

CALIFORNIA COASTAL COMMISSION

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Filed: 6/25/11
180th Day: 12/22/2011
Staff: JLA - LB
Staff Report: 10/19/2011
Hearing Date: November 2-4, 2011

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STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-11-131

APPLICANT: Los Angeles County Department of Beaches and Harbors; Essex Property Trust, Inc./Essex Marina City Club, L.P.; Neptune Marina/Legacy Partners; Holiday-Panay Way Marina, L.P.; MGC Marina del Rey International; Golden West Properties; The boat yard, Harbor Real Estate

AGENTS: Andriette Culbertson; Culbertson, Adams & Associates, Inc.

PROJECT LOCATION: 14126 Marquesas Way (Parcel 10); 14025 Panay Way (Parcel 21); 13534 Bali Way (Parcels 42/43); 4635 Admiralty Way (Parcel 44); 13555 Fiji Way (Parcel 53); 4333 Admiralty Way (Parcel 125); 13589 Mindanao Way (Parcel 47)& 13650 Mindanao Way (Parcels 48,49, 77, EE).

PROJECT DESCRIPTION: Demolition and reconstruction of six private leasehold marinas (Parcels 10, 21, 42/42, 44, 53 & 125) and one public marina (Parcel 47); demolition of existing docks and construction of a new public 300 foot long side tie dock with 9 side-by-side slips (Parcel EE), a new public 333 foot long 14 slip dock with a 120 foot long side tie dock (Parcel 48), a new 485 foot long side tie dock with a new public small craft rack system to accommodate 162 boats (Parcel 77), a new public 150 foot long side dock at the launch ramp (Parcel 49R); construction of a new 12 slip transient dock (Parcel BW/9U); 10 new vessel pump-out locations; and two new water bus stops operated by the County Department of Beaches and Harbors. The new docks are designed to comply with the California Department of Boating and Waterways (DBAW) guidelines for marina design and Americans with Disabilities Act (ADA) requirements. The proposed docks will reduce the total number of slips in these marinas by 389 slips (1,669 existing to 1,307 new slips). See detailed project description starting on Page 18.

LOCAL APPROVALS:

1. *Mitigated Negative Declaration, Bay Club Marina and Apartments, 2010*
2. *Mitigated Negative Declaration, Marina del Rey Hotel and Marina, 2010*
3. *Categorical Exemptions, Dock Redevelopment Plans for Parcels 44 (Portion) 47, 48, 49R and EE, April 19, 2011*

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SUMMARY OF STAFF RECOMMENDATION

The proposed project involves the demolition and phased reconstruction of six privately leased marinas, one new County operated public marina, new public transient docks and side tie docks with storage racks for non-motorized boats at Chace Park and new two new public transient docks on the west-side of the marina at Parcel BW and 9. Reconstruction of the anchorages is a significant step toward restoring the Marina del Rey's waterside infrastructure to more modern and safe conditions. Obsolete dock facilities and deteriorating conditions have increasingly rendered the existing anchorages unleaseable and/or unsafe. When completed, the project will result in additional, new vessel pump-out stations, potable head dump station, code-compliant gangways/slips and two new public WaterBus boarding stops.

The applicant's six privately-leased and one public marina proposed for demolition and reconstruction currently contain a total of 1,696 slips. When complete, these reconstructed docks will contain a total of 1,307 new slips. The proposed loss of 389 slips results from dock redesigns that incorporate updated California Department of Boating and Waterways (DBAW) guidelines including fairway and slip-width criteria and pump-out guidelines, Americans with Disabilities Act (ADA) access requirements and the need to meet sustained market demand for larger range of slips across all slip sizes. The proposed redesign of Lease Parcel 8 (Bay Club Marina) that was approved by the Coastal Commission in December 2010, will result in the loss of an additional 23 slips, bringing the total loss of slips in the marina from proposed projects to 412.

The proposed project will maintain a majority of the slips (59%) in the smaller slip size categories below 36 feet. The proposed project will maintain the following percentages in the smaller slip size categories:

< 20 feet – 2%
21 - 25 feet – 22%
26 – 30 feet – 25%
<u>31 - 35 feet - 21%</u>
Total - 59%

In January of this year the Commission approved a coastal development permit (CDP 5-10-263) for the reconstruction of the Alamitos Bay marina in the City of Long Beach with this same percentage of slips below 36 feet. The Commission found that in that case that maintaining this percentage of slips below 35 feet and the proposed distribution of slips across all slip categories provided a well balanced mix of slips that would meet the market demand for boats of all sizes.

As conditioned, the proposed project will provide for a well balanced mix of boat slips in all sizes with a majority of boat slips (59%) in the smaller more affordable range; will minimize future vacancies in the smaller slip size categories and better meet the overall market demands for boat slips; provide adequate mitigation for the loss of lower cost boating slips through the low cost boating in-lieu fee program; and provide for additional non-motorized

low cost boating support and launch facilities. Therefore, the project as conditioned, is protective of low cost recreational boating opportunities and will increase recreational boating, including low cost non-motorized boating, in Marina del Rey consistent with Coastal Policies 30213, 30224, 30234 and the recreational boating guidance policies of the certified Marina del Rey LCP. In addition, the proposed project, as conditioned, protects and preserves public access along the Marina del Rey waterfront and ensures there will be adequate boater parking is provided which is consistent with Coastal Act policies 30210 and 30211 and public access and recreational boating guidance policies of the certified LCP. Finally, the project, as conditioned, is protective of marina resources and sensitive biological resources consistent with Coastal Act policies 30230, 30231, 30240, and 30233.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with 19 special conditions related to the following issues;

- Permit compliance.
- Protection of marine resources, least terns and sensitive nesting bird species.
- Protection of water quality through best management practices and a comprehensive water quality management plan.
- Maintaining public access.
- Providing adequate boater parking.
- Placement of displaced boaters during marina reconstruction.
- Provision of dry boat storage during construction.
- Low cost boating in-lieu fee program.
- Compliance with the requirements from other agencies.
- Provision of a portable head dump facility
- Indemnification by the applicant

The project, as condition, is consistent with the Chapter Three policies of the Coastal Act and guidance policies of the certified Marina del Rey local Coastal Program (LCP). The special conditions begin on Page 6.

See Page 5 for the motion necessary to carry out the staff recommendation. The applicant agrees with the recommendation.

STAFF NOTE:

Pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed project is situated on submerged lands within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development in its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The certified Marina del Rey Local Coastal Program is advisory in nature and may provide guidance.

Marina del Rey LCP amendment MDR-Maj-1-11 is scheduled for the November 3, 2011 Commission meeting and will be acted on prior to this coastal development permit. This LCP amendment includes proposed and recommended suggested modifications to the Recreational Boating, Water Quality, and the Biologically Sensitive Resource LCP policies. These policies are used as guidance in determining the proposed projects' consistency with the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. *Marina del Rey Slip Pricing and Vacancy Study*, Allan D. Kotin & Associates, 2009
2. *Marina del Rey Slip Sizing Study*, Noble Consultants, Inc., 2009
3. *Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California*, Raju Associates, Inc., June 2010
4. *Conservation and Management Plan for Marina del Rey*, Hamilton Biological, Inc., Robert A. Hamilton and Daniel S. Cooper, 2010
5. *Marina del Rey Local Coastal Program*, 2010
6. *Marina del Rey Periodic LCP Review*, 2010
7. *Mitigated Negative Declaration, Bay Club Marina and Apartments*, 2010
8. *Mitigated Negative Declaration, Marina del Rey Hotel and Marina*, 2010
9. *Categorical Exemptions, Dock Redevelopment Plans for Parcels 44 (Portion) 47, 48, 49R and EE*, April 19, 2011
10. *Boating Facilities Needs Assessment*, Department of Boating and Waterways, 2002
11. *Marina Concept and Associates, Marina del Rey Condition Survey*, 2004
12. *Coastal Development Permit 5-10-263 (City of Long Beach, Alamitos Bay Marinas)*
13. *Coastal Development Permit 4-91-055 (City of Ventura)*
14. *Port of Long Beach Port Permit (Cabrillo Marina)*.
15. *Coastal Development Permit 5-99-244 (Sunset Harbor Marina)*
16. *Coastal Development Permit 5-01-143 (Marina Two Prtns, Parcels 12 & 15)*
17. *Channel Island Public Works Plan Amendment 1-07*
18. *Dana Point LCP amendment 1-08 (Dana Point Harbor Revitalization Plan)*
19. *Coastal Development Permit 5-05-245 (Portofino Hotel Marina)*

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve Coastal Development Permit 5-11-131 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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 on which the Commission voted on the application. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

II. Special Conditions

1. Permit Compliance

Coastal Development Permit 5-11-131 permits only the development expressly described and conditioned herein. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

2. Caulerpa Taxifolia Pre-Construction Survey

- A. No earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any development authorized under this coastal development permit (the “project”), the permittee shall undertake a survey of the project area and a buffer area at least ten meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within five business days of completion of the survey, the permittee shall submit the survey for the review and approval of the Executive Director; and to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the permittee shall not proceed with the project until: 1) the permittee provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the permittee has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Eelgrass Mitigation

- A. **Pre Construction Eelgrass Survey.** A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be

impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

4. Construction and Pile Driving Noise Level Restrictions

BY ACCEPTANCE OF THIS AUTHORIZATION FOR DEVELOPMENT, the permittees agrees to retain the services of a qualified independent biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a biological survey of the trees within 500 feet of project site prior (within seven days) to the commencement of demolition and construction activities, and once a week upon commencement of demolition and construction activities that include use of heavy equipment that can cause excessive noise, odors, or vibrations (e.g., pile driving). The environmental resource specialist shall be directed to conduct the survey in order to determine the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species within 500 feet of the work site and immediately report the findings of the survey to the permittees and the Executive Director of the Coastal Commission.

In the event that the environmental specialist reports any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within 500 feet of the work site, the following restrictions shall apply:

- A. Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction

and construction employees shall not bring pets (e.g. dogs and cats) to the construction site.

- B. Noise generated by construction (including, but not limited to, pile driving) shall not exceed 85 dB at any active nesting site within 500 feet of project site for black-crowned night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 500 feet of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

5. Least Tern Protection

In order to reduce potent adverse impacts on the California least tern during nesting and foraging season, no pile driving activity that may generate noise or turbidity shall occur during the period commencing April 1st and ending September 1st of any year.

6. Protection of Marine Resources

In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Marina del Rey, the **permittees shall implement** the following demolition, staging, and construction best management practices:

- A. Silt curtains will be utilized to control turbidity during removal and placement of piles.
- B. Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases.
- C. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- E. Prior to demolition, mollusks (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and other native marine animals found on the piles and docks to be removed from the project site shall be relocated to another part of the bay.
- F. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

- G. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Marina del Rey.
- H. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach.
- I. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
- J. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.
- K. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- L. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- M. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- N. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- O. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- P. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.

Q. Material used for construction of piers, pilings, docks, dolphins, or slips shall not include timber preserved with creosote, (or similar petroleum-derived products). Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve, or similar sealant. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g., PVC Pilewrap) and reinforced plastic for pilings (e.g., high density polyethylene (HDPE) pile armor), shall conform to the following requirements:

1. The material used shall be durable and a minimum of one-tenth of an inch thick.
2. All joints shall be sealed to prevent leakage.
3. Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
4. The plastic sleeves shall extend a minimum of 18 inches below the mudline.
5. Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway. A comprehensive inspection and maintenance plan shall be a requirement of any approval for projects involving plastic/or similar material wrapped piles, for the life of the piles.
6. The applicants shall be made responsible for removal of failed docks or materials.
7. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for new piles or piling replacement, the least environmentally damaging materials and/or methods should be required for such projects, where feasible.

The permittees shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out the project staging and construction plan during all demolition, staging, and construction activities.

7. Water Quality Management Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a detailed Water Quality/Best Management Practices (BMPs) Program for controlling adverse impacts to water quality related to long-term water-borne berthing of vessels in the marina. The

plan shall be prepared by a qualified professional with expertise in the control of water quality impacts related to marinas.

- A. The plan shall demonstrate that long-term water-borne berthing of vessels in the marina shall be managed in a manner which protects water quality and that persons using the marina are made aware of the rules related to boat maintenance and use. To the extent to which physical features or objects (trash containers, recycling bins) are required in the plan, an attached site plan shall show the location where these features or objects will be installed.
- B. The plan shall include, at a minimum, the following components or measures:
 1. Boat Cleaning Management Measures:
 - a. The marina shall prohibit in-water boat hull washing which does not occur by hand.
 - b. The marina shall prohibit in-the-water hull scraping or any process that occurs under water which results in the removal of paint from boat hulls.
 - c. The marina shall ensure that marina tenants, when washing boats, utilize detergents and cleaning components that are phosphate-free and bio-degradable. Amounts used shall be minimized; and,
 - d. The marina shall prohibit the use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
 2. Implementation of a solid waste reduction and recycling program including the following Solid Waste Management Measures:
 - a. Containers for recyclables shall be provided and sited so that they are convenient for boaters (i.e. close to the dock); and,
 - b. All trash and separate containers for recyclables, oil wastes, fish wastes, etc. shall be clearly marked, have the capacity to handle all waste streams, and be sited so that they are convenient for boaters (i.e. close to the dock).
 - c. All solid waste, including sewage, shall be properly disposed of only at appropriately designated facilities.
 3. Implementation of a liquid material control program which provides and maintains appropriate storage, transfer, containment and disposal facilities for liquid materials commonly used in boat maintenance including the following Liquid Waste Management Measures:
 - a. The marina shall provide a secure location to store hazardous wastes, including petroleum products, old gasoline or gasoline with water, absorbent materials, and oily rags.
 - b. Containers for anti-freeze, lead acid batteries, used oil and used oil filters which will be collected separately for recycling shall be provided by the marina.

- c. Signage shall be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The containers shall notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes; and

4. Petroleum Control Management Measures:

The marina shall make available to boaters a service that reduces oily discharges from in-board engines. The marina's environmental policies shall encourage boaters to regularly inspect and maintain engines, lines and hoses in order to prevent oil and fuel spills. These policies shall encourage boaters to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. The use of soaps that can be discharged by bilge pumps shall be discouraged.

5. Public Education Measures:

In addition to these specific components outlined in **Special Condition 7.B** above, the BMP program shall also include enforcement which may include eviction from the marina. The marina shall provide information about all of the measures in the BMP program through a combination of signage, tenant bill inserts and distribution of the BMP program to new tenants and each year to repeat tenants. The program shall be posted at the Harbormaster's Office/Administration Building and at all dock entrances, and be included and attached to all slip lease agreements.

8. Public Access To and Along the Waterway

The existing public promenade and walkways shall remain open for public access. The permittee and the development shall not interfere with public access and use of the public walkway situated immediately inland of the seawalls of the marina (except for the temporary disruptions that may occur during the construction of the permitted development). No gates are permitted, except at the entrance to the gangways.

9. Marina Inspection and Maintenance Program

Throughout the life of the development approved by this permit, **the permittees shall** exercise due diligence in periodically inspecting (at least once a year) the marina facilities that are subject to this coastal development permit. The permittee shall immediately undertake any repairs necessary to maintain the structural integrity of the docks, pilings, over-water sewer lines, and other utility connections, prevent leaks, and to ensure that pieces of unattached plastic or other debris do not enter the environment. Over-water sewer lines, including all pipes from sewage pump-out facilities and any other pipe which leads to a sanitary sewer, shall be visually inspected at least once per month and dye- or pressure-tested at least once every year. The inspections shall be undertaken by boat, during periods of extreme low tides. All leaks shall be repaired immediately upon discovery. If the inspections confirm that the use of the plastic or other material used in

the marina is harming marine resources, the use of such materials shall be stopped, and less harmful materials shall be used.

10. Resource Agencies

THE PERMITTEES SHALL COMPLY with the requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

11. Assumption of Risk

By ACCEPTANCE OF THE PERMIT, the permittees, on behalf of a) itself; b) its successors and assigns and c) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees: i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and v) to agree to include a provision in any subsequent lease or assignment of the development authorized by this permit, incorporating all of the foregoing restrictions identified in i through v.

12. Incorporation of Standard and Special Conditions into Lease Documents

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, a copy of the standard lease document that is used for leases which incorporates all of the Standard and Special Conditions of this Coastal Development Permit. Any subsequent changes to the standard lease document that is used for each lease shall be submitted for the review and approval of the Executive Director before the applicants use the changed lease.

13. Boater Parking

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, of an individual marina authorized pursuant to this coastal development permit, the applicants shall secure a coastal development permit from the County of Los Angeles, if necessary, for any required parking lot improvements and/or restriping to comply with the boating parking

standard specified in the certified Marina del Rey Local Coastal Program (ratio of .6 or greater parking spaces per boat slip).

14. Boat Slip Loss During Marina Reconstruction

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, on any individual marina, the applicant must provide evidence to the Executive Director, demonstrating that the temporary removal of slips resulting from the reconstruction project will not cause the overall number of slips Marina-wide in the to fall below the following percentages:

- ≤25 foot category y – 16%
- 26 – 30 foot category –19%
- 30 – 35 foot category –18%

15. Transition Process for Displaced Boats During and after Dock Reconstruction

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, on any individual marina approved pursuant to this Coastal Development permit, the applicant shall submit for the review and approval of the Executive Director, a “slip transition and implementation plan” to assist small and mid-sized boat (35 feet and under) owners to locate a temporary slip for lease during reconstruction. The applicant shall use its best efforts to alert marina tenants displaced by reconstruction of a temporary slip for the displacement of boats sized 35 feet and under from the individual marina by identifying vacant slips throughout Marina del Rey if a slip is not available in the marina under reconstruction. The applicant is not required to subsidize the relocated tenant.

Immediately following the final phase of reconstruction, the applicant shall extend to previous slip renters of boats 35 feet and under a 30 day right of first refusal for available slips of the same previously leased size. The transition and implementation plan shall include but not limited to the following mitigation measures:

- utilize successive reconstruction phases within the same marina to secure slips for boats temporarily displaced during the previous phase;
- identify an appropriately-sized slip in another marina within Marina del Rey harbor; and/or;
- until a slip of the previously leased size is identified in Marina del Rey harbor, lease to the displaced boat owner a larger slip (may include end-ties/side-ties) at a rate at a rate equal to the currently-posted slip rate of the size previously rented to the displaced boat.
- If neither an appropriate-sized slip nor larger slip is available to the boater with a boat 35 feet and under in a private lease hold anchorage, the County shall make accommodation for a displaced boater in Parcel 47 public marina. If a slip is not available in the size appropriate for that displaced boat (35 feet and

under) the County shall lease a larger slip (may include end-ties/side-ties) at a rate at a rate equal to the currently-posted slip rate of the size previously rented to the displaced boat. If no appropriate space is available in Parcel 47 marina, the County shall offer space in the mast up-storage or other storage operated by the County at the appropriate rate.

In any case, the marina operator will not be required to honor special requests for the specific location of the slip. These procedures shall only apply to:

- accommodate the specific vessel that occupied the previously leased slip;
- slip renters in good standing at the start of the reconstruction project; and
- seaworthy vessels (no houseboats, floating homes or inoperable boats).

16. Lower Cost Boating Program In-lieu Fee

PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY of a privately-leased marina, approved pursuant to this coastal development permit, the applicant shall provide an in-lieu fee to Los Angeles County Department of Beaches and Harbors, or a non-profit organization acceptable to the Executive Director of the Coastal Commission, to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities. Such programs may include, but are not limited to, the County's W.A.T.E.R. Youth Program.

The annual in-lieu fee shall be the amount equivalent to the annual rental of one 30-foot boat slip for each 100 new slips measuring over 30 feet in length in the subject anchorage. For new marinas containing fewer than 100 slips or fractions over 100 slips the in-lieu fee shall be prorated based on the number of slips; such as 30/100 [0.3 for 30 slips], or 150/100 [1.5 for 150 slips]. The annual rental of one 30-foot boat slip for the purposes herein shall mean the average annual rental of the published slip rates of all 30-foot boat slips in the subject marina. If there are no 30-foot boat slips then the average annual rental of the next larger size of slip in the subject marina as of July 1st of each year will be the basis for calculating the in-lieu fee.

The payment of the in-lieu fee to the County, or the approved non-profit organization, will commence upon completion of the marina redevelopment construction and continue annually, throughout the life of the development approved by this permit. The first annual payment of the fee will be due the earlier of the Outside Completion Date (as defined in the subject lease agreement) or the date on which a temporary Certificate of Occupancy was issued to the subject marina. If construction is phased, the minimum in-lieu fee will be due within 10 days of the issuance of the temporary Certificate of Occupancy, prorated to June 30th. Subsequent annual payments will be calculated from July 1st of each year, and be due no later than July 10th. The following provisions will also apply:

- End-ties will not be counted as a slip for in-lieu fee computational purposes.
- The County Department of Beaches and Harbors shall provide (or shall cause the appropriate non-profit organization to provide) an annual report for the review and approval of the Executive Director of the Coastal Commission, detailing the in-lieu fees that have been collected, the lower cost boating programs developed and operated, and the number of people participating in such programs. The report shall be provided annually, no later than January 15th, for the preceding calendar year.

17. Dry Boat Storage Requirements During Construction

The COUNTY SHALL PROVIDE, to the Executive Director, an annual monitoring report documenting the reconstruction of the marinas approved pursuant to this Coastal Development Permit and the availability of dry boat storage during construction of the construction of the marinas. The monitoring report shall include the following information:

- The number of marinas reconstructed within the last year, including a break down of the boat slip sizes.
- The number of marinas projected to be constructed within the next 12 month period.
- The number of boat slips 35 feet and under which will be permanently eliminated and the number of slips out of commission during the next 12 month period due to reconstruction of the marina(s).
- The current number of dry spaces available for dry storage in Marina del Rey.

