

AGENDA
REDONDO BEACH HARBOR COMMISSION
Monday, November 14, 2016, 6:30pm
REDONDO BEACH CITY COUNCIL CHAMBERS
415 DIAMOND STREET

OPENING SESSION

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. SALUTE TO THE FLAG**

I. APPROVAL OF ORDER OF AGENDA

II. BLUE FOLDER ITEMS

Blue folder items are additional backup material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

III. CONSENT CALENDAR

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Commission Members may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion following Oral Communications.

4. APPROVAL OF AFFIDAVIT OF POSTING FOR THE HARBOR COMMISSION MEETING OF NOVEMBER 14, 2016

5. APPROVAL OF THE FOLLOWING MINUTES: OCTOBER 10, 2016

IV. EXCLUDED CONSENT CALENDAR ITEMS

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Commission. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

VI. EX PARTE COMMUNICATIONS

VII. PUBLIC HEARINGS

VIII. ITEMS FOR DISCUSSION PRIOR TO ACTION

6. DISCUSSION OF SEASIDE LAGOON USE AND OPERATING PLAN
Staff recommendation: Receive and file

7. DIRECTOR'S REPORT
Staff recommendation: Receive and file

IX. ITEMS CONTINUED FROM PREVIOUS AGENDAS

X. MEMBERS ITEMS AND REFERRALS TO STAFF

XI. ADJOURNMENT

The next meeting of the Harbor Commission of the City of Redondo Beach will be a Regular Meeting to be held December 12, 2016, in the Redondo Beach Council Chambers, 415 Diamond Street, Redondo Beach, California.

It is the intention of the City of Redondo Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (310) 318-0656 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

An Agenda Packet is available at www.redondo.org under the City Clerk. Agenda packets are available at the Redondo Beach Main Library during Library Hours, at the Reference Desk and during City Hall hours in the Office of the City Clerk. Any writings or documents provided to a majority of the Harbor Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 415 Diamond Street, Door C, Redondo Beach, CA during normal business hours.

**MINUTES OF THE
REDONDO BEACH HARBOR COMMISSION MEETING
OCTOBER 10, 2016**

CALL TO ORDER

A regular meeting of the Harbor Commission was called to order by Chairperson Bloss at 6:30 p.m. in the City Council Chambers, 415 Diamond Street, Redondo Beach, California.

Upon completion of his term, former Commissioner M. Jackson appreciated the opportunity to serve for 8 years. The Commissioners thanked him for his service.

ROLL CALL

Commissioners Present: Callahan, Jackson, Keidser, Kilroy, Shaer, Vice-Chairperson Dalton, Chairperson Bloss
Commissioners Absent: None
Officials Present: Aaron Jones, Community Development Director
Laurie Koike, Waterfront/Economic Development Manager
Robert Metzger, Fire Chief
Stephen Proud, Waterfront/Economic Development Director
Holly Short, Senior Administrative Specialist
Mike Witzansky, Assistant City Manager
Margareet Wood, Recording Secretary

SALUTE TO THE FLAG

Commissioner Kilroy led the members in the salute to the flag.

APPROVAL OF ORDER OF AGENDA

It was the consensus to approve the order of agenda.

BLUE FOLDER ITEMS

Director Proud submitted correspondence related to agenda item VII-6, received after the agenda was published.

CONSENT CALENDAR

4. Approval of Affidavit of Posting for the Harbor Commission meeting of 10/10/16
5. Approval of the Following Minutes: August 8, 2016

Motion by Commissioner Jackson, seconded by Commissioner Kilroy to approve the order of agenda. Motion unanimously approved with Commissioner Kilroy abstaining from approving the minutes.

EXCLUDED CONSENT CALENDAR ITEMS

None.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

EX PARTE

Commissioner Callahan said she spoke with Commissioner Keidser and Mark Hansen.

Commissioner Shaer said he received emails from different people.

Commissioner Jackson said she spoke with Sean Guthrie.

Chairperson Bloss said she spoke with residents at a community meeting and also received emails.

Commissioner Dalton said he spoke with boat captains and received various emails.

Commissioner Keidser said she spoke with Mark Hansen, Commissioner Callahan, various boaters in the marina, and received several emails.

Commissioner Kilroy said he spoke with Mary Anne Guthrie.

PUBLIC HEARINGS

Public Hearing to consider a Conditional Use Permit, Coastal Development Permit No 2016-10-CDP-008, and Harbor Commission Design Review for the construction of a public boat launch facility on Mole B, on property located in the Coastal Zone, and more specifically within a Coastal Commercial (CC-4) zone.

