs so the document does not get rejected by the Register Recorder's Office. He assumed within the next couple of days it would be done. Lastly, stated he is working with the Lessee regarding the overcharges and would discuss a resolution. The Public Request for Information was submitted and discussed at the meeting.

**CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT**

Ms. Mary Ann Weaver commented that Mr. Faughnan wasn't making any sense and it had been 14 months since tenants in Low-Income Housing moved in at the Capri. She said according to the

Department of Housing and Urban Development tenants should have been paying correct rents to begin with even if there was no Covenant. The tenants were informed by Mr. Babcock what rents should have been paid and was given the formula. She said in December 2005, when tenants moved in the rent should have been $606 a month, instead, tenants were paying $714. In January 2007, rent went up to 6%, which is $752 a month. She said Mr. Babcock told her that he informed the landlord/ developer what the correct rents would be and was totally ignored.

She asked why doesn't the developer comply with state laws. She said its wrong and considered fraud. The Covenant was completely signed and the last signature was dated March 7th and its now April 11, 2007. She asked how long does it take to record a document, where is the Covenant, who was responsible for recording it and is the Lessee waiting for the new percentages to take place. Lastly, she stated that the tenants would be consulting with an Attorney for a class action lawsuit if this does not get resolved.

Mr. Faughnan stated he does not disagree with what she said, but would discuss it with the Lessee to get their side of the story and go from there.

Chairman Searcy said if tenants were overcharged they should be refunded with interest. Mr. Wisniewski agreed.

Mr. Jun Yang stated that the County has responsibility to its constituents, residents, developers, businesses and low-income tenants.

Ms. Nancy Marino said Covenants are a condition of the Certificate of Occupancy, which was issued before any of the tenants moved in. She asked why the County did not get the Covenants signed before the Certificate of Occupancy was issued and what fines or penalties might be imposed on the Lessee for not complying with the conditions of these permits. Lastly, she stated that the County is proposing and approving all the preliminary projects without analyzing the publics input and asked that the Commission support and advocate for the them due to minimal opportunity for a better process.

Ms. Carla Andrus said everyone is entitled to know what Mr. Gardner's issue is on this. She said she spoke was informed by Mr. Al Padilla and Andrew Willis of the California Coastal Commission that Mr. Gardner has his Covenant or else he would not have received the permit. She stated she informed Mr. Gardner that even though he has a permit does not mean he has a Covenant in place, but he would not listen to her. Lastly, she stated that the Coastal Commission should be able to pull that permit because this is a serious matter and Parcel 18 along with other Gold Rich and Kest Properties have no affordable housing.

## 7. COMMUNICATION FROM THE PUBLIC

Mr. John Rizzo stated that approximately 25-30 years ago one of the two Flood Control Basins was going to be constructed as a Japanese Garden. The Basin behind Washington was purchased, drained, a lake was made and condominiums were built and sold. He said discussions have taken place about constructing a semi-park, which has been going on for thirty years. He commented that it should be turned over to UCLA or USC students to give them some perimeters to design a project, which could be beautiful.

Mr. Wisniewski agreed with Mr. Rizzo. He stated that preliminary design has already been developed and is being reviewed by the Department of Public Works who controls that Basin. He stated he has received a commitment from the Director that they would be going public with their plan sometime in early summer of 2007. The plan was developed as a result of comments from the public as well as the Departments desire to open up the entire 10+ acres there. The Department suggested that the Northern edge be opened, which could be easily improved with a decomposed granite walkway or an elevated boardwalk seen at Cambrio Beach in Central CA, but the Southside would be for birds only,

not the public. He said he would inform the Director of Public Works that he explained to the SCHC that it would be available early this summer. Lastly, he said a consultant was involved who would suggest the types of plants to install.

Mr. William Vsresk said that Doug Ring's Management is not being fair or honest with him and other tenants. He read to the Commission a letter he mailed to Consumer Affairs regarding his eviction.

Mr. Donald Klein commented on Mr. Wisniewski's statement about the 1996 LCP Approval on the AMS Program. He said the staff responsible for preparing this report at that time was totally in favor of the people and opposed of the AMS and the Coastal Commission reversed everything the staff proposed in 1996. He stated that the Marina Master Lease states that the Lessee has the right to fair and reasonable return on investment and to maximize their revenues and at the same the public is to have maximum public use, which does not go together. He said in the 1950's Marina del Rey when approved with the Federal Government was a lot bigger in size, it had a lot of ball parks for recreation and the County chose not to include this, but to have it as a stand alone Small Craft Harbor. The original plan never showed any of the huge buildings or original designs. Lastly, he stated that he was concerned that the public does not have enough say of what goes on and it is totally government controlled.

Ms. Carla Andrus said she would like the Coastal Commission to be involved when the AMS is discussed and included in the coordination process sooner. She commented that the public would be able to submit a better process and suggestions to make it more efficient, effective, less costly, and less time consuming. Lastly, she said it should be restructured because it is dysfunctional and abusive and needs to be reviewed in a logical and rational way.

Ms. Nancy Marino stated that the Federal Government is funding half of the dredging and construction of the harbor. House Document 389 conditioned their approval on the reports given by local entities that this would be for public recreation. The only development around the harbor anticipated was Marine Commercial Boaters Service uses and somehow it has evolved to nearly every Parcel in the Marina being given over to private Lessees for private development. She said the Army Corp of Engineers reports specifically stated that the Federal Government was not in the business of funding private marinas. She said Mothers Beach is a prime example it is going to be behind a wall of a five-story building, which may be used as a private beach for the hotels. She stated that the public is being deprived of the valuable coastal assets that this marina was intended for. She commented that a need to have a compromise going forward that honors the LCP and the projects being brought forth do not honor this and are being done piecemeal in a way that makes it difficult for anyone who is a member of this community. Lastly, she asked that the SCHC help get a balance for the public to be truly involved.

Mr. Michael Lenneman who is the owner of Multi-Marine that sells trailerable multi-homes said he has problems getting Mast-Up Storage for his customers with sailboats. When he and his customers inquire about getting storage they have been told by Mr. Robert Nickens, "No Coarse Air Tri-Marans," which is a brand name for a boat built in San Diego. He explained the details of the boat and said there are currently twenty-three in Mast-Up Storage now and that these boat owners are the best paying people, all their trailers are in good repair, none of the boats are wrecked and that these are the most expensive boats in the yard, which value from $80,000 to $160,000. Lastly, he stated that not one of these boat owners are late with their payments and some are even willing to rent two spots because they overhang a little.

Chairman Searcy stated that it would be looked into and he would be contacted.

Mr. Sherman Gardner stated that his company's hallmark is that they are very fair people; they want their residents to be happy, that there is not a situation where they would turn their back on anyone and agreed with Mr. Faughnan's comments. He stated that the rents at Capri Apartments were initially calculated based upon CDC's involvement and if there was an error it would be corrected. He

stated that he needs the documentation, which support how it was arrived at that calculation. He stated that tenants are being charged for parking but only those with cars and have taken into consideration of issuing a rent credit for those who are paying their own utilities. Mr. Gardner said he does not want any tenant to be unhappy and if the calculations were incorrect tenants would be refunded with interest. He stated that the issue with Mr. Cardona would be solved, but was advised that releasing information without his consent or permission would not be in anyone's best interest. He invited Mr. Cardona to come to his office to discuss his issue and said if he would adhere to their rules and regulations would invite him back.

Mr. Donald Klein asked how is the parking charge for Capri initiated without approval from the director who has control over charging over these prices.

Mr. Wisniewski stated he does not have control over the charges of Affordable Housing units and that they are under the CDC as previously explained.

**ADJOURNMENT**

Chairman Searcy adjourned the meeting at 11:21 a.m.

Respectfully submitted by:
Donna Samuels, Commission Secretary

Taped meetings can be purchased directly after all meetings.

# LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
## MARINA DEL REY STATION
## PART I CRIMES-MAY 2007

| | 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** | | | | | | | | | | |
| **Robbery: Strong-Arm** | | | | | | | | | | |
| **Aggravated Assault** | | | | | | | | 2 | 1 | 3 |
| **Burglary: Residence** | 2 | | | | 5 | | 2 | 9 | 2 | 20 |
| **Burglary: Other Structure** | 2 | 1 | | | | 1 | 2 | 1 | | 7 |
| **Grand Theft** | 2 | | | 1 | 1 | | 3 | 3 | 2 | 12 |
| **Grand Theft Auto** | 5 | | 1 | | 1 | 1 | 2 | 3 | 4 | 17 |
| **Arson** | | | | | | | | | | |
| **Boat Theft** | | | | | | | | | | |
| **Vehicle Burglary** | 4 | | | | 2 | 1 | 1 | 12 | 4 | 24 |
| **Boat Burglary** | | | | 1 | | | | | | |
| **Petty Theft** | 4 | 3 | | | | | 2 | 2 | | 11 |
| **REPORTING DISTRICTS TOTALS** | **19** | **4** | **1** | **2** | **9** | **3** | **12** | **34** | **14** | **98** |

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

**Source-** LARCIS, **Date Prepared –JUNE** 4, 2007
CRIME INFORMATION REPORT - OPTION B

# LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

## MARINA DEL REY STATION

## PART I CRIMES-MAY 2007

| Part I Crimes | MARINA AREA (RD'S 2760-2763) | EAST END (RD'S 2764-2768) |
|---|---|---|
| | | |
| Homicide | 0 | 0 |
| Rape | 0 | 0 |
| Robbery: Weapon | 0 | 0 |
| Robbery: Strong-Arm | 0 | 3 |
| Aggravated Assault | 0 | 3 |
| Burglary: Residence | 2 | 18 |
| Burglary: Other Structure | 3 | 4 |
| Grand Theft | 3 | 9 |
| Grand Theft Auto | 6 | 11 |
| Arson | 0 | 0 |
| Boat Theft | 0 | 0 |
| Vehicle Burglary | 4 | 20 |
| Boat Burglary | 1 | 0 |
| Petty Theft | 7 | 4 |
| | | |
| Total | 26 | 72 |

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

**Source-** LARCIS, **Date Prepared –JUNE 4**, 2007
CRIME INFORMATION REPORT - OPTION B

# MARINA DEL REY HARBOR ORDINANCE
# SEAWORTHY & LIVEABOARD COMPLIANCE REPORT

| | March | April | May |
|---|---|---|---|
| **Liveaboard Permits Issued** (NEW) | 6 | 22 | 19 |
| (RENEW) | 4 | 4 | 4 |
| **Total** | 10 | 26 | 23 |
| **Notices to Comply Issued** | 18 | 0 | 0 |

| | Last Meeting | Present |
|---|---|---|
| **Total Reported Liveaboards:** | 332 | 365 |
| **Total Current Liveaboard Permits Issued:** | 175 | 196 |
| **Total expired permits:** | 28 | 32 |
| **Total Reported Liveaboards without permits:** | 124 | 112 |

Total reported vessels docked in Marina del Rey Harbor: **4,416**

Percentage of vessels that are registered liveaboards: **8.3%**

No new citations were issued for violations of 19.12.1110 L.A.C.C. (liveaboard permit) or 19.12.1060 L.A.C.C. (un-seaworthy vessel) in the month of October.

**Number Of Impounded Vessels Demolished**

To date, two hundred thirty (230) vessels have been removed from the marina for disposal, twenty-five (25) of those in 2007. Currently, four (4) vessels are ready for disposal and five (5) are awaiting lien sale procedures.

*To enrich lives through effective and caring service*

Los Angeles County
Department of Beaches & Harbors
Caring for Your Coast

**Stan Wisniewski**
Director

**Kerry Silverstrom**
Chief Deputy

June 7, 2007

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director SWisniewski

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

## *MARINA DEL REY*

### BEACH SHUTTLE

May 25 – September 3, 2007
Fridays and Saturdays from 10:00 am – midnight
Sundays and Holidays from 10:00 am – 8:00 pm
Marina del Rey Thursday Summer Concerts from 5:00 – 10:00 pm

Catch a free ride on the Playa Vista Beach Shuttle to and from Playa Vista, Marina del Rey, Playa del Rey and Venice, and enjoy the surf, sand, and surroundings of Marina del Rey in a hassle-free and relaxing way. Beach shuttle operates weekends and during the Thursday Summer Concerts, which begin July 12th.

For more information call: Marina del Rey Information Center (310) 305-9545 or Playa Vista Guest House (310) 745-5200. Brochure available at http://beaches.lacounty.gov or www.playavista.com.

### MARINA DEL REY WATERBUS

June 29 through September 3, 2007

For a fun weekend, ride the Marina del Rey WaterBus. Park your car and ride the WaterBus for a unique water's-eye view of Marina del Rey. Six boarding stops throughout the Marina offer opportunities to shop, dine and recreate in one of the most beautiful Southern California residential and tourist areas. Bikes and strollers welcome on board, no pets allowed. Fare is $1.00 per person, one way. There are day passes available for $5.00 and season passes available for $30.00.

**June 29 – September 3**
Fridays: 5:00 pm – midnight
Saturdays: 1:00 am – midnight
Sundays: 11:00 am – 9:00 pm

**Holiday Schedule**
4Th of July: 11:00 am – midnight
Labor Day: 11:00 am – 9:00 pm

**Marina Summer Concert Schedule**
Thursday, July 12: 5:00 pm – midnight
Thursday, July 26: 5:00 pm – midnight
Thursday, August 9: 5:00 pm - midnight
Thursday, August 23: 5:00 pm - midnight

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WaterBus attendants will arrange for land taxi service for passengers needing special assistance to any WaterBus boarding stop for the $1.00 fare.

**Boarding locations are:**

Marina "Mother's" Beach
4101 Admiralty Way

Burton Chace Park (ADA accessible)
13650 Mindanao Way

Dolphin Marina (ADA accessible)
13900 Panay Way, Dock Gate #C-200
2200

Fisherman's Village
13755 Fiji Way

Waterfront Walk (ADA accessible)
4433 Admiralty Way, Fire Station #110

Marina Harbor (ADA accessible)
13928 Tahiti Way, Dock Gate #A-

Ample parking is available at nearby Los Angeles County lots for a reasonable fee.

For more information call: Marina del Rey Information Center at (310) 305-9545

**HARBOR KAYAKING PROGRAM**
Saturday, June 16
11:30 am – 1:45 pm

Come and take a kayaking lesson in Marina del Rey. This two-hour session begins with Los Angeles County Lifeguard instruction and water safety rules. The group will have the opportunity to enjoy Marina del Rey's basins. This is a great opportunity for families to have a fun and educational day in the Marina del Rey harbor. Program requires pre-registration. Fees are $25 (youths 10 – 18) and $30 (19 or older). Fees must be paid upon registering.

For registration and information call: W.A.T.E.R. at (310) 305-9587

**SURF KAYAKING PROGRAM**
Saturday, June 16
8:00 – 11:00 am

Los Angeles County Department of Beaches and Harbors is offering a Surf Kayaking Program. Participants will have the opportunity to kayak through the Marina del Rey harbor and head out to the North Jetty, where they will surf the waves aboard sit-on-top kayaks. Los Angeles County Ocean Lifeguards will instruct the outing. Program

requires pre-registration. Fees are $25 (youths 10 – 18) and $30 (19 or older). Fees must be paid upon registering.

For registration and information call: W.A.T.E.R. at (310) 305-9587

**BIRD-WATCHING EXPERIENCE PROGRAM**
Thursday, June 28, at 9:00 am

Last chance to take advantage of this free County-sponsored bird-watching walk for adults, which will take place at various sites in the Ballona Wetlands. Participation, parking and transportation to tour site are all free. Pre-registration is a must!

For registration and information call: Burton Chace Park at (310) 305-9596

**MARINA DEL REY FOURTH OF JULY FIREWORKS**
Wednesday, July 4, at 9:00 pm

The traditional fireworks extravaganza over the main channel in Marina del Rey will be presented on Wednesday evening, July 4, starting promptly at 9:00 p.m. This event is sponsored by the Los Angeles County Department of Beaches and Harbors. The fireworks are choreographed to patriotic music, which will be broadcast by radio station KXLU 88.9 FM in sync with the pyrotechnic display. The music will be relayed over loudspeakers in Burton Chace Park.

Parking is available in County lot 4 on Mindanao Way and County lot 5 on Bali Way for a reasonable fee. Fireworks may also be viewed at Fisherman's Village and throughout Marina del Rey.

For more information call: Marina del Rey Information Center at (310) 305-9545

**THE MARINA DEL REY SUMMER CONCERT SERIES 2007**
Presented by Arrowhead Mountain Spring Water
July 12 through August 23 from 7:00 – 9:00 pm
Waterside at Burton Chace Park
13650 Mindanao Way

The Thursday, July 12th, opening performance will include the 80-voice Southern California Master Chorale, performing with Maestro Frank Fetta and the Marina del Rey Summer Symphony, *Serenade to Music* by Ralph Vaughan-Williams, *These Things Shall Be* by John Ireland and *Carmina Burana* by Carl Orff. Guest soloists are soprano Lori Stinson, baritone Ralph Cato and tenor Philip Park. The traditional presentation of the colors and water display will take place at 7:00 p.m.

The first Saturday pop concert is scheduled for July 21 and will feature Amanda McBroom with her instrumental ensemble.

Parking is available in County lot 4 on Mindanao Way and County lot 5 on Bali Way for a reasonable fee.

For more information call: Marina del Rey Information Center at (310) 305-9545

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

**Saturday, June 9**
Kid & Nick Show, performing American Pop

**Sunday, June 10**
UpStream, playing Caribbean Style Tunes

**Saturday, June 16**
Son Candela, playing Latin Jazz

**Sunday, June 17**
Floyd and the Flyboys, performing Rhythm & Groove

**Saturday, June 23**
Jimbo Ross Bodacious Blues Band, playing Jazz & Blues

**Sunday, June 24**
Chris "Hammer" Smith Band, playing Harmonica Jazz & Blues

**Saturday, June 30**
Scott Martin Latin Soul Band, playing Latin Jazz & Soul

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

# *BEACH EVENTS*

**MR. & MS. MUSCLE BEACH**
Venice Beach
1800 Ocean Front Walk
Wednesday, July 4th
9:00 am – 6:00 pm

Los Angeles City Department of Recreation & Parks will host its annual bodybuilding, figure, and swimsuit competitions at Venice Beach on Wednesday, July 4th. Event is free and open to the public.

For more information call: Los Angeles City Department of Recreation and Parks at (310) 399-2775 or Joe Wheatley Productions at (818) 922-4626

SW:ks

*To enrich lives through effective and caring service*

LOS ANGELES COUNTY
Department of Beaches & Harbors
Caring for Your Coast

**Stan Wisniewski**
Director

**Kerry Silverstrom**
Chief Deputy

June 7, 2007

TO: Small Craft Harbor Commission

FROM: Kerry Silverstrom for Stan Wisniewski, Director

SUBJECT: AGENDA ITEM 5a - TRAFFIC MITIGATION MEASURES WITHIN THE MARINA DEL REY AREA – QUARTERLY REPORT

Item 5a on your agenda is a quarterly report on traffic mitigation measures within the Marina del Rey area, which Barry Kurtz, our Transportation Engineer Consultant, will be present to provide at your meeting. In connection with his presentation, the attachments to this memo provide lists and color coded maps of transportation improvements that are completed, proposed and under construction.

SW:ds
Attachments

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# COMPLETED TRANSPORTATION IMPROVEMENTS IN THE MARINA DEL REY AREA
## June 2007

1. Automated Traffic Surveillance And Control System (ATSAC), has been installed at all of the signalized intersections along Admiralty Way and along Via Marina to improve traffic signal synchronization.

2. Admiralty Way at the SBBT Crossing: Public Works installed a marked pedestrian crosswalk with pedestrian signals to the SBBT crossing of Admiralty Way. This measure improved pedestrian access between Admiralty Park and the Library. (Completed 9/05).

3. Admiralty Way/Mindanao Way: Public Works installed a marked crosswalk with pedestrian signals to the south leg of Admiralty Way to allow pedestrians to cross all four legs of the intersection. Public Works added a left-turn arrow for northbound traffic turning westbound into Mindanao Way. (Completed 8/05)

4. Admiralty Way sidewalk improvements and increased left-turn storage on Admiralty Way for the Waterside Shopping Center on Parcel 50. (Completed 9/05)

5. Via Marina: Public Works installed new speed/curve warning signs on Via Marina. Public Works extended the existing raised center median from 216' to 325' south of Old Harbor Lane. These measures have enhanced speed control and safety. (Completed 10/05).

6. Fiji Way: An Engineering and Traffic (E&T) survey has been conducted on Fiji Way as requested by the West LA CHP. The current 35 MPH posted speed limit will remain the same. A radar enforcement sign has been installed on Fiji Way.

7. Water Shuttle and demonstration Beach Shuttle service: Operates during the Summers.

8. Lincoln Blvd/Culver Blvd interchange improvement: Southeast ramp was modified to allow northbound traffic from Lincoln Boulevard to access Culver Blvd.. (Completed summer of 2005).

9. Bluff Creek Road (Teal St) from Lincoln Blvd to Centinela Av was constructed by Playa Vista. The connection at Lincoln Blvd is expected to be completed in 2008.

10. Lincoln Blvd transit system: Playa Vista funded 5 buses for Santa Monica Big Blue Bus; Installed Bus Priority System for Lincoln Blvd; and installed Internal Shuttle System. (Completed 2005).

11. Centinela Av widening: Two lanes in each direction and left-turn lanes.

12. Vista del Mar widening at Culver Blvd to facilitate left turns Culver Blvd to Vista del Mar.

13. SR 90/Culver Blvd Interchange: Grade separation over SR 90 and interchange construction. (Caltrans Winter/Spring 2007). Plant establishment will take another year.

14. SR 90/Centinela Av Interchange: Widen Centinela ramps, modify signals at the interchange, and construction of soundwalls along the north side of the Marina Freeway between Centinela Av and Ballona Creek.

15. San Diego Freeway HOV Lanes from SR 90 to SR 105: Construction of HOV lanes northbound and southbound on I-104. Soundwalls will be constructed for noise mitigation. (Caltrans Winter 2006).

## COMPLETED TRANSPORTATION IMPROVEMENTS IN THE MARINA DEL REY AREA (Continue)
## June 2007

16. Lincoln Blvd/Mindanao Way Intersection Improvement: Add a separate northbound right-turn lane on Lincoln Blvd at Mindanao Way.

17. SR 90/Slauson Av Intersection Improvement: Add a third left-turn lane from westbound Slauson Av to SR 90. (PV 2007).

# TRANSPORTATION IMPROVEMENTS UNDER CONSTRUCTION IN THE MARINA DEL REY AREA
## June 2007

1. Lincoln Blvd from Bali Way to 83rd St: Add 3rd through lane in each direction. (Caltrans mid 2008).

2. Lincoln Blvd from La Tijera to LMU Drive: Add a 4th northbound lane. (Caltrans Mid 2008).

3. Lincoln Blvd/Bluff Creek intersection: Construct the intersection with signal concurrent with Caltrans work on Lincoln Blvd. (LA City Mid 2008).

4. San Diego Freeway high occupancy vehicle (HOV) Lanes from I-10 to SR 90: Construction of 3.6 miles of HOV lanes northbound and southbound on I-405. The construction will also include soundwalls for noise mitigation. (Caltrans Fall 2007).

**PROPOSED TRANSPORTATION IMPROVEMENTS**
**IN THE MARINA DEL REY AREA**
**June 2007**

1. Marina Expressway (SR-90) Connector Road to Admiralty Way Project: EIR/EIS to consider the SR 90 Connector Road to Admiralty Way at grade. (County EIR/EIS 2007).

2. Admiralty Way Improvement Project: EIR/EIS to consider either 5-lane alternative within existing right of way or 5/6-lane alternative and the intersection widening alternatives. (County EIR/EIS 2007).

3. Admiralty Way/Via Marina Intersection Realignment Project: As part of the Admiralty Way Improvement Project, consider the realignment of Admiralty Way to form a continuous loop road with Via Marina. (County EIR/EIS 2007).

4. Admiralty Way/Palawan Way Intersection Improvements: Restripe northbound Palawan Way to provide a separate right turn lane to Admiralty Way and restripe southbound on Palawan Way to provide into a second left-turn lane. (County 2008).

5. Palawan Way/Washington St Intersection Improvement: Reconstruct Palawan Way at Washington St to allow full access. Install a traffic signal at the intersection providing dual left-turn lanes instead of the existing right-turn only lane. (County 2008).

6. Fiji Way Bike Lane Project: Widen the south side of Fiji Way by two feet to allow the installation of bike lanes along both sides of Fiji Way. This project was submitted to MTA's 2007 Call for Projects, and MTA staff recommended funding it. This project would not preclude a future off-road path through Area A. (County 2011).

7. Centinela Av Widening from Ballona Creek to Culver Blvd: Add third northbound lane. (PV II 2010).

8. Jefferson Blvd Widening from Beethoven St/Centinela Av: Add fourth eastbound travel lane. (PV II 2007).

9. Sepulveda Blvd Widening from Playa/Jefferson to Green Valley Circle: Add a third southbound lane. (PV 2007).

10. Expand Playa Vista's Internal Shuttle System on a Demand /Responsive basis to Marina del Rey, The Bridge, Fox Hills LMU, and Playa del Rey. (PV II 2010). The Marina Del Rey Summer Shuttle Program in partnership with Playa Vista was approved for expansion in 2007.

11. Lincoln Corridor Task Force recommended in March 2004 an exclusive bus lane along Lincoln Boulevard. The bus lane was approved by the City of Santa Monica and is under study by the City of Los Angeles.

12. **The Department of Public Works recommends the installation of a traffic signal at the Marina City Club (MCC) main driveway and Admiralty Way. Public Works also recommends modifying the traffic signal at the fire station to provide pedestrian signals and crosswalk across Admiralty Way.**

# COMPLETED TRAFFIC IMPROVEMENTS IN THE MARINA DEL REY AREA

- - - NEW ROADS

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GIS SERVICES

PUBLIC WORKS

FEET 2400

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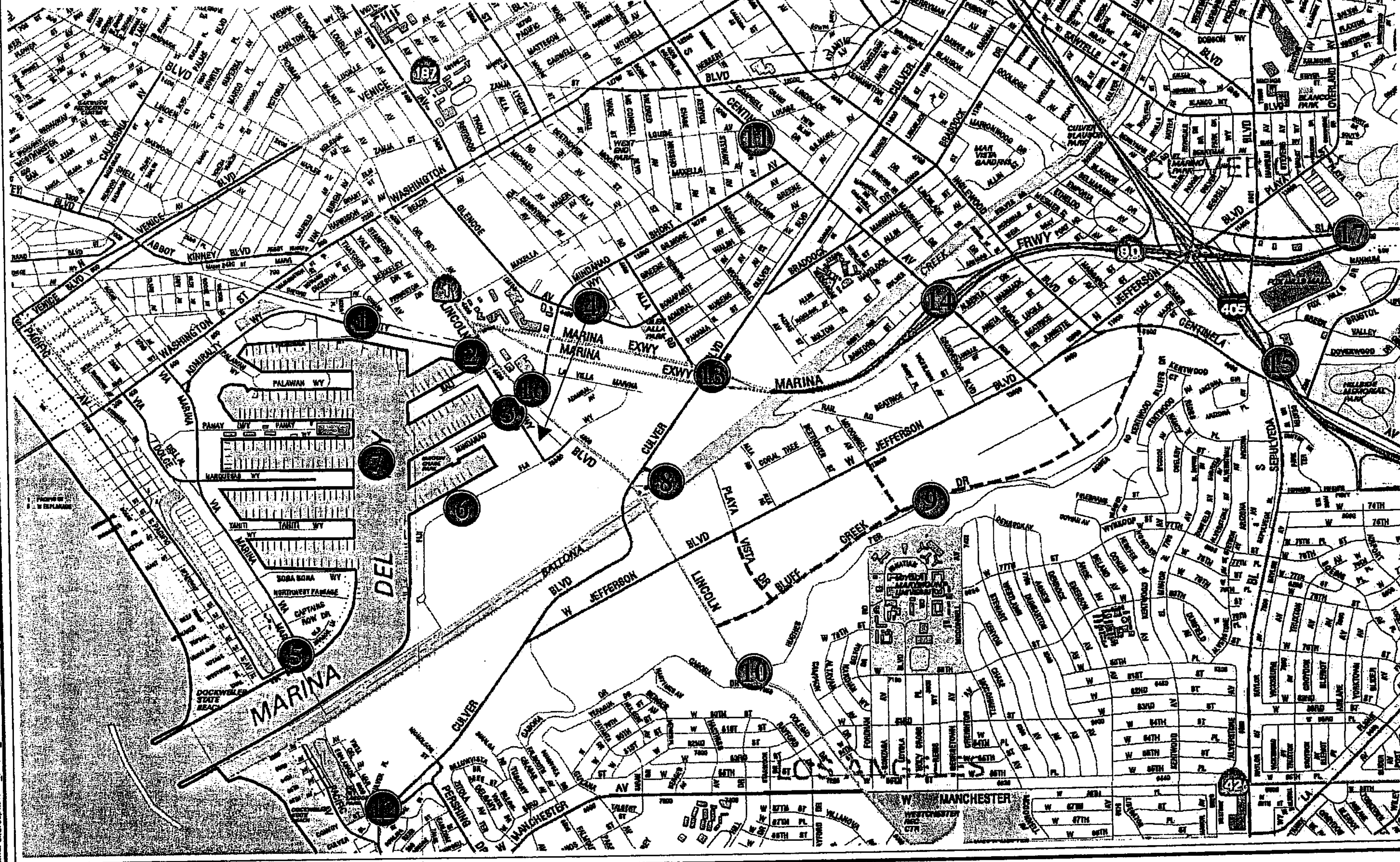


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# TRAFFIC IMPROVEMENTS UNDER CONSTRUCTION IN THE MARINA DEL REY AREA

--- NEW ROADS

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GIS SERVICES

PUBLIC WORKS

FEET 2400

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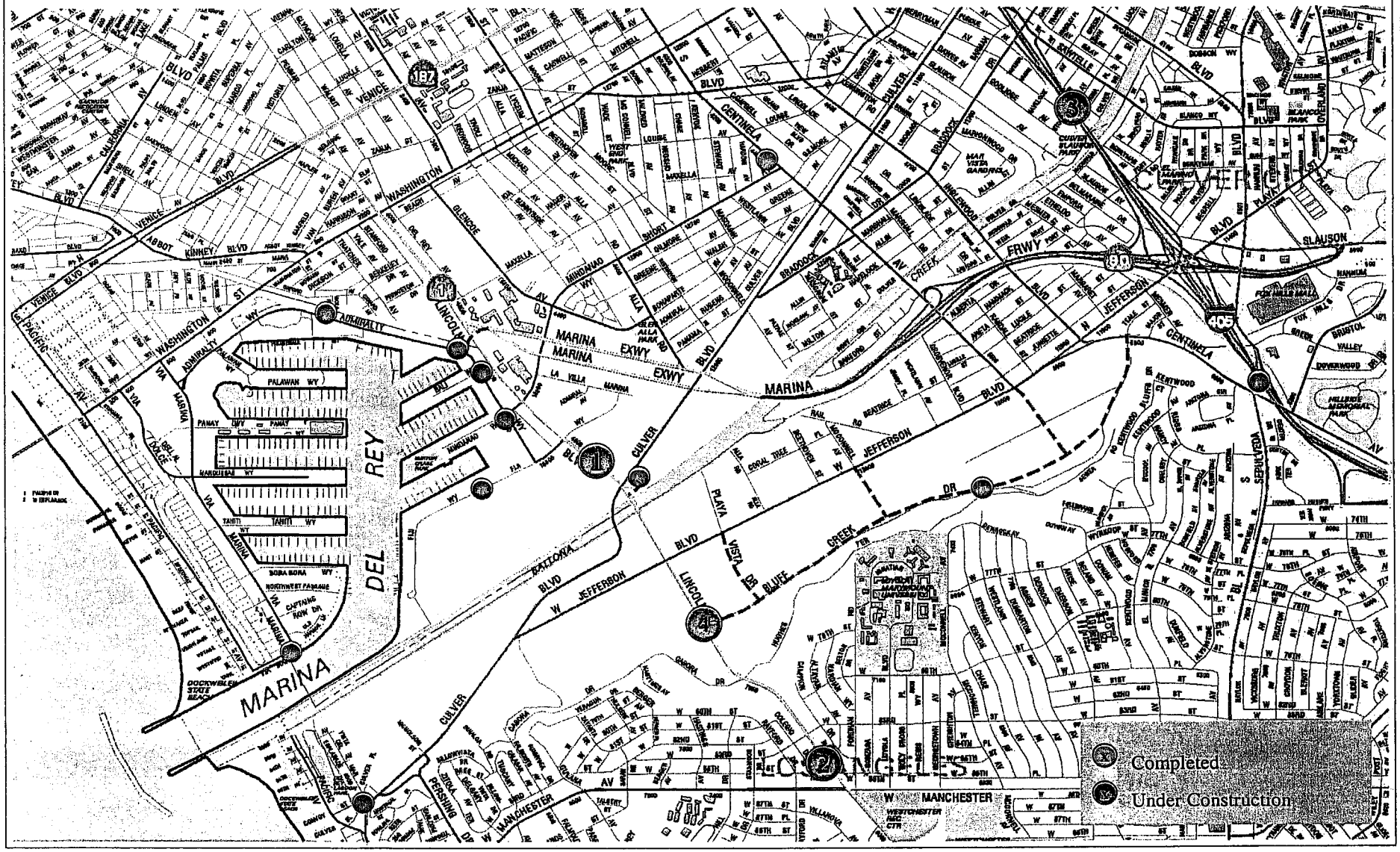


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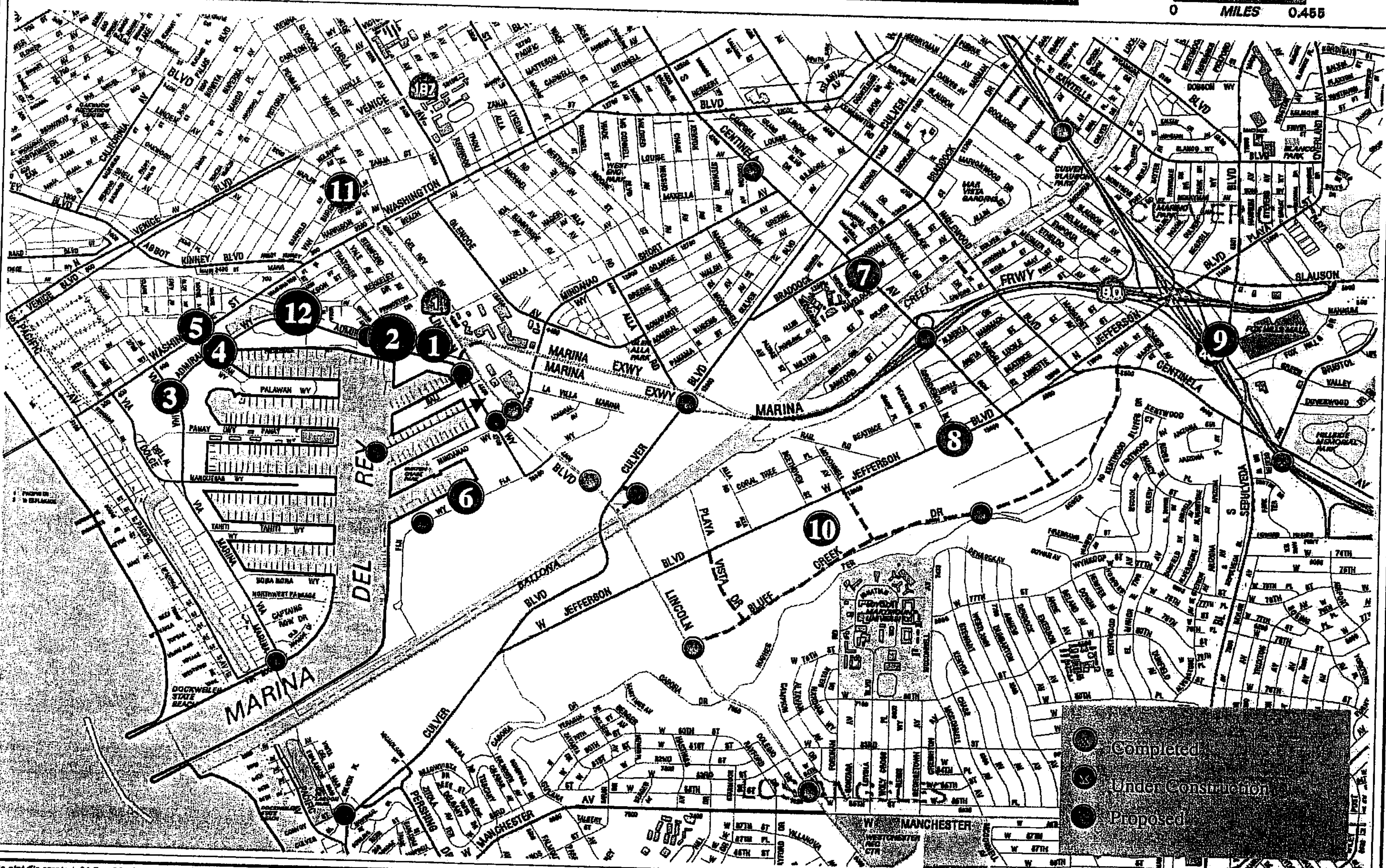
# PROPOSED TRAFFIC IMROVEMENTS IN THE MARINA DEL REY AREA

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**MINUTES**
**OF**
**MARINA DEL REY**
**DESIGN CONTROL BOARD**

**March 15, 2007**

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

| | |
|---|---|
| Members Present: | Susan Cloke, Chair, First District<br>Peter Phinney, A.I.A., Fourth District<br>Tony Wong, P.E., Fifth District |
| Members Absent: | David Abelar, Second District |
| Department Staff Present: | Stan Wisniewski, Director<br>Charlotte Miyamoto, Chief, Planning Division<br>Chris Sellers, IT Technical Support Analyst<br>Maureen Sterling, Acting Secretary<br>Kimberly Monroe, Secretary |
| County Staff Present: | Tom Faughnan, Principal Deputy County Counsel<br>Russ Fricano, Department of Regional Planning |
| Guests Testifying: | Charles Balber, Cruz-Balber Architects<br>Greg Dallal, Caruso Affiliated<br>Jeff Penne, Pacific Marina Development<br>Roger Van Wert, Allen Matkins<br>Donna Andrews, CES<br>Tom Hogan, Pacific Marina Development<br>Jamie Meyers, DC Martin Partners<br>Richard Thompson, DC Martin Partners<br>Steve Weinman, Dock 77<br>Greg Schem, Harbor Real Estate Group<br>Jerry Dunlap, My Boat Works<br>Nancy Marino, Marina del Rey Resident<br>Dorothy Franklin, Marina del Rey Resident<br>Roz Walker, Marina del Rey Resident<br>Carol Kirschenbaum, Marina del Rey Resident<br>Bill Anderson, Marina del Rey Resident<br>David Levine, MDR Lessees Association<br>Steve Kern, H&S Yacht Sales<br>Jun Yang, Power Associates<br>Carla Andrus, Marina del Rey Resident |

1. **Call to Order, Action on Absences and Pledge of Allegiance**
**Ms. Cloke called the meeting to order at 2:10 p.m. Mr. Wong led the Pledge of Allegiance. Mr. Phinney (Wong) moved to excuse Mr. Abelar from the meeting.**

2. **Approval of Minutes**

Ms. Cloke asked about revision she sent in for the January 25, 2007 Minutes that did not make it through to the final version.

Mr. Sellers apologized and explained that the materials for the meeting were sent out to the Board members prior to receiving the corrections.

**Ms. Cloke (Phinney) moved to continue the January Minutes until the next meeting. [Unanimous consent]**

Ms. Cloke asked if there were any comments or corrections to the Minutes of February 22, 2007.

Mr. Faughan had one minor correction to a statement he made on page 12.

Ms. Cloke accepted the correction from Mr. Faughan, and made minor word changes and deletions of her own.

**Ms. Cloke (Phinney) moved to approve the Minutes of February 22, 2007 as amended. [Unanimous consent]**

Ms. Miyamoto introduced Kimberly Monroe to the Board as the permanent Design Control Board Secretary.

Ms. Cloke welcomed Ms. Monroe and thanked Ms. Sterling for all of her hard work and patience with the Board.

3. **Design Control Board Reviews**

A. **Parcel 97 – Beyond Beauty Supply – DCB #06-023**
Approval of the record of the DCB's February 22, 2007 action for conditional approval of signage.

**Mr. Phinney (Wong) moved to approve DCB #06-023 as submitted. [Unanimous consent]**

B. **Parcel 91- Marina del Rey Outrigger Canoe Club – DCB #07-001**
Approval of the record of the DCB's February 22, 2007 action for conditional approval of storage cabinet installation.

**Mr. Phinney (Wong) moved to approve DCB #07-001 as submitted. [Unanimous consent]**

C. **Parcel 50- Waterside Marina del Rey – DCB #07-002**
Approval of the record of the DCB's February 22, 2007 action for conditional approval of ATM installation.

**Mr. Phinney (Wong) moved to approve DCB #07-002 as submitted. [Unanimous consent]**

4. **Old Business**

A. **Parcels 50 – Waterside Marina del Rey – DCB #07-002-B**
Further consideration of ATM installation (awning and lighting).

Ms. Miyamoto gave a brief overview of the project.

Mr. Balber stated that while they did provide an alternate design for an extended awning and light fixture, they felt that the original awning design was adequate for protection from the elements. Mr. Balber stated they had changed the light fixture to one that has an articulated yoke that would allow changing the angle of the light. He stated they were proposing a high-pressure sodium 100-watt light, which was in keeping with the balance of lighting in the shopping center.

Public Comments
None

Board Comments

Ms. Cloke had concerns about the size of the existing awning for rain protection, and didn't think the alternate awning would upset the rhythm of the center since there were currently different size awnings over different entrances.

Mr. Dallal stated the concerns were with the two-foot standard that Wells Fargo has with their other ATM machines. He said he didn't know if the current exhibits adequately reflected what the awning currently looks like, but it could not be raised to maintain the same pitch because there were issues above it with the electrical connections. He said the alternate awning design would have a different pitch compared to the awning next to it and it would look odd.

Ms. Cloke asked the applicant if they would want their customers getting wet if it rained.

Mr. Dallal responded that Wells Fargo felt a two-foot clearance was adequate for their customers. He stated that Wells Fargo had this size awning on their other properties, and that some Wells Fargo ATMs did not have coverage at all.

Mr. Balber stated he understood the concerns of the Board, but that Wells Fargo has two feet as the standard that they use for their ATMs.

Ms. Cloke responded that the Board looks at standards for logo and branding issues, but the architectural standards when doing designs is three feet.

Mr. Wisniewski agreed with the applicants' argument, stating that a different pitch would look odd.

Ms. Cloke responded that she understood both sides of the argument and said she didn't realize that raising the awning would raise the pitch as well.

Mr. Balber had concerns about raising the awning because it would cause problems in the connection to the wall and would require refinishing quite a large area.

Ms. Cloke responded that she understood, but she felt that three feet was the standard for design.

Mr. Phinney stated that he didn't have a strong feeling about it, but agreed that a pitch change would have an adverse visual impact. Referring to the existing condition photo and the computer-generated image, he stated if the applicant was going to argue that the pitch would radically alter the appearance of the center, they should show the center and the pitch altered to see how bad it would be.

Ms. Cloke stated that she visited the shopping center and observed that there were many different types of awnings in the shopping center.

Mr. Phinney was concerned about the brightness of a 100-watt bulb.

Mr. Balber responded that the light fixture would be brighter, because it would have to meet the state codes.

Ms. Cloke stated a motion could be in place that if Staff, on a field check, saw that the lights were different, that they could request the light be changed out.

**Mr. Phinney (Cloke) moved to approve the alternate proposal of DCB #07-002-B, instructing Staff to check the quality of lighting once it was installed to confirm that it was consistent with the other lights in the shopping center. [Unanimous consent]**

5. **New Business**

A. **Parcel 52 & GG- Boat Central – DCB #07-005**
Consideration of redevelopment project.

Ms. Miyamoto gave a brief overview of the project.

Mr. Thompson gave a PowerPoint overview of the project.

Board Comments

Mr. Phinney asked how many boats could be stored inside.

Mr. Thompson replied 346 to 367, depending on the size of the boat.

Mr. Phinney asked what function the Sheriffs' Boatwright facility performs.

Mr. Wisniewski replied the facility was used for the Sheriff's boat repairs and that the Lifeguards have also used it for Baywatch boat repair.

Mr. Phinney asked if the stated rate of seven to nine boats per hour was realistic.

Mr. Thompson replied yes.

Mr. Phinney asked if there was any potential for solar panels on the roof.

Mr. Thompson replied that the reason it was merely an option here was that this project didn't have much energy consumption to begin with, having very low lighting and no mechanical ventilation, air conditioning or heating. He stated the energy use was very small, but they would be happy to explore that possibility with the Department.

Mr. Phinney clarified that it wasn't a part of the current proposal.

Mr. Thompson replied it wasn't.

Mr. Phinney asked if the applicants were advocating removing 367 existing wet slips, or adding 367 boats to the Marina, just not in the water.

Mr. Thompson explained that the Marina was in dire need of additional slips, so the idea of the dry stack storage was being proposed to meet some of that demand.

Mr. Phinney asked Mr. Thompson if he was advocating removing existing wet slips.

Mr. Thompson replied no.

Mr. Phinney asked if the facility could run at night or if was only daytime hours for safety reasons.

Mr. Thompson responded that it has the function to run at night, but it would primarily run during the day.

Ms. Cloke, referring to page 4 of the submittal packet, asked what the two yellow lines to the left of the dry stack storage facility were.

Mr. Thompson replied that those were the two cranes that were on the adjacent property.

Ms. Cloke asked how many queuing spaces were in the boat queuing section.

Mr. Thompson replied that it was about 12 to 19 percent of the capacity, but the number was 40 boats normal capacity and 66 boats at peak capacity.

Ms. Cloke asked whom the boat washdown was for and if it was being relocated from the existing mast-up storage area.

Mr. Thompson replied that the boat washdown would be an added feature, and that there would still be a boat washdown at the launch ramp area, independent of theirs.

Ms. Cloke asked where people in the dry stack area could go to have their boats washed.

Mr. Thompson replied that they would wash the boats at a self-contained washdown area at the boat elevator.

Ms. Cloke asked how the applicant calculated the number of showers and bathroom facilities.

Mr. Meyers replied that they went with the Department of Boating and Waterways' recommendations, and then added one more for each gender.

Ms. Cloke asked if the restroom facilities were open for the customers of the dry stack storage or for other boaters as well.

Mr. Hogan replied that it was primarily just for the tenants at the site.

Ms. Miyamoto confirmed that practice was consistent with the other private marinas. Mr. Wisniewski stated he understood that the bike lockers, lounge and the showers were amenities for those who would be using the dry stack facilities.

Ms. Cloke, referring to page 5 of submittal, asked if the building was designed so that the roof structure could accommodate solar panels.

Mr. Thompson replied that the structure had adequate weight for lightweight solar paneling if that was desired.

Ms. Cloke, referring to the panel samples, and asked what was white and what was clear in terms of the drawings presented.

Mr. Meyers replied that they were not proposing any of the clear panel samples presented; those were only so that the Board could see the actual material. He said that it was the exact material but not necessarily the final color.

Mr. Thompson said that they could have actual samples made if the Board so desired.

Ms. Cloke asked for more information about the materials being recyclable.

Mr. Meyers replied that the manufacturer stated that the material is 100% recyclable and is made out of 10% recyclable products.

Mr. Thompson replied that the steel was recyclable also.

Mr. Phinney asked where the panels were manufactured.

Mr. Meyers said Israel.

Ms. Cloke noted that the parking lot slopes down toward the water. She asked the applicant what stern water they intended to infiltrate and what stern water they intended to capture and how they would be differentiating.

Mr. Thompson stated that the natural grade was about seven feet across the site, and water would drain into the storm drain.

Ms. Cloke asked if the project would potentially store 367 boats that are currently in the Marina.

Mr. Wisniewski replied it would not add additional, as the Department would be vacating those storage spaces that are not contained on Parcel 77, because that area would be used for park expansion.

Ms. Cloke mentioned that the masts on the boats on the model did not appear to be to scale. She said it was important for the trees and masts to be to scale to properly represent the size of the building.

Public Comments

Mr. Weinman said it was curious that the proposed building extended over the water, since the LCP does not state that a building can. He didn't think that was good use of the water.

Mr. Weinman said he hoped that Dock 77 could remain where it was until this was built.

Mr. Dunlap stated that this facility was against the spirit of the Marina. He said he didn't like the wind shadow and would like to see a wind study. Mr. Dunlap stated that no one was going to go to a park that had a 70-foot tall building on the right and a dockyard on the left; there was no view of anything.

Mr. Schem stated the dry stack was a good thing for Marina del Rey and he had no objection to the proposed developer, but he strongly opposed the applicant's project because it was too big and it violated the County's own design guidelines set forth in the LCP.

Mr. Schem stated that this project would add to a dangerous environment in the already congested Basin H launch ramp area. He stated that the proposed structure would have a negative impact on the existing boat slips in the vicinity, as shadows would impact the boats at Parcel 52. He stated that the project does not provide affordable alternatives to wet slips as recommended in the Coastal Commission documents, and it would eliminate affordable alternatives for over 200 small boats.

He felt the project was too big, too tall and too expensive to adequately address Marina del Rey boaters' needs.

Ms. Marino stated the project exemplified the need for a Master Plan review because of the interconnection issues between other parcels, other development zones and land use needs in the Marina. She stated that the project was not in compliance with the LCP, and several amendments would be required in order for it to proceed. She was concerned about safety issues resulting from the concentration of launch facilities in a single basin and the environmental and social issues relating to the boating experience for small boat owners in the Marina.

Ms. Marino stated that the Beaches and Harbors administration building, which was designated in the land use plan for this site, was currently homeless because the County was premature in inviting the RFP for this facility.

Ms. Marino said there was an LCP amendment that states that only a park or parking was allowed on an existing public lot, and said that the LCP required all privately developed parcels to include all parking for the parcel use on site. Additionally, she felt the project provided insufficient boat trailer parking and washdown facilities.

Ms. Marino felt that the Coast Guard needed to be consulted on whether this was the appropriate location to concentrate that much launch ramp traffic, since this was the only entry point for new boaters.

Ms. Cloke stated to the public that the Board accepts letters and emails for additional comments and input.

Mr. Anderson said the uniqueness of this facility was essentially the new technology, both from the electric crane itself and the environmental benefits of the crane. He stated this was unique to California, but its technology has been used very successfully in a lot of other places. He said the crane is practical when there is only a small footprint available and buildings are forced to be built vertically.

Mr. Levine felt it was extremely important to have dry stack storage facilities in the Marina. He stated that while he supported the project, he wanted to make sure that the question of the building-over-the-water precedence was aired fully and completely through the entitlement and design process.

Mr. Kern had concerns with the size of this structure, saying it would interfere with the aesthetics of the harbor and the wind patterns.

Mr. Yang asked if the item could be continued for an evening meeting so there could be more public input.

Ms. Andrus stated that although everyone was interested in dry stack storage, she had concerns about the bulk and scale of it. She stated the need to look at and honor the Land Use Plan.

Mr. Wong wanted clarification regarding the LCP amendment, whether that has to go first before the Board of Supervisors or simultaneously or afterwards. He asked if this process goes through the conceptual approval before everything else.

Mr. Wisniewski replied that this project was the result of an RFP process that was approved by the Board of Supervisors (BOS). He said the BOS knew once the Department negotiated and selected a developer and negotiated a term sheet and a lease option, all of which the Department has done, that they would then start the entitlement process.

Ms. Cloke asked when the RFP went out on this project.

Mr. Wisniewski replied there were two rounds of RFPs, but the first one had an alleged glitch and the BOS felt more comfortable going out a second time, and the subsequent RFP was in 2005.

Ms. Cloke asked if the applicant had thus been negotiating with the County on this for two years.

Mr. Wisniewski replied that the term sheet for the project had been reviewed and a lease option developed pursuant to BOS guidance in closed sessions. He said the actual lease option went before the Small Craft Harbor Commission yesterday, and that the BOS would now calendar it for consideration in public session. Mr. Wieniewski explained that everything being done with this applicant was consistent with what the BOS understood the project to be.

Ms. Cloke asked the timeframe from the first meeting with this applicant to the present.

Mr. Wisniewski replied March 2005 until today.

Ms. Cloke asked what kinds of parameters were handed to the applicant.

Mr. Wisniewski said the applicants were given the building envelope, which included the leasable land and water area of parcels 52 and GG, and allowed to come back with their own creativity. He said this applicant was selected twice out of a process in response to the RFP, as responding with the best proposal.

Ms. Cloke asked if the applicants were informed that the proposal was to build dry stack storage that extended out over the water.

Mr. Wisniewski stated he believed that the RFP left it up to the applicant.

Ms. Cloke stated that in the LCP, the Board worked very hard for the idea that there should be a continuous waterfront promenade. She stated anytime there was a new parcel to be redeveloped that it should be a continuous part of this waterfront promenade.

Mr. Wisniewski replied that because this site was adjacent to two commercial boat repair yards, there could not be a waterfront promenade for public safety reasons.

Mr. Cloke asked for an explanation as to why it wasn't safe and why the applicant couldn't create a separation that would create the required safety.

Mr. Wisniewski stated that with the daily activities that go on, a boat repair yard was not a safe place for people to be walking.

Ms. Cloke stated the LMU dock was right next to a boat repair place.

Mr. Wisniewski stated that in the interest of public safety this was not something that the Department was willing to do.

Mr. Phinney asked if Mr. Wieniewski was very clear that it was within the Board's privy to review this project even though it was inconsistent with the LCP.

Mr. Wisniewski replied that was correct.

Mr. Phinney stated he understood that the Board's very existence was to essentially enforce and interpret the LCP and to review projects for consistency. He said the likely outcome of this meeting was for the Board to find that the project was inconsistent with the LCP and that an amendment would be required, then to comment on the architectural and site issues that the Board normally addressed.

Mr. Wisniewski replied that the Board could review and approve this concept in any way they saw fit, assuming that County Counsel agreed that they were within the bounds of their ordinance authority.

Mr. Phinney asked Mr. Faughnan if he agreed.

Mr. Faughnan said he agreed.

Mr. Phinney was curious about the operational issues involved with queuing seven to nine boats an hour. He asked if the practical reality wouldn't be that it would take half a week to queue all of those boats at that rate.

Mr. Hogan replied that, in terms of usage of dry stacks, use is typically only 15 to 20 percent at any one given time.

Mr. Phinney said that was just because of the nature of people who own boats that choose to store them in that manner.

Mr. Hogan replied they were planning on usage of up to 30 percent. The ten boats in per hour were based upon a reservation system. He said they would have an idea of who was going to come and use the boat periodically. He stated that 90 percent of the time on weekdays and non busy weekends, it would be highly likely for a customer's boat to be in the water when they arrived. Mr. Hogan stated on busy weekends they had the capability to stage boats in the water up to a day or so prior to

the customer arriving if that was necessary, and they had the capability of retrieving them in the same manner.

Mr. Phinney asked if the applicant had experience with this type of facility.

Mr. Hogan replied that while they have a number of marinas throughout the West Coast, and they had analyzed, looked at and spent extensive time at other operations, they did not have another one of these particular facilities.

Mr. Phinney asked why not just eliminate the exterior skin entirely, and have a skeletal structure showing the boats all the time, making it virtually transparent.

Mr. Thompson replied there would be a security issue with there being equipment out in the open. He also stated they did want to keep the people operating in there safe from the rain and birds.

Mr. Phinney stated that from a practical viewpoint, if he were sailing on the water, there would be birds on his boat, and with the hangar doors open there would be birds in this building.

Mr. Hogan replied that enclosing the building was very important to their customers, providing security and protection for the boats.

Mr. Phinney stated he was disappointed with the buildings because they lacked the sort of whimsy that the Board promotes in the Marina, and the public also mentioned that it looked industrial.

Mr. Phinney applauded the effort to make a sustainable building, but was disappointed to hear that the manufacturer of these panels was in Israel. He felt the applicant would be importing "Israel's waste" and using an incredible amount of energy to do it. He felt the applicant should rethink that concept.

Mr. Phinney suggested the applicant consider pulling the building back and having just the elevator and the crane assembly extend over the water. He felt it would set a dangerous precedent for the Board to allow a development over the water. He also stated that he had a hard time justifying the 120-boat gain versus what he saw as a negative impact of the building.

Ms. Cloke stated that the real problem she had was that the project was out of compliance with the LCP.

Ms. Cloke stated she was unsure how to separate her strong concerns, which she felt were really not the applicant's responsibility, but the County's. She thought that if the applicant had been given the mission to build a smaller version or a smaller building envelope that did not go over the water, that the applicant could have done a perfectly good job of it. She felt the applicant was just responding to the County's direction.

Mr. Wisniewski said he wanted to make sure the record showed that this project had gone through a very public process. He said the RFP had gone in front of the BOS, who authorized the release of it. They then considered in open public session the recommendation of the Department, which included the over-the-water concept. He said he was sure that there were public comments made at that time. He said the project went from the Small Craft Harbor Commission to the BOS and the BOS approved it. He said the over-the-water concept came from the proposer, not the Department.

Ms. Cloke said that taking the waters of the United States and using them for development was not the right decision. She stated that this was water for boating and for people to enjoy looking at.

Ms. Cloke further stated she would not support any LCP amendment that included building out over the water. She said she thought this was a basic flaw in the site planning of the building and it needed to be rectified.

Ms. Cloke said the statements made about the sailing and the wind effects should be analyzed and studied.

Mr. Hogan replied that they have a wind study on record.

Ms. Cloke stated she had concerns about both the height and the environmental effect on the water and the wind and sun. She opposed using water for development, and stated it would be very difficult for the BOS or the County to say that the County has one set of rules for developers and another for the public.

Ms. Cloke agreed with the public that there needed to be a night meeting to address this item, and she said that the model accuracy needed to be verified.

Ms. Cloke felt that it would be helpful to better understand the question Mr. Phinney raised regarding the skin product, saying that at some point along the line the developers were going to need to provide real colors and real samples. She said that any transparent product would have to consider night lighting in the Marina, and she identified the need to get more education on the issue of the public promenade.

Ms. Cloke stated once the developer gets into the development of this project that their sustainability argument would be better served if they did not use palm tress, but more canopy trees.

Ms. Cloke stated that she does support the concept of the dry stack storage. She said she understood that there were different ways that people use their boats and she felt the County should be responsive to different kinds of boat users. She thought that, especially with the design of the small buildings, the developer could find a way to be more playful.

Ms. Cloke asked what effect the sun would have on the proposed plastic skin.
Mr. Meyers replied that it would have much less effect than anything else made in the world.

Ms. Cloke thought the developer could make the smaller buildings a lot more fun, and she thought that they needed to make the larger building a smaller building. She suggested the developer have an alternate proposal just in case the LCP amendments didn't go through.

Mr. Wong asked if the skin material would reflect the car headlights outside.

Mr. Thompson stated that the two large samples brought in were the most reflective version of the product made.

Mr. Wong stated that he would like some technical measurements from the manufacturer in terms of auto safety and daylight.

Ms. Cloke stated that because it was a new material they would all like to hear more about it.

Mr. Wong asked if the Board had any precedence in dealing with a building over the water.

Ms. Cloke stated that as long as she has been on the Board, the Board had never actually approved anything over the water.

Mr. Wong asked the applicant if they had any examples of the building product here or elsewhere.

Mr. Hogan replied that the product has been in existence for a number of years and was used at Loyola Marymount's Aquatics Center and a number of schools in Southern California.

Mr. Myers stated that the product was used at a new high school in South Central that was 95% exterior cladding made out of the material because of its durability.

Ms. Cloke stated that this should be continued to a night meeting date of the applicants' choice, and asked the applicant when they would like to come back.
Mr. Thompson asked for clarification of what they were being asked to return with.

Ms. Cloke stated she would like to see several different alternatives, but that it was up to the applicant. She said the Board would make suggestions on what they would like to see, and if they were on an approval track then the Board would say "we would like X done to this building and Y done to that building," but that it would be up to the applicant to make decisions about putting forward alternatives or not.

Ms. Cloke stated that she and Mr. Wisniewski would discuss why he thinks it's not a good idea to have a promenade and some of the other issues. She suggested that the applicant could put a promenade in one of the alternatives if they wanted to show how they would do it architecturally.

Ms. Cloke asked the applicant if they would like to come to the next month's evening meeting.

Mr. Hogan replied that the Board has given them things to consider and he was not sure they would be prepared for the next meeting and there were a number of things they would need to look at before they rescheduled.

**Ms. Cloke (Phinney) moved to continue DCB# 07-005 to an evening meeting of the applicant's choice. [Unanimous consent]**

6. **Staff Reports**

All reports were received and filed.

Ms. Miyamoto gave a brief overview of Item 6A.

Mr. Wisniewski gave a brief overview of Item 6B.

Board Comments

Ms. Cloke asked if the Del Rey Shores project was coming back for a final review.

Mr. Wisniewski replied it would be back for the architectural elements later on.

Ms. Cloke asked what the BOS did about the DCB motions.

Mr. Wisniewski replied he believed that item was re-calendared at Regional Planning (DRP). He asked Mr. Fricano if DRP was going to give notices to the Board so that they would have the BOS hearing date.

Mr. Fricano stated that to his knowledge the hearing was March 27, 2007 and he would like to refer Mr. Wisniewski's question to the BOS offices, as they were responsible for noticing interested parties.

Ms. Cloke asked if Regional Planning made any changes to the BOS motions regarding changing the scope of authority of the Board.

Mr. Fricano replied that he was not involved in that aspect and that it was handled through another section of the Department.

Ms. Cloke asked if any of the Staff had the answer to that question.

Mr. Faughnan replied that he was not aware of any changes that had been made by the Regional Planning Commission to the amendments from when they were presented to them, and those same amendments would be going to the Board of Supervisors and he believed the date would be March 27, 2007.

Ms. Cloke asked for an update of the Local Coastal Program Periodic Review.

Mr. Wisniewski replied that the Department had a meeting date with a staff member of Coastal Commission on March 29, 2007.

Ms. Cloke said that the new identity signage in the Marina looked very good.

Mr. Wisniewski thanked the Board for their patience in awaiting the signage

Ms. Cloke stated that Staff might want to look at the sign in front of the Visitor's Center, as some of the old back is still visible.

Mr. Sellers said that side would be resurfaced with the main blue color used on the front.

Ms. Cloke stated that the concerns regarding a Master Plan need to be addressed and she would like to see that on an agenda at a later date once Staff comes up with a proposal of what would be the appropriate way to approach the problem.

Mr. Wisniewski replied that the County would be happy to address it in a Staff Report.

Public Comments

Ms. Marino spoke about the LCP amendment for the Design Control Board's authority being held on March 27th, stating that they were the same amendments proposed on November 20th at Regional Planning. She said she hoped the Design Control Board would appear for the hearing. She asked about having a community member be involved in the Urban Design Committee. She spoke about having existing development on these parcels be included in the Staff Reports.

## 7. Comments from the Public

Ms. Andrus asked about a map of where the erosions were for the seawall repairs. She said a project status report on Phase I would be very helpful. She said that Doug Ring's developments have been pushed further and further. She spoke about the people who live at Bar Harbor getting a six-month notice, and asked if the County was shortening the six-month notice or if it would be July of next year.
Mr. Wisniewski replied he would be happy to have Staff answer that question, but it was not an item for consideration here.

Ms. Andrus stated that this was public comment.

Ms. Cloke explained to Ms. Andrus that the Design Control Board doesn't get into the maintenance of the seawall, but Mr. Wisniewski was offering to have Staff try to answer her questions.

Mr. Wisniewski stated there was a Master Plan and that they have accessed areas of the seawall, that it's been through the Board and the contract has been awarded.

Ms. Walker spoke about having a Master Plan, and how the Marina needs upgrading and how the lessees throughout the years should have kept up their properties. She felt the County should have been supervising the lessees to make sure they kept up the properties. She thanked the DCB for all their help in making the Marina the kind of marina it should be.

Ms. Marino spoke about how the developers have brought some extremely creative professional as well as thoughtful solutions to the RFP that the County has put forth. She disagreed that the County had put RFP proposals out that were not in conformance with the LCP. She stated that the LCP was supposed to be the guiding document for the Marina.

Public comments closed

**8. Adjournment**

Meeting adjourned at 5:37 p.m.

Respectfully Submitted,

Kimberly Monroe
Secretary for the Design Control Board

*To enrich lives through effective and caring service*

Los Angeles County
Department of Beaches & Harbors
Caring for Your Coast

**Stan Wisniewski**
Director

**Kerry Silverstrom**
Chief Deputy

June 7, 2007

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director SWisniewski

SUBJECT: ITEM 5b - *SEA WORLD UCLA* RESEARCH VESSEL'S REVOCABLE NO-FEE PERMIT FOR USE OF DOCK AT BURTON CHACE PARK IN EXCHANGE FOR SERVICES RENDERED TO THE DEPARTMENT OF BEACHES AND HARBORS' W.A.T.E.R. PROGRAM

Item 5b on your agenda addresses a Permit that would continue to allow the *Sea World UCLA* Research Vessel to dock at the Burton Chace Park transient docks without paying the customary docking fees in exchange for services rendered to the Department's Water Awareness, Training, Education and Recreation (W.A.T.E.R.) Program. Attached for your consideration is a Board letter containing the recommendations of this Department along with the Permit. My staff will be available to provide an overview of the Permit at your meeting.

Your Commission's endorsement of my recommendations to the Board of Supervisors as contained in the attached letter is requested.

SW:ks
Attachments

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

*"To enrich lives through effective and caring service"*

Los Angeles County Beaches & Harbors
Caring for Your Coast

**Stan Wisniewski**
Director

**Kerry Silverstrom**
Chief Deputy

# DRAFT

June 6, 2007

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:

**_SEA WORLD UCLA_ RESEARCH VESSEL'S REVOCABLE NO-FEE PERMIT FOR USE OF DOCK AT BURTON CHACE PARK IN EXCHANGE FOR SERVICES RENDERED TO THE DEPARTMENT OF BEACHES AND HARBORS' W.A.T.E.R. PROGRAM**
**(4th DISTRICT)**
**(3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that approval of a three-year no-fee Permit (Attachment I) for use of a County-operated dock at Burton Chace Park in Marina del Rey by the *Sea World UCLA* Research Vessel is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

2. Approve and instruct the Director of the Department of Beaches and Harbors (Director) to grant the three-year no-fee Permit (Attachment I) that annually waives $11,862.50 in County fees in exchange for 28 annual educational field trips provided to youth enrolled in the Department of Beaches and Harbors' (Department) Water Awareness, Training, Education and Recreation (W.A.T.E.R.) Program.

3. Authorize the Director to consent to one three-year optional extension of the Permit.

4. Authorize the Director to execute nonmaterial amendments to the Permit during the potential total six-year term.

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

## PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

The Department issued a Board-approved revocable Permit on July 1, 2001 to the Regents of the University of California (Permittee) for use of a dock at Burton Chace Park by the *Sea World UCLA* Research Vessel. As the 2001 Permit allowed, the Permittee requested a three-year extension of the Permit, which was granted by the Department to commence on July 1, 2004. Accordingly, the 2001 Permit will expire on June 30, 2007.

The Permittee has requested a new three-year Permit commencing July 1, 2007, with one three-year extension, which will continue to allow the *Sea World UCLA* Research Vessel to dock at berths 101 and 102 of the County-operated transient docks at Burton Chace Park in Marina del Rey (Chace Park) without the imposition of docking fees. In exchange, the Permittee will conduct 28 annual field trips for youth participating in the Department's WA.T.E.R. Program. The field trips will be approximately one-half day in length, accommodating both youth and their supervisors, and will be held on board the *Sea World UCLA* Research Vessel (accommodating up to 35 people per trip).

The educational field trips will continue to benefit the underprivileged inner-city youth who participate in the W.A.T.E.R. Program. Experiences on the *Sea World UCLA* Research Vessel will offer them a unique, high-quality educational experience that otherwise might be unavailable to them. They will be provided with lessons in oceanography, marine organisms and navigation, as well as participate in surface and bottom trawls on the vessel wherein live marine organisms are temporarily pulled from the ocean for study and interaction with the youth. They will also be instructed in the ecology of Santa Monica Bay and will discuss phenomena such as El Niño, red tides and storm patterns. The *Sea World UCLA* Research Vessel will normally operate both in Marina del Rey and, when ocean conditions allow, several miles from shore between the El Segundo and Santa Monica Beaches.

### Implementation of Strategic Plan Goals

The service obtained through this Permit for the W.A.T.E.R. Program helps to promote particularly the County's Strategic Plan Goal of Children and Families' Well-Being, as via this Permit, the Department is able to significantly enrich the range of experiences available to W.A.T.E.R. Program participants. Issuance of this Permit also promotes the County's Strategic Plan Goal of Organizational Effectiveness by encouraging cooperation across jurisdictional boundaries to deliver a quality experience for needy inner-city youth.

## FISCAL IMPACT/FINANCING

The value of the docking space at Chace Park, according to the current fee schedule, is $32.50 per day for the *Sea World UCLA* Research Vessel (a 65-foot vessel), or

$11,862.50 for its contemplated annual use of the dock. Because the transient docks as a whole operate at much less than full capacity throughout the year, there won't be a compounding of the actual loss of fees due to other paying vessels not having slips at which to berth. In return, the County is annually receiving 28 group field trips valued at $500 per trip aboard the *Sea World UCLA* Research Vessel, for a total annual value of $14,000. In exchange for the County's relatively minimal loss in docking fees, the Permittee will be providing the County with a significant educational program for the inner-city youth who participate in the W.A.T.E.R. Program.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Director will issue the Permit (Attachment I), in accordance with the authority granted to the Director by Los Angeles County Code Section 2.116.020, upon approval by your Board. The Permit is for the period July 1, 2007 through June 30, 2010 and may be extended for one three-year period by the Director or canceled on 30 days' notice at any time and at his sole discretion.

The Permit has been reviewed by County Counsel and the CAO's Risk Management Branch to ensure compliance with County indemnification, insurance and other standard provisions.

The Small Craft Harbor Commission _____ this Permit at its June 13, 2007 meeting.

Because the transient docks at Chace Park provide other accommodations for vessels the size of the *Sea World UCLA* Research Vessel, and because the transient docks are rarely used at full capacity, the impact, if any, of this Permit on the ability of other vessels to use these public docks will be de minimis. In addition, if an urgent need arises for the County to use the *Sea World UCLA* Research Vessel berths, the Permit provides that the Department can, with 30 days' notice, direct the Permittee to make arrangements to relocate the vessel to another venue.

The UCLA Marine Science Center directly operates the *Sea World UCLA* Research Vessel for ocean research and educational purposes and has no connection to the SeaWorld complex in San Diego.

**CONTRACTING PROCESS**

Not applicable.

## ENVIRONMENTAL DOCUMENTATION

Approval of this Permit is categorically exempt from the provisions of CEQA pursuant to Class 4(j) of the County's Environmental Document Reporting Procedures and Guidelines.

## IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of this no-fee Permit will enable the Department to substantially increase the quality of the educational experience for participants in its W.A.T.E.R. Program at no direct cost to the County.

SW:KS:DC:CML

Attachment (1)
c: Chief Administrative Officer
Executive Officer, Board of Supervisors
County Counsel

LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS

# *SEA WORLD UCLA* RESEARCH VESSEL'S REVOCABLE NO-FEE PERMIT FOR USE OF DOCK AT BURTON CHACE PARK

## 1 GENERAL CONDITIONS

**1.1 Parties.** This Permit is issued by the County of Los Angeles (the "County") to The Regents of the University of California ("Permittee"). It is not intended, and shall not be construed, to create the relationship of agent, servant, employee, partnership, joint venture or association between the County and the Permittee.

**1.2 Recitals.** The County issued the Permittee a revocable no-fee Permit on July 3, 2001 for use of a dock at Burton Chace Park for the Vessel. In return for free dockage at the Department's dock, the Permittee provided recreational and educational ocean field trips aboard the Sea World UCLA Research Vessel (the "Vessel"), as well as to the Santa Monica Pier Aquarium.

The Permittee requested a three-year extension of the 2001 Permit on May 28, 2004. The County granted this request and issued a three-year extension Permit to commence on July 1, 2004. The Permittee's revocable non-fee Permit is due to expire on June 30, 2007.

The County desires to continue to provide ocean-related educational and recreational opportunities for participants in the Water Awareness, Training, Education and Recreation (W.A.T.E.R.) Program administered by the Department of Beaches and Harbors (the "Department"). In accordance with Los Angeles County Code Section 2.116.020, the Director of the Department of Beaches and Harbors (the "Director"), subject to the authority of the Board of Supervisors, may license the use of portions of the harbors and beaches. The Permittee desires to use a dock operated by the Department in the Marina del Rey Small Craft Harbor for the Vessel. As with the 2001 Permit, in return for free dockage at the Department's dock, the Permittee desires to continue to provide recreational and educational ocean field trips aboard the Vessel as described in this Permit.

## 2 INTERPRETATION

**2.1 Headings.** The headings contained in the Permit are for convenience and reference only. They are not intended to define or limit the scope of any provision of the Permit.

**2.2 Definitions.** The following words shall be construed to have the following meanings, unless otherwise apparent from the context in which they are used:

- *County*. The County of Los Angeles.
- *Department*. The Los Angles County Department of Beaches and Harbors.
- *Director*. The Director of the Department.
- *Permittee*. The Regents of the University of California.
- *Premises*. The County real property and improvements described in Section 3.2.
- *Vessel*. *Sea World UCLA* Research Vessel, which is a Sportfisher Yacht 65 feet long and 60 tons.

## 3 SCOPE OF PERMIT

**3.1 Permit.** The County permits the Permittee, and the Permittee accepts, the privilege to use the Premises, as described in Section 3.2. The Permittee may dock the Vessel at the specified berths and may conduct such operations involving the Vessel as are usual and customary in the conduct of its educational and scientific mission, in accordance with the terms and conditions stated in this Permit. The Permittee

expressly understands that the privilege granted is a permit, not a lease, and is a revocable and unassignable permission and privilege to occupy the Premises for the uses described in this Permit. This Permit does not grant or reserve to the Permittee any interest in any real property or estate.

**3.2 Premises.** The premises subject to this Permit are the dock operated by the County at Chace Park in Marina del Rey and designated berths 101 and 102.

**3.3 Need to Vacate Premises.** Twice a year, the Permittee may need to temporarily relocate its Vessel from the Premises for two special events held at Burton Chace Park: Discover Marina del Rey and the In the Water Boat Show. The Permittee may also need to temporarily vacate the Premises at other times and durations as directed by the County. The County will give the Permittee a 30-day advance written notice for each move of the Vessel.

**4 TERM.** The permit shall be effective on July 1, 2007, and shall expire June 30, 2010, unless earlier revoked by the Director. The Director may, in his sole discretion, revoke the permit on 30 days' written notice to the Permittee. The Permit may be extended for one three-year period at the sole discretion of the Director upon the Permittee's request.

**5 CONDITIONS OF USE**

**5.1 Fees.** In consideration of the services to be rendered by the Permittee as a condition of use, the County's fees for use of the Premises are waived.

**5.2 Permittee's Improvements.** The Permittee may build or install no improvements except those specifically approved in writing and in advance by the Department. The Permittee, as a condition of use, shall provide and install dock cleats on the Premises that are able to bear the Vessel's weight when berthed. The Permittee shall promptly remove all improvements and personal property upon the termination of this Permit. Construction of all improvements shall conform to the applicable requirements of all local, county, state and federal agencies. Evidence of authorization for all improvements to be built or installed by Permittee shall be filed with the Department in advance of any such work.

**5.3 Permittee's Repair of Premises.** The Permittee will repair or replace any and all County property lost, damaged or destroyed as a result of or connected with the conduct or activities of the Permittee. In addition, before the Permittee vacates the Premises as a result of the termination or expiration of this Permit, the Director or his authorized representative shall inspect the Premises to determine repairs the Permittee must perform. Should Permittee fail to promptly make repairs to the satisfaction of the County, the County may have repairs made and Permittee shall be responsible to reimburse County for costs incurred by County, plus maximum interest allowed by law.

**5.4 Surrender of Premises.** Upon the expiration of the term of this Permit or any other termination, the Permittee shall promptly and peaceably vacate the Premises and deliver them to the County.

**5.5 Right of Inspection.** The County and its fully authorized representatives or agents may enter upon the Premises at any and all times during the term of the Permit for the purpose of determining whether the Permittee is complying with the Permit terms and conditions, or for any other purpose incidental to the County's rights.

**5.6 Cessation of Use.** In the event that an authorized representative of the County finds that the Permittee's use of the Premises endangers the health or safety of persons on or near the Premises, the representative may require that this Permit immediately be terminated until said endangering use ceases.

**5.7 Utilities.** The Permittee shall pay all bills and charges for utilities.

**5.8 Parking.** The County undertakes no obligation to provide parking for the Permittee in connection with this Permit.

**5.9 Signage.** The Permittee may not place any form of advertising material, signs or structures on or about the Premises except as authorized in writing by the Director.

**5.10 County's Obligations to Repair.** Permittee accepts the Premises in the present state and condition. The County shall not be required to make any improvements or repairs whatsoever. However, the County may, in its sole discretion, perform dredging, filling, grading, slope protection, construction of seawalls, repair of water systems, sewer repair, road repair or repair of other County facilities in order to protect County property. The right of the County to undertake such work shall not be construed as a duty of the County to the Permittee to perform any repair or build any improvement.

**5.11 Supervision.** The Permittee shall supervise and direct the Permittee's educational and scientific programs and shall supervise the County's staff and W.A.T.E.R. Program participants while they are on the Premises or the Permittee's Vessel.

**5.12 Permittee's Services.** The Permittee shall provide the services described in this Section on mutually agreed-upon dates during the term of the Permit, recognizing that the services should be rendered on a year-round basis and especially during the W.A.T.E.R. Program participants' school vacation periods to afford the greatest degree of access. The Permittee shall annually provide 28 field trips of approximately ½ day each aboard the Vessel, accommodating W.A.T.E.R. Program participants and their adult supervisors. The annual number of trips to be provided by Permittee may increase if the County implements an overall fee increase for use of the Chace Park docks during the term of this Permit, as it may be extended. The itinerary and subject matter of all field trips are subject to the mutual agreement of the County and the Permittee.

**5.13 Unused Field Trips.** If the County does not completely use its annual allotment of field trips in any one year, then all unused field trips from that year will carry over into the next year of the Permit and thus be required of Permittee as additional field trips in that next year. All unused field trips from any year can only accumulate for one year.

**5.14 Taxes and Assessments.** The Permittee shall pay before delinquency all lawful personal property taxes, assessments, fees or charges, if any, which at any time may be levied by the state, county, or any tax or assessment levying body by reason of Permittee's use or occupancy of the Premises or construction of improvements.

**5.15 Coast Guard and Marine Surveyor Inspection.** The Permittee shall obtain an inspection certificate from the U.S. Coast Guard and annually demonstrate to the County compliance with Subchapter T, 46 CFR 24-26, which includes renewing the certificate as necessary. In addition, the Permittee shall annually have a marine surveyor inspect the Vessel to verify its safety, seaworthiness, and emergency procedures for all adult and child passengers. The Permittee shall provide a copy of each such certificate and marine surveyor's report to the Department for its review and approval by May 1st of each year this Permit is in effect. Any modifications/repairs to the Vessel recommended or required by the U.S. Coast Guard and/or the marine surveyor must be resolved to the mutual satisfaction of the Permittee and the County.

**5.16 Compliance with Federal, State and Local Laws.** The Permittee agrees to comply at all times with all applicable federal, state, county and city laws, rules, regulations, ordinances, or codes, and all provisions required by these laws to be included in the Permit are incorporated by reference. The Permittee agrees to indemnify and hold the County harmless from any loss, damage or liability resulting from a violation on the part of the Permittee of such laws, rules, regulations, ordinances, or codes.

**6 GOVERNING LAW.** The Permit shall be construed in accordance with and governed by the laws of the State of California.

**7 INDEMNIFICATION.** The Permittee agrees to indemnify, defend and hold harmless the County and its elected and appointed officers, employees and agents from and against any and all liability and expense, including defense costs and legal fees arising from or connected with claims and lawsuits of third parties for damages relating to the Permittee's Vessel, operations or the Permittee's compliance with the Permit's provisions, including, but not limited to, claims and lawsuits relating to bodily injury, death, personal injury, property damage (including damage to Permittee's property) or economic injury, but only in proportion to, and to the extent that, any and all such liability for damages, costs, expenses or claims for

injuries to or death of persons or damage to, destruction, loss or theft of property results from the acts or omissions of the Permittee, its officers, agents, employees or invitees. Permittee shall not be obligated to indemnify for liability and expense arising from the active negligence of the County.

## 8 INSURANCE

**8.1 General Requirements.** Without limiting the Permittee's indemnification of the County and during the term of this Permit, the Permittee shall provide and maintain at its own expense the following programs of insurance. Such programs and evidence of insurance shall be satisfactory to the County. Certificates or other evidence of coverage and certified copies of additional insured endorsements shall be delivered to the Department of Beaches & Harbors, Community and Marketing Services Division, 4701 Admiralty Way, Marina del Rey, CA 90292, prior to commencing operations on the Premises, shall specifically identify this Permit, and shall contain the express condition that the County is to be given written notice by registered mail at least 30 days in advance of any modification or termination of insurance. Prior to the expiration of such insurance or any renewal or replacement policy, the Permittee shall provide satisfactory proof of a renewal or replacement policy complying with the Permit.

**8.2 Liability Insurance.** Such insurance or an equivalent program of self-insurance shall be endorsed naming the County of Los Angeles as an additional insured and shall include:

(1) General liability insurance written on a commercial general liability form, or on a comprehensive general liability form or an equivalent program of self-insurance, covering the hazards of premises/operations, advertising, products/completed operations, property damage and personal injury with a combined single limit of not less than $5 million per occurrence. If written with an annual aggregate limit, the aggregate limit shall be not less than three times the required occurrence limit. If written on a claims made form, the Permittee shall be required to provide an extended two-year reporting period commencing upon termination or cancellation of the Permit;

(2) Comprehensive auto liability endorsed for all owned, non-owned and hired vehicles with a combined single limit of not less than $1 million per occurrence; and

(3) Protection and indemnity coverage for marine liability with a limit of not less than $5 million per occurrence.

**8.3 Workers' Compensation Insurance.** Workers' Compensation Insurance in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employer's Liability or its equivalent with a $1 million limit covering all persons the Permittee is required to cover.

**8.4 Failure to Procure and Maintain Insurance.** Failure on the part of the Permittee to procure or maintain the required insurance shall constitute grounds for immediately revoking the Permit. In addition, in the event that the Permittee fails to comply with any of the indemnification or insurance requirements of this Permit, and such failure to comply results in any costs to County, Permittee shall pay full compensation for all costs incurred by County.

**8.5 Approved Self-Insurance Program as Alternative.** As an alternative to providing commercial insurance policies pursuant to this Section 7, the Permittee may provide the certified statement of an authorized principal or a resolution of the Board of Regents that the Permittee is self-insured for the types and amounts of coverage required by this Section 7. The Permittee agrees to immediately notify the County of any discontinuation or substantial change in such program of self-insurance. If the Permittee elects to be self-insured, the Permittee shall provide the County at least the same defense of suits and payment of claims as would be provided by a primary insurance policy under which the County is a named additional insured, but only in proportion to, and to the extent that, any and all such liability for damages, costs, expenses or claims for injuries to or death of persons or damage to, destruction, loss or theft of property results from the acts or omissions of the Permittee, its officers, agents, employees or invitees. The Permittee shall notify the County immediately of any claim, judgment, settlement, award, verdict or change in the Permittee's financial condition that would have a significant negative effect on the protection that the self-insurance program provides the County.

**8.6 Notification of Incidents, Claims or Suits.** Permittee shall report to the County any of the following:

(1) any accident or incident relating to services performed under this Permit that involves injury or property damage which may result in the filing of a claim or lawsuit against Permittee and/or County. Such report shall be made in writing within 24 hours of occurrence;

(2) any third party claim or lawsuit filed against Permittee arising from or related to services performed by Permittee under this Permit;

(3) any injury to a Permittee employee that occurs on County property. This report shall be submitted on a County Non-employee Injury Report to the Department; and

(4) any loss, disappearance, destruction, misuse, damage, or theft of any kind whatsoever of County property, monies or securities entrusted to Permittee under the terms of this Permit.

**9 STATUS OF PERMITTEE'S EMPLOYEES: INDEPENDENT STATUS OF PERMITTEE**

**9.1** This Permit is not intended, and shall not be construed, to create the relationship of agent, servant, employee, partnership, joint venture or association as between the County and the Permittee.

**9.2** The Permittee understands and agrees that all of the Permittee's personnel who furnish services to the County under the Permit are employees solely of the Permittee and not of the County for purposes of Workers' Compensation liability.

9.3 The Permittee shall bear the sole responsibility and liability for furnishing Workers' Compensation benefits to the Permittee's personnel for injuries arising from or connected with the Permit and the Permittee's compliance with the Permit's provisions.

**10. COUNTY LOBBYIST.** Permittee agrees that each "County Lobbyist" as defined in Los Angeles County Code Section 2.160.010 retained by the Permittee shall fully comply with the County Lobbyist Ordinance that is set forth in Los Angeles County Code Chapter 2.160. Failure on the part of any County Lobbyist retained by the Permittee to comply with the County Lobbyist Ordinance shall constitute a material breach of this Permit upon which the County may immediately terminate this Permit, upon written notice thereof to Permittee.

**11. NOTIFICATION**

**11.1** Except as otherwise provided by the Permit, notices desired or required to be given by law or under the Permit may, at the option of the party giving notice, be given by enclosing a written notice in a sealed envelope addressed to the party for whom intended and by depositing such envelope with postage prepaid in the United States mail. Any such notice shall be addressed to the Permittee at:

University of California at Los Angeles
Department of OBEE
Box 951606
Los Angeles, CA 90095-1606

or such other place designated in writing by the Permittee. Notice to the County shall be addressed to the Director, Department of Beaches and Harbors, 13837 Fiji Way, Marina del Rey, California 90292, or such other place as the Director may designate in writing.

**11.2** Notice of any matter may also be given by personal delivery of a written notice to any person whose actual knowledge would be sufficient notice to the Permittee.

**12. AMENDMENT.** Only nonmaterial amendments to the Permit that do not materially change the scope of the Permit, increase the County's financial responsibility or impose additional liability on the

County may be executed without approval of the Los Angeles County Board of Supervisors, and all must be in writing and shall not be effective until executed by the Permittee and the Director.

EXECUTED ON_____, 2007

PERMITTOR:
County of Los Angeles

_____
Stan Wisniewski, Director
Department of Beaches and Harbors

PERMITTEE:
The Regents of the University of California

_____

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By_____
Deputy

*To enrich lives through effective and caring service*

June 7, 2007

Los Angeles County
Department of Beaches & Harbors
Caring for Your Coast

**Stan Wisniewski**
Director

**Kerry Silverstrom**
Chief Deputy

TO: Small Craft Harbor Commission

FROM: Stan Wisniewski, Director

SUBJECT: ITEM 6a – ONGOING ACTIVITIES REPORT

BOARD OF SUPERVISORS ACTIONS ON ITEMS RELATING TO MARINA DEL REY

At its April 17 meeting, the Board approved a one-year contract, with four one-year extension options, with Aquatic Bioassay and Consulting Laboratories, Inc. for marine environment monitoring and analysis services within the Marina harbor.

At its May 1, 2007 meeting, the Board held a hearing on adoption of an affordable housing policy for Marina del Rey. The Board continued the hearing to May 15 and instructed County staff to prepare and submit a financial analysis of various options and scenarios for moderate and low income housing in the Marina. At the May 15 meeting, the matter was continued without discussion to the June 12 meeting.

At its May 22 meeting, the Board approved and signed the Option for Lease Agreement granting to Marina del Rey Boat Central, a California limited partnership, the right to lease Parcels 52R & GG for 60 years for development of boat storage facilities. This item was previously considered and recommended by your Commission on a vote of 4-to-1.

At the Board's May 15 meeting, the Board took the necessary actions to authorize the demolition of an existing 202-unit apartment complex and subsequent construction of a 544-unit apartment complex on Marina del Rey Parcels 100 and 101 (Del Rey Shores), consisting of twelve buildings 75 feet in height (five stories of apartments over two levels of parking).

At its May 22 meeting, the Board held a public hearing for proposed Marina Water System water rate restructuring and increase as recommended by the County's Public Works Department. Upon the hearing's close, the Board approved the Marina del Rey Water System water rate restructuring (a) from a quantity charge into a service charge of $2.12 per month per Water Demand Factor over a three-year period and a

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quantity charge reduced from $1.60 to $1.56 per 100 cubic feet and (b) increase in the surcharge for the Accumulative Capital Outlay Fund from $0.95 to $1.10 per 100 cubic feet of water.

## LOCAL COASTAL PROGRAM PERIODIC REVIEW – UPDATE

County and Coastal Commission staff met on Wednesday, May 30, at which time County staff shared with Coastal staff their mental impressions with respect to the revised staff report on the Marina del Rey Local Coastal Program (LCP) periodic review. Coastal staff intends to place the revised staff report on the agenda for the Coastal Commission's July meeting, which will be held in San Luis Obispo.

## DESIGN CONTROL BOARD MINUTES

The minutes from the Design Control Board meeting for March 2007 are attached.

SW:ks