If at the time of the annual report, there is less than 5% of the total number of dry boat storage spaces available for rent, the County shall establish sufficient boat dry storage space so as not to fall below a 5% dry boat storage availability threshold. If annual report demonstrates that there is less than 5% of dry boat storage spaces available in the marina then no marina reconstruction may occur until there is a minimum 5% of the total dry boat storage spaces available for rent. The report shall be provided annually to the Executive Director, no later than January 15th of each year.

18. Portable Head Dump Facility

PRIOR TO THE COMPLETION OF 50 % OF THE MARINA RECONSTRUCTION PROJECTS APPROVED PURSUANT TO THIS COASTAL DEVELOPMENT PERMIT, the Los Angeles County Department of Beaches and Harbors, shall construct one portable head dump facility at the Marina del Rey launch ramp. The

dump facility must be authorized pursuant to a coastal development permit from Los Angeles County.

19. Liability for Costs and Attorneys Fess

THE PERMITTEE SHALL reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

Demolition and reconstruction of six private leasehold marinas (Parcels 10, 21, 42/42, 44, 53 & 125) and one public marina (Parcel 47); demolition of existing docks and construction of a new public 300 foot long side tie dock with 9 side-by-side slips (Parcel EE), a new public 333 foot long 14 slip dock with a 120 foot long side tie dock (Parcel 48), a new 485 foot long side tie dock with a new public small craft rack system to accommodate 162 boats (Parcel 77), a new public 150 foot long side dock at the launch ramp (Parcel 49R); construction of a new 12 slip transient dock (Parcel BW/9U); 10 new vessel pump-out locations; and two new water bus stops operated by the County Department of Beaches and Harbors.

The subject marinas are located on Lease Parcels 10, 21, 42/43, 44, 47, 48, 49R, 53, 77, 125, EE and BW.¹ (Exhibits 3 & 4) Of these, the anchorages on Lease Parcels 10, 21, 42/43, 44, 53 and 125 will ultimately be operated for-rent by private leaseholders. The remaining facilities, including the public docks and the anchorage to be reconstructed on Lease Parcel 47, will be operated by the County.

With the exception of the anchorages on Lease Parcels 42/43 and BW, all of the dock reconstructions and recreational boating enhancements will occur within the existing wet lots currently occupied by existing docks and waterside improvements. The reconstruction projects are anticipated to take approximately five years from start to completion. Each is expected to occur in multiple phases, with each phase taking approximately two to six months. Once construction begins, one or more of the applicants anchorages may be under construction simultaneously.

¹ The Project co-applicants are operators of docks with Department-approved plans for demolition and reconstruction. Thus, although the anchorages are legally distinct entities, they are inter-related for the purpose of this Master Marina CDP.

The privately-leased anchorages, including County-operated Lease Parcel 47, currently contain a total of 1,696 slips. When completed, the project will yield a total of 1,307 newly-constructed privately-leased slips, resulting in a net loss of 389 slips, or 412 slips including Lease Parcel 8, which was approved by the CCC in December 2010. These losses are due in part to conformance to new DBAW guidelines, adherence to ADA accessibility requirements and the goal of continuing to encourage a full range of recreational boating opportunities across all boat size categories, as illustrated in Table 1 below.

Table 1: Marina del Rey Current Slip Size Categories

Current Marina Slip Size Categories and Proposed Net Change									Total
Slip Size Current Slips	<u>≤20'</u> 160	<u>21'- 25'</u> 1052	<u>26'- 30'</u> 1188	<u>31'- 35'</u> 883	<u>36'- 40'</u> 673	<u>41'- 45'</u> 258	<u>46'- 50'</u> 271	<u>≥51'</u> 276	3,761
Net Project Change (incl. Pcl 8, approved Dec 2010)	-72	-341	-280	+7	+83	+91	+51	+49	-412

A key feature of this proposed project is the construction and expansion of public recreational boating facilities on County-operated Lease Parcels 48, 49R, 77 and EE (Exhibit 5), as well as the construction of new public transient docks on Lease Parcel BW. All of the existing free or low-cost recreational boating facilities that surround Burton Chace Park on the Mindanao Way mole (and currently contain nearly 50 slips) will be expanded to offer more than 200 slips and personal watercraft rack spaces. The Lease Parcel BW transient anchorage will be constructed by the Lease Parcel 10 lessee in conjunction with the redevelopment of the landside and waterside components of that project. Once constructed, this new, approximately 9-slip anchorage will be operated by the County as a public facility. At least two new WaterBus² stops will also be created as a result of the proposed project.

All existing dock floats, ramps and pilings (except those that can be reused) within the anchorages will be removed and new floats, ramps and pilings will be constructed of state-of-the-art systems. The dock reconstruction projects would be carried out under a collective and coordinated approach that monitors changes to the distribution of boat slips throughout the phased construction period and at project completion.

The Project will accomplish other important objectives for boater facilities in the areas of safety design, improvements to boater parking, and water quality. In conformance with ADA and DBAW guidelines, the new facilities will be ADA-accessible and designed with updated minimum finger dock width, slip clearance widths and fairway width dimensions.

² County's low-cost summer water transit service has been in operation since 2002, providing area residents and visitors weekend inter-anchorage service from seven designated boarding locations.

The newly-constructed docks will provide modern boater accommodations for vessel pump-outs, as well as modern utilities for fire fighting, water, electrical, television, telephone, and lighting. Ten new vessel pumpout locations are proposed in addition to the 5 existing pumpout locations in the Marina. The distribution of these new pumpouts will provide convenient access for boaters and will address California's new "Boating Clean & Green Campaign" criteria.

The following is a detailed project description of each of the 12 individual anchorages identified by Lease Parcel.

Lease Parcel 10—Neptune Marina

The Lease Parcel 10 waterside development would demolish an existing 46-year old, 180-slip anchorage and construct a new 161-slip anchorage (Table 2) (Exhibit 6). This anchorage is located at the Neptune Marina project on Marquesas Way and is constructed of wood with concrete flotation. The new docks are state-of-the-art floating concrete dock systems. One new vessel pump-out station is included in the new dock plans. Pursuant to the Lease Parcel 10 leasehold terms, the lessee is required to construct new transient docks (approximately 9 proposed public slips) on an un-leased water area at the west end of Basin B, referred to here as Lease Parcel BW, that will contain County-operated public improvements. The landside redevelopment project includes 131 dedicated boater parking spaces, resulting in a parking-to-boat slip ratio of 0.81.

Table 2: Lease Parcel 10

Lease Parcel 10: Neptune Marina Proposed Change in Slip Numbers								
Slip Size (feet)	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Current Count	0	12	126	22	20	0	0	0
Proposed Count	0	12	82	45	22	0	0	0
Change	0	0	-44	+23	+2	0	0	0
July 2011 Vacancies	n/a	0	4	1	2	n/a	n/a	n/a

Decrease in Lease Parcel 10 slips attributable to DBAW guidelines = 15 and attributable to ADA standards = 1.

Lease Parcel 21—Holiday Harbor

The Lease Parcel 21 waterside development would demolish an existing 42-year old, 182-slip anchorage and construct a new 92-slip anchorage (Table 3) (Exhibit 7). This anchorage is located at the Holiday Harbor project on Panay Way. One new vessel pump-out station and a WaterBus docking area are included in the new dock designs. As part of the landside proposal, 71 dedicated boater parking spaces will be developed, resulting in a parking-to-boat slip ratio of 0.60.

Table 3: Lease Parcel 21

Lease Parcel 21: Holiday Harbor Marina Proposed Change in Slip Numbers								
Slip Size (feet)	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Current Count	68	53	51	0	10	0	0	0
Proposed Count	0	11	15	28	21	8	9	0
Change	-68	-42	-36	+28	+11	+8	+9	0
July 2011 Vacancies	43	15	11	n/a	0	n/a	n/a	n/a

Decrease in Lease Parcel 21 slips attributable to DBAW guidelines = 12 and attributable to ADA standards = 1.

This is one of two anchorages in the Marina that currently has double-wide slips—68 out of 182. The transition to all single-boat slips accounts for 75% of the total loss of slips in this anchorage. The new docks are state-of-the-art modern floating concrete dock systems. The elimination of the double-wide slips alone causes significant reductions in slip numbers, because individual slips require space to accommodate dock fingers on both sides of the slip. However double-wide slips are no longer desirable, as it is difficult to maneuver a boat safely in and out of the slip without hitting the partner boat. Many anchorages in Southern California which originally used this double-wide slip approach have been remodeled to offer only single-wide slip configuration.

Lease Parcels 42/43—Marina del Rey Hotel

The Lease Parcel 42/43 waterside development would demolish an existing 46-year old, 349-slip anchorage and construct a new 277-slip anchorage (Table 4) (Exhibit 8). This anchorage is located at the Marina del Rey Hotel on Bali Way. After redevelopment, boater parking will continue to be served from the 380-space shared parking facility; no reduction in parking will occur. A noteworthy feature of the Lease Parcel 42/43 anchorage is that the new configuration takes advantage of a small water area not previously used, thereby reducing the loss of slips.

Table 4: Lease Parcels 42/43

Lease Parcels 42/43: Marina del Rey Hotel Proposed Change in Slip Numbers								
Slip Size (feet)	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Current Count	0	109	120	70	36	0	10	4

Proposed Count	0	0	4	80	71	53	38	31
Change	0	-109	-116	+10	+35	+53	+28	+27
July 2011 Vacancies	n/a	53	45	18	5	n/a	3	2

Decrease in Lease Parcel 42/43 slips attributable to DBAW guidelines = 32 and attributable to ADA standards = 4.

The existing docks are constructed of fiberglass and wood. The reconstructed dock will be state-of-the-art modern concrete dock system. The docks at the Marina del Rey Hotel are in fair to poor condition and could present a safety hazard to patrons and a potential liability to the Department.³ A considerable number of repairs have been made to all portions of these docks over the years. Many of the components, as well as the main walkways, are beyond structural correction. The primary areas of concern are uneven flotation, unstable fingers, deteriorating finger/walkway connections, and delaminating decks. In 2003, CMA recommended that the Marina del Rey Hotel anchorage be replaced within 2-3 years.

Lease Parcel 44—Pier 44

The Lease Parcel 44 waterside development would demolish an existing 44-year old, 232-slip anchorage and construct a new 141-slip anchorage (Table 5) (Exhibit 9). Like Lease Parcel 21, this is one of two anchorages in the harbor with “double-wide” slips. A new WaterBus docking area is incorporated in the dock reconstruction plans. This anchorage is located at the Pier 44 project on Admiralty Way. As part of the landside proposal, 111 dedicated boater parking spaces will be developed, resulting in a parking-to-boat slip ratio of 0.60.

Table 5: Lease Parcel 44

Lease Parcel 44: Pier 44 Proposed Change in Slip Numbers								
Slip Size (feet)	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Current Count	14	131	28	59	0	0	0	0

³ Concept Marine Associates' Marina del Rey Structural Condition Survey, 2004.

Proposed Count	0	12	54	21	39	0	11	4
Change	-14	-119	+26	-38	+39	0	+11	+4
July 2011 Vacancies	2	58	2	12	n/a	n/a	n/a	n/a

Decrease in Lease Parcel 44 slips attributable to DBAW guidelines = 34 and attributable to ADA standards = 2.

The existing docks are constructed of wood with plastic and concrete flotation. The reconstructed dock will be state-of-the-art modern concrete dock system. The docks at Pier 44 are in extremely poor condition and present a safety hazard to patrons and a potential liability to the Department.⁴ A considerable number of repairs have been made to all portions of these docks over the years, and many of the components, as well as the main walkways, are beyond structural correction. The primary areas of concern are the excessive areas of dry rot, uneven flotation, unstable fingers and deteriorating finger/walkway connections. In 2003, CMA recommended that the anchorage be closed or repaired in the following year.

Lease Parcel 47—Anchorage 47 (County-operated)

Upon the expiration of the lease for Lease Parcel 47 in March 2008, this anchorage became the unencumbered property of the County. As the anchorage is in poor condition and it is impractical to find a third party operator, the County will operate this anchorage. The anchorage is located at the building leased to the Santa Monica Windjammers Yacht Club at the terminus of Mindanao Way. The reconstruction project would demolish an existing 38-year old, 330-slip marina and construct a new 253-slip marina (Exhibit 10). The reconstructed dock will be state-of-the-art modern concrete dock system.

The large number of obsolete “double-wide” slips within the existing anchorage, combined with the anchorage having the shortest average slip size of any anchorage in the Marina, accounts, in large part, for the loss of smaller slips resulting from the proposed Master Marina CDP. Table 6 shows the proposed changes in slip size at this anchorage. Boater parking will continue to be available in a 345-space shared parking facility which, after deducting 67 spaces that serve the Santa Monica Windjammers Yacht Club and an adjacent landside office building, will provide a parking-to-boat slip ratio of 1.09.

Table 6: Lease Parcel 6

Lease Parcel 47: County-operated Proposed Change in Slip Numbers								
Slip Size (feet)	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Current Count	0	177	104	41	6	1	1	0

⁴ *Ibid.*

Proposed Count	6	92	82	30	30	9	1	3
Change	+6	-85	-22	-11	+24	+8	0	+3
July 2011 Vacancies	n/a	70	36	18	0	1	1	n/a

Decrease in Lease Parcel 47 slips attributable to DBAW guidelines = 18 and attributable to ADA standards = 2.

The existing docks are of floating concrete construction. The reconstructed dock will be state-of-the-art modern concrete dock system. At the time CMA was assessing the anchorages, the Lease Parcel 47 docks were in good condition.⁵ A number of repairs have been made to the concrete floats over the years, but these repairs are only an interim solution, as the docks are approaching the ends of their useful lives. The primary areas of concern are excessive cracking and surface patching of decks, deteriorating finger/walkway connections and deteriorating assemblies. In 2003, CMA recommended that this anchorage should not require replacement before 2008. However, as the result of a recent tsunami, approximately 12 fingers are no longer suitable for berthing and have been taken out of service, and the rest of the docks are now in poor condition.

Lease Parcels 48, 77, 49R and EE—County-operated

The Lease Parcels 48 and EE waterside developments would demolish existing docks totaling 33 slips, including 23 transient slips on Lease Parcel EE (Exhibits 11 & 12). According to public dock occupancy records, in recent months these public docks had an average daily occupancy of 4.8, 5.9 and 4.6 for July, August and September 2010 respectively. Ten slips on the waterside of Lease Parcel 48 are utilized by the Water Awareness, Training, Education and Recreation (W.A.T.E.R.) Program and the Sea Scouts. The reconstructed dock will be state-of-the-art modern concrete dock system. The dock reconstruction will increase the number of slips at these parcels by 11 for a total of 44 (nine slips will be added to Lease Parcel EE and an additional two slips on Lease Parcel 48). As part of the redevelopment, Lease Parcel EE will contain an additional 190 lineal feet of side-tie docks for transient watercraft, potentially accommodating as many as six 30-foot boats. The proposed design of the Lease Parcel 48 docks is intended to more efficiently accommodate small watercraft and provide enhanced flexibility to users.

The Lease Parcel 77 waterside development would remove the existing 14-slip space currently occupied by a combination of boat repair, staging and docking uses that are now obsolete. This area would be replaced with a 485-lineal-foot dock and associated small craft rack system having the capacity to accommodate up to 162 boats with a maximum length of 18 feet (Exhibits 11). This project is an important component of the Burton Chace Park expansion and a proposed Recreation Boating Center. Ancillary to this project is a new 150-lineal-foot dock and side-tie on the nearby wet lot of Lease Parcel 49R (Exhibit?). The reconstructed dock will be state-of-the-art modern concrete dock system. Having the

⁵ Concept Marine Associates' Marina del Rey Structural Condition Survey, 2004.

new tie-up in this location makes efficient use of under-utilized water area near the existing boat launch ramp and improves access for transient and guest boaters to nearby landside shopping, restaurants and retail stores without interference with the operation of the launch ramp.

The docks at Lease Parcel 77 are in extremely poor condition and present a safety hazard to patrons and a potential liability to the County.⁶ Lease Parcel 77 consists of several landing sections connected by multiple walkways. Only a portion of the anchorage is in place, as half of the anchorage area has no floats, leaving the concrete piles standing alone in the water. A portion of one of the walkways has been replaced. The remaining portions of the docks, as well as the main walkways, are beyond repair. In 2003, CMA recommended that the anchorage be closed in the following year. The reconstructed dock will be state-of-the-art modern concrete dock system. Boater parking will continue to be provided from public parking facilities serving Burton Chace Park and the public boat launch ramp.

Lease Parcel 53—The BoatYard

The Lease Parcel 53 waterside development would demolish an existing 47-year old, 103-slip anchorage and construct a new 101-slip anchorage (Table 7) (Exhibit 13). This is a boat repair facility that includes a 30-ton and a 70-ton travel lift. Both lifts will remain. After redevelopment, boater parking will continue to be served from the 168-space shared parking facility; no reduction in parking will occur.

The existing docks are constructed of concrete flotation. The reconstructed dock will be state-of-the-art modern concrete dock system. The docks at the BoatYard are in good condition; however in 2003 CMA recommended that a near-term reevaluation of the structural conditions be obtained to confirm noted problems. A number of repairs have been made to the decking, but the primary areas of concern now are low freeboard and gangway landings, stringer failure at the wheels system, and deteriorated wood on the main walks and fingers.

Table 7: Lease Parcel 53

Lease Parcel 53: The BoatYard Proposed Change in Slip Numbers								
Slip Size (feet)	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Current Count	0	34	23	37	9	0	0	0

⁶ Concept Marine Associates' Marina del Rey Structural Condition Survey, 2003.

Proposed Count	4	27	23	38	9	0	0	0
Change	+4	-7	0	+1	0	0	0	0
July 2011 Vacancies	n/a	1	2	5	1	n/a	n/a	n/a

Decrease in Lease Parcel 53 slips attributable to ADA standards = 2.

Lease Parcel 125—Marina City Club

The Lease Parcel 125 waterside development is located at the Marina City Club on Admiralty Way and would demolish an existing 41-year old, 320-slip anchorage and construct a 282-slip anchorage (Table 8)(Exhibit 14). One new vessel pump-out station is included in the new dock plans. In conjunction with the existing landside residential development, boater parking will continue to be served from a 361-space shared parking facility.

Table 8: Lease Parcel 125

Lease Parcel 125: Marina City Club Proposed Change in Slip Numbers								
Slip Size (feet)	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Current Count	0	13	118	88	60	11	22	8
Proposed Count	0	21	49	89	56	27	18	22
Change	0	+8	-69	+1	-4	+16	-4	+14
July 2011 Vacancies	n/a	0	28	12	12	0	6	4

Decrease in Lease Parcel 125 slips attributable to DBAW guidelines = 22 and attributable to ADA standards = 1.

The existing docks are of concrete construction and are in fair condition.⁷ The reconstructed dock will be state-of-the-art modern concrete dock system. A number of repairs have been made to the concrete floats, from superficial surface repairs to removal and replacement of deck sections. These types of repairs are interim solutions only, and the primary areas of concern are excessive cracking and surface patching of decks, loose floats, and deteriorating finger/walkway connections. In 2003 CMA recommended that the marina be replaced within 3-5 years.

B. Marina Background and History

Marina del Rey is located in a man-made, inland basin off Santa Monica Bay between the coastal communities of Venice and Playa del Rey (Exhibit 1). Its location affords direct access to Catalina Island and the Channel Islands and positions the harbor as an

⁷ *Ibid.*

important and unique boating resource for Los Angeles County and Southern California. The Marina caters primarily to recreational boaters, with a number of docks reserved for commercial boating uses.

The Marina facilities are formed by eight basins (labeled A through H) that radiate from a single 1.5-mile long main channel measuring approximately 1,000 feet in width (Exhibit 2.) Six of the eight basins measure 600 feet wide and two measure 450 feet wide. A 2,340-foot offshore breakwater, two jetties and nearly seven miles of concrete bulkhead support the essential channel and infrastructure. The Marina covers approximately 800 acres, split nearly evenly between land and water areas.

Within the Marina, most of the landside and waterside improvements were constructed by private entrepreneurs, and continue to be operated under long-term ground leases that were awarded by open competitive bids in the early and mid-1960's.

The Marina currently contains a total of 4,761 boat slips dispersed among 21 individual leasehold anchorages (originally constructed between 1964 and 1972), in addition to commercial boat berths (Lease Parcels 1, 55 and 56), public transient docks, boating instruction facilities and government docks (Lease Parcels 48, 62, 77 and EE). The slips in Marina del Rey range in size from 12 feet to over 51 feet in length, with the following slip distribution (Table 9)⁸

Table 9: Marina del Rey Current Slip Size Distribution

Marina del Rey Harbor Current Slip Distribution								
Slip Size (feet)	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Number of Slips	160	1052	1188	883	673	258	271	276

Of the approximately 4,761 boat slips in Marina del Rey, approximately 64% of the slips are 35 feet or less in length. The harbor has experienced prolonged high vacancy rates in these smaller boat slips, as discussed below in more detail.

Renovation and replacement of the Marina anchorages began in earnest in the mid-1980s. Eight of the 21 original anchorages (Lease Parcels 12, 13, 18, 20, 54, 111, 112 and 132) have already been replaced in connection principally with their respective lease extensions and redevelopment or renovation projects. Furthermore, two anchorages (Lease Parcels 8 and 15) already have regulatory approvals for their replacement, and another at Lease Parcel 7 will be replaced in approximately 10 years, in substantial conformance with its current configuration. The remaining anchorages (Lease Parcels 28, 30, 41) have no near-term plans to rebuild and are being maintained in acceptable or better condition.