Motion by Commissioner Jackson, seconded by Commissioner Callahan to open the public hearing. Motion unanimously approved.

Director Proud presented and reviewed the following:

- Background
- Study Site Locations
- Mole B Advantages
- August 8, 2016 Site Plan
- October 10, 2016 Site Plan
- October 10, 2016 Site Plan Overlay
- Environmental Review
- Safety
- Parking
- Outriggers and Moonstone Park
- Recommendation

Mary Anne Guthrie from Marina Cove Limited introduced Sean Guthrie from Marina Cove Limited, Randy Mason, marine consultant, Mike Aaker from King Harbor Marina, and Gene Smith from Tarsan SUP. She explained Marina Cove has been working with a marine consultant on a boat launch design. She said Marina Cove is confident that tenants affected by the design will be relocated within the leasehold. She said that currently Tarsan SUP utilizes basin 1 but could be relocated to Basin 2. She said a recent count showed more SUPs than boats entering and leaving the channel.

Sean Guthrie from Marina Cove Limited submitted a parking study for Mole B dated September 30, 2016.

Motion by Commissioner Jackson, seconded by Commissioner Kilroy to receive and file the study. Motion unanimously approved.

Mr. Guthrie stated that Mole B had a surplus of 98 spaces on Saturday and 62 on Sunday. He concluded there will be adequate parking for peak demand. He said the queuing aspect should not be problem and the 25' lanes are sufficient for emergency vehicle access.

Consultant Randy Mason said he has been working with the Guthries reorienting and redesigning the marina. He said the hoist and launch ramp structure is very feasible from a structural civil engineering standpoint

In response to Commissioner Callahan, Director Proud pointed out the helicopter landing location in Moonstone Park on the plan. He said the artificial turf material contemplated for the park surface would reduce the amount of flying debris associated with helicopter landings.

In response to Commissioner Dalton, Chief Metzger advised the helicopter is used for dive rescue emergencies when a traumatic injury requires rapid transit.

In response to Commissioner Shaer, Director Proud said traffic control would remain at the Marina Way gate, possibly with an attendant; however public access to Moonstone Park will be ensured.

In response to Commissioner Shaer who raised the issue of potential congestion on Harbor Drive, Director Proud said a condition of approval requires lengthening the turn pocket onto Marina Way. He also said the signalized intersection is activated by video detection and the gate operator would let vehicles right though.

Director Jones clarified the southbound Harbor Drive turn pocket would be lengthened. He said the gate entrance area is 3 lanes wide with a 25' wide 2-lane configuration on the other side. He said stacking distance is not a concern.

In response to Commissioner Shaer regarding the possibility of widening Harbor Drive, Assistant City Manager Witzansky said the existing width accommodates emergency vehicles, is sufficient to accommodate trailered vehicles, and forces people to slow down.

Chairperson Bloss opened public comment.

Sam Elder said Mole B is the only option with an ADA-complaint boat hoist and he encouraged consideration for senior and disabled residents.

Laura Zahn said the waterfront project has nothing related to the ocean or sea and CenterCal has used all the space with non-sea-oriented amenities.

Wayne Craig, District 1, questioned why the CenterCal development plan is separate from the boat ramp. He said Mole B is the most dangerous site. He said comments from the boating experts on the Commission should be heeded. He said the queuing lane will eliminate parking and CEQA should be considered. He mentioned that Mark Hansen suggests the better location is Mole C. He said the waterfront project turns the area into a shopping mall.

Chairperson Bloss read the comment card for Lorrie Kazan who opposed the project.

Sheila Lamb, District 4, opposed the Mole B location and requested denial of the CUP. She said staff did not address concerns brought forward by residents and boaters. She also said there was no community meeting on the Mole B location.

Jeff Gilbert said it seems the parking has been decreased, although demand will increase. He said he did not hear about the possibility for overflow parking at other locations. He questioned why 2 boats cannot be brought in at one time. He said the launch should be open 24/7 and questioned whether security is currently provided.

Martin Holmes, District 1, said the Mole B location was not part of the EIR. He said Lanakila was against the Mole B location when it would interfere with their operation. He said Mole B is dangerous, has inadequate boater parking, and inadequate slips. He said approving the boat ramp would violate CEQA and invite appeal and lawsuit. He supported more community participation.

Leslie Page said the proposal is a good opportunity for the community and the location is appropriate.

Chairperson Bloss read the speaker cards for Barbara Hicks, John Hicks, and Amy Josefec who opposed the project.

Eugene Solomon cautioned against unintended consequences i.e. potential lawsuits and CEQA litigations. He said the plan is short-sighted, not fully studied in the EIR, and was not subjected to community input. He recommended postponing a decision and holding community workshops.

David Quinn, Lanakila Outriggers, said the site is used by approximately 66 Lanakila members between 7:00 am-11 am on Monday through Thursday as well as others on 1-man canoes. He said he visits Moonstone Park almost every day and sees lots of traffic. He anticipated lots of congestion when boats and trailers are lined up. He also said artificial turf gets dirty and live grass is the best choice for the park. He questioned who will pay for a gate attendant 24/7.

Chrissy Brewer said the boat ramp at the end of Marina Way would be a nuisance and create parking challenges for nearby business clients. She said the street is already narrow and complicated by joggers, bikes, and people unfamiliar with the area. She expressed concern that more outside traffic would bring more crime.

Rolf Stuzenberg said there is a long history that Mole B is not a good choice.

Michael Stuart, District 2, said it is appropriate to hold more public meetings to assimilate more public input. He said the process seems haphazard and quick.

Ms. Santiago said there has been 3 public hearings and she saw no problems, including parking.

Randy Miller said a boat would have to be pretty small to use the lanes. He said the current boat hoist spot is right.

Kim Williamson said many children use the Mole B area and the Joe's Crab Shack area is better.

Mark Hansen submitted a document, *Boat Ramp Considerations*, and a memorandum to the Harbor Commissioners.

Motion by Commissioner Kilroy, seconded by Commissioner Callahan to receive and file the documents. Motion unanimously approved.

Mr. Hansen reported on boat launch statistics at nearby Cabrillo Beach as an indication of potential volume in Redondo Beach and inadequate parking. He questioned the safety of the Mole B location. He said the cost of purchasing the Joe's Crab Shack location is lower now than it will be in 13 years.

Ian Bardin questioned the information contained in the staff report. He said experts have advised the Mole B location is unsafe. He encouraged listening to the boaters and questioning staff comments.

Jay Penn, District 2, said the area is incredibly congested now and more people will create more congestion. He said parking is insufficient. He recommended additional public input.

Mike Aaker, Marina Cove, said tenants are his first concern and they will be relocated through attrition. He said parking isn't a problem most of the time.

Gina DePietro urged consideration for wildlife affected by the construction.

Motion by Commissioner D. Jackson, seconded by Commissioner Kilroy to close the public hearing. Motion unanimously approved.

In response to Chairperson Bloss who asked about safety concerns and moving Tarsan to another basin, Assistant City Manager Witzansky confirmed the activity could be relocated.

In response to Chairperson Bloss regarding safety issues, Chief Metzger clarified the comments from former Harbor Patrol officer Dornberg were in response to the original plan which is substantially changed. He said the principle issue is providing sufficient maneuvering water for boat launchers of various skillsets. He said the project is as safe as the site will afford and people will acclimate.

Assistant City Manager Witzansky displayed the previous plan from August and the current plan which he said was created in response to public concerns. He described the dock reconfiguration which he said will accommodate larger boats, control the number of boats moving into the fairway at one time, and create more space. He said the parking plan has evolved over the course of Harbor Commission hearings, noting condition 27 regarding overflow spaces. He said security cameras will be installed at key locations. He said staffing will cover a 12-hour period each day with 2 attendants during peak times. He said hours of operation will be 4:00 am until 10 pm with 24-hour retrieval. He said the Redondo Beach harbor is small and numbers equal to Cabrillo or Marina del Rey are not expected. He did not believe liability will increase with this facility. He said Mole C has more maneuvering space but is more vulnerable to storm surge action; and Mole A has storm surge action also. He said if usage expands beyond projections, options will be available in future years.

Director Jones referred to resolution findings 3D and 5 addressing CEQA guidelines and environmental review. He clarified the project improvements are acceptable, the approval process has been analyzed and approved, and no new impacts are identified in the EIR. He also referred to conditions F and G addressing biological and wildlife restrictions.

Commissioner Kilroy recalled that 10 years ago Mole C was rejected because of wave attenuation, restricted use of turning basin, close proximity to Seaside

Lagoon, and traffic issues. He said Mole D is also not appropriate. He said Mole B is the best location based on vehicle access and wave attenuation. He mentioned efforts to address boat traffic issues. He noted the Department of Boating and Waterways requirement that qualifying parking spaces must be located within 600'.

Assistant City Manager Witzansky said there may be ways to identify satellite parking at another dock.

Commissioner Jackson commented that the new rendering addresses many of the concerns raised and the plan is good. She questioned whether any of the Chevron funds will be used for the project, to which Assistant City Manager Witzansky responded the Chevron funds will address the park specifically.

In response to Commissioner Jackson, Jon Moore from Noble Consulting described a swale that would capture washdown water from boats. He said the water would collect into a storm drain for treatment.

In response to Commissioner Jackson, Assistant City Manager Witzansky confirmed that items 1.1 and 1.2 in the operation plan would be enforced by inspection. He also responded that boat ramp procedures will be available via signage, the City website, and handouts.

Commissioner Jackson noted a typo on 4.2 of the safety and operations plan.

In response to Commissioner Jackson, Assistant City Manager Witzansky said the attendant would be capable of handling both the boat ramp and boat hoist functions. He said the Fire Department hires different personnel based on boating and water safety qualifications. He said 2 attendants would work on weekends and 1 during the week.

In response to Commissioner Jackson regarding maintenance plan costs, Assistant City Manager Witzansky mentioned regular inspections and a program based on life expectancy for equipment.

Commissioner Keidser made the following corrections to the safety and operation plan:

7.13 – checklist missing

8 – insert space between *boat* and *launch*

She also noted other punctuation errors and commented the document appears to be rushed. She expressed concern that Mole B was not addressed in the EIR and is not CEQA compliant. She said neither a traffic study nor water study was conducted. She said boaters overwhelmingly prefer Mole C and consider Mole B unsafe. She said making a bad spot safe is not the same as choosing a better spot. She expressed concern that Harbor Patrol does not believe Mole B is the safest option. She mentioned the explosion of SUP's in the channel. She

commented that commercial priority, sacrificing boating usage, and taking slips are outside the spirit of the Coastal Commission.

Director Jones said the Harbor Commission has issued adequate environmental clearance and the environmental analysis concluded that CEQA compliance is adequate.

Commissioner Jackson mentioned the turn onto Marina Way across the bike path and suggested relocating the bike path to the east side of the street - which she said would also improve access to the businesses.

Director Jones said the traffic engineer has recommended signal phasing to allow for boats being held back.

Commissioner Callahan liked the revised plan better than the previous one. She did not like the short notice of the public hearing, especially on a Federal holiday. She pointed out she is a qualified Coast Guard captain and believes the Mole B location is dangerous as does the Harbor Patrol officer. She said skillsets of novice boaters should be considered. She said Mole C should be discussed further.

Commissioner Shaer did not support either the Mole C or Mole B location. He said he travels the area often and the bike path location is unsafe because cyclists and joggers don't stop for signals. He said some of the businesses have solved the problem by hiring attendants. He said a micro rather than macro level approach is being taken. He questioned the relevance of the lessee's study from 7:00 am to 1:00 pm, noting that boaters go out afternoons after work. He recalled inquiring about overflow parking and said the issue needs more thought and the conditions regarding overflow are not specific enough. He questioned the process for establishing fees.

Assistant City Manager Witzansky said that fees were based on surrounding facilities at Cabrillo and Marina del Rey. He said the City would set the fees initially and increases would be subject to Coastal Commission guidelines.

Director Jones clarified fees cannot be raised more than 25% in a single year.

Assistant City Manager Witzansky said setting the fee on a temporary basis in order to arrive at the correct amount for managing traffic could be explored.

In response to Commissioner Shaer, Director Proud said the lessee is responsible for the asphalt area along Marina Way from the gate on. He said responsibility for damage to the asphalt would be worked out in the agreement.

In response to Commissioner Shaer who questioned whether the lane is wide enough for 2 boats when a boat is hoisted, Mr. Moore said the hoist pier is 20'

wide and designed for one vehicle/trailer combination. He anticipated the hoist will be used infrequently. He said the hoist will be out of the way of the ramp and everything fits in terms of proper orientation and moving around.

Commissioner Shaer suggested reviewing the language in Section 7 of the safety and operation plan for clarity.

In response to Commissioner Dalton, Assistant City Manager Witzansky said the operation will be electronically monitored by Harbor Patrol.

In response to Commissioner Dalton, Chief Metzger was not aware if former Harbor Patrol Officer Dornberg has commented on the revised plan.

In response to Commissioner Dalton, Mr. Moore said the launch is intended to accommodate only 1 boat in order to prevent stacking up. He said the boarding float is 55' long.

Commissioner Jackson commented that it takes time to lower the motor and tie the line.

Assistant City Manager Witzansky said the length was reduced to prevent too many people drifting into the lane.

Commissioner Dalton suggested that 55' would accommodate two 24' boats. He said it will be a problem if 2 boats cannot be tied up on the float. He also suggested including 24 hours' parking with the launch fee. He recommended a 24-hour operation schedule.

Commissioner Callahan said a 10,000 lb. hoist is necessary.

Commissioner Dalton preferred fees comparable to surrounding areas.

Commissioner Shaer believed that staff is in a better position to analyze costs associated with relocating parking spaces. He also requested a staff presentation on the cost analysis for costs associated with employees.

Commissioner Dalton said the facility must be subsidized by the City and costs will never be recovered.

Chairperson Bloss requested a report of projected annual revenue.

Commissioner Dalton did not believe attendants are necessary.

Commissioner Callahan said a lot of small fishing boats go out at night and she recommended 24-hour operation.

Director Proud said a 24-hour operation will require some level of attendance. He said not operating at a loss is preferable.

In response to Commissioner Callahan, Director Proud suggested that boaters leaving for several days could prepay for parking.

Motion by Commissioner Jackson, seconded by Commissioner Kilroy to adopt the resolution to approve the CUP, Harbor Commission Design Review, and Coastal Development Permit for the construction and operation of a public boat launch ramp and hoist facility. Motion carried by the following vote:

Bloss – yes
Dalton - yes
Kilroy – yes
Jackson – yes
Callahan – no
Keidser – no
Shaer - abstain

ITEMS FOR DISCUSSION PRIOR TO ACTION

Harbor Patrol Quarterly Update

Chief Metzger provided the incident statistics through September. He noted a significant number of rescues for mayday and medical aid which he attributed to summer activity. He said the total call volume for the quarter is lower than in 2015 - possibly due to education of the SUP and boating public. He reported 2 helicopter rescues. He also said Harbor Patrol assisted in the Santa Barbara-to King Harbor sailboat race and an annual Catalina Classic for paddlers. He urged boaters to use caution during lobster season.

In response to Commissioner Dalton, Director Proud said the SUP signs have not been installed.

Commissioner Keidser commented on the uptrend with SUP calls and the problem of swimming in the harbor.

Chief Metzger acknowledged the concern, adding that boaters are not looking for people in the harbor.

Strategic Plan Quarterly Update

Director Proud explained the strategic plan process has been revised to consider Department Head work projects and workloads. He said the members will be advised on how to input for the March update. He reviewed current future objectives.

Director's Report

Director Proud reported the following:

- SUP signage – he circulated a prototype of the sign and reported the contract is approved and he will email the installation date
- Subleases – pending leases at Pier Plaza, sublease at Redondo Landing, Barney's Beanery – 60/40% food/alcohol ratio
- Falconer Program – birds currently flying 3 days per week with good results, funding contributors include City of Redondo Beach, King Harbor Association, Kincaid's, and the Pier Association
- Shade Hotel – open for business, accepting room reservations
- Parking – free holiday parking at the pier beginning December 10, Walker Parking working on plans and specs for capital work on pier parking structure, Moffett Nichol will conduct pier inspections
- Special events – Holiday Ice in Redondo Beach Marina lot sponsored by LA Kings

Commissioner Callahan mentioned the costs were not recouped from the ice rink at Seaside Lagoon several years ago.

In response to Commissioner Shaer, Director Proud was unaware of any complaints about the operational issues, noise, or hours at King Harbor Brewing Company.

Commissioner Shaer reported graffiti on the wall between Blue Water Grill and Seaside Lagoon.

Harbor Commission Nominations and Election of Chairperson and Vice

Chairperson

Motion by Chairperson Bloss, seconded by Commissioner Jackson to elect Vice Chairperson Dalton to the office of Chairperson. Motion unanimously approved.

Motion by Chairperson Bloss, seconded by Commissioner Jackson to elect Commissioner Keidser to the office of Vice Chairperson. Motion unanimously approved.

Vice Chairperson Dalton thanked Chairperson Bloss for her leadership and guidance during the past year.

ITEMS CONTINUED FROM PREVIOUS AGENDAS

None.

MEMBER ITEMS AND REFERRALS TO STAFF

The members thanked staff for their hard work.

At 10:15 pm Chairperson Dalton adjourned to the next regular meeting on November 14, 2016.

Respectfully submitted,

Stephen Proud
Waterfront and Economic
Development Director

PROOF OF POSTING

I, Holly Short, hereby declare, under penalty of perjury, that I am over the age of 18 years and am employed by the City of Redondo Beach, Harbor Department, and that the following document was posted by me at the following location(s) on the date the time noted below:

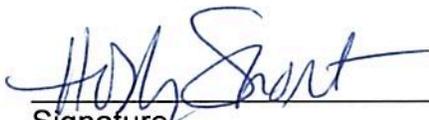
Agenda – Redondo Beach Harbor Commission

Meeting of November 14, 2016

Posted on: November 9, 2016 at 11:00 am

Posted at: DOOR "A" BULLETIN BOARD

and CITY CLERK'S OFFICE


Signature

11/9/16
Date



Administrative Report

Commission Action Date: November 14, 2016

To: HARBOR COMMISSION

From: STEPHEN PROUD, WATERFRONT AND ECONOMIC DEVELOPMENT DIRECTOR
JOHN LA ROCK, COMMUNITY SERVICES DIRECTOR

Subject: SEASIDE LAGOON USE AND OPERATING PLAN

RECOMMENDATION

Receive, file and provide input regarding a Use and Operating Plan for the Seaside Lagoon to be included as part of the Waterfront Development Project Concessionaire Agreement between CenterCal and the City.

BACKGROUND

On August 8, 2016, the Harbor Commission approved a resolution granting a Conditional Use Permit ("CUP"), Harbor Commission Design Review, Coastal Development Permit, and a Vesting Tentative Tract Map for the Waterfront Development Project. The approved modifications for the Seaside Lagoon include removing a portion of the existing breakwall and opening the Lagoon to harbor water. The opening of the Lagoon would provide a sheltered beach that is open year-round for swimming and access for small hand launched boats, kayaks and paddle boards. Additionally, the perimeter fence of the Lagoon would be removed to activate the Lagoon as park open space, fully accessible to the public.

The Waterfront project would also add additional public restroom facilities in close proximity to the Lagoon (such as at the Market Hall and nearby commercial and retail locations) along with new day-storage facilities for recreational equipment such as bicycles and stand up paddle boards. Other modifications include minor utility work, the enclosure of the existing open-air pavilion, outdoor seating/tables, natural lawn area, landscaping and hardscaping. A new boardwalk would extend through the park and connect with the boardwalk extending along the water's edge and along the project boundary. The Lagoon would also be made fully ADA accessible for the first time, through an ADA compliant pathway across the sand to the water's edge.

The Waterfront project includes the addition of new accessory/recreational commercial opportunities, such as marine recreational products and sales/rentals (e.g., rentals for kayaks, paddle boards, wetsuits), a public beach club, and concession offerings

designed to serve and cater to the recreational uses associated with Seaside Lagoon. The Lagoon and the related concessions/accessory entities created to cater to the waterside recreational uses would be maintained and operated through a Concessionaire Agreement between CenterCal and the City

One of the provisions in the CUP approved by the Harbor Commission was a requirement for the review of a Use and Operating Plan for the Seaside Lagoon. A draft of the proposed Use and Operating Plan between the City and the Concessionaire is attached as Exhibit A. Elements of the plan include the following:

- The Lagoon would be activated as one of the City's regional parks that is free and open to the public for access on a year-round basis.
- The Lagoon may be used for Concessionaire events, such as weddings or corporate events, that utilize all or a portion of the Lagoon.
- The City may use the Lagoon for special events such as the 4th of July Celebration and Fireworks Show that are intended for the public but require some form of pre-registration and/or admittance transaction.
- The Lagoon may be fully or partially closed for Concessionaire and City events using temporary fencing or a similar barrier.
- The Concessionaire and the City will collaborate on a master calendar of events that is reviewed quarterly. The City would retain the right to approve all events, so long as such approval is not being unreasonably withheld.
- The Lagoon park hours of operation would be 5:30 A.M. to 10:00 P.M consistent with the municipal code for other regional parks in the City. Hours for access to the water may be set within this time frame at the City's discretion.
- The Concessionaire would be required to test the open water at the Lagoon on a weekly basis during the period May through September, commonly the high use season for the Lagoon. Water testing would be done on a quarterly basis during all other periods. Results would be reported to the City which would retain the sole discretion to limit access to the water in the event test results require closure of the facility.
- Lifeguarding services under the agreement would be the responsibility of the City, but could be sourced from L.A. County and/or another certified provider. The number of lifeguards, and time of lifeguard services, shall be at the City's sole and absolute discretion. Lifeguards would be scheduled for any City sponsored special events. The Concessionaire would be responsible for providing lifeguarding services for any of its event rentals that incorporate use of the water.

- Pursuant to the EIR, a Marine Mammal Management Program would be established by the City to proactively manage and deter pinnipeds from establishing any presence near the Lagoon.
- A loading zone and/or other temporary parking would be included to accommodate at least three private vehicles on the roadway east of Seaside Lagoon. The parking spaces and loading zone would be restricted and operated as temporary loading and unloading spaces for users of the Lagoon and time limits would be adjusted as necessary to facilitate these operations.

It is recommended that the Harbor Commission review and provide input on the Use and Operating Plan for City Council consideration.

Submitted by:

Stephen Proud
Waterfront and Economic Development Director

John La Rock
Community Services Director

Attachment: Seaside Lagoon Use and Operating Agreement

EXHIBIT “E”

USE AND OPERATING PLAN (Seaside Lagoon)

1. Purpose. The purpose of this Use and Operating Plan is to provide for the use of the Seaside Lagoon (the "Premises") and the improvements thereon by and for the benefit of the public, for the purposes of year round swimming, sunbathing, picnicking, land and water sports, and related purposes, and the provision of food service, equipment rental, and sales of beach, recreational and visitor serving merchandise. The City retains the right and obligation to designate portions of the Premises as a public park and beach and provide public access thereto for the above purposes, in accordance with this Use and Operating Plan and the Concessionaire Agreement. The use of the retail and restaurant buildings and structures on the Premises ("Retail/Restaurant Buildings"), and the usage of portions of the Premises for group uses, shall all be in accordance with this Use and Operating Plan and the Concessionaire Agreement.

2. Required Hours of Operation. The City reserves the right to allow the park and beach on the Premises to be open to the public daily in accordance with the hours set forth in the City Municipal Code for public park usage (currently 5:30 am to 10:00 pm). The City may revise the hours for public park and beach usage, and may further restrict times of public access to the water, in its sole discretion.

3. Programming of Concessionaire Events and City Events. Concessionaire shall have the right to run certain group events at the Premises, such as weddings, corporate functions, graduations and celebrations, as well as sponsored events that are open to the public, such as yoga, movies, concerts, volleyball tournaments and festivals (collectively, the “**Concessionaire Events**”). The City shall have the right to itself operate and provide for the operation by other groups of certain public events at the Premises, such as Lobsterfest, Super Bowl 10k run, and the July 4th fireworks show (collectively, the “**City Events**”). Concessionaire shall not charge for the usage of the Premises for City Events, but Concessionaire may charge operators of City Events for any services provided to such events by the Concessionaire. Concessionaire Events and City Events shall each obtain any permits or approvals required for such events by the City. There shall be no admission fees charged for general public use of the Premises, except for Concessionaire Events and City Events.

With respect to the planning of Concessionaire Events and City Events, Concessionaire shall provide the City with an annual master calendar of the number and scheduled dates and times of the Concessionaire Events and the City Events (the “**Master Calendar**”) on or before March 1 of each year. The City shall have the right to approve the Master Calendar solely with respect to the City Events and the number and timing of Concessionaire Events for which the public portions of the Premises are closed or which substantially impact public access to the Premises, as set forth in the Master Calendar, in its reasonable good faith discretion. If the City objects to any such aspects

of the proposed Master Calendar, City shall provide written notice thereof to Concessionaire, which notice shall state in reasonable detail the grounds for such objections and any changes or modifications that the City would require as a condition of its approval thereof. If the City timely objects to any portion of the Master Calendar as provided above, Concessionaire and City will meet and confer to discuss City's objections, and will work together in good faith to arrive at a mutually acceptable Master Calendar. If the City fails to give Concessionaire written notice of objection to the City Events and number and timing of Concessionaire Events within thirty (30) days after receipt of the Master Calendar, the City shall be deemed to have approved the Master Calendar. Once the Master Calendar has been approved by the City, the City and Concessionaire shall meet periodically, but at least once each quarter, to decide in good faith whether or not the timing and number of the Concessionaire Events or City Events needs to be modified. The City Community Services Director (or his or her designee) is hereby authorized to approve such scheduling modifications on behalf of the City.

4. Other Concessionaire Obligations. Concessionaire shall be responsible for the following:

(a) Providing all maintenance and security for the Premises in accordance with the Concessionaire Agreement.

(b) Providing a loading zone and/or other temporary parking to accommodate a minimum of three private vehicles at the location shown on the Site Plan attached as Exhibit A to the Concessionaire Agreement and incorporated herein (the "**Site Plan**") for temporary loading/unloading. Said parking spaces/loading zone shall be restricted and operated as temporary loading and unloading spaces for users of the new beach and time limits may be adjusted as necessary to facilitate these operations.

(c) Water quality testing as necessary for the City to verify compliance with the standards set forth by applicable regulatory agencies, which may include the California Regional Water Quality Control Board and the County Department of Health Services. The testing shall be performed by a certified laboratory approved by the City. The testing shall be done weekly during the active summer months from May to September and quarterly during the remainder of the year. The test results shall be submitted to the City for its review.

(d) Providing publicly accessible short-term lockable board storage racks and bicycle racks, including the design and number of facilities at the location shown on the Site Plan.

(e) As part of its maintenance of the Premises, Concessionaire shall provide for all trash and garbage to be stored in covered containers and within the area designated on the Site Plan. Concessionaire shall impose reasonable restrictions regarding the collection, sorting, separation, recycling and/or discharge of waste products, garbage, refuse and trash.

5. Other City Obligations. City shall be responsible for the following:

(a) Providing all lifeguard services for users of the Premises. The number of lifeguards, and time of lifeguard services, shall be at City's sole and absolute discretion. City may contract with the County of Los Angeles or another public or private entity to provide such services, at City's discretion. City shall not be responsible for providing lifeguard services for attendees of Concessionaire Events.

(b) City Harbor Patrol, police and fire shall provide emergency and public safety services for users of the Premises, and shall work cooperatively with Concessionaire's security personnel.

6. Modifications to this Use and Operating Plan. Concessionaire and the City acknowledge that the optimal uses of the project may change over the lifetime of the project, and therefore the parties shall periodically review and make mutually acceptable changes and updates to this Use and Operating Plan as proposed by Concessionaire and approved by the City, such approval not to be unreasonably withheld, conditioned or delayed.

7. Duration. Unless otherwise canceled or terminated, all of the terms and provisions of this Use and Operating Plan shall continue until the expiration or earlier termination of the Concessionaire Agreement.

8. Rules and Regulations. Concessionaire from time-to-time may adopt rules and regulations pertaining to the use of the Premises. Visitors to the Premises shall also be subject to municipal rules and regulations with respect to beaches and parks.

9. Compliance with Law. Concessionaire shall not use the Premises or the Improvements for any purpose that is in violation of any law, ordinance or regulation of any federal, state, county or local governmental agency, body or entity, including without limitation the City Municipal Code and the City Charter. Furthermore, Concessionaire shall not maintain or commit any nuisance or unlawful conduct (as now or hereafter defined by any applicable statutory or decisional law) on the Premises or the Improvements, or any part thereof. Notwithstanding any provision contained in this Use and Operating Plan to the contrary, no portion of the Premises and the Improvements shall be used for any purpose that will materially and adversely interfere with commerce, navigation or fishery, or be inconsistent in any material manner with any trusts under which the Premises or adjacent tidelands are now or may hereafter be held by the City.

10. Nondiscrimination. Concessionaire, for itself and its successors and assigns, agrees that during the operation of the Premises provided herein, Concessionaire shall not discriminate against any person on the basis of race, color, creed, religion, sex, marital status, national origin or ancestry, physical or mental disability, or sexual orientation, or on the basis of any other category or status not permitted by law.



Administrative Report

Commission Action Date: November 14, 2016

To: MEMBERS OF THE HARBOR COMMISSION

**From: STEPHEN PROUD
WATERFRONT & ECONOMIC DEVELOPMENT DIRECTOR**

Subject: DIRECTOR'S REPORT

RECOMMENDATION

Receive and file a report from the Waterfront & Economic Development Director on current and upcoming waterfront projects and activities.

EXECUTIVE SUMMARY

An oral report will be provided by the Waterfront & Economic Development Director at the Commission meeting on current and upcoming waterfront projects and activities, including but not limited to property management, leasing activity, project updates, events and other information.

COORDINATION

Department staff collaborated on the development of this report.

FISCAL IMPACT

The cost for preparing this report is included within the Waterfront & Economic Development Department's adopted FY2016-17 annual budget and is part of the department's annual work program.

Submitted by:

Stephen Proud
Waterfront and Economic Development Director