

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 1000 Ocean Gate, 10th Floor
 Long Beach, CA 90802-4302
 (562) 590-5071

W9g

Filed: 5/1/98
 49th Day: 6/19/98
 180th Day: 10/18/98
 Staff: CP&PE-LB
 Staff Report: 5/13/98
 Hearing Date: June 9-12, 1998
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-093

APPLICANT: City of Long Beach

AGENTS: Jack Humphrey, Advance Planning Officer
 Dennis Eschen, Supervisor of Parks Planning & Development

PROJECT LOCATION: Downtown Long Beach Marina, 450 E. Shoreline Drive,
 City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Enclose the Downtown Long Beach Marina with a 6.5' high
 tubular metal fence and landscaping, replace locking
 gangway gates, widen bicycle path, and add 13 public
 benches.

Parking Spaces	1,669
Zoning	PD-6
Plan Designation	Planned Development District 6
Ht abv fin grade	7.5 feet (Gangway Gates)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions to protect the bike path and to reduce the fence height to 42" (3.5 feet) above the height of the walkway around the marina. The purpose of the fence height limit is to protect public views pursuant to Section 30252 of the Coastal Act. The City does not agree with the recommendation for a lower fence height.

LOCAL APPROVAL RECEIVED:

1. City of Long Beach Site Plan Review, Case No. 9609-08(SPR), 8/2/97.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit P-79-5249 (Downtown Long Beach Marina).
3. Coastal Development Permit 5-97-283 (Marina Headquarters).

STAFF NOTE:

A Coastal Development Permit is required from the Commission for the proposed development because the project site is located on state tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a Coastal Development Permit from the Commission. The Commission's standard of review for the Coastal Development Permit for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any

special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Revised Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit revised plans, for the review and approval of the Executive Director, reducing the height of the fence so that the top of the fence does not extend more than 3.5 feet (42") above the level of the pedestrian walkway identified as "existing walkway" on the proposed plans. The height of the fence and gates within ten feet of the gangway entrances may extend to 7.5 feet above the level of the pedestrian walkway identified as "existing walkway" on the proposed plans.

2. Bicycle Path

The proposed project shall not interfere with the public's use of the regional bicycle path which runs along the north side of the Downtown Marina. The proposed project shall not interfere with the public's use of the bicycle path which runs along the south edge of the Marina mole in the Downtown Marina. All bicycle paths shall remain open and un-obstructed both during construction and subsequent to completion of the permitted development.

3. Fence Attachments

No barbed wire, razor wire or other attachment shall be added to the approved fence without prior review and approval by the Coastal Commission in the form of a permit amendment.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The City of Long Beach Department of Parks, Recreation and Marine proposes to construct a six foot six inch (6'6") high tubular (metal rail) fence around the periphery of the Downtown Long Beach Marina, seaward of the pedestrian walkway (Exhibit #3). The proposed project would also replace the existing eight foot height gates now located at the gangway entrances with seven foot six inch gates and pilasters (Exhibit #4). In addition, the applicant proposes to add two feet to the width of the bicycle path that is located between the park known as "Marina Green" and the marina, to construct a one foot six inch wide solid concrete base under the fence to eliminate loose rocks, to add landscaping, and to place 13 public benches adjoining the bicycle path (Exhibit #4). No work is proposed in the water.

Commission records show that the Downtown Long Beach Marina was permitted in 1979 by Coastal Development Permit P-79-5249 (City of Long Beach). Coastal Development Permit P-79-5249, approved on June 11, 1979, allowed the City of Long Beach to construct a 1,694 slip recreational marina and a headquarters building. The Marina opened in 1983. Public park amenities on the marina mole and near the marina headquarters building were also provided as approved.

The Downtown Long Beach Marina, Marina Green Park, Shoreline Park, Hyatt Hotel, the Shoreline Village shopping center, the pedestrian walkway and bikepath, and a recreational vehicle park were approved in a number of related actions by the Regional Commission in 1979. Since that time, the Commission has approved a number of revisions to the original plan, principally on the west end, where the Commission approved the construction of the Long Beach Aquarium of the Pacific which required the relocation of a number of other facilities to accommodate it. At the east end of the Downtown Shoreline area, where the Downtown Long Beach Marina is located, the Commission has approved minor intensification of the Shoreline Village shopping center, and some changes in the striping and management of the area's public parking facilities. Most recently, the Commission approved the conversion of the Marina administration building to a yacht club and the construction of a new administration building in the marina parking lot [See Coastal Development Permit 5-97-283 (Shoreline Yacht Club)].

The marina was constructed by installing a rock revetment along the City's existing shoreline fill and then installing a revetment supported mole that extends out toward the south and east, curving toward Virgil Grissom Oil Island (Exhibit #3). The Marina was placed in the protected area created by the mole. The top of the mole was filled with earth and paved, and developed with parking, ancillary structures, and public park amenities. On the fill immediately landward of the marina's revetment, there is a pedestrian walkway, a bike path, and the Marina Green public park (Exhibit #3). The park lies between the Marina and a major street, Shoreline Drive. The pedestrian walkway extends from the landward side of the marina all the way around the Marina out to the end of the seaside mole, where there is a small public park (Exhibit 3).

The City proposes to install a six and a half foot fence between the marina walkway and the marina revetment in order to solve what the boaters report as a security problem.

Occupancy is chronically low in this marina. The City believes, on the basis of "exit interviews" with departing tenants, that poor security is one of the reasons for the high vacancy rate at the Downtown Marina. In these interviews, boaters have complained of burglaries to their boats and also of damage due to sightseers throwing rocks toward the boats, sometimes hitting them and damaging the fiberglass. The proposed project would solve the rock-throwing nuisance by landscaping and paving the top of the revetment which is currently covered with a layer of small stones (Exhibit #5).

The City is more concerned with the boaters perception of vulnerability to burglary and theft. In the attached letter, City officials state that it is possible to climb down the revetment, and from there, to climb around gangway gates to gain access to the slips (Exhibit #5). Boaters and the City believe that if it were more difficult to gain access to the gangways, there would be fewer burglaries. The City has not provided statistics comparing thefts in this marina to thefts in other marinas.

The Long Beach Downtown Shoreline area, where the Downtown Marina is located, is constructed entirely on former tidelands subject to the original jurisdiction of the Commission. Because the proposed project is located in the Commission's area of original jurisdiction, the required Coastal Development Permit must be acted on by the Commission. The Commission's standard of review for the Coastal Development Permit for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

B. Recreation and Public Access

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is located on tidelands within the Commission's area of original jurisdiction. Therefore, the standard of review is the Chapter 3 policies of the Coastal Act. In order to receive the Commission's approval, the proposed project must be found consistent with the public access and recreation policies contained in Chapter 3 of the Coastal Act.

The proposed project must conform to the following Coastal Act policies which encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The above stated policies of the Coastal Act require that developments near the coast provide maximum public access, lower-cost recreational opportunities, public views and water-oriented recreational activities.

The proposed project improves public access by widening the public bikepath and providing new park benches. However, the proposed project would eliminate existing public access to the water by fencing off the rock revetment. The City argues that climbing down a revetment is not safe and that there are good reasons to eliminate that kind of public access. The City also argues that there are many beaches and lagoons near by where the public can reach the shoreline.

The Commission notes that access to a rock revetment is not a safe or reliable method of providing access to the public. Section 30214 allows the Commission to consider public safety needs when requiring access and finds that a fence that reduces accessibility to a dangerous revetment is not an impediment to public use of the beach as long as the City continues to provide lateral access for joggers, hikers and bicyclists and free and unrestricted access to nearby beaches.

Boating is coastal dependent recreation and has a high priority in the Coastal Act. The bicycle path and the walkway provide another kind of recreational

use and access. The project as proposed will not reduce lateral access and recreation and in fact will encourage it, by widening the bicycle path.

However, it is important that the bike path, which is a regional facility not be shut down during construction. For this reason the project is conditioned to provide uninterrupted use of the bike path during construction. The City has proposed to keep the bike path open during construction. Secondly, as noted below in the public view section, the quality of a shoreline walk is influenced by the types of views available from the walk. In order to preserve the recreational experience from the walk, the Commission is imposing a condition to limit the height of the fence to preserve the view from the walk and bike path.

As conditioned to maintain public use of the bike path and hiking path during construction and to maintain visual access to the marina, as further described below, the project is consistent with the access and recreation standards of the Coastal Act and of the certified LCP.

C. Public Views

The Coastal Act requires that views to and along the ocean shall be considered and protected as a resource of public importance.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas....

As proposed, the fence around the marina does is not designed to protect views to and along the ocean and scenic coastal areas as required by Section 30251 of the Coastal Act.

The walkway around the Marina provides public views to the water and provides public recreation in the form of walking. This is a form a recreation that is not dependent of owning a boat. In its review of the project, the City acknowledges that the tubular fence would be visible to pedestrians because it is located between the walkway and the water. In order to protect views, the city proposes a tubular fence with four inches between the rails so that a view is possible through the fence (Exhibit #4). Nevertheless, the fence will extend the above the heads of the majority of pedestrians and bicyclists, and in this way reduce the quality of the views of the boats and water. Pedestrians would look out to the Marina through the fence bars. In order to reduce the impact on views, the City proposes some landscaping. Nonetheless the fence closes off the marina visually as well as physically.

Most Marinas have a three and a half foot fence, which allows most adults to see over it. In such marinas the public looks over the fence at the boats rather than through the fence. However, many of those marinas have vertical bulkhead walls that are impossible to climb. In this case, the City

determined that the security afforded by a higher fence is more important than the views of recreational walkers. The City believes that security requires a six and a half foot fence because a three or four foot fence is easily scaled. The City has however, not provided any statistics comparing the amount of theft in the the marina with the amount in other marinas that have fences and vertical walls. While a three and a half foot fence can be climbed, a six foot fence can also be scaled by young strong people. The City has not proposed to place any type of material on top of the fence that would discourage anyone from scaling it.

An alternative would be to place the fence lower on the slope of the revetment. The City has responded that it is impossible to place fence posts of the slope of a rip rap revetment, which does not provide a smooth or even surface, and which is not stable enough to support a fence.

In conclusion, the public's view to the marina will be interrupted by a high fence. In order to protect views to and along the coast, as required by Section 30251 of the Coastal Act, the Commission requires that the fence height be reduced to three and a half feet. In addition, in order to prevent unsightly and dangerous attachments, the permit is conditioned so that no barbed wire, razor wire or other attachment shall be added to the approved fence without prior review and approval by the Coastal Commission in the form of a permit amendment. As conditioned, the project will be consistent with the Coastal Act policies that protect views.

D. Local Coastal Program

Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The City of Long Beach Local Coastal Program was certified by the Commission on July 22, 1980. Because the project is located seaward of the former mean high tide line, the LCP is advisory in nature and may provide guidance. The standard of review for this project is Chapter 3 policies of the Coastal Act.

The certified LCP standards and policies for the Downtown Shoreline area were revised in 1995 as part of the Queensway Bay Plan. The Queensway Bay Plan is the City's plan to create a major waterfront attraction on the Long Beach waterfront. The waterfront development proposed by the Queensway Bay Plan includes: the Long Beach Aquarium of the Pacific (Coastal Development Permit 5-95-055) which is scheduled to open in June, 1998; the nearly completed Rainbow Harbor (Coastal Development Permit 5-96-124); and several hundred thousand square feet of visitor serving commercial uses which have not yet been permitted by the Commission.

The LCP for the Downtown Shoreline area contains the following access policy:

Pedestrian access shall be provided along the edge of all water features.. Where necessary to control access for security or management of a use, portions of a water's edge may be developed for controlled public access.

The proposed project, as conditioned, does not conflict the above LCP policy.

The proposed project is located within the Subarea 11 of the Downtown Shoreline area. Subarea 11 of the Downtown Shoreline area contains Oil Island Grissom, the Downtown Marina, the Marina Green and water area (Exhibit #3). The implementing ordinances portion of the certified LCP contains the following list of permitted uses for Subarea 11 of the Downtown Shoreline area:

(a) Permitted Uses:

1. Continuation of oil production on Island Grissom....
2. Marina with 1,694 boat slips;
3. 1,660 parking spaces;
4. One fuel dock and two sewage pump-out stations;
5. One fishing platform and two combination fishing and observation platforms;
6. Tidal mud flats or sand beach east of easterly jetty;
7. Nine comfort stations, not less than two public;
8. A 2,000 square foot administration and maintenance building;
9. Public bicycle and pedestrian pathways; an overlook at end of marina mole; and
10. Eleven acre park.

The proposed project, as conditioned, does not conflict with any of the certified LCP policies or standards. However, all special conditions of approval recommended in this staff report are necessary to carry out the Chapter 3 policies of the Coastal Act. Only as conditioned to protect the public views from the walkways identified for public access and recreation does the proposed project conform to the Chapter 3 policies of the Coastal Act.

As conditioned, the proposed project is in substantial conformance with the requirements of the certified LCP. Approval of the project cannot prejudice the local government's ability to prepare a certifiable LCP because the City of Long Beach LCP was certified in 1980.

E. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives

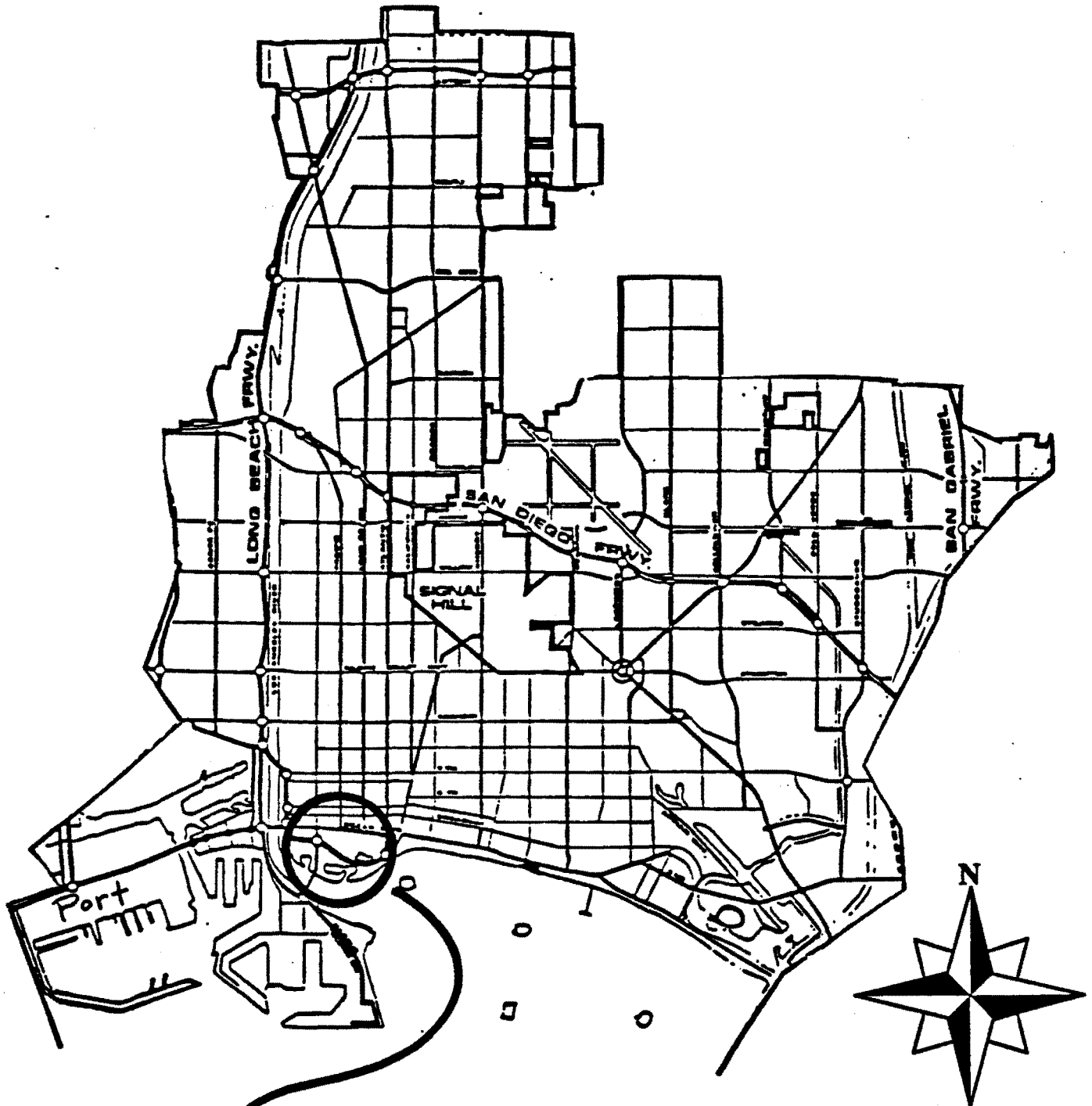
or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. All significant environmental effects have been mitigated by conditions of approval. Public access and recreation is protected by preserving the quality of views from the public walkway and bike path that are located on the marina mole and on the downtown shoreline.

As conditioned, the proposed project will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

0689G:CP

City of Long Beach



Site

COASTAL COMMISSION

5-98-093

EXHIBIT # 1

PAGE 1 OF 1

GANGWAY SECURITY ENTRY

PROPOSED LANDSCAPE WALK

DESIGN OBJECTIVES

- CREATE A RELAXING AND SAFE ATMOSPHERE FOR BOAT OWNERS AS WELL AS PEDESTRIANS USING THE WALK
- PROVIDE SECURITY FOR THE BOATS USING THE MARINA SLIPS
- REMOVE ALL NOISE THAT MAY BE USED TO VANDALIZE THE BOATS USING THE MARINA
- INCORPORATE THE OLD WORLD FLAVOR OF SHERBINE VILLAGE INTO THE WALK BY USING LOW MAINTENANCE PLANT MATERIALS AND OTHER ELEMENTS SUCH AS LIGHTING AND TRAMMEL PLAGES
- SEVENTY BENCHES SHALL BE EVENLY SPACED ADJACENT TO WALK

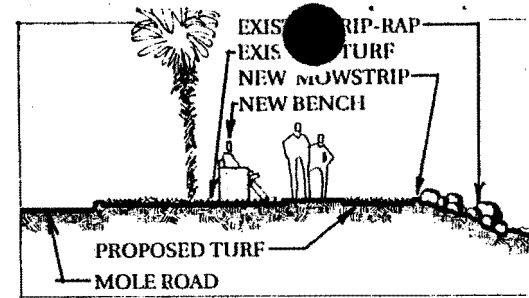
EXISTING CYCLE PATH SHALL REMAIN OPEN UNOBSTRUCTED BOTH DURING CONSTRUCTION & SUBSEQUENT TO COMPLETION OF THE PERMITTED DEVELOPMENT

EXISTING RESTROOMS (TYPICAL)

TUBULAR STEEL FENCE

THE PROPOSED SECURITY FENCING ALONG THE PORTION OF THE WALK WILL BE 6" HIGH WHITE WITH A RAEMIS OR ANGLED TOP PIPE TO ADD FURTHER PROTECTION. SEE CONCEPT DRAWING FOR DETAIL OPTIONS.

EXISTING RIP-RAP



ELEVATION

MARINA OFFICES

EXISTING PUBLIC RESTROOMS SHALL REMAIN ACCESSIBLE TO THE PUBLIC

SHORE LINE VILLAGE

MAIN ENTRANCE

Marina Green

DOWNTOWN MARINA

EXISTING WOOD DECK

MARINA OFFICES

EXISTING TURNAROUNDS, TYPICAL

MOLE ROAD

NEW MARINA MOLE ROAD SIGNAGE PER COASTAL COMMISSION NOTICE OF INTENT TO ISSUE PERMIT

EXISTING RESTROOMS TYPICAL

EXISTING CONCRETE SITTING AREA

REFER TO PLAN VIEW ENLARGEMENT HEREON

TUBULAR STEEL FENCE

APPROXIMATE LOCATION OF FOUR(4) NEW PUBLIC PARKING SPACES

EXISTING PIER ACCENT PLANTING

PIER PLAN VIEW

GROUNDCOVER & SHRUBS AT PIER ENTRY, TYPICAL. REFER TO PIER PLAN VIEW

EXISTING CONCRETE SITTING AREA

TYPICAL BENCH, TOTAL OF SIX(6) ADJACENT TO MOLE ROAD WALK FACING QUEEN MARY

EXISTING RIP-RAP ADJACENT TO & SET BACK FROM EXISTING WALK

PROPOSED 5'-6" WIDE, 8000 S.F. TURF PLANTING AREA ADJACENT TO BACK OF EXISTING WALK WITH MOWSTRIP

NO WORK SHALL BE DONE IN OR OVER COASTAL WATERS

CITY SHALL MAINTAIN 29 PARKING SPACES AT EXISTING FISHING PIERS (10-10-9.)

APPROXIMATE LOCATION OF TWO(2) NEW PUBLIC PARKING SPACES ON EACH SIDE OF EACH PIER IN ADDITION TO EXISTING PARKING SPACES REFER TO ELEVATION HEREON

EXISTING PIERS

LIMIT OF PROPOSED PLANTING & IRRIGATION

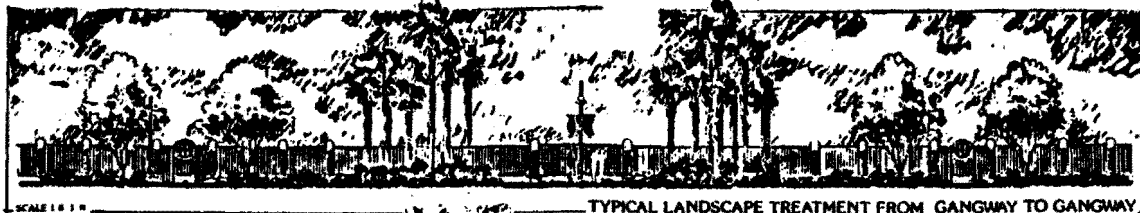
PLAN VIEW ENLARGEMENT

CONCEPT PLAN LONG BEACH MARINA

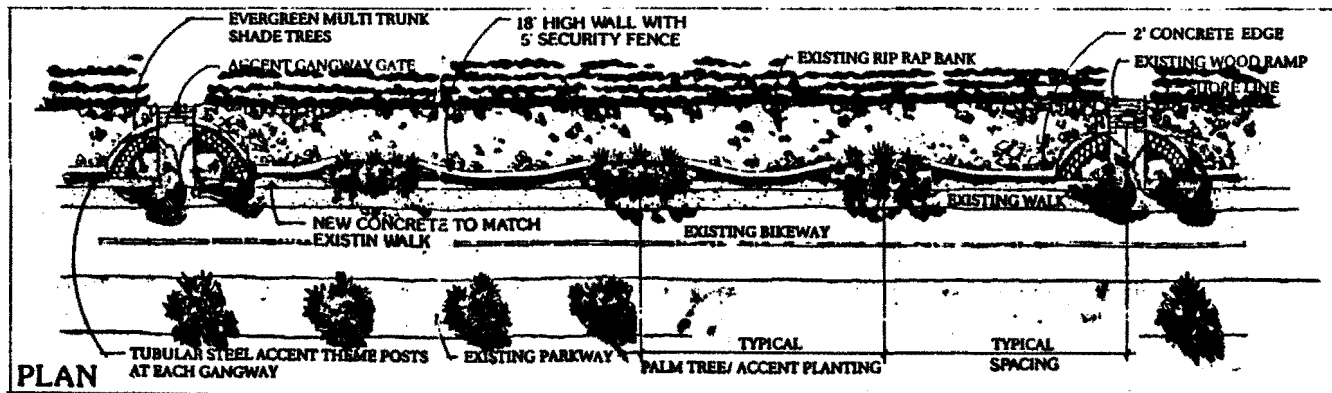
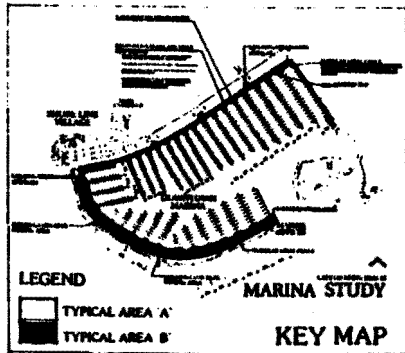
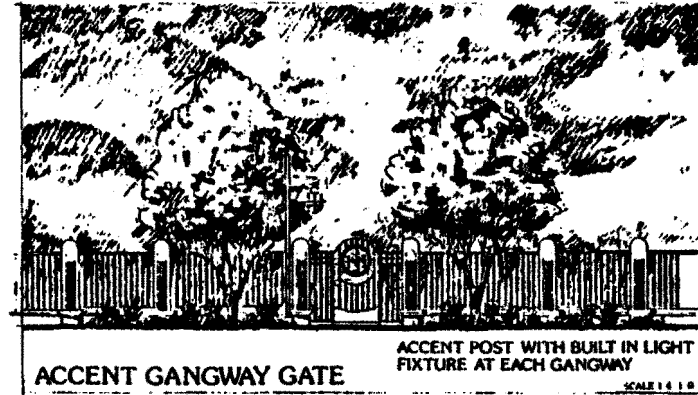
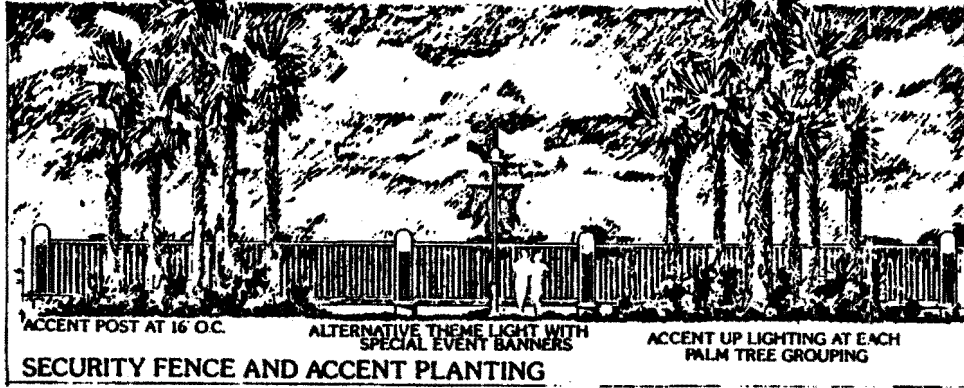
Exhibit #3

RECEIVED
MAY 1 1998
CALIFORNIA
COASTAL COMMISSION

LANDSCAPE ARCHITECTURE
AND PLANNING
7554 NEA, CALIFORNIA
TEL: 714/714-7111
92-215



5-98-099 RECEIVED
 MAR 19 1998
 CALIFORNIA
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GANGWAY ENTRY AND SECURITY FENCE CONCEPT PLAN LONG BEACH MARINA

TYPICAL AREA "A"

NOVIS
 LANDSCAPE ARCHITECTURE
 AND PLANNING
 COSTA MESA, CALIFORNIA
 PH. 714.744.7111

Exhibit #4



CITY OF LONG BEACH

Department of Parks, Recreation and Marine

2760 Studebaker Road, Long Beach, CA 90815-1697

May 5, 1998

Mr. Charles Damm
South Coast District Director
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302

RECEIVED
MAY 11 1998
CALIFORNIA
COASTAL COMMISSION

SUBJECT: Application 5-98-093, Fencing and Landscape Improvements in the Downtown Marina, City of Long Beach

Dear Mr. Damm:

The City of Long Beach has applied for a permit to construct new fencing and to make landscape improvements in the Downtown Marina (DTM) as part of a multi-year plan to upgrade the quality of DTM. DTM has suffered for several years with low occupancy rates. The City is still paying for the construction costs of DTM, and as maintenance costs vary little with occupancy, the high vacancy rate places a severe burden on the City's funding for Tideland properties. The City's plan to overcome the low occupancy was formulated on the perceived deficiencies of DTM from the point of view of boat owners. This included opinion surveys of tenants and exit interviews with boat owners terminating their leases.

In the spring of 1997, City of Long Beach staff conducted an opinion survey, collecting opinions from 30 percent of the boat owners in DTM. The boat owners were shown the same plans submitted for the Coastal Permit. The boat owners responding to that survey favored the proposed plan by a factor of 2-to-1 over three other alternatives, no change, improved gates without the fence, and landscaping without the fence.

Security.

The primary concern of boat owners was the lack of security in DTM. The lack of security is due to the basic design of DTM. DTM was built with a rock embankment instead of the more typical vertical bulkhead. This rock slope allows intruders access around the security gates to the gangway. Gating the gangway, extending the gates with bars, enclosing the landing behind the gate, and fencing the gangway itself have all been unsuccessful in preventing unauthorized entry. It has also resulted in extremely unattractive structures.

COASTAL COMMISSION

5-98-093

EXHIBIT # 5

PAGE 1 OF 3

(310) 570-3100
FAX (310) 570-3109

Mr. Charles Damm
May 5, 1998
Page 2

Boats are particularly vulnerable to burglaries. Most boats are not as secure as homes. Materials are thinner and locks lighter weight, so the boat itself presents less of an obstacle to entry than a home. Additionally, boats have high value electronic equipment in radar, sonar, and radios. All these factors make boats uniquely attractive targets for crime.

We would now like to replace the existing large, cumbersome gates with a metal picket fence and matching gates that will extend around the full length of the marina. This will prevent intruders from climbing down on the rocks to gain access to the docks via the gangways.

Rocks.

The second highest concern of boat owners is with rocks being thrown at the boats. Beside the danger of a person being hit by a rock, the boat owners are concerned that the rocks can do serious damage to a boat by cracking the fiberglass shell that covers the exterior of many boats or damaging navigational equipment. Even a small rock will penetrate the gel-coat of the vessel with the repair costing approximately \$300.

This is a special concern in DTM because the top of the embankment was not landscaped but was instead covered with small rock. This has created the attractive nuisance of a readily available supply of throwing-size rocks. Although most of those that give in to the temptation of throwing the rocks may not intend to hit boats or people, that is frequently the result. Forty-two individual boats reported damage in the last three years. Some of the damage cost up to \$1,500 to repair.

To redress this problem, boats have been relocated from the slips nearest the shore. The accumulated lost revenue from these unrentable slips is estimated at \$423,640 annually. A significant reduction in this lost revenue would allow completion of the remainder of the improvements planned for DTM and improved maintenance and upkeep of DTM, the public restroom, the bicycle path and Marina Green.

The proposed project would eliminate temptation by removing the rocks and by landscaping the public side of the fence. The pedestrian walkway portion of the adjoining bicycle path would also be widened on the Marina Green side of DTM by an additional two feet to provide more room for pedestrians. The base of the fence would be solid for 18 inches, and the two feet inside the fence would be free of rocks. Thus, access to the remaining rocks would be eliminated, thereby eliminating the problem.

COASTAL COMMISSION

5-98-093

EXHIBIT # 5

PAGE 2 OF 3

Mr. Charles Damm
May 5, 1998
Page 3

Visual Access.

Visual access to the water will not be blocked by the fence or landscaping because of the open design of the fence and the gates. The fence will consist of 3/8" metal pickets, 4" on center. Thus, the fencing will obstruct only 12.5 percent of the line of sight.

The landscaping will be low, so that the view is not blocked. All shrubs will be limited to species that do not exceed three feet in height, and all trees will be thin, high branching varieties. Palm trees will be the primary trees used, but other trees will be used for visual accents near gangway entrances.

Finally, the most significant views, those to the open water and the Queen Mary from the marina mole, will not be affected because the fencing will be in the opposite direction from that view.

Future elements of the overall plan are not part of this application. These include the following.

- Increasing the electrical capabilities of the docks. The electrical use by boats has increased significantly since DTM was designed.
- Providing additional fingers between slips. This improves access to the boats and improves safety by reducing the cause of boating collisions during docking and departure.
- Resurfacing the docks to replace the deteriorating decking materials.

If you need any additional information or have questions, please call me at (562) 570-3130.

Sincerely,



Dennis Eschen, Superintendent
Park Planning and Development

DLE:lr

c: Phil T. Hester, Manager of Maintenance and Development
Mark Sandoval, Manager of Marine Bureau
Doug Parsons, Superintendent of Operations, Marine Bureau
Angel Fuentes, Senior Civil Engineer, Project Development Division, Public Works

COASTAL COMMISSION

5-98-093

EXHIBIT # 5

PAGE 3 OF 3