⁸ *Marina Del Rey Slip Pricing and Vacancy Study, Prepared for Los Angeles County Department of Beaches and Harbors, March 2009.*

In 2003, the County commissioned Concept Marine Associates (CMA) to complete a structural condition survey of six of the Marina's privately-leased anchorages (Lease Parcels 8, 28, 42/43, 44, 77 and 125). Further structural conditions studies were completed by CMA in 2004 for another six privately-leased anchorages (Lease Parcels 7, 15, 41, 47, 52 and 65). CMA prepared a specific inspection format to record the structural deficiencies, which included items such as deteriorated wood, weak or broken components, dock stability, excessive areas of deterioration, and flotation. Structural deficiencies were recorded for each dock and each finger within each anchorage. Overall, the structural conditions survey found that all of the anchorages surveyed had exceeded their original design life. CMA recommended that all of the anchorages be replaced by 2008. The structural condition surveys relate to many of the privately-leased anchorages that are part of the Master Marina CDP, and so, where relevant, specifics from the structural survey are included below in this application in the Project Description section.

The Marina also contains a number of existing public recreational boating facilities including transient slips at Lease Parcel EE (Burton Chace Park), dry and mast-up storage (817 spaces), an eight-lane public launching ramp on Lease Parcel 49R, various public pump-out stations (Lease Parcels 1, 49R and EE), newly constructed fuel dock (Lease Parcel 1), repair yards, charter and rental boats, harbor tours, sailing instruction schools non-motorized boating storage, launch and rental facilities.

C. Recreational Boating, Low Cost Recreation and Public Access,

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast and encourage increased recreational boating use of coastal waters. The proposed project must conform with the following Coastal Act policies that protect and encourage public access, recreational use of coastal areas and recreational boating uses.

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 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...

As stated in the above public access policies, the Coastal Act requires that maximum access and recreational opportunities be provided for all people. The Coastal Act also protects the public's right to access the sea and encourages the development of recreational boating facilities.

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234 of the Coastal Act states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

The Certified Marina del Rey LCP, which is used as guidance for determining consistency with the Coastal Act, includes recreational boating policies that not only mirror the recreational boating policies of the Coastal Act but also include additional protective policies to ensure protection of recreational boating facilities.

FIGURE 4: MINIMUM SLIP PERCENTAGES FOR SMALLER BOATS

A. Waterfront Slip Length Distribution

<u>Berth Length</u>	<u>Percentage</u>
30 feet and under	39%
31 to 35 feet	20%

The County shall maintain the slip distribution for slips 35 feet in length and under, as shown in Figure 4, as the minimum slip distribution for those categories. At no time during reconstruction of any marina shall the slip distribution be less than 16% for slips 25 feet and under; and 39% for slips between 26 and 35 feet.

3.e.1. - Recreational Boating a Top Priority

Recreational Boating shall be emphasized as a top priority use throughout the planning and operation of the Marina. To help achieve this goal, the plan shall strive to ensure that adequate support facilities and services are provided including, but not limited to the following: boat slips, a fueling dock, boat repair yards, boat dry storage yards, launch ramps, boat charters, day-use rentals, equipment rentals and on-going maintenance of the marina harbor and entrance channel, bulkhead repair, pollution control, safety and rescue operations and sufficient parking for boaters. Emphasis shall be given to providing water access for the small boat owner through provision of public ramp facilities.

3.e.2- Slip reductions resulting from marina reconstruction shall be offset in support of low-cost boating. For marina reconstruction projects, every 100 slips in excess of 30 feet shall comply with the following conditions:

Prior to the issuance of a coastal development permit, the applicant or its successor in interest shall agree to provide:

a. An in-lieu fee to the County, or a non-profit organization acceptable to the Executive Director of the Coastal Commission, to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities. Such programs may include, but are not limited to the County's Water Awareness, Training, Education and Recreation (W.A.T.E.R.) Youth Program.

b. The in-lieu fee shall be the equivalent annual rental value of one 30-foot boat slip (based upon the listed per-foot rental rate posted at the marina on July 1 of each year for 30-foot slips) for each 100 slips measuring over 30 feet in length. The payment of the in-lieu fee to the County, or the approved non-profit organization, will commence upon completion of the Marina redevelopment construction and continue annually, throughout the life of the project.

c. The DBH shall provide (or shall cause the appropriate non-profit organization to provide) an annual report, for the review and approval of the Executive Director of the Coastal Commission, detailing the in-lieu fees that have been collected, the lower cost boating programs developed and operated, and the number of people participating in such programs. The

report shall be provided annually, no later than January 15th of each year for the proceeding calendar year.

Boating-Related Support Facilities

- 3.e.3. At a minimum, the existing operating boating-related support facilities and services shall be maintained for the boating public. These facilities shall include, but are not limited to, the fuel dock on parcel 1, boat repair yards on parcels 53 and 54, the County launch ramp, mast-up storage and support parking on Parcel 49. With the exception of the facilities located on parcels 1, 54, and 56, which shall not be displaced, boating facilities may be relocated in conjunction with development so long as the same or larger boating facility is replaced within the Marina. Any project which relocates an existing coastal dependent boating use, including but not limited to boat launching, boat storage, boater parking or boater access, shall be phased so that said use is replaced within the Marina before the development which displaces it may commence.*
- 3.e.4. Additional boat storage facilities may be developed within Marina del Rey. Deck storage (storage of small day-use sailboats on a floating dock) for sailboats may be constructed on a portion of Parcel 49 and dry stack storage may be constructed on Parcels 44 and 53 or on other parcels with a marine commercial or visitor-serving commercial designation, as long as view corridors are complied with and adequate private parking is available. A parking analysis demonstrating adequate independent or shared parking shall accompany project.*
- 3.e.5. Commercial Fishing Not a Priority. Recreational boating shall be emphasized over commercial boating activities, because of the strong public demand for recreational boating facilities. The original plans for Marina del Rey did not include support facilities for commercial fishing, and none have been developed or planned since then.*
- 3.e.6. The County intends to expand boating-related support facilities, where feasible, particularly on Parcel 44 for dry stack storage, on Parcel 52 for mast-up and dry stack storage, and increased area for kayak and outrigger canoe launching on Marina Beach as well as a dock at Parcel 77 in conjunction with the Chace Park expansion.*
- 3.e.7. A parking provision of 0.6 spaces for each wet-slip shall be provided.*
- 3.e.8. During reconstruction of the marinas if there are fewer than 5% of the total dry boat storage spaces available for rent, the County shall establish sufficient boat dry storage space so as not to fall below a 5% dry storage availability threshold until all 1,088 dry spaces are available.*

Many of the harbors and marinas along the California coast, originally built over 60 years ago, now need frequent repairs to keep docks, pilings, ramps and other facilities operational, given the continual weathering from winds and water that these facilities experience. As a result, the Coastal Commission is facing an increasing number of applications for marina repair, replacement and redevelopment. However, as a result of changes in boat manufacturing and the boating market, harbor design criteria, and boater preference, many of the marina redevelopment projects include reconfiguration of the wet berthing space to accommodate larger (i.e., longer & wider) boats. Such reconfiguration has, in some cases, led to a reduction in the total number of slips available to boaters, and, of more concern to the small boat user, to a reduction in the number of slips under 35 feet. These changes raise concerns that with the loss of smaller slips, lower-cost recreational boating opportunities may be diminished.

In the January 9th 2008 Commission action on the Marina del Rey Periodic Review the Commission included recommended LCP policy revisions for recreational boating in Marina del Rey. The recommendations included: exploring alternatives for new boat slips, creation of youth boating programs that provide low cost boating opportunities for youths and no net loss of boat slips 35 feet and under.

The Commission also reinforced the need for current boating/marina data for future analysis of boating trends in order to determine the appropriate slip mix design for reconstructed marinas. The Commission recommended using data that is no more than 5 years old in order to give a current assessment of slip demand in various slip sizes and recreational other boating needs. The Commission also recommended the County explore other alternatives beyond just the provision of boat slips to expand boating opportunities, such as the creation of youth boating programs that provide low cost boating opportunities for youths, including disadvantaged youths; new storage facilities; day use rentals; reservation of slips for rental or boating membership programs; and increased opportunities for launch and support facilities for non-motorized boats such as kayaks, stand up paddle board, rowing, and other small craft. The findings below explain how the County has addressed these issues in the context of this coastal development permit for the proposed marina and dock reconstruction projects located in the Commission's original permit jurisdiction.

Coastal Act policies requires, among other things, that facilities serving the recreational boating facilities be protected and where feasible upgraded, and that existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided (PRC § 30234), and encourages the increased recreational boating use of coastal waters by, among other things, developing dry storage areas, increasing public launching facilities, and providing additional berthing space in existing harbors (PRC § 30224)

The proposed project is to replace six marinas operated by private leaseholders, one public marina and five other public docks that have reached the end of their useful life. Marina del Rey does not have any commercial fish operations and the proposed project would not affect any existing commercial boating or recreational fishing operations in the Marina. The proposed anchorage reconstructions are located in water areas that are already developed except for the minor expansion of water area at Lease Parcel 42/43 and

a new transient dock at proposed Lease Parcel BW and Parcel 9U.. The primary use of the anchorages is recreational boating; no change of use is proposed for any of the anchorages to be reconstructed.

In general, reconstruction of anchorages when they are obsolete or in poor condition is a significant step in increasing, encouraging and protecting recreational boating opportunities for the public. A failure to reconstruct the existing anchorages would result in continued degradation due to the age of the anchorages and wear and tear, which would have an adverse impact on recreational boating opportunities. Typical deficiencies encountered today at any of the aging anchorages include dock "listing" or twists at the end of the fingers caused generally by the warping of timber structural members, failure of metal connectors and bolts via corrosion, and walking deck failures caused by dry rot.

1. Americans with Disabilities Act Requirements & California Department of Boating and Waterways Guidelines

The proposed anchorages are designed to accommodate the needs of disabled recreational boaters in conformance with the ADA regulations, as well as guidelines promulgated by the DBAW. The new facilities will be ADA accessible and designed with current safety features such as minimum finger dock width, slip clear widths and fairway width dimensions. The DBAW guidelines, beyond their primary purpose as the most current thinking in safe marina design, have also become a criteria lenders use in determining the long-term financial feasibility of proposed marina development projects.

In order to minimize the loss of slips due to ADA requirements not all the proposed marinas dock fingers or gangways are ADA compliant. Table 10 Shows the minimum number of slips required ADA required accessible slips as indicated in the DBAW guidelines.

Table 10.

Minimum Required Number of ADA Accessible Berths

Total Number of Boat Slips Provided in Facility	Minimum Number of Required Accessible Boat Slips
1 to 25	1
26 to 50	2

51 to 100	3
101 to 150	4
151 to 300	5
301 to 400	6
401 to 500	7
501 to 600	8
601 to 700	9
701 to 800	10
801 to 9011	11
901 to 1000	12
1001 and over	12, plus 1 for every 100, or fraction thereof, over 1000

Each new ADA accessible dock will usually require a size reduction in at least two slips, due to the need to build longer and wider gangway ramp, dock fingers and wider main finger walkway. To design all of the docks within the proposed marinas to comply with ADA standards would obviously result in a greater loss of slips due to the larger dock fingers and gangways required. As shown in Table 11, the applicants have designed the proposed marinas so that at least one gangway ramp and dock finger is ADA accessible and access to a variety of slip sizes Exhibits 5 - 14. This design strategy minimizes the loss of slips due to ADA requirements and at the same time provides for more than the required number ADA slips in a variety of slip sizes.

Current DBAW guidelines affect anchorages in three ways: wider suggested slip widths (for both power and sail boats), wider finger widths, and wider fairways. Of these, the requirement for wider slips most greatly affects nearly all of the Marina's older anchorages, resulting in a loss of two to four slips per dock. Table 10 illustrates the loss of slips due to DWAB and ADA requirements as well as market demands.

Table 11: Project Effect on Privately-leased Anchorages

Master Marina CDP Breakdown of Slip Loss					
Lease Parcel	ADA	DBAW	Market	Doubles	Total Loss
8*	4	19	0	0	23
10	1	15	3	0	19

21	1	12	9	68	90
42/43	4	32	36	0	72
44	2	34	53	2**	91
47	2	19	2	54***	77
53	2	0	0	0	2
125	1	22	15	0	38
Totals	17	153	118	124	412

**Already approved by Coastal Commission, December 2010*

***This double-slip loss is tied to the creation of dinghy berths.*

****Each double-slip is counted as one slip, although each could accommodate two boats.*

While many of the older anchorages have fairways that meet current DBAW guidelines (fairway widths are determined by a mathematical formula based on the size of the largest slip in the fairway), a careful analysis of the recommended standards shows that few, if any, fairways in Marina del Rey are actually in conformance since DBAW rules call for the fairway width formula to include the dimensions of boat “overhang” into the fairway (where such overhangs are allowed). Currently, the County permits such overhangs in order to occupy vacant smaller boat slips. If the County were not to permit such fairway overhangs, every boat exceeding its slip size would have to move up to a larger slip size, thereby significantly increasing the current vacancy rate in the smaller slip size categories and potentially displacing some larger boats from the Marina.

2. Vacancies and Market Demand for Slips Under 35 feet

According to various studies (Marina del Rey Boat Slip Sizing and Pricing Study, 2001 and 2004; DBAW: California Boating Facilities Needs Assessment report, 2002; Marina del Rey Slip Sizing Study, 2009) and Commission staff surveys of Southern California Harbor Masters, vacancies are generally higher for boat slips smaller than 36 feet than for boats slips 36 feet and longer.

For June 2010, the County Department Beaches and Harbors reported that overall vacancy in 20 of the 21 anchorages in Marina del Rey was about 12%. However, the concentration was primarily within smaller slips (less than 35 feet) and within only eight anchorages. Individual anchorage vacancies were less than 10% in 12 anchorages for the month of June 2010 (Table 12), and the remaining eight anchorages had significantly higher vacancies in June 2010, according to the Department’s monthly Slip-Rent Survey.⁹

Table 12: Anchorages with Less Than 10% Vacancy Rates – June 2010

% Vacant Number of slips vacant

⁹ Allan D. Kotin & Associates draft internal memorandum to LA County Dept. of Beaches and Harbors, Aug 13, 2010.

• Lease Parcel 7 - Tahiti	0%	1
• Lease Parcel 8 - Bay Club	3%	7
• Lease Parcel 10 - Neptune	1%	2
• Lease Parcel 13 - Villa del Mar	2%	3
• Lease Parcel 18 - Dolphin	3%	13
• Lease Parcel 20 - Panay Way	4%	6
• Lease Parcel 30 - Del Rey Yacht Club	0%	0
• Lease Parcel 41 - Catalina Yacht Anchorage	8%	12
• Lease Parcel 53 - BoatYard	6%	6
• Lease Parcel 54 - Windward Yacht Center	8%	4
• Lease Parcel 111/112 - Marina Harbor	7%	21
• Lease Parcel 132 - California Yacht Club	2%	5
Subtotal		80 slips

Harbor vacancies are concentrated in smaller slips (less than 35 feet) and make up 78% of all vacancies (Table 13). Between 12 and 25 feet, there are a total of 195 vacancies and between 26 and 35 feet there are a total of 250 vacancies. The remaining 22% of vacancies are primarily in the range of 36 to 50 feet with 104 empty slips, or 18% of the overall total 567 vacancies. Large slips (greater than 50 feet) have only 18 vacancies, or less than 4% of all vacant slips.

Table 13: Harbor Vacancies Concentrated in Smaller Slips – June 2010

	<u>% Vacant</u>	<u>Number of slips vacant</u>
• Lease Parcel 12 - Esprit 1	16%	35
• Lease Parcel 15 - Esprit 2	12%	26
• Lease Parcel 21 - Holiday Harbor	26%	48
• Lease Parcel 28 - Mariners Bay	30%	109
• Lease Parcels 42/43 - Marina del Rey Hotel	30%	103
• Lease Parcel 44 - Pier 44	25%	58
• Lease Parcel 47 - Anchorage 47	17%	56
• Lease Parcel 125 - Marina City Club	16%	52
Subtotal		487 slips

The County has documented significant trends in boat slip vacancies throughout Marina del Rey harbor and across various boat slip sizes. Specifically, vacancies in small slips continue to trend upward and demands for larger slips continue to be unmet. These trends have continued steadily since the 1990s in spite of other factors that would otherwise have offset small boat slip vacancies, including the increasing population in Southern California and the fact that very few harbors have been built in California in the last 30 years; both of which would normally have placed increased demand on the fixed amount of available basin area devoted to recreational boating and greatly reduced the rate of slip vacancy had the Marina contained a proper mix of slips.

Table 14 contains historical vacancies in Marina del Rey harbor by boat slip size since 1987, and illustrates that until replacement and reconstruction of the anchorages began in earnest, there were consistently high vacancies in the smaller (<35-foot) slips. Importantly, this table shows that even in years when slips were out of service and the economy was vibrant (2005-2008), vacancy rates remained consistently high, particularly in the smaller slip size category.

Table 14: Historical Vacancies in Marina del Rey

MDR Average Annual Vacancy by Size Category						Slips Under Construction
Year	18-25'	26-35'	36-50'	Over 50'	Total	
1987	90.6	99.1	3.1	1.9	194.7	99
1988	107.2	69.5	1.5	1.2	179.3	99
1989	49.1	52.8	2	0.7	104.5	99
1990	79.2	102.7	5.5	3.3	190.7	
1991	112.5	166.5	23	10.3	312.3	
1992	198.3	249.1	57.3	15.4	520.2	
1993	152.7	278	86	16	532.7	
1994	131.1	256.8	92.9	20.8	501.7	
1995	143.3	292.4	106.4	20.2	562	
1996	176.9	278.9	114.8	27.8	598.5	53
1997	163.1	272.4	137.3	26	598.8	
1998	162.2	282.8	101.9	18.7	565.6	114
1999	123.4	267.9	74.8	16	482.2	304
2000	154.7	206.2	60.9	14.7	436.4	44
2001	-	-	-	-	-	-
2002	71.2	56.7	7.4	1.3	136.5	147
2003	66.5	47.1	12.7	3.3	129.5	148
2004	44.2	23.8	6.1	2.1	76.2	612
2005	69.6	17.1	5.7	0.8	93.2	613
2006	72.2	21.2	4.2	2.3	99.8	622
2007	86.3	39.3	6.0	0.8	132.4	465
2008	112.8	66.1	30.2	9.9	218.9	465 (partial)
2009	164.8	185.3	114.6	33.0	497.6	
2010	195	242	120	25	582	

Source: Los Angeles County Department of Beaches and Harbors.

Notes: The 1987 data is for the last 9 months only. 2001 data is unavailable. In 2008, slips were under construction (off-line) only through the month of August. Data before 2002 did not include the yacht clubs (Lease Parcels 30 and 132). Slip demolition for slip replacement started in 2002: 1) Slips being held vacant preparing for demolition not counted and 2) Demolished slips not counted.

The pattern of boat slip vacancy in Marina del Rey was also examined in the Marina del Rey Slip Pricing and Vacancy Study (2009) which found that there are major variations in the vacancy patterns among various slip sizes with the lowest vacancies consistently in the 50-foot-and-greater category and the highest vacancies consistently in the 12-to-25-foot category. The most pronounced vacancy rates are experienced in the slips sized under 36 feet, especially those under 25 feet.

As of April 2011 there were 855 empty slips out of 4,761 slips in Marina del Rey (18%), broken down as shown in Table 15. Since early 2010, Marina del Rey has experienced

higher slip vacancy rates in all four size categories for which data has been tracked historically (18'-25', 26'-35', 36'-50', 51'+) than in previous years. While the economy has no doubt had an influence on the current vacancy rate, other factors include the opening of the new 227-slip Esprit I anchorage (Lease Parcel 12) in late 2008 (where the smallest slip size is 35'), the decision of Bar Harbor (Lease Parcel 15) to re-lease its slips after preparing to demolish the anchorage, the inability to lease many double-wide slips in Holiday Harbor (Lease Parcel 21) and Pier 44 (Lease Parcel 44) because of changes to boat widths, as well as slips being held off the market by leaseholds that are waiting to replace or repair unusable spaces. These additional factors have caused an under-reporting of the true vacancy picture throughout the Marina over the past five years.

Table 15: Vacant Slips in Marina del Rey - April 2011

Slip Size	Number of Slips	Vacancies
18' to 25'	1,212	306
26' to 35'	2,071	379
36' to 50'	1,202	139
51+'	276	31
<i>Totals</i>	4,761	855

As previously mentioned, many anchorage operators have chosen to accommodate larger boats in smaller slips, and overhangs of three feet are not an uncommon occurrence in Marina del Rey. In this matter, the County has deferred to anchorage operators' practices rather than enforce a no-overhang rule. However, boat overhangs represent yet another way in which vacancies are not fully accounted for throughout Marina del Rey. A September 2010 survey of the anchorages at Lease Parcels 21, 43, 125 and 44 identified 488 instances of slip overhang out of a total of 1,245 slips (over 39%). A truer picture of slip vacancies would be realized in the absence of slip overhangs, ultimately revealing even higher vacancies in smaller boat slip categories. A recent example of this phenomenon can be seen with Channel Islands Harbor anchorages following the enforcement by Ventura County of a "no-overhangs" rule. Vacancies in each size category that had accommodated boats that were forced to move up to longer slips contributed to huge vacancy numbers there at Harbor Marina and Anacapa Isle Marina.

The proposed project is consistent with changes in boat slip distributions in other Southern California harbors, observed trends in Marina del Rey and previous Coastal Commission approvals that acknowledge reductions due to compliance with DBAW guidelines, adherence to ADA requirements, installation of vessel pump-out systems (individual slips and multi-slips) and construction of updated fire protection, water, electrical, and lighting systems. Regionally, since the early 1990s, harbors have been renovating their aging anchorages and reconfiguring their slip size distribution to favor larger boats—boats 36 feet and larger. Below are limited sample of Coastal Commission Permit, Port Permit, and LCP actions which illustrate this point:

- In the early 1990s, Ventura Isle Marina, in the City of Ventura, reduced its total number of slips from 597 slips to 467, and reduced the slips 25 feet and smaller

from 26% to 9% of the total. The average slip size increased from 31.9 to 38.2 feet (Coastal Development Permit No. 4-91-55).

- Cabrillo Harbor, in the San Pedro area of the City of Los Angeles, provides two anchorages: Cabrillo Marina and Cabrillo Way Marina. Under a Port of Los Angeles Coastal Development Permit. Cabrillo Way Marina was recently reconfigured, reducing the number of slips from 625 to 614. Slips that were 25 feet and smaller, and originally constituted 18% of the total, were eliminated. Cabrillo Marina also provides no slips smaller than 25 feet, and the average slip size there increased from approximately 34.5 to 42 feet.
- In 1999, Sunset Harbor Marina (in Sunset Aquatic Park) in Seal Beach, reduced the total number of slips from 255 to 240. The number of slips that were 25 feet and smaller, which constituted approximately 30% (78) of the total, were reduced to 16% (40) of the total. The number of slips 35 feet and larger were increased, with the overall slip length increasing from 30.5 to 32.8 feet (Coastal Development Permit No. 5-99-244).
- In 2001, the Commission approved Coastal Development Permit 5-01-143 for the reconstruction of a recreational marina within Marina del Rey that proposed to eliminate 257 slips that were 18-to-25 feet in length. In that case, the Commission mandated that at least 25% of the total number of slips be 25 feet long (or less) in order to provide for the foreseeable demand for shorter slips in that particular location.
- In 2008, an amendment to the Channel Islands' Harbor Public Works Plan called for the conversion of the plan designation of a 2,150-slip minimum supply for existing boating facilities to a 2,210-slip maximum. The CCC's approval of the amendment was based on an acknowledgement of changing market forces and declining demand for smaller slips. In this case, the amendment was determined to be an effective measure for preserving smaller slips. In this case there would have been a reduction in slips if the pier head lines were not expanded into the main channel area..
- In October 2009, the Commission approved the Dana Point Harbor Revitalization Plan (a Land Use Plan) that included a proposed anchorage renovation and redistribution of the existing boat slip size mix. The Plan included reducing the total number of slips from 2,409 to 2,200 and reducing the number of slips 30 feet and smaller from 75% (1,795) of the total to 67% (1,472) of the total. Slips considered in the mid and large range increased approximately 5% (87) and 2% (33) respectively. This increased the average slip length from 29.85 feet to 31.34 feet for Dana Point Harbor.
- More recently, in January 2011, the Commission approved the Alamitos Bay Marina Rehabilitation Project (CDP 5-10-263). The plan proposed the reconstruction of

existing public marina facilities in Basins 1 through 7 resulting in a reduction of slips from 1,967 to 1,625 new slips (net loss of 342 slips). The reduction in the number of slips was due to ADA requirements, conformance with DWAB design guidelines and declining market demand for smaller slips. In this case, the Commission approved a slip mix with 59% of the slips less than 35 feet to ensure there was an adequate number of smaller slips. This is the same percentage of slips below 35 feet proposed in the subject permit application.

It should also be noted, that Commission has at times also required no net loss of small slips, as was the requirement in Coastal Development Permit 5-05-245 (Portofino Hotel) in King Harbor, Redondo Beach. However, the Commission has recently recognized that that there is not a “one size fits all” standard because of the unique characteristics of each marina.

Some of the key contributing factors driving the lack of demand for existing smaller-sized boat slips include:

- Boating trends have driven an evolution in the design and production of sailboats with wider beams, so double-wide slips constructed in the 1960s and 1970s to accommodate two slimmer vessels can now accommodate only one vessel. The resulting excess berth width has created inefficiencies and unusable slips. Also, more modern 25-foot boats can not necessarily fit into a single older 25-foot slip.
- Owners of more modern shorter-length boats are choosing dry storage. This is a key finding of DBAW’s Needs Assessment of 2002. Again, boat manufacturers’ design of lighter-weight boat construction materials has resulted in an increased ability to move shorter vessels to dry storage. The County has responded by expanding its plans for construction of dry storage facilities to accommodate this shifting demand. Larger boats, although they may be constructed of light-weight materials, are not easily transported and must be berthed in the water.

In a 2006 letter to Peter Douglas, former Executive Director of the Coastal Commission, the former Director of the California State Department of Boating and Waterways, Ray Tsuneyoshi , stated:

“As you are aware, there has been discussion recently about the size and distribution of wet slips in marinas. This discussion primarily concerns whether or not marinas should be required to dedicate a certain percentage of their available slips to smaller boats. There is growing pressure for marinas to continue to supply smaller berths, even when and where demand is minimal...”

Cal Boating is concerned that forcing marinas to provide slips that are not in demand reduces boater access and marina revenues. Prohibiting smaller slips without adequate demand potentially reduces the number of larger slips available,, effectively closing an access point to boaters.”

Citing the 2000 statewide boating survey of more than 4,000 boaters, boating groups and hundreds of marina operators, conducted on behalf of Cal Boating, Mr. Tsuneyoshi noted:

“More slips and larger slips were both listed in the top 10 facility needs, however, not one marina operator listed a demand for smaller slips.”

The direct vacancy data is especially important in understanding how reconstructed anchorages could and should be reconfigured to meet future demand and better utilize limited basin areas. Ideally, the new anchorages would more closely meet current demands by addressing changes that have occurred in the boating industry and by being equipped with the flexibility to adjust to future changes in the preferences and behavior of boaters during the life of the new improvements.

These facts substantiate the underlying indicators and the need to “right-size” and redistribute slips across various vessel sizes in order for Marina del Rey to achieve its full potential.

A 2009 study by Noble Consultants analyzed the historic slip distributions for the 21 individual anchorages. The study reviewed the changes in berth distributions for the Marina anchorages, compared these distributions to other California anchorages, discussed the already reconfigured anchorages and the Project anchorages, reviewed the Marina del Rey slip demand, DBAW design guidelines, and the change in the vessel beam width versus vessel length since the 1960s, and made “right-sizing” recommendations for Marina del Rey anchorages.

The Noble study found that compliance with current DBAW guidelines will result in a reduction in the total number of slips, that the highest slip vacancy rate is for slips sizes ≤ 35 feet, and that more boats in the ≤ 30 feet length category are expected to move to dry storage. Based on these findings, Noble recommended that reconfigured anchorages should meet the minimum DBAW guidelines and accessibility requirements, the minimum slip length should be 30 feet for reconfigured anchorages (creation of a small number of substandard size slips shorter than 30 feet is unavoidable, as the longer and wider ramp required by ADA guidelines will cause two to three slips on each dock nearest to the gangway to be shortened), the average slip length for a reconfigured anchorage should not exceed 44 feet, unless there is a justification, and, for the Marina as a whole (with all anchorages combined), should not exceed 40 feet.

Although the Noble study recommended no new slips below 30 feet the County is proposing 39% of the new slips below 30 feet. However, although the evidence cited above indicates the demand for smaller slips is not as great as the demand for larger slips in Marina del Rey the Commission must also consider the potential loss of lower cost recreational boating opportunities due to the loss of these smaller slips. While some may argue that a small wet boat slip in Marina del Rey is really not affordable for the majority of the population in Los Angeles area, the Commission has found in previous permit actions that these smaller slips do provide a more affordable option than larger slips. This issue is discussed in more detail in the following section.

In any event, in this case, the applicant is proposing 59% of the new slips in the 35 foot and below categories (Table 16). This higher percentage of slips in the smaller slip categories will ensure there is an adequate supply of future boat slips in the more affordable smaller slip categories. The proposed slip mix in the categories 35 feet and under is very similar to the slip mix categories the Commission required in the recently approved coastal development permit for the Alamitos Bay marina reconstruction (CDP 5-10-263). In that case, the City of Long Beach proposed only two categories in the smaller range consisting of 25% of the slips 20' - 25' and 34% of the slips 30' - 35' feet (59% below 35 feet). The applicants proposal includes a larger range of slips in the smaller categories below 35 feet. However, for both the proposed project and approved Alamitos Bay project, the overall percentage of small slips below 36 feet is 59%. The Commission found in the approval of the Alamitos Bay Marina CDP that this slip mix provided for a majority of slips in the smaller more affordable slip categories and was protective of lower cost recreational facilities and encouraged increased recreational boating use as is required by Coastal Act policies 30224 and 30213.

The certified Marina del Rey LCP requires that 39% of the total slips marina wide must be 30 feet and under and 20% of the total number of slips must be 31 – 35 feet. As can be seen on Table 16 the proposed marinas are in compliance with the LCP required percentages in the small slips categories.

Table 16: Marina del Rey Harbor Slip Distribution, Existing and Post-Project

Marina del Rey Harbor Slip Distribution								
Slip Size	≤20'	21'- 25'	26'- 30'	31'- 35'	36'- 40'	41'- 45'	46'- 50'	≥51'
Existing Distribution	160 (3%)	1052 (22%)	1188 (25%)	883 (19%)	673 (14%)	258 (5%)	271 (6%)	276 (6%)
Post-Project Distribution	88 (2%)	711 (16%)	908 (21%)	890 (21%)	756 (17%)	349 (8%)	322 (7%)	325 (8%)

The average slip length within Marina del Rey would increase slightly as a result of the proposed project; the current average slip length of 34.75 would increase 1.75 feet to 36.5 feet. This average is somewhat skewed because the proposed project includes several very large boat slips at 100 feet.

As shown in Table 16, the proposed project will provide a well balanced mix of boat slips in all slips size categories. The majority of slips (59%) will be in the more affordable smaller slip size categories 35 feet and under. This slip mix will minimize future vacancies in these marinas and better meet the market demand for slips across all slip size categories.

3. Lower-Cost Recreational Boating Opportunities

The Marina del Rey LCP includes goals and policies for making a wide variety of lower cost visitor and recreational facilities available in Marina del Rey. An in-lieu fee to support

low-cost recreational boating is part of the LCP to mitigate for the overall loss of small slips 35 feet and under which are considered more affordable than larger slips. While some may argue that it is difficult to contend that recreational boating is in fact a lower cost recreational activity, in general, smaller boats are less expensive, and therefore available to a larger segment of the population than are larger boats. The Commission has heard testimony in past Commission permit and LCP actions contending that reduction in the availability of slips that accommodate smaller boats reduces this option for those who want to own boats and use the docks, but can not afford a larger boat or larger slip and its associated fees. Moreover, if the trend continues as noted above, small boat owners will not be able to find wet slips of a size that is appropriate for their boats. Cumulatively, this reduction would not be consistent with Coastal Act provisions that encourage lower cost recreational facilities and encouraged recreational boating opportunities. However, coastal recreational activities, such as boating, should be available to all economic sectors, including the small boat or personal water craft owner to the large boat and yacht owner. As indicated above, there are currently a surplus of slips 35 feet and under serving the small boat owner and a shortage of the larger slips. The proposed Marina reconfigurations will provide a slip mix that will meet the demand for larger boat slips while continuing to provide a large supply of smaller more affordable slips under 35 feet.

The certified Marina del Rey LCP addresses the issue of low cost boating opportunities with a policy and methodology for an in-lieu fee that will provide funding for low cost youth oriented Boating programs. This policy requires the following:

The applicant shall provide an in-lieu fee to Los Angeles County Department of Beaches and Harbors, or a non-profit organization acceptable to the Executive Director of the Coastal Commission, to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities. Such programs may include, but are not limited to, the County's W.A.T.E.R. Youth Program.

The annual in-lieu fee shall be the amount equivalent to the annual rental of one 30-foot boat slip for each 100 new slips measuring over 30 feet in length in the subject anchorage. For new marinas containing fewer than 100 slips or fractions over 100 slips the in-lieu fee shall be prorated based on the number of slips; such as 30/100 [0.3 for 30 slips], or 150/100 [1.5 for 150 slips]. The annual rental of one 30-foot boat slip for the purposes herein shall mean the average annual rental of the published slip rates of all 30-foot boat slips in the subject marina. If there are no 30-foot boat slips then the average annual rental of the next larger size of slip in the subject marina as of July 1st of each year will be the basis for calculating the in-lieu fee.

The payment of the in-lieu fee to the County, or the approved non-profit organization, will commence upon completion of the marina redevelopment construction and continue annually, throughout the life of the project. The first annual payment of the fee will be due the earlier of the Outside Completion Date (as

defined in the subject lease agreement) or the date on which a temporary certificate of occupancy was issued to the subject marina. If construction is phased, the minimum in-lieu fee will be due within 10 days of the issuance of the temporary certificate of occupancy, prorated to June 30th. Subsequent annual payments will be calculated from July 1st of each year, and be due no later than July 10th. The following provisions will also apply:

- *End-ties will not be counted as a slip for in-lieu fee computational purposes.*
- *The Department shall provide (or shall cause the appropriate non-profit organization to provide) an annual report for the review and approval of the Executive Director of the Coastal Commission, detailing the in-lieu fees that have been collected, the lower cost boating programs developed and operated, and the number of people participating in such programs. The report shall be provided annually, no later than January 15th, for the preceding calendar year.*

Over \$41,000 in in-lieu fees would be generated in the first year upon completion of all the privately-leased anchorages contemplated in this permit, based on current 30-foot slip rental rates. This is an annual fee that will provide funding for these low cost youth boating programs for the life of the marinas. Assuming a 50 year marina design life then over \$2,000,000 will be generated for youth boating programs over the life of these marinas. The Commission approved this very same lower cost boating mitigation program to mitigate for the loss of smaller slips in the October 2008 approval of the Channel Islands Public Works Plan Waterside update.

In order to mitigate for the loss of smaller more affordable boat slips and to implement the guidance policy of the LCP, the Commission finds that **Special Condition Sixteen (16)** is required. Special Condition Sixteen mirrors the LCP in-lieu fee policy.

In addition to the existing non-motorized low cost boating facilities currently provided in the Marina the County is proposing several new low cost non-motorized boating facilities at several locations in the Marina. The proposed project includes construction of an additional 472 lineal feet of new side-tie docks on Lease Parcels 48 and EE for guest and transient boats. The expanded side-tie docks, existing end-tie docks (Lease Parcel 47) and new small boat docking and storage on Lease Parcel 77, serving up to 162 small boats and personal watercraft, are conveniently located near landside visitor-serving commercial amenities. Exhibit 15 illustrates the existing and proposed non-motorized low cost docks and facilities in the Marina.

The California Department of Boating and Waterways has indicated that non-motorized boating is the fastest growing segment of boating in the State and the demand for support facilities and launch areas is in great demand. Marina del Rey has a very wide main channel that is heavily used by rowers (recreational & competitive), kayakers, competitive outrigger canoes, wind surfers, and more recent stand-up paddle boarders. These groups all require support facilities, launch areas and convenient parking. The County recognizes this need and is proposing the facilities and docks mentioned above to meet this need.

The County also has future plans for boat houses/storage at Chace Park and at the Mothers beach area. The provision of non-motorized boating facilities in the marina will provide true low cost recreational boating opportunities consistent with Coastal Act policies 30213 and 30244, as well as, the recreational boating guidance policies of the Marina del Rey LCP.

In addition to the County also provides youth boating opportunities through the Water Awareness, Training, Education and Recreation Program (W.A.T.E.R.) and Kayaks for Kids program. While these activities fulfill the County's role in providing public services to County residents, they simultaneously achieve the mandate of the Coastal Act to make coastal resources and marine-related low coast recreation accessible to the public consistent with recreational boating and low cost recreational policies of the Coastal Act. The in-lieu fees generated from the program mentioned above will expand and enhance the youth boating elements of these important programs for at least 50 years.

4. Boat Slip Distribution and Mitigation for the Temporary & Permanent Loss of Smaller Boat Slips.

Once the six privately-leased anchorages and one public anchorage are reconstructed, they will contain 412 fewer slips (this includes Lease Parcel 8, which was approved by the CCC in December 2010). When compared with the April 2011 anchorage vacancy data, this results in the following net effects by size category:

Table 17: Privately-leased Anchorage Boat Displacement and Slip Vacancy, Post-Project

Slip Size	Change	Vacancies	Displaced Boats	Available Slips
20' or less	-72	45	37	0
21' to 25'	-341	197	144	0
26' to 30'	-280	128	152	0
31' to 35'	+7	73	0	80
36' to 40'	+83	24	0	107
41' to 45'	+91	1	0	92
46' to 50'	+51	10	0	61
51+'	+49	6	0	54
Totals	-412	484		394

Table 17 shows that when the applicants seven privately-leased anchorages are completely reconstructed, 243 boats in slip sizes of ≤ 35 feet have the potential to be permanently displaced. There are several factors that will mitigate and offset the loss of these smaller slips during and after construction of the marinas:

- 1) The applicant is proposing to phase the construction in a coordinated program among the anchorages in the marina. During the phased reconstruction of the marinas in each of the four smaller boat slips categories below 35 feet will not drop below 2% of the proposed percentages in the four slips categories below 35 feet.

2) the practical aspect of having smaller boats fit in larger slips opens the opportunity to utilize the 279 slips in the 31' – 45' category, as well as 61 slips in the 46' – 50' category and possibly 54 slips in the 51+ category.

3) a no-overhang rule, if implemented in Marina del Rey, provides an illustrative example of the way in which the “next-slip-size-up” is required to keep a boat in a wet slip. Based on dock surveys this year, there are 352 “overhangs” currently in the 32-feet-and-under category; if a no-overhang rule were enforced, all of the existing 135 vacant slips in the 33' to 38' category (see Table 15) would only meet a fraction of the need; and

4) the use of landside (dry-stack and mast-up) storage for boats is a component of the transition plan during construction and also represents a feasible long-term storage solution for many of the smaller boats that would be moved easily by trailer.

To ensure there is an adequate supply of small boat slips during construction **Special Condition Fourteen (14)** is required. This condition implements the applicant's offer to not drop below 2% in the following three small slip size percentage categories 35 feet and below:

- ≤25 foot category – 16%
- 26 – 30 foot category –19%
- 30 – 35 foot category –18%

The applicant is also offering a transition program for displaced boats during and after dock reconstruction. **Special Condition Fifteen (15)** implements and provides additional specificity regarding how this program will be carried out. Specifically, the program offers the following:

Prior to the commencement of construction, on any individual marina approved pursuant to this Coastal Development permit, the applicant shall submit for the review and approval of the Executive Director, a “slip transition and implementation plan” to assist small and mid-sized boat owners to locate a temporary slip for lease during reconstruction. The applicant shall use its best efforts to alert marina tenants displaced by reconstruction of a temporary slip for the displacement of boats sized ≤36 feet from the individual marina by identifying vacant slips throughout Marina del Rey if a slips a slips is not available in the marina under reconstruction. The applicant is not required to subsidize the relocated tenant.

Immediately following the final phase of reconstruction, the applicant shall extend to previous slip renters of boats 35 feet and under a 30 day right of first refusal for available slips of the same previously leased size. The transition and implementation plan shall include but not limited to the following mitigation measures:

- *utilize successive reconstruction phases within the same marina to secure slips for boats temporarily displaced during the previous phase;*
- *identify an appropriately-sized slip in another marina within Marina del Rey harbor; and/or;*
- *until a slip of the previously leased size is identified in Marina del Rey harbor, lease to the displaced boat owner a larger slip (may include end-ties/side-ties)*

at a rate at a rate equal to the currently-posted slip rate of the size previously rented to the displaced boat.

- *If neither an appropriate-sized slip nor larger slip is available to the boater with a boat 35 feet and under in a private lease hold anchorage, the County shall make accommodation for a displaced boater in Parcel 47 public marina. If a slip is not available in the size appropriate for that displaced boat (< 35 feet) the County shall lease a larger slip (may include end-ties/side-ties) at a rate at a rate equal to the currently-posted slip rate of the size previously rented to the displaced boat.. If no appropriate space is available in Parcel 47 marina, the County shall offer space in the mast up-storage or other storage operated by the County at the appropriate rate.*

In any case, the marina operator will not be required to honor special requests for the specific location of the slip. These procedures shall only apply to:

- *accommodate the specific vessel that occupied the previously leased slip;*
- *slip renters in good standing at the start of the reconstruction project; and*
- *seaworthy vessels (no houseboats, floating homes or inoperable boats).*

It is important to highlight that the County is offering and required to provide a boat slip to a displaced boater in one of the slip categories under 35 feet at the public marina at Parcel 47 if a slip is not available in the Marina. In addition, the County will place that smaller boat in a larger slip if a smaller slip is not available in the County marina at no additional cost until such time a slip is becomes available at another marina.

On Parcel 52 a large 345 space slip dry stack storage facility is planned and is anticipated to be constructed within the next five years. This facility in combination with existing dry storage facilities in the Marina will provide a total 1088 dry storage spaces Exhibit 16. The dry stack facility will also mitigate for the overall loss of smaller slips under 35 feet in the Marina by providing additional boat storage space at an anticipated cost equal to or less than a wet slips. Although the County asserts there are adequate vacancies within existing dry boat storage facilities to accommodate any displaced boaters during construction, **Special Condition Seventeen (17)** is required to ensure there is adequate dry storage boat capacity during reconstruction of the marinas. The condition requires an annual report, to the Executive Director of the Commission, documenting the availability of dry boat storage during the phased construction of the Marinas. If at the time of the annual report, there are fewer than 5% of the total number dry boat storage spaces available for rent, the County shall establish sufficient dry boat storage space so as not to fall below a 5% dry storage availability threshold. If annual report demonstrates there are less than 5% of dry boat storage spaces available in the marina then no marina reconstruction may occur until there is a minimum 5% of the total dry boat storage spaces available for rent.

The Marina del Rey proposed docks in the proposed private lease anchorages including the County's marina, will continue to offer end-tie accommodations within the redeveloped facilities. End-ties serve an important purpose in any anchorage as they can accommodate boats that, for whatever reason, could not normally be accommodated in slips. However, of

all the types of facilities for in-the-water storage of boats, end-ties are the most flexible. An end tie can accommodate a single large boat, or two or more smaller boats. An end-tie can also accommodate boats of different widths and shapes (such as multi-hulls). Because of this flexibility, end-tie capacities are usually expressed in ranges. In the case of the proposed project, the numbers presented do not account for existing end-ties, nor do the figures give credit for boats which can be accommodated on new end-ties. However, for the proposed marinas there is a maximum total of 236 potential additional end and side tie berths that will be available. This reserve of side and end ties also provides partial mitigation for the overall loss of slips. Subtracting the maximum 236 potential end and side from the 412 slips lost in this proposal (includes the recent approval of the marina on Parcel 42) results in a loss of 176 berths.

6. Boater Parking

Coastal Act Section 30212.5 requires, “*wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area*”. In addition, Marina del Rey LCP policy 2.e.1. requires adequate boater parking be provided in the Marina. The LCP parking standard is .60 spaces per boat slip which is the recommended DBAW parking standard for boat slips.

The 12 project anchorages are located in a developed portion of Marina del Rey. The public facilities within Marina del Rey, including public parking areas, will remain unchanged by the proposed project, except that additional parking spaces will be added for boaters and their guests. General Public parking is not available on any of the six privately-leased anchorages’ landside properties.

The existing Marina and boater parking facilities will be improved as a result of the proposed project. Today, five of the six privately-leased anchorages utilize landside parking facilities having a “shared” arrangement with other mixed-use landside developments. Following completion of the project, dedicated parking for slip tenants and their guests will meet or exceed the LCP required parking requirement of 0.60 spaces per slip, and all but one of the currently shared-parking facilities (Lease Parcel 125) will be reconfigured to provide dedicated boater parking.

Most of the existing parking for slip renters is contained within shared parking facilities within the landside developments. Table 18 compares the existing and proposed parking capacity in relation to the number of boat slips.

Table 18: Parking Capacity in Relation to Boat Slips

Lease Parcel	Existing # of slips	Existing Boater Parking	Proposed # of slips	Proposed Boater Parking
10	180	119	161	131
21	182	187 Shared	92	56
42/43	349	193	277	166

44	232	393 Shared	141	89
47	330	321 Shared (290 boaters)	253	345 Shared (278 boaters)
53	103	168 Shared	101	168 Shared
125	320	361 Shared	282	361 Shared

There will be more dedicated parking for slip tenants after dock reconstruction. Table 19 illustrates the improved parking ratios post development, which mostly exceed the DBAW parking standard of 0.60 parking spaces per boat slip.

Table 19: Post-development Parking Ratios

Lease Parcel	Existing Parking/Slip	Proposed Parking/Slip
10	0.66	0.81
21	Shared	0.60
42/43	0.55	0.60
44	Shared	0.60
47	0.88	1.09
53	Shared	Shared
125	Shared	Shared

A review of these tables shows that boater parking spaces will increase on Lease Parcels 10, 47 and 125 in conjunction with the respective landside redevelopment projects. In the case of Lease Parcels 42/43, the number of parking spaces will not change. Its *current* parking ratio falls below the DBAW ratio, but will meet the ratio with the new anchorage configuration. Lease Parcel 44 will have dedicated boater parking that exceeds the DBAW guideline. Finally, Lease Parcel 47 provides considerably more parking than the DBAW standard.

Some members of the public have asserted that the number of slips is being reduced, which requires a smaller dedicated parking area, will allow for more landside development. There is no basis for this accusation. With respect to Lease Parcel 21, although there is a significant reduction in the number of spaces, there is no increase in the amount of development in the approved landside project; the boater parking is segregated from general use and the spaces dedicated for boaters now exceeds the DBAW ratio. Any proposal for landside development requires a coastal development permit which will require an analysis of the appropriate amount of upland development consistent with Policies of the certified LCP. A converse argument could also be made that a reduction of parking would allow for additional open space and recreational uses on the upland parcels. In any event, no upland development is proposed as part of the coastal development permit application.

Public parking is provided throughout Marina del Rey and will be strategically located to serve specific public recreation activity areas, as is required by the Certified LCP. These activity areas include a proposed Burton Chace Park expansion and accompanying waterside improvements to the Lease Parcels 47, 48, 49R, 77 and EE anchorages that are part of this project..

Because there is an overall reduction in boat slips, the existing boater parking lots will provided the required number of parking spaces for the proposed project. However, the County has indicated

that some of the parking lots associated with these marinas may be slightly reconfigured or improved in conjunction with improvements of each marina. To ensure adequate boater parking is provided consistent with the certified LCP, **Special Condition Thirteen (13)** requires that prior to commencement of construction of an individual marina the applicants shall be required to secure a Coastal Development Permit for any boater parking lot improvements or restriping associated with the project.

7. Public Access Along the Marina del Rey Waterfront

A public promenade runs along the waterfront throughout most of the marina and fronts all of the proposed marinas. This public walkway provides a variety of public recreational opportunities, including strolling, sightseeing, wildlife viewing, and access to boating, and access to visitor serving uses throughout the marina.

The proposed reconstruction of the docks are not anticipated to required closure of the public promenade for any extended period of time. However, temporary closure to public access may be necessary at times to ensure public safety. **Special Condition Eight (8)** requires that the project shall not interfere with public access and use of the public promenade situated immediately inland of the seawalls of the marina, except for the temporary disruptions that may occur during the completion of the permitted development. No gates are permitted, except at the entrance to the gangways. As conditioned, the proposed project is consistent with the public access and recreation policies of the Coastal Act.

8. Indemnification

Coastal Act section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. See *also* 14 C.C.R. § 13055(g). Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition 19**, requiring reimbursement of any costs and attorneys fees the Commission incurs “in connection with the defense of any action brought by a party other than the Applicant/Permittee challenging the approval or issuance of this permit.”

9. Conclusion

Based on the above analysis related to recreational boating, the Commission finds, that as conditioned, the proposed project will provide for a well balanced mix of boat slips in all sizes with a majority of boat slips (59%) in the smaller more affordable range; will minimize future vacancies in the smaller slip size categories and better meet market demands for boat slips; provide adequate mitigation for the loss of lower cost boating slips through the low cost boating in-lieu fee program; and provide for additional non-motorized low cost boating support and launch facilities. Therefore, the project as conditioned, is protective of low cost recreational boating opportunities and will increase recreational boating, including low cost non-motorized boating, in Marina del Rey consistent with Coastal Policies 30213, 30224, 30234 and the recreational boating guidance policies of the certified Marina del

Rey LCP. Furthermore, the proposed project, as conditioned, also protects and preserves public access along the Marina del Rey waterfront and ensures there will be adequate boater parking is provided which is consistent with Coastal Act policies 30210, 30211, 30212.5 and 30224 and the public access and recreational boating guidance policies of the certified LCP.

D. Marine Resources, Water Quality & Fill of Coastal Waters

The Coastal Act contains policies that address development in or near coastal waters. The proposed marina reconstruction project is located in and over the coastal waters of Marina del Rey. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act, which protects sensitive habitat areas, states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

The Commission recognizes that chemical pollution and siltation adversely affect water quality, biological productivity and coastal recreation. The proposed work is located within and adjacent to a marina that supports both sensitive species and recreational activities.¹⁰ Therefore, it is important that the work be performed in a manner that avoids or minimizes adverse impacts to water quality and marine resources. In order to minimize adverse impacts, the Commission imposes special conditions on the permit to address the prevention of siltation, spills and pollution in the proposed development.

1. Construction Impacts to Water Quality

The proposed project is the disassembly of an existing marina and construction of new marinas. Due to the proposed project's location on and adjacent to the water, the proposed work may have adverse impacts upon water quality and the marine environment. Construction, of any kind, adjacent to or in coastal waters has the potential to impact marine resources. The Marina del Rey waterways provide an opportunity for water oriented recreational activities and also serve as habitat to marine organisms. Risks to coastal recreational activities and marine habitat are inherently linked to water quality issues.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species by interfering with their ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **Special Condition Six (6)** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

¹⁰ Marine Resources Environmental Assessment for the Alamitos Bay Marina Renovation Project EIR, by LSA Associates, Inc. 10/31/2007 (Revised 10/1/2009).

Special Condition 6 also requires that the applicant dispose of all demolition and construction debris at an appropriate location. This condition requires the applicant to incorporate silt curtains and/or floating booms when necessary to control turbidity and debris discharge. Divers shall remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible. In addition, **Special Condition Ten (10)** is required to ensure that the permittee complies with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Post Construction Water Quality Plan

The Coastal Act requirements to protect the biological productivity and quality of coastal waters do not end after the proposed project is constructed. The proposed development must also be maintained in a manner that sustains water quality and the adjacent marine habitat areas. To this end, controlling the adverse impacts to water quality related to the long-term water borne berthing of vessels in the Marina is necessary.

In order to reduce water pollution in the marina that may result from day-to-day boating activities, the Commission imposes **Special Condition Seven (7)** requiring the applicant to provide a water quality management plan for daily boating operations to protect water quality within the marina. The marina will provide trash receptacles throughout the marina at dock entrances and large shore-side waste disposal dumpsters for boater use. Containers for recyclables (including used oil) will also be provided. The imposed conditions will ensure that the marina's water quality management plan complies with the Commission's water quality requirements for marina development. Only as conditioned to protect the marine habitat from adverse water quality impacts does the proposed project comply with the marine resource provisions of the Coastal Act.

3. Plastics in the Environment

The Commission is also concerned about the use of plastic in the marine environment due to the possible deterioration of the plastic floats and subsequent increase in marine debris. The proposed docks involve the installation concrete deck and polyethylene floats. In a leach test of recycled plastic composite containing polyethylene, polypropylene, polystyrene, polyvinyl chloride, and other plastics, only minor amounts of copper, iron, and zinc leached from the plastic. None of the contaminants had a concentration significant enough to have any adverse effects on the marine environment. However, the Commission is concerned about the potential to add plastic debris to the marine environment due to cracking, peeling, and sloughing. Since plastic is an inorganic material, it does not biodegrade, but rather continually breaks down into ever-smaller pieces which can adversely effect the marine environment.

The floating docks proposed for the marina reconstruction are concrete deck and polyethylene floats. The plastic floats are generally filled with polystyrene. Nonetheless, the potential exists that this and other plastics used in the marina would degrade over time. Piles and fenders use plastic for protection and are constantly subject to abrasive forces from boats and ships. If the plastics were to become brittle, they may splinter or chip upon impact and would introduce plastic debris into the coastal waters, and thus would adversely affect water quality resources.

Because of the potential for pieces of unattached plastic to enter into the marine environment (including polystyrene from damaged floats) due to damage or degradation, the docks shall be routinely inspected to ensure that the facility is being maintained in an environmentally safe operating condition and so that any damaged or degraded pieces are replaced in a timely manner. To minimize the potential of pieces of plastic from entering the water due to damage or deterioration of the docks, **Special Condition Nine (9)** requires that all docks must be inspected on an annual basis. If the inspections confirm that the use of the plastic or other material used in the marina is harming marine resources, the use of such materials shall be stopped, and less harmful materials shall be used. Therefore, only as conditioned does the Commission find that the proposed project conforms with the marine resource provisions of the Coastal Act.

4. Wood Treatment – Toxic Chemicals

The Commission is also concerned about the use of toxic chemicals used if treat wood products that come into contact with the water. The toxic chemicals can leach out of treated wood and poison marine organisms. Some wood treatments can be used if the wood does not come into contact with the water. Therefore, **Special Condition Six (6)** also requires that any wood treatment used shall conform with the specifications of the American Wood Preservation Association for saltwater use. Wood treated with Creosote, CCA (Chromated Copper Arsenate), or ACA (Ammoniacal Copper Arsenate) is prohibited, and all treated timber shall be free of chromium and arsenic. No wood treated with ACZA (Ammoniacal Copper Zinc Arsenate) shall be used where it could come into direct contact with the water. The County plans to use treated timber in very limited quantities. The dock floats and piles used in the marina will be concrete. Only as conditioned to protect the marine habitat from adverse water quality impacts does the proposed project comply with the marine resource provisions of the Coastal Act.

5. Pump-out & Portable Head Dump Stations

Marina del Rey currently has 5 existing pump-out stations located throughout the Marina. The applicants are proposing to add 10 new pumpout facilities located throughout the harbor in order to provide convent pumpout locations where need (Exhibit #17). The proposed number and distribution will reduce and minimize the unlawful dumping of effluent from boats into coastal water. **Special Condition Thirteen** requires the permittee to inspect the over-water sewer lines and other utility connections every month to ensure that no sewer is leaking into the waters. In addition, to ensure there is a convenient location to dump portable head effluent in order to minimize the dumping of this effluent into the marina or ocean, **Special Condition 18**, requires the applicant (County) to install a portable head dump facility at the

launch ramp prior to the completion of 50% of the marina reconstruction projects. As conditioned, the proposed installation of the new pump-out facilities and portable head dump station, is consistent with Sections 30230 and 30231 of the Coastal Act which require the protection of biological productivity, public recreation and marine resources.

6. Sensitive Species Impacts – Toxic Algae

A non-native and invasive aquatic plant species, *Caulerpa taxifolia* (herein *C. taxifolia*), has been discovered in parts of Southern California. *C. taxifolia* is a tropical green marine alga that is popular in the aquarium trade because of its attractive appearance and hardy nature. In 1984, this seaweed was introduced into the northern Mediterranean Sea. From an initial infestation of about one square yard it grew to cover about two acres by 1989, and by 1997, blanketed about 10,000 acres along the coasts of France and Italy. Genetic studies demonstrated that those populations were from the same clone, possibly originating from a single introduction. This seaweed spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. In the Mediterranean Sea, it grows on sand, mud and rock surfaces from the very shallow subtidal to about 250 feet depth. Because of toxins in its tissues, *C. taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation in the Mediterranean Sea has had serious negative economic and social consequences because of impacts to tourism, recreational diving and commercial fishing.

Because of the grave risk to native habitats *C. taxifolia* was designated a prohibited species in the United States in 1999 under the Federal Noxious Weed Act. In 2001, AB 1334 made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species including *C. taxifolia*.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations may occur. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50°F. Although warmer Southern California habitats are most vulnerable, until better information is available, it must be assumed that all shallow water marine habitats in California are at risk of infestation.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California *Caulerpa* Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several State, federal, local and private entities. The goal of SCCAT is to locate and completely eradicate all *C. taxifolia* infestations.

The project area was surveyed for eelgrass and *C. taxifolia* in October 2007 and October 2008 and no *C. taxifolia* was found.¹¹ So far, *C. taxifolia* has not been found anywhere in the Alamitos Bay area. However, to ensure that *C. taxifolia* is not present in the project area

¹¹ Eelgrass Surveys for the Alamitos Bay Marina Rehabilitation Project, Long Beach, by Coastal Resources Management, Inc., September 2007 and October 2008.

before the permitted marina project commences, the permittee will conduct another survey. **Special Condition Three** requires the applicant to survey the project area again no earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any development authorized under this coastal development permit. Only as conditioned does the Commission find that the proposed project conforms with the marine resource provisions of the Coastal Act.

7. Sensitive Species Impacts – Eelgrass

The project has the potential to directly impact sensitive resources, including eelgrass that may be present in the project area. Installation and driving of piles can directly remove and disturb eelgrass. In addition, vessels moored above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor. Although no eel grass has been documented in the areas of the proposed marinas it is possible that eelgrass may establish in portions of the project area. Therefore, **Special Condition Three (3)** requires the applicant to conduct, prior to construction, a survey of the project area for eelgrass. If the survey identifies any eelgrass within the project area which would be impacted by the proposed project, the Executive Director must be notified prior to construction. If any eelgrass is identified in the project area prior to construction, the applicant shall also conduct a second eelgrass survey one month after the conclusion of construction to determine if any eelgrass was adversely impacted. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1. Implementation of mitigation shall require a new coastal development permit. Only as conditioned does the Commission find that the proposed project conforms with the marine resource provisions of the Coastal Act.

8. Sensitive Species Impacts - Nesting Birds

Although no trees or landside development is proposed as part of this project, nesting birds using the marina's trees could be adversely affected by construction noise. Various species of herons and other birds often nest in palms and other trees near the water. The certified Marina del Rey LCP, which is used as guidance in determining the project's consistency with the Coastal Act, includes a comprehensive set of nesting bird protection policies to minimize construction impacts on nesting birds.

Nesting birds could also be adversely affect by pile driving and other noise associated with the construction of the proposed docks. In order to protect bird nests from noise impacts, **Special Conditions Four** requires the implementation of a specific noise mitigation program, as follows:

By acceptance of this authorization for development, the permittee agrees to retain the services of a qualified independent biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a biological survey of the trees within 500 feet of project site prior (within seven days) to the commencement of demolition and construction activities, and once a week upon commencement of demolition and construction activities that include use of heavy equipment that can cause excessive noise, odors, or vibrations (e.g., pile driving). The environmental resource specialist shall be directed to conduct the survey in order

to determine the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species within 500 feet of project site and immediately report the findings of the survey to the permittees and the Executive Director of the Coastal Commission.

In the event that the environmental specialist reports any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within 500 feet of project site, the following restrictions shall apply:

- A. Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall not bring pets (e.g. dogs and cats) to the construction site.
- B. Noise generated by construction (including, but not limited to, pile driving) shall not exceed 85 dB at any active nesting site within 500 feet of project site for black-crowned night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 500 feet of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

To protect the open water foraging areas for birds of special interest, such as the endangered California least terns which nest on nearby Venice beach, the timing of the project's construction activities will be restricted such that no pile driving activity that may generate noise or turbidity shall occur during the period commencing April 1st and ending September 1st of any year as required by **Special Condition Five (5)**.

As conditioned, the Commission finds that the proposed development conforms with Section 30240 of the Coastal Act.

9. Fill of Coastal Waters

The proposed project includes the removal of old piles and the installation of a number of new concrete piles in the marina. The piles constitute fill.

Under Section 30233 of the Coastal Act, fill of open coastal waters is only allowed when several criteria are met, including: a) the project must fall within one of the allowable use categories specified; b) the proposed project must be the least environmentally damaging

alternative; and c) feasible mitigation measures to minimize adverse environmental effects must be provided.

Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

The proposed project meets the first criteria (allowable use) because it is for a public boating facility. Fill of open coastal waters for the construction of a public boating facility is an allowable use under Section 30233(a)(3) of the Coastal Act.

Next, the proposed project must be the least environmentally damaging alternative. The proposed project is the replacement of deteriorated boating marinas with new marinas in a different configuration. Alternatives to the proposed project include no project, no change to the existing configuration, or a change to the proposed configuration. Under the no project alternative, the County could only pursue simple maintenance repair activity. However, simple maintenance repair could not feasibly repair the docks, nor bring them up to present engineering and safety standards, or ADA requirements. Simple maintenance would slow, but not prevent further deterioration of any damaged docks. Continued, safe use of the facility for marine recreational purposes would be precluded without replacement of the dock system.

The second alternative, replacement of the project in the same configuration, would be infeasible because of the need to comply with current engineering and safety standards, ADA requirements and DBAW guidelines criteria. Some slips would be lost and there would have to be some reconfiguration of the docks. The County is also proposing the new marina configurations in order to provide longer slips (35 feet and longer) that are in greater demand than shorter slips. A more detailed alternatives analysis is presented below in Section H.

Under the proposed alternative, the dock and pile layout is changing from the existing layout and will result in an increase in the number of piles required to support the proposed marinas. There are 681 existing piles and 784 new piles. The increase in piles is necessary because of the new docks and expansion of docks on Parcels EE, BW, 9 and slight expansion of the marina on parcels 42/43. In addition, the conversion from double to single slips for the marinas on Parcels 21, 44 and 47 require additional piles to support the single dock design configuration. Although there are several small new docks and a slight expansion of an existing marina which requires additional support piles the applicant is for the most part staying within the existing wet parcel areas of the marina thereby minimizing the fill of coastal waters.

Although there is some additional fill of coastal waters and bottom habitat the new concrete piles will provide for an increase a vertical substrate for mollusks and other marine organisms. Thus, adequate mitigation is provided by the proposed new piles and as mitigation for the removal of the existing piles that are currently covered by these marina organisms. Special condition 6.E. requires that all large motile native marina invertebrates, including mollusks (snails), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and any other large motile native marine invertebrates found on the existing piles and floats shall be removed from the project site shall be relocated to another part of the marina.

The proposed development is the improvement of small boat marinas which promotes recreational boating and is an encouraged marine related use. The placement of piles for new or expanded boating facilities is an allowed use within coastal waters under Section 30233 of the Coastal Act. The proposed development has been designed to minimize the fill of coastal waters. The proposed development has been conditioned to minimize adverse effects on the marine environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass and to avoid contributing to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia*. As conditioned, there are no feasible less environmentally damaging alternatives available. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30224, 30230, 30231, 30240 and 30233 of the Coastal Act.

E. Hazards

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. However, no development in the water can be guaranteed to be safe from hazard. All

development located in or near the ocean have the potential for damage caused by wave energy, floods, seismic events, storms and erosion.

The proposed project is located in the Pacific Ocean and is susceptible these natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. **Special Condition Eleven (11)** ensures that the permittee understands and assumes the potential hazards associated with development in or near the water. Such knowledge is the first step towards the minimization of risks to life and property. As conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

F. Visual Impacts

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, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 states that new development shall:

(5) where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed projects are all located on the water in the marina.

The Land Use category for the project sites is designated Water in the LCP. The LCP provides that the height of development located on parcels designated as Water parcels is limited to 15 feet above the water surface.

The proposed projects will replace existing deteriorating dock systems with new systems. As with the existing docks, the proposed docks will rise approximately 1.5 – 2.0 feet above the waterline. The docks will contain dock boxes, trash bins and other ancillary type structures. No restrooms, offices, or other commercial structures are proposed. Boater restrooms are provided on the landside portion of the parcels.

As proposed, the new docks will improve the visual aesthetics of the marina by removing deteriorating docks and will not adversely impact views of the marina. The Commission, therefore, finds that the proposed project is consistent with the visual resource protection policies of the Coastal Act and with the County's Local Coastal Program.

G. Local Coastal Program

In 1984, the Commission certified the County's Land Use Plan portion of the Marina del Rey/Ballona segment of the County of Los Angeles Local Coastal Program. Subsequent to the Commission's certification, the City of Los Angeles annexed over 525 acres of undeveloped land, which was a portion of the County's LCP area located south of Ballona Creek and east of Lincoln Boulevard (known as Area B and C). Subsequent to the City's annexation, the City submitted the identical Land Use Plan (the Playa Vista segment of the City's Local Coastal Program) covering the City's portion of the original County LCP area. The Commission certified the Land Use Plan Amendment for the annexed area with suggested modifications on December 9, 1986. The County also resubmitted those portions of their previously certified LUP that applied to areas still under County jurisdiction, including the area known as Area "A" and the existing marina. The Commission certified the County of Los Angeles' revised Marina del Rey Land Use Plan on December 9, 1986.

On September 12, 1990, the Commission certified an Implementation Program pertaining to the existing marina, with suggested modifications. The undeveloped area in the County, Playa Vista Area "A" was segmented from the marina and no ordinances were certified for the area. After accepting the suggested modifications, the Commission effectively certified the Marina del Rey LCP and the County assumed permit-issuing authority, although the Commission retains permit jurisdiction over all water areas within the marina.

In 1995, the County submitted an amendment to the LCP. In May 1995, the Commission certified the LCPA with suggested modifications. The County accepted the modifications and the LCP was effectively certified. The revised 1995 LCP represented a major change in the County's approach to Marina del Rey development. Abandoning the bowl concept, which limited height on moles and next to the water, the County presented the Commission with a redevelopment plan that allowed greatly increased heights if and when developers provided view corridors over no less than 20% of the parcel. Increased height would be contingent on the provision of increased views. Secondly, the County agreed that at the time of renegotiations of the leases, the lessees would be required to reserve an 18 foot wide promenade/fire road along the water that would be open to the public [an access promenade was reserved and approved by the County as part of the proposed landside redevelopment of Parcel 20 (CDP No. 98-172(4))].

On January 9, 2008, the Commission approved a Periodic Review evaluation of the County's certified LCP. The Periodic Review identified policy areas where County actions have implemented the certified LCP in a manner that is not in conformity with the Coastal Act, and where the specific provisions of a certified LCP do not reflect new information or changed conditions such that the LCP is not being implemented in conformity with the Coastal Act. The Commission's major recommendations included in part:

- Revises boating recommendations to include provisions to expand affordable boating opportunities through a variety of measures including reservation of slips for rental or membership clubs; creation of youth boating programs that provide low

cost boating opportunities for youths; new storage facilities; day use rentals; and increased opportunities to launch and use kayaks and other smaller craft.

- Revises Boating recommendations to ensure no loss in total boat slips and slips 35 feet and under.
- Revises Water Quality recommendations to reflect requirements and ensure integration of the existing NPDES, SUSMP and TMDL requirements and to clarify application of BMPs.
- Revises Water Quality recommendations to include monitoring of all implemented BMPs.
- Revises development recommendations to recommend that the County undertake a comprehensive LCP update of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process.
- Revises Biological Resources and ESHA recommendations and acknowledges that trees currently or historically used as roosting or nesting habitats by herons, egrets or other significant avian species constitutes ESHA as defined by Section 30107.5 of the Coastal Act, and requires a marina-wide assessment of the trees that may provide habitat for birds protected by Fish and Game code and the Migratory Bird treaty Act. The recommendations also expands areas where site-specific resource assessments should be undertaken as part of the LCP Amendment or development review process.

The recommendations made in the Periodic Review do not directly amend the certified LCP. The recommendations suggest actions that could be carried out through such means as: policy and ordinance changes in future amendments to the LCP; changes in how the County implements the LCP in issuing coastal permits; or through other implementing actions such as new studies, educational efforts or County programs.

At the November 3rd 2011 Coastal Commission meeting (pending), the Commission certified the County's Marina del Rey LCP amendment MDR-Maj-1-11, authorizing Land Use Plan changes, new development standards and zoning ordinance changes related to four proposed projects in the Marina requiring LCP amendments. This LCP amendment also addressed the majority of the major issues raised in the Marina del Rey Period Review listed above. The LCP amendment, as modified, addressed the intent of the Recreational Boating Periodic Review Recommendations which was to ensure the marina provided a large percentage of the "more affordable" smaller slips 35 feet and below. In addition, the LCP amendment, as modified, included provisions for other lower cost boating opportunities such as non-motorized boating support and launch facilities, new dry storage and dry stage boat storage, and an in-lieu fee for lower cost boating programs. The LCP amendment established new LCP standards and policies for minimum slip size percentages for smaller boats 35 feet

and under. Finally, the LCP amendment, as modified, included new water quality protection policies and sensitive resource protection policies related to sensitive nesting birds.

The proposed project, as conditioned, complies with the minimum LCP slip mix percentages in the smaller slips under 35 feet and the permit has been conditioned to require the in-lieu fee program as mitigation for the loss of the smaller more affordable slips. Furthermore, the project, as conditioned, is consistent with the water quality and sensitive biological resource protection policies related to nesting birds and marine resources.

The certified LCP designates the proposed sites as "Water". Under the "Water" category of the LCP the permitted uses are recreational uses, wet boat slips, docking and fueling of boats, flood control and light marine commercial. The proposed use is a permitted use. However, the proposed development is located seaward of the mean high tide and is within the Commission's original permit jurisdiction. Again, the standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The County's certified LCP is advisory in nature and may provide guidance for development. As stated in the preceding sections, as conditioned, the project will not adversely impact coastal and marine resources or coastal access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and the Certified LCP.

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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.

Alternatives Analysis

CEQA requires the consideration of feasible project alternatives when a project presents significant environmental impacts which cannot be reduced to a level of insignificance by the imposition of mitigation measures. An alternatives analysis is not required when a Negative Declaration, Mitigated Negative Declaration or categorical exemption is granted as is the case here. The County of Los Angeles processed two mitigated Negative declarations for two of the proposed marinas and the other marinas were processed as categorical exemptions. However, Section 30233 of the Coastal Act requires that the least environmentally damaging feasible alternative be selected for projects involving the fill of coastal waters.

The proposed marina reconstruction projects rebuild a series of aging marinas which have met or exceeded their useful life. Through the reconstruction, there will be a loss of slips for various reasons outlined above. In reconstruction, the marinas must observe the requirements of the ADA. This law is not discretionary and the County must meet its terms both in gangway and dock access as well as slip accommodations. Additionally, the County adheres to the DBAW Guidelines for marina design. Although these are characterized as “guidelines”, as a practical matter marina construction follows these guidelines due to the effect on insurance requirements, financing, and ensuring the marinas fairways and dock widths are sized appropriately for safety purposes.

Further slip losses result from the elimination of “buddy” or double slips. Although popular some years ago to decrease the capital cost of marina construction, these double slips have proven an anachronism as boating design changed (greater beam width) and collisions occurred during docking, increasing insurance costs. The Commission has approved these redesigns in the past, most notably with respect to the Shoreline Marina in Long Beach (CDP 5-02-361-A – a 1,825 slip marina reconstruction converting 1,804 double slips, building several additional docks, and losing 74 slips). In that permit, the Commission accepted the City’s representation that the conversion from double-loaded to single-loaded slips was for the purposes of dry access to both sides of the boat, boat maintenance, boat safety and fire safety. In Marina del Rey, two marinas contain double slips Parcels 21 and Parcel 44. These will be changed to single-loaded slips.

Finally, market forces driven by changes in boat designs where the boat can be kept out of the water or trailered have resulted in obsolescence of some smaller slips, evidenced by the high vacancy rates in those categories in Marina del Rey.

Since the enactment of the Coastal Act, the development of new harbors was severely limited due to the importance of preserving the State’s limited wetlands, the population growth in California has placed increased pressure on existing marinas. In Marina del Rey, unlike San Diego and LA Harbor/Long Beach, there are no additional areas to expand new marinas without interfering with non-motorized boating or maneuvering of sail/motorized boats. The boating industry has responded with retractable keel boats, for example, that do not require an in-the-water accommodation. This boating design feature was nearly unknown in California at the time most of these marinas were originally constructed. Because most marinas in California were built roughly within the same 10-15 year period, not only is their useful life nearing an end (or ended) but there design is anachronistic given the current market.

CEQA requires the consideration of project alternatives where impacts are significant and cannot be mitigated to a level of insignificance. The Commission finds that based on the above Coastal Act consistency analysis and mitigation measures required through the Special Conditions of the permit the project impacts have been reduced to a level of insignificance.

The Coastal Act also requires that the Commission consider whether the proposed project, as conditioned, is the least environmentally damaging alternative.

No Project Alternative

This alternative would require that there be no dock reconstructions at all. As the docks are deteriorating and have reached the end of their design life, they would be put out of service at some point for safety reason, and some docks already have. Over time, there would be fewer and fewer slips in services, greatly reducing the opportunity of the public to have an in-the-water slip of any size. Because the Coastal Act encourages recreational boating opportunities at all levels and encourages increased boating opportunities, this alternative would be infeasible and a conflict with the recreational boating policies Coastal Act.

Reconstruction of Marinas Observing only ADA Requirements

In this design scenario, only mandatory ADA regulations would influence the reconstruction of the marinas. Although theoretically this would result in more boat slips retained because double slips, DBAW Guidelines, and market forces adjustments would not be made, however this design would retain an excessive number of small slips and not provide for a balance of boat slips across all slip sizes. As discussed in detail above, vacancy data collected over a number of years demonstrates there is not a large market for smaller slips in Marina del Rey. In addition, private leaseholds who must finance the reconstruction of these marinas would likely find it difficult get financing for the reconstruction of marinas with a large number of small slips given the vacancy high vacancy rates in the smaller slip size categories. In addition they may not qualify for financing and insurance if DWAB guidelines were not followed. It is likely little if any marina reconstructions would be undertaken because there would not be a sufficient financial incentive to do so. Ultimately, the result would be the same as the No Project Alternative. There is insufficient public funding at the state level to rebuild these aging marinas in Marina del Rey (the Boating Needs Assessment of DBAW set these costs at over \$159 million for the south coast region), and therefore private capital is the primary source of construction funding in Marina del Rey. There would be insufficient return on private capital under this alternative to support the investment, and therefore it is unlikely that reconstruction would occur.

Moreover, in the absence of adopted marina standards, the guidelines of DBAW serve as effective direction as to safe marina design. To ignore State guidelines when reconstructing many millions of dollars in marinas is not prudent. The DBAW guidelines address several features of marina design, some of which deal with fairway widths, channel clearances and the like for safety purposes. In light of the fact that the Boating Needs Assessment of 2002 by DBAW is the guidance established by a state agency with oversight of these matters, it would be inadvisable to circumvent reasonable guidelines aimed at safety and boater access.

Finally, the DBAW Guidelines and Boating Needs Assessment identify facility needs for Marina del Rey. Among the needs identified are better waste pump-out, dock repairs, larger and more boat slips and more transient slips and guest docks¹². Importantly, all of these areas of facility need are addressed by the proposed project to the extent feasible

¹² Boating Needs Assessment, 20002, Department of Boating and Waterways, page 1-45.

given available water area, vacancy rates, and regulatory requirements and guidelines. This alternative is, therefore, considered infeasible.

Funnel Concept – Additional Docks Extending into the Main Channel

The “funnel concept” was originally considered in the LCP as a way to increase the numbers of slips in Marina del Rey. This concept anticipates that marinas would extend significantly into open harbor water, more so at the inner area of the harbor, and less so as one moved out towards the channel. This alternative occupied substantial open water area.

In studying the effects of the funnel concept, the County concluded that such a substantial encroachment into open harbor waters would significantly impact the maneuvering capability of sailing vessels, and also substantially interfere with non-motorized craft, such as canoes, outriggers, rowing shells and the like. The County concluded that the funnel concept actually interfered with the larger community of non-motorized, low cost recreational boaters, and the Commission concurs. The only exception is the proposal to extend Parcel 42/43’s marina facilities beyond the current lease line, which is located in an area of the harbor where it is not likely to interfere with small craft operation or sailing vessel operation.

However, further encroachment on harbor waters would constrict the area available for non-motorized recreational boating which is very popular in Marina del Rey. In addition, a larger area of developed marinas would have adverse shading impacts on marina resources and would limit foraging areas for least terns and other sensitive water birds. Therefore this alternative is not the least damaging feasible alternative.

Preservation of Small Slips with Reductions only for ADA and DBAW Guidelines

The Commission considered the alternative of limiting slip losses by only allowing compliance with ADA and DBAW and preserving the small slips. As discussed in detail in the above findings, out of the loss of 412 slips, 170 slips is the result of the combination of ADA and DBAW alone. Even if no reductions were made for double slips and market (i.e. vacancy-driven reasons), there would still be a substantial reduction in slips. Moreover, as previously explained, if double slips were prevented from conversion to single loaded slips, the two marinas which contain them – Parcel 21 and Parcel 44 – would like not be reconstructed at all, and would eventually be put out of service.

In terms of market driven changes, the consistent high vacancy rate in small slips is evidence that such slips are no longer in great demand, and were not in demand even when economic times were better. Even when 622 slips were completely out of service in Marina del Rey in 2006, the vacancy rate was still over 99, with 72 slips in the smallest categories. Vacancies in smaller slips have been on the increase over the years, and continued proliferation of smaller slips is not in the best interests of the boating public or the Coastal Act policies. Moreover, as noted at page 1-45 of the DWAB “Boating Needs Assessment”, Marina del Rey was considered to need more large boat slips. With limited

water area and regulatory requirements, this necessarily results in a reduction in the total number of slips. The applicants have proposed and the permit is conditioned to require that a majority of the proposed slips (59%) in the smaller slip categories under 35 feet to ensure there is an adequate supply of the smaller more affordable slips. The proposed slip mix in association with increased dry storage, additional facilities for non-motorized boating and the proposed and required in-lieu fee program protects lower cost boating opportunities as is required by the Coastal Act and the guidance policies of the LCP.

Therefore, the alternative preserving the existing small slips in conformance with ADA requirements and DWAG guidelines would not provide for a balanced slips mix across all boat slip sizes, would not meet the future demand for slips in all slip sizes, and would likely not be economically feasible for the private lease holders to construct. Therefore, this alternative is not the least damaging feasible alternative.

Conclusion

As conditioned, the potential adverse impacts to recreational boating opportunities, lower cost recreation, public access and boater parking, marine resources, water quality and the visual resources resulting from the proposed project of the area have been adequately mitigated. As described in the findings above, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the project may have on the environment. Therefore, the Commission finds the proposed project is consistent with CEQA and the Chapter three policies of the Coastal Act.

Vicinity Map

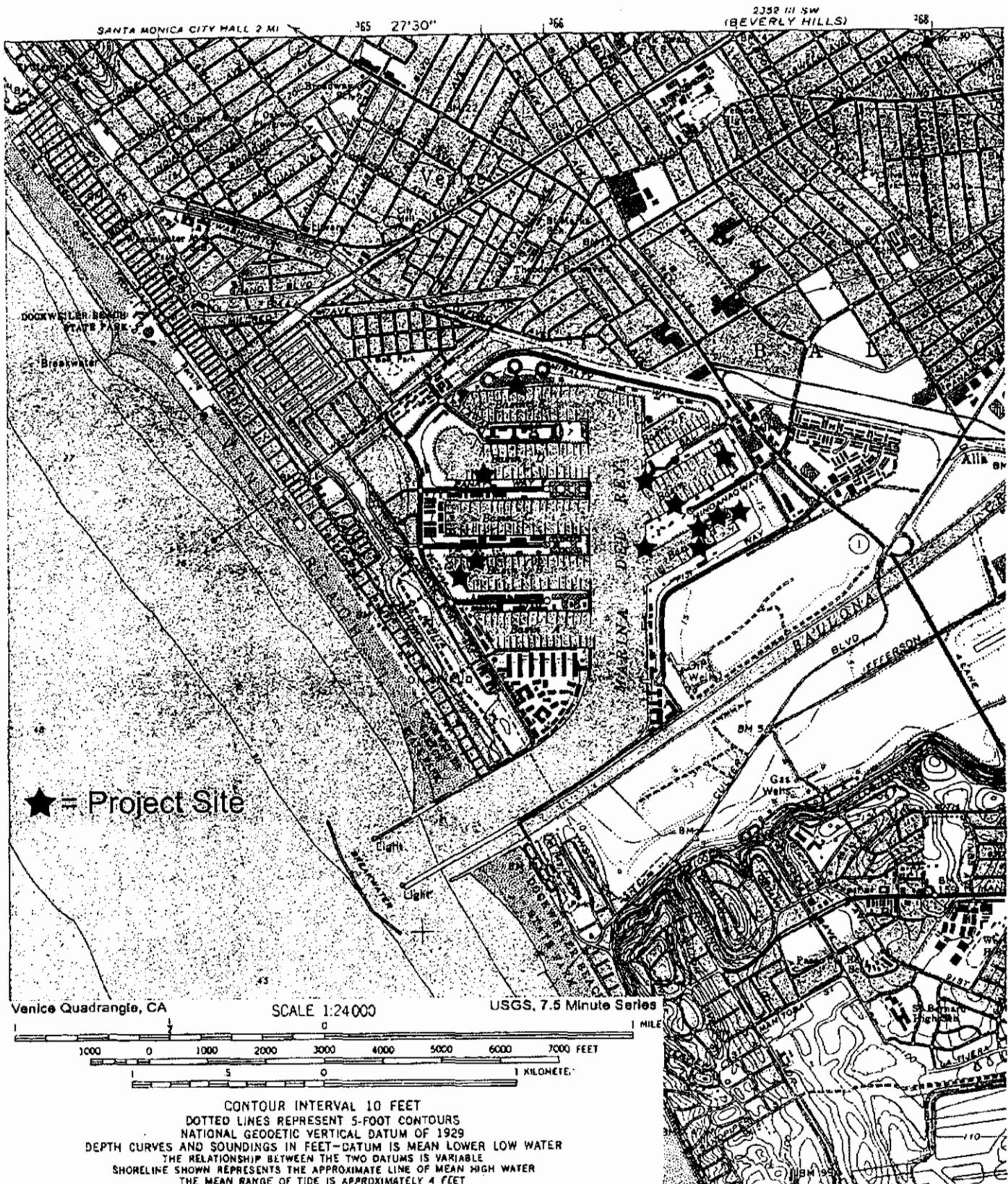
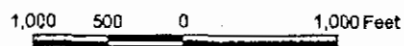


Exhibit 1
Vicinity Map



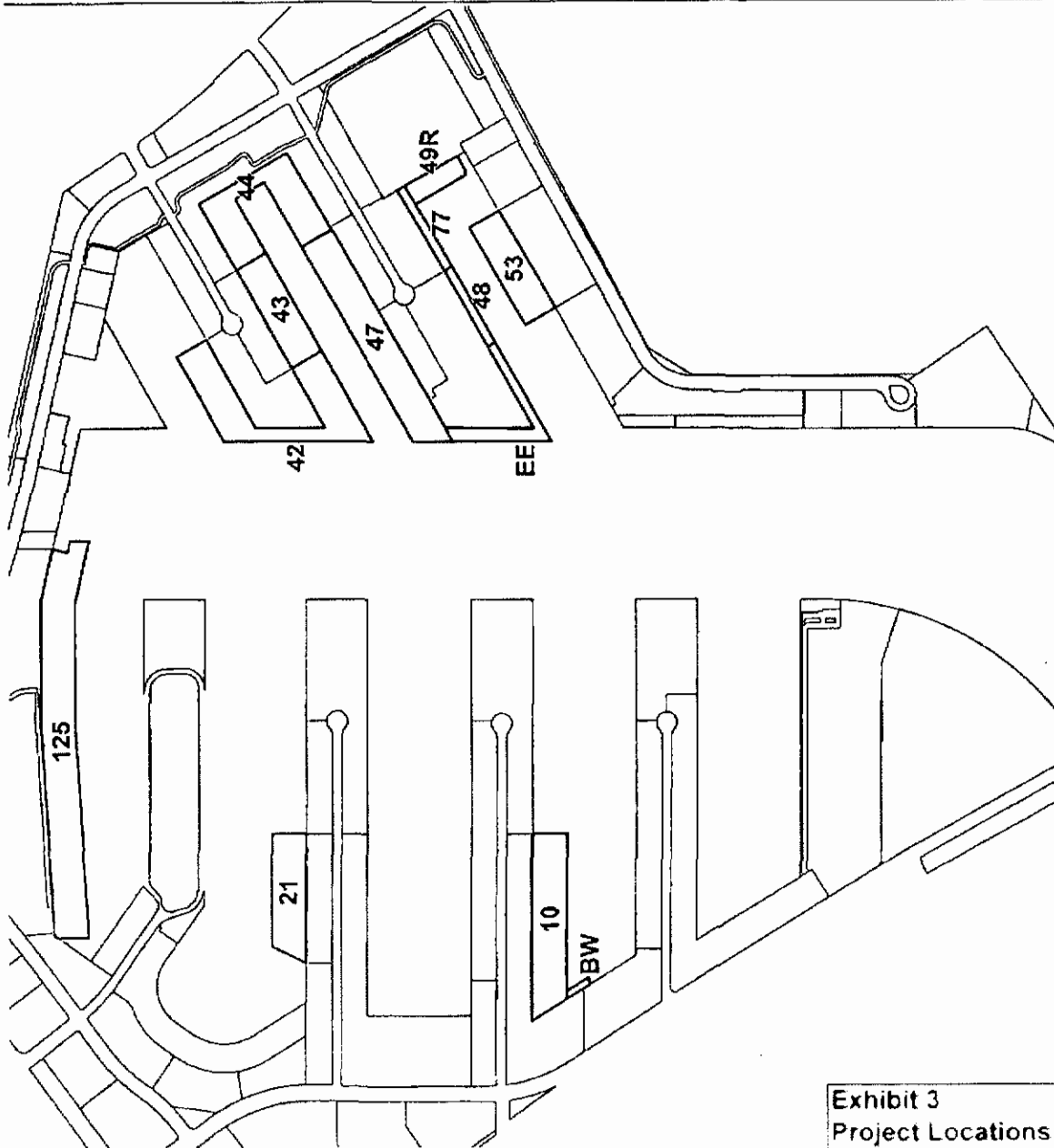
Map April 08, 2010 by Los Angeles County Dept of Beaches and Harbors, Planning Division.

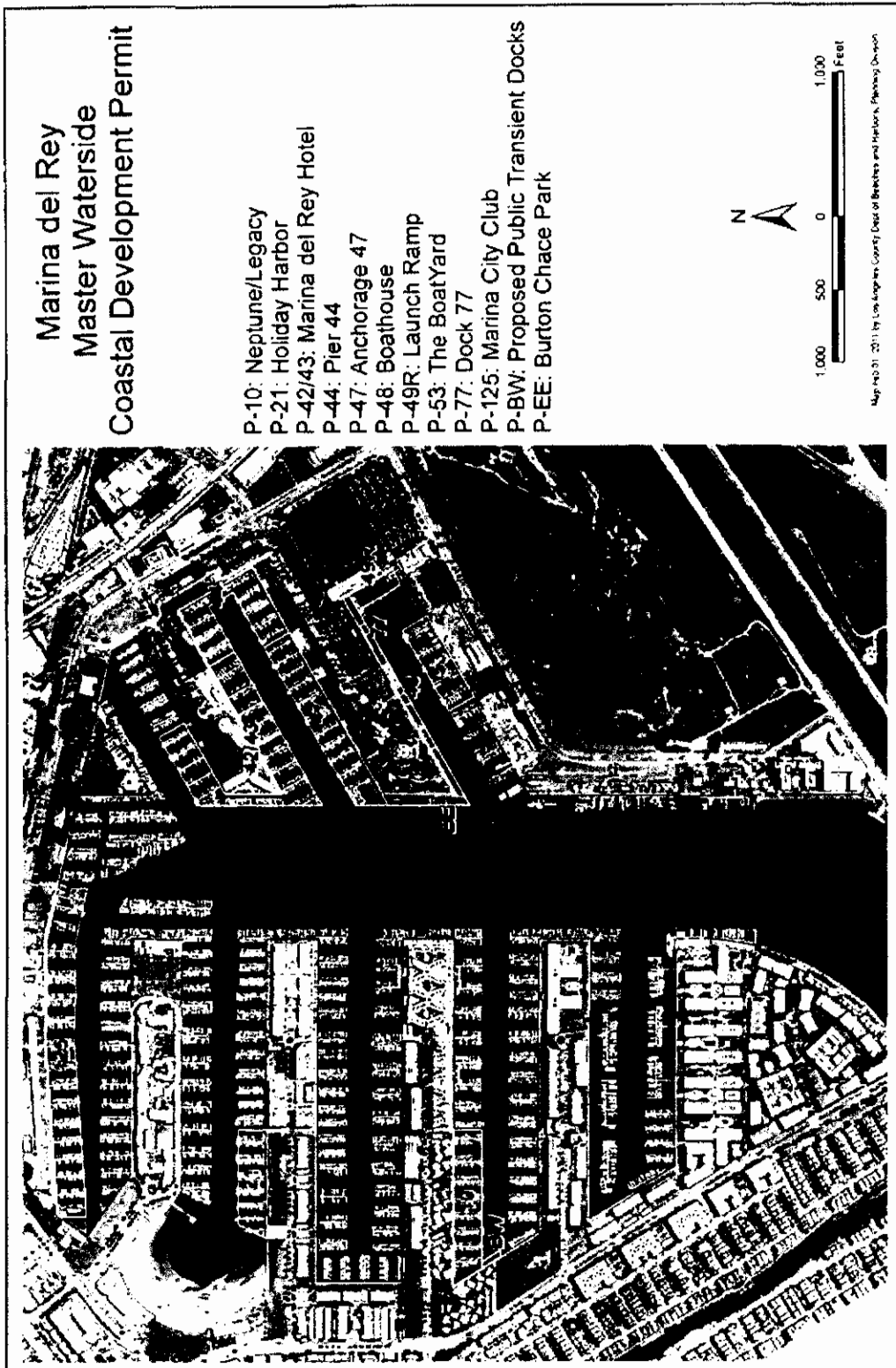
Exhibit 2

Lease Parcels

Marina del Rey Master Waterside Coastal Development Permit

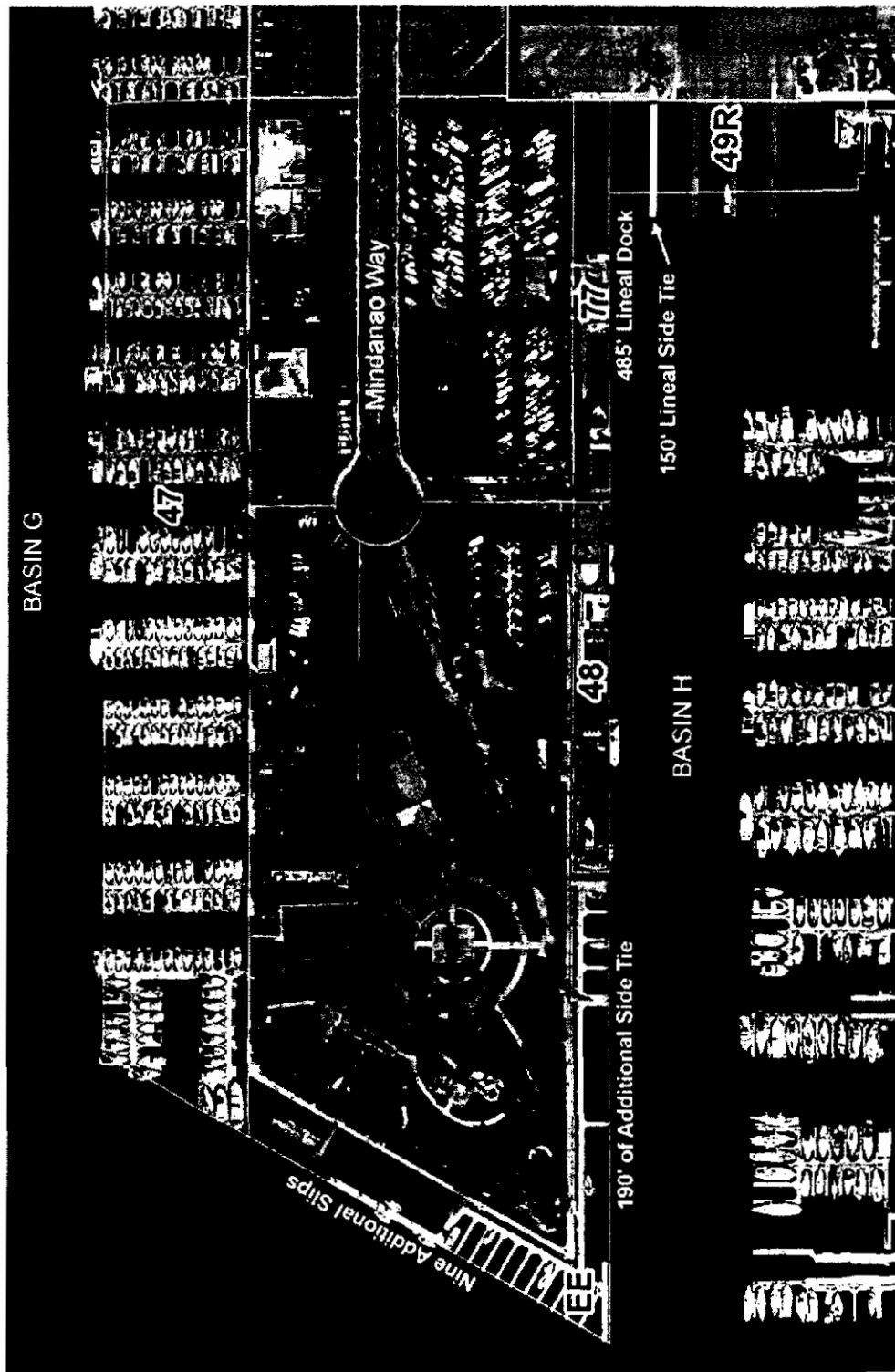
- P-10: Neptune/Legacy
- P-21: Holiday Harbor
- P-42/43: Marina del Rey Hotel
- P-44: Pier 44
- P-47: Anchorage 47
- P-48: Boathouse
- P-49R: Launch Ramp
- P-53: The BoatYard
- P-77: Dock 77
- P-125: Marina City Club
- P-BW: Proposed Public Transient Docks
- P-EE: Burton Chace Park





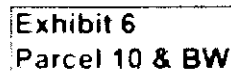
Marina Locations

Exhibit 4
Project Locations



County Marina and Docks at Chace Park, Parcels 47, EE, 48, 77 & 49R

Exhibit 5
Public Docks at Chace Park



8/174100-08 34' ON L238
12/174100-78 80' ON L233
12/174100-130 70' ON L234
10/1740100-000 20' ON L235
100/1740100-015 20' ON L236
100/1740100-000 21' ON L235

NUMBER OF DAYS - 31.24

[illegible]

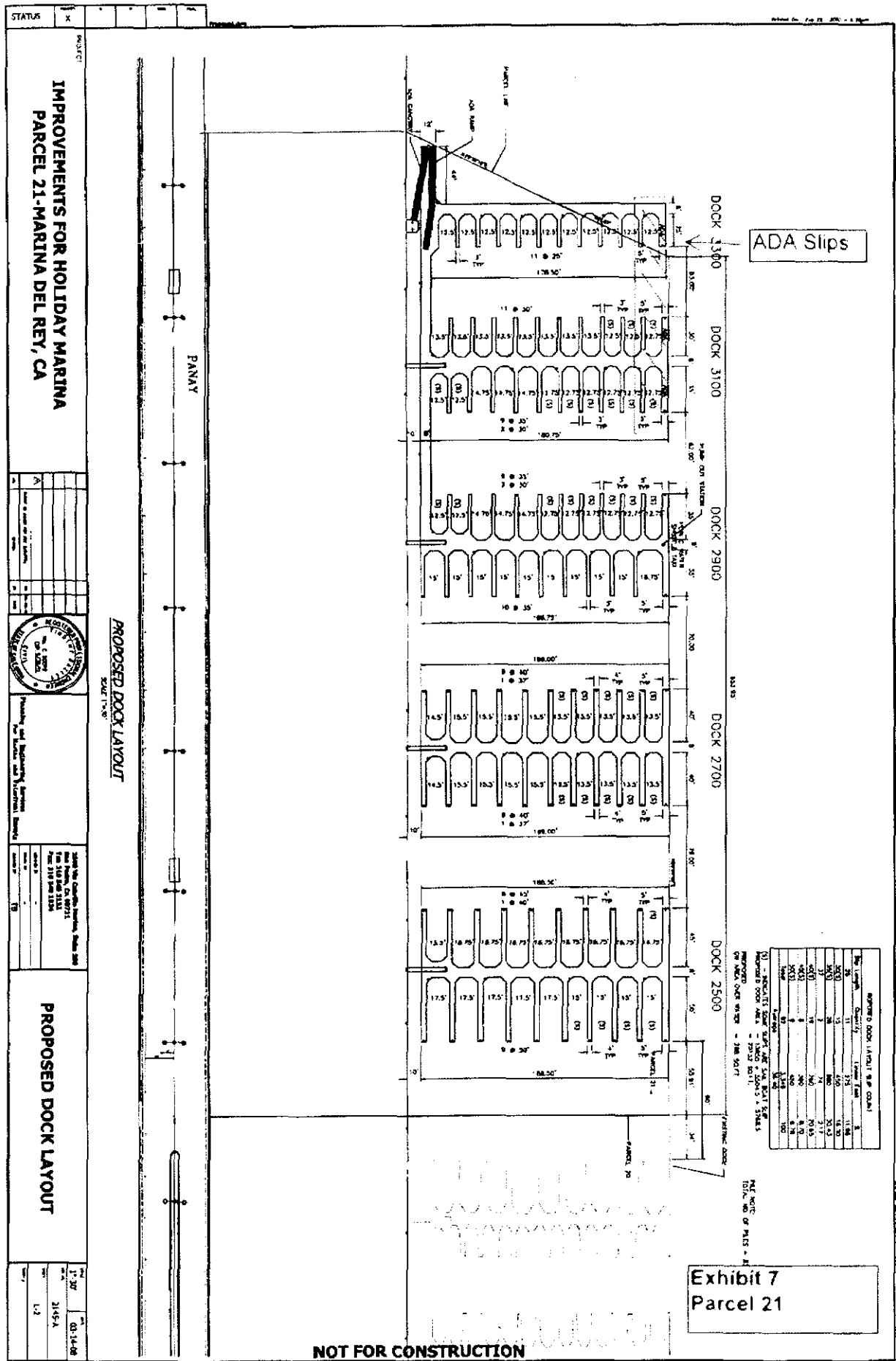
PROPOSED MARINA
NEPTUNE MARINA
LEGACY PARTNERS
MARINA DEL REY, CALIFORNIA

URS

3772 Edison Ave., Suite 130
Menlo Park, CA 94025-1104
Tel. (714) 990-0977
Fax (714) 990-1302

[illegible]

5428.00



ADA Slips

IMPROVED DOCK LAYOUT (8" @ 1" SCALE)			
Slip Length	Quantity	Slip Width	Total Length
30'0"	1	10'0"	30'0"
25'0"	1	10'0"	25'0"
20'0"	1	10'0"	20'0"
15'0"	1	10'0"	15'0"
10'0"	1	10'0"	10'0"
5'0"	1	10'0"	5'0"
3'0"	1	10'0"	3'0"
2'0"	1	10'0"	2'0"
1'0"	1	10'0"	1'0"
0'0"	1	10'0"	0'0"
30'0"	1	10'0"	30'0"
25'0"	1	10'0"	25'0"
20'0"	1	10'0"	20'0"
15'0"	1	10'0"	15'0"
10'0"	1	10'0"	10'0"
5'0"	1	10'0"	5'0"
3'0"	1	10'0"	3'0"
2'0"	1	10'0"	2'0"
1'0"	1	10'0"	1'0"
0'0"	1	10'0"	0'0"

Exhibit 7
Parcel 21

NOT FOR CONSTRUCTION

SLIP MIX CHART

SLIP	TOTAL LENGTH	OVERALL
30	4	120
31	1	30
32	2	60
33	2	60
34	1	30
35	1	30
36	2	60
37	2	60
38	2	60
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Bellingham
MARINE
Innovative Paper
and water-finish solutions

1813 Dorset Street
20004000, P.O. Box 2004
Tel: (904) 558-1587
Fax: (904) 558-6411

UNIFLOAT
From 12" to 48" wide
1000' to 10000' long

UNI-FLOAT

Revisions:	Drawn by:
	Date: 05-07-03
	Scale:
	Project No.
Sheet:	
of	

Drawn by:
Date: 05-07-03
Scale:
Project No.
Sheet:



ADMIRALTY WAY
MARINA DEL REY, CALIFORNIA

Exhibit 9
Parcel 44

SUP MIX - PARCEL 47

SLIP SIZE	TOTAL
23'	2
25'	1
27'	23
30'	36
34'	20
35'	1
36'	2
38'	20
40'	8
42'	9
47'	1
58'	1
74'	1
85'	1
TOTAL	126

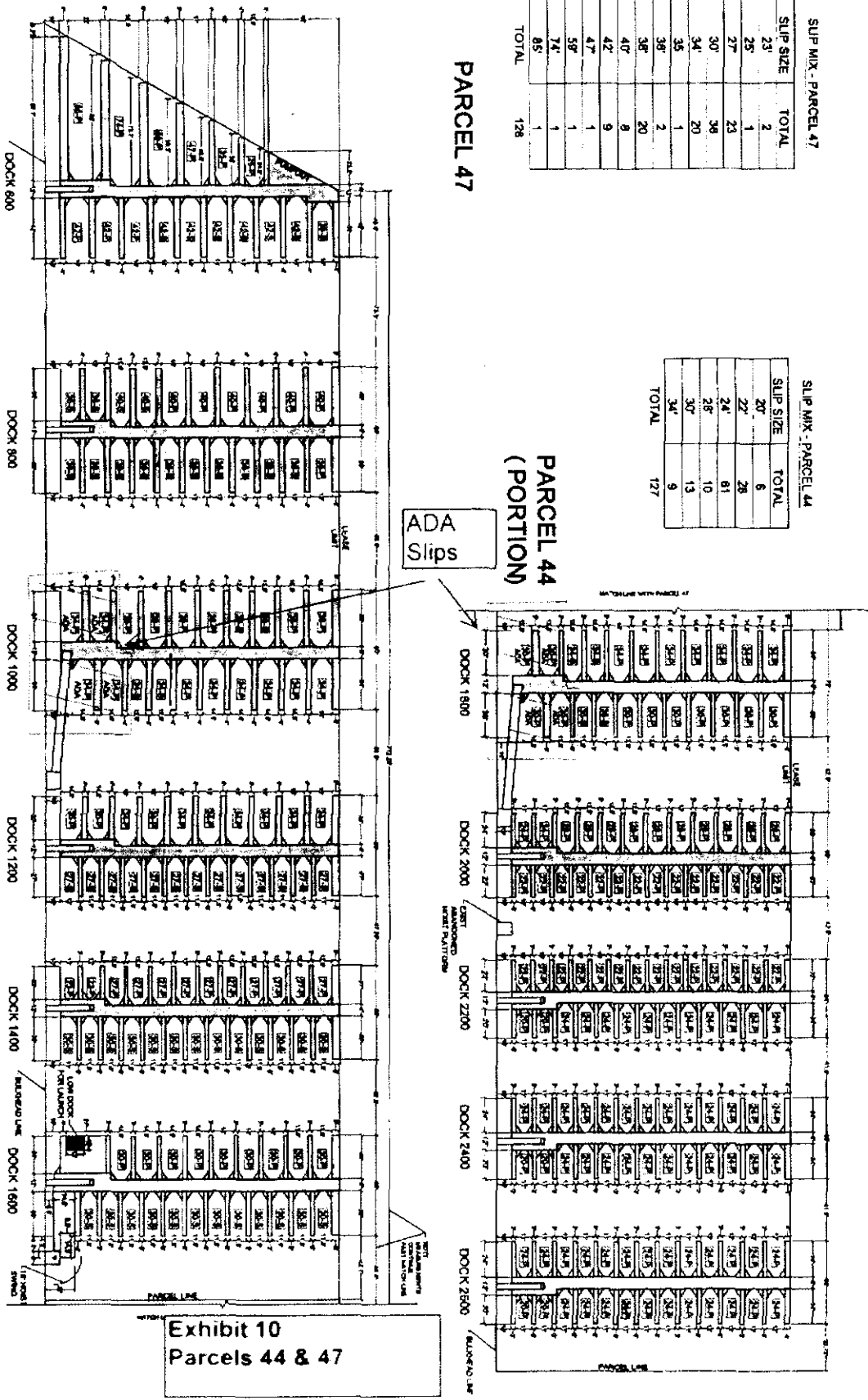
SUP MIX - PARCEL 44

SLIP SIZE	TOTAL
20'	6
22'	26
24'	81
26'	10
30'	13
34'	9
TOTAL	127

PARCEL 47

PARCEL 44 (PORTION)

ADA
Slips



NOBLE

DESIGN & CONSTRUCTION

1000 W. 10TH AVE. SUITE 100

MINNEAPOLIS, MN 55408

TEL: 612.338.1111

OWNER: U.S. ARMY CORPS OF ENGINEERS & ARCHITECTS

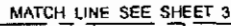
PROJECT: ANCHORAGE 47 MARINA DOCK LAYOUT

REVISION: 01/24/11

DATE: 01/24/11

Exhibit 10
Parcels 44 & 47

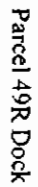
SECTION D
SCALE: 1" = 30'



SECTION E
SCALE: 1" = 30'



MATCH LINE SEE ABOVE



SECTION E
SCALE 1" = 10'



PRELIMINARY PLAN FOR REVIEW AND COMMENTS

NOBLE
FLOOR - FURNISHING INC.
7701 Wadsworth Ave., Suite 100
Atlanta, GA 30349
Tel: 404 / 526-1800
Fax: 404 / 526-1801

Exhibit 11
Parcels 48, 77 & 49R

MATCH LINE SEE SHEET 2

NOBLE

1	DATE	10-10-84
2	BY	10-10-84
3	TO	10-10-84
4	FROM	10-10-84
5	REMARKS	10-10-84
6	REMARKS	10-10-84
7	REMARKS	10-10-84
8	REMARKS	10-10-84
9	REMARKS	10-10-84
10	REMARKS	10-10-84
11	REMARKS	10-10-84
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100	REMARKS	10-10-84

PRELIMINARY PLAN FOR REVIEW AND COMMENTS

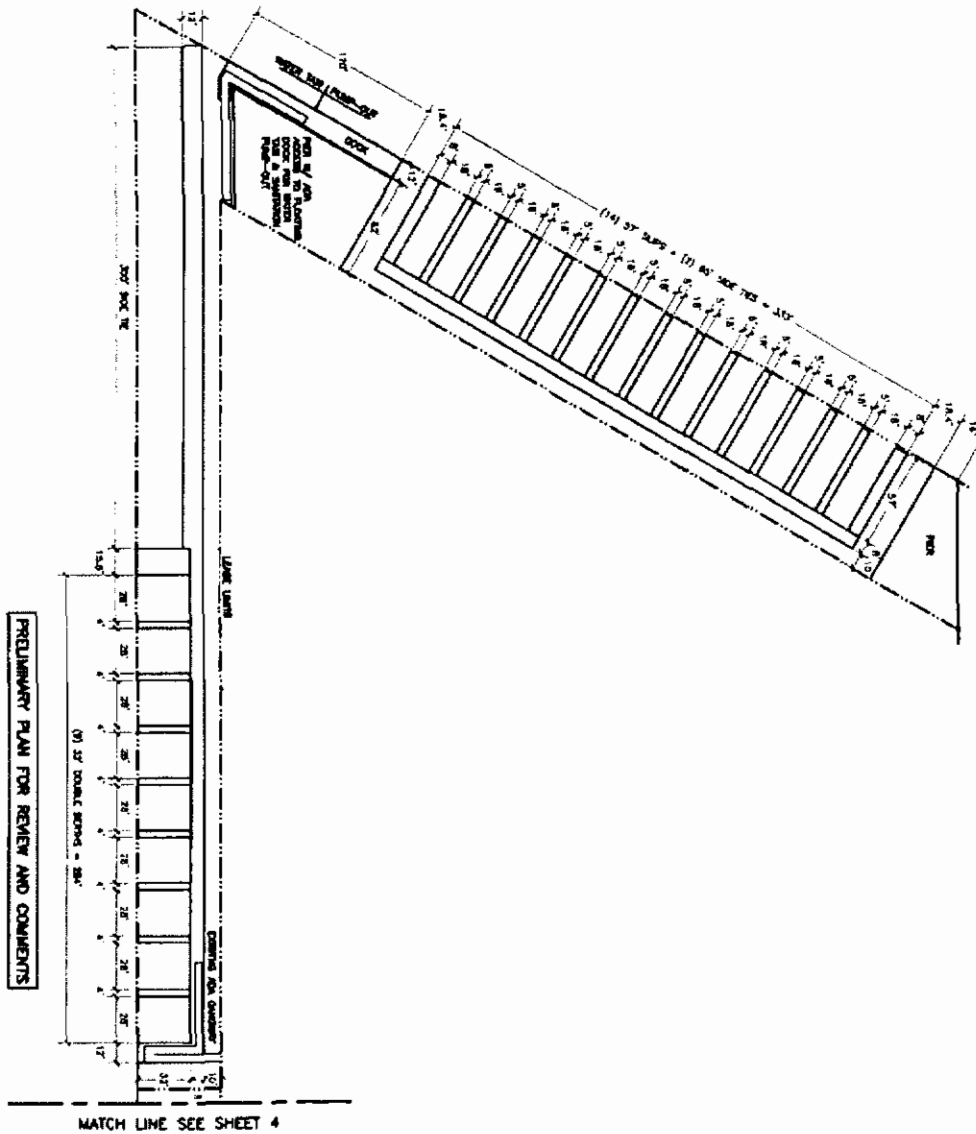
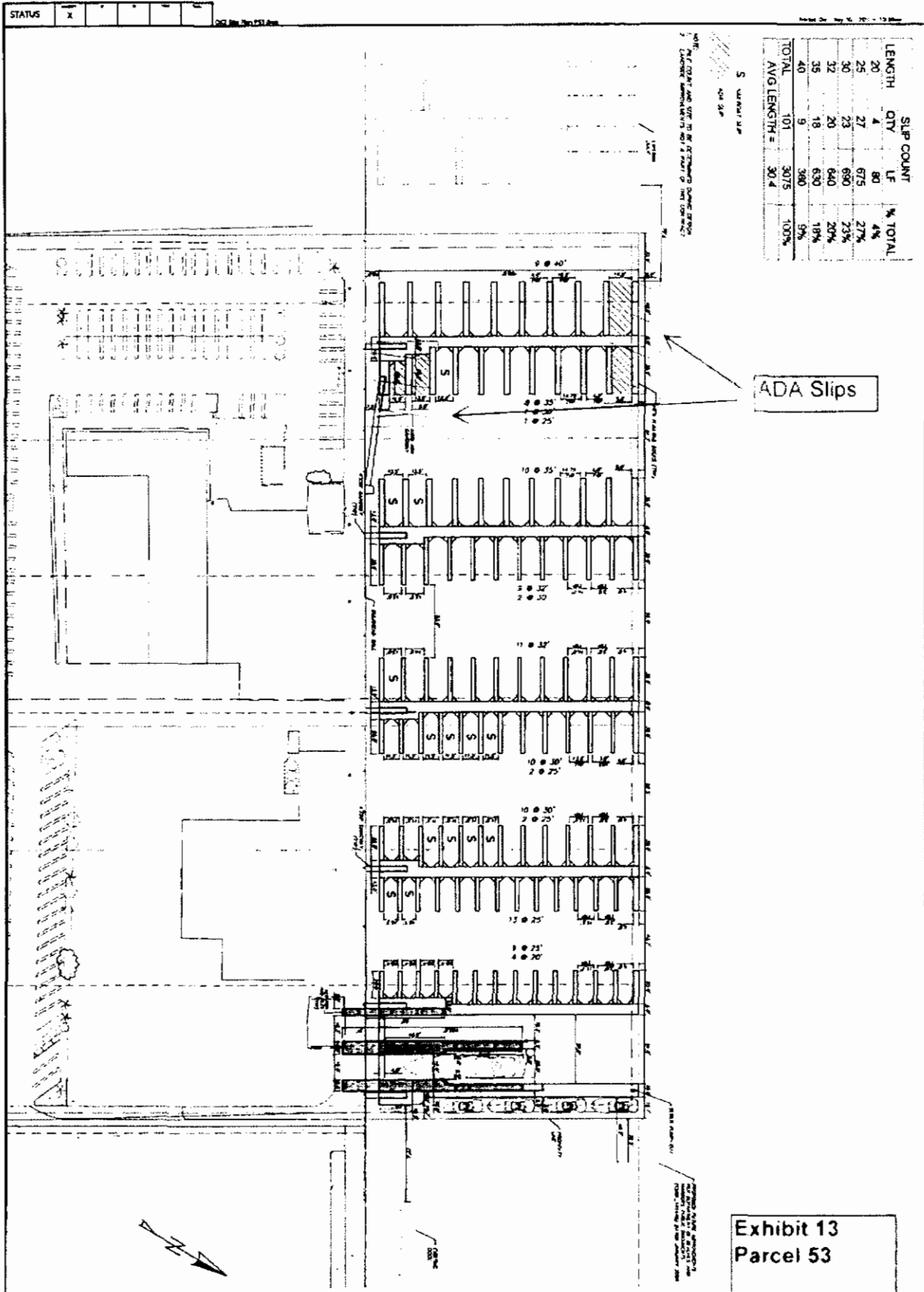


Exhibit 12
Parcel EE

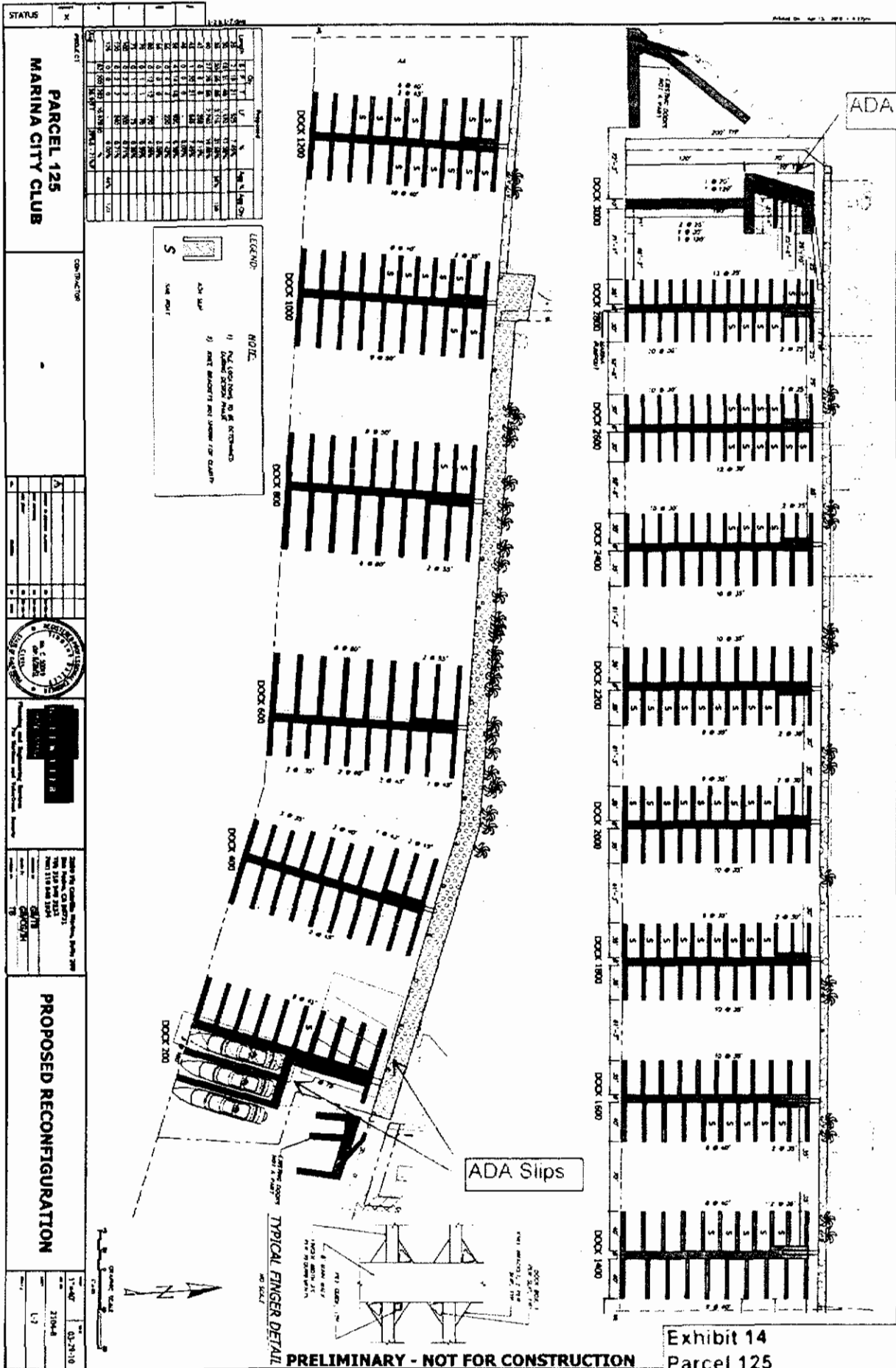


ADA Slips

Exhibit 13
Parcel 53

APPROVAL IN CONCEPT SUBMITTAL (NOT FOR CONSTRUCTION)

PROJECT THE BOATYARD MARINA AND TRAVEL LIFT PIERS REPLACEMENT PARCEL 53	CLIENT HARBOR REAL ESTATE GROUP	PREPARED BY: DATE:	BLUEWAVE PLANNING AND ENGINEERING SERVICES 1800 Via Collette Marina, Suite 200 San Pedro, CA 90731 Tel: 562 540 3532 Fax: 562 540 1926	PROPOSED SITE PLAN P53	Scale: 1"=30' Date: 05-10-11 Sheet: 01-2 of:
---	---	-----------------------	--	-------------------------------	---



Marina del Rey Existing and Proposed Personal Watercraft Storage Spaces

Parcel 91:
200 Spaces for
Kayaks, Outriggers
Dinghies, Rowing Shells

Parcel 30:
68 Spaces for Dinghies,
8-foot and 15-foot Boats

Parcel 132:
192 Spaces for
Kayaks, Dinghies

Parcel 41:
16 Spaces for
Kayaks, Dinghies

Parcel 77 (dock):
162 Spaces for
Dinghies, 18-foot Boats

Parcel 77 (land):
120 Spaces for
Kayaks, Dinghies

Parcel 49R:
36 Spaces for
Kayaks, Dinghies

Parcel EE:
450 Spaces in
Future Chase Park
Boathouse for Kayaks,
Shells, Outriggers

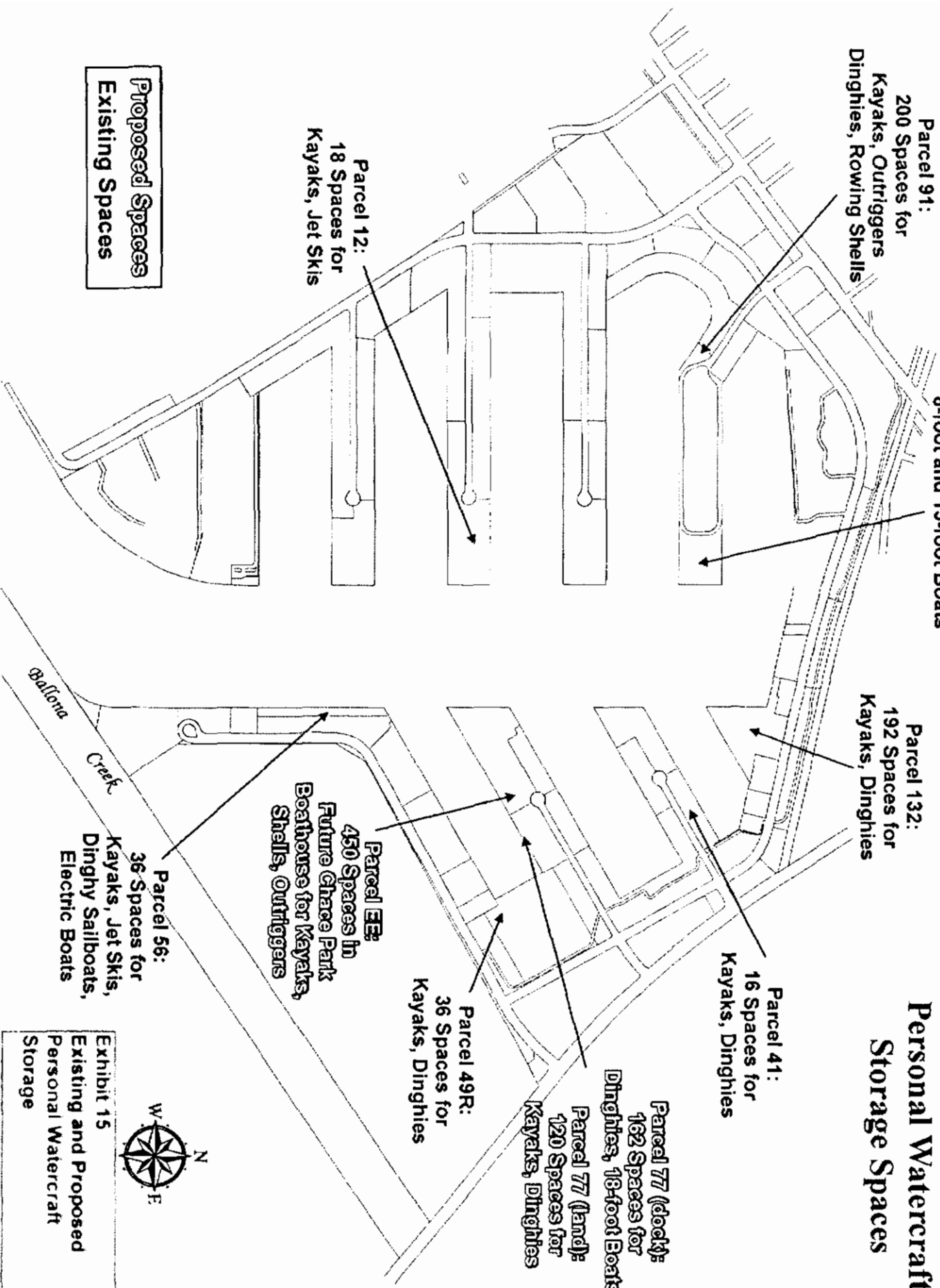
Parcel 56:
36 Spaces for
Kayaks, Jet Skis,
Dinghy Sailboats,
Electric Boats

Parcel 12:
18 Spaces for
Kayaks, Jet Skis

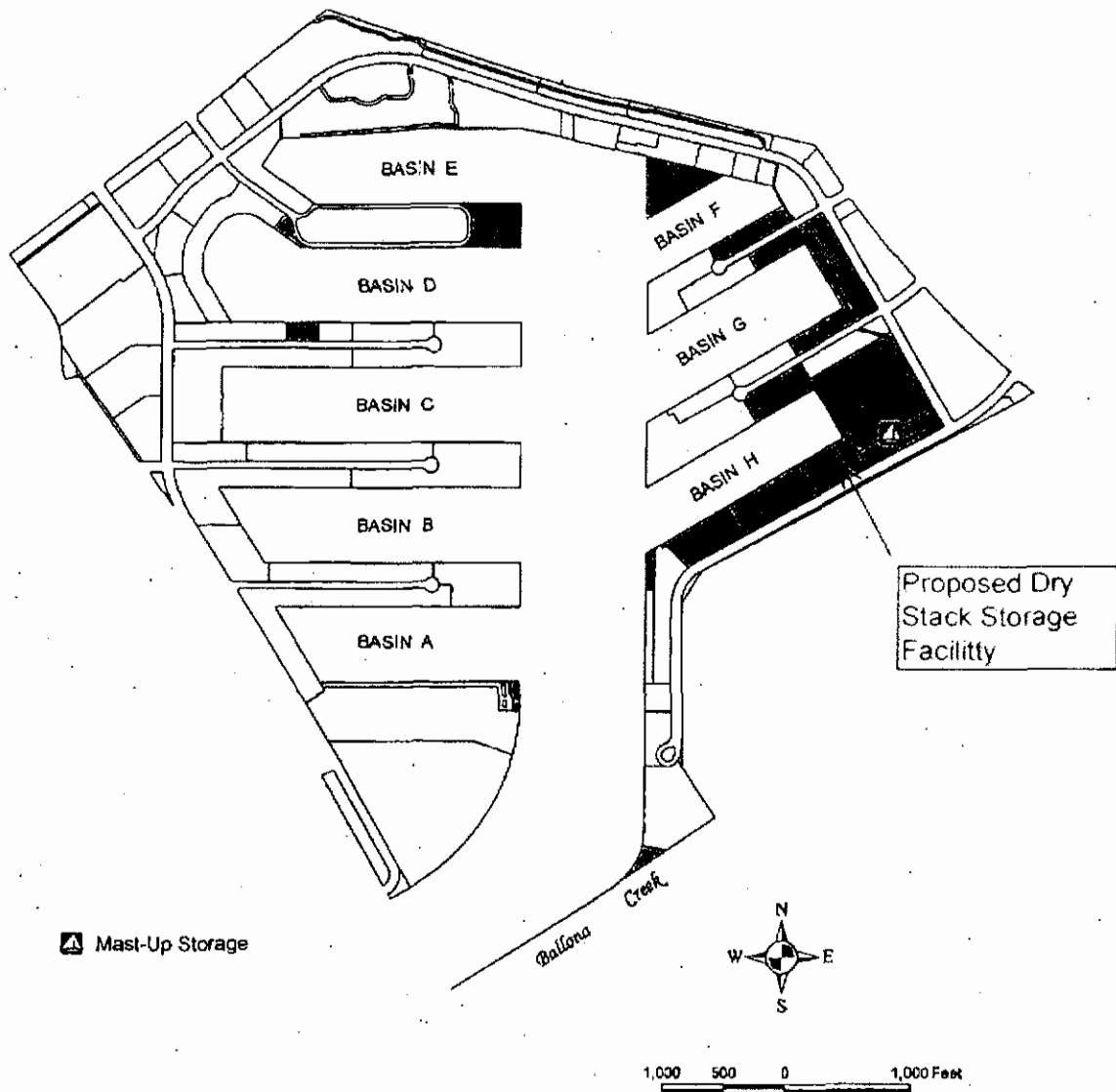
Proposed Spaces
Existing Spaces



Exhibit 15
Existing and Proposed
Personal Watercraft
Storage



Marina del Rey Permitted Public Dry Storage Areas



Dry Boat Storage Areas

Exhibit 16
Dry Boat Storage

John Ainsworth

From: Jon Nahhas [jnahhas@gmail.com]
Sent: Monday, October 17, 2011 4:20 PM
To: Charles Lester
Cc: a.vierra@resources.ca.gov; 'Lucia Becerra'; John Ainsworth; Gary Timm; kristine.olson@resources.ca.gov
Subject: Recreational Boating Information
Attachments: RecBoatingFacts_CoastalCommission_Oct2011.pdf

Dr. Lester,

Thank you for your timely response and welcoming our additional information. Recently your Commission hosted a workshop involving four law professors that reinforced the use of facts in making coastal policies. We have been adamant in helping with the success of the Coastal Commission by providing evidence for the decision-making process. While we have collected data that should be evident in Commission Staff Reports, the details may be limited because of our lack of resources. For this reason, it is vital that we avoid "communication blackouts" and keep the channels of communication open between the public and Commission Staff.

We believe that LCP's & CDP's are still being processed and approved without a clear understanding of the facts in California harbors. It has been nearly 18 months since the Coastal Commissioners and Commission Staff suggested a workshop on marinas due to the many concerns that have been raised by the public. While we have been told on numerous occasions that this workshop would occur and that the Department of Boating & Waterways would be participating, we cannot afford a continued lapse of detailed information going forward.

With three important agenda items on Marina del Rey scheduled for the November Commission Meeting in Oceanside, please consider the following facts:

- Fact #1 - Boat slip vacancies are being manufactured and public access is being denied.
- Fact #2 - Boating trends favor smaller, more affordable boats.
- Fact #3 - Piece-meal planning has negatively affected recreational boating in Marina del Rey.
- Fact #4 - The lack of baseline numbers and skewed data has continued to plague the Coastal Commission's process in MdR.
- Fact #5 - There are practical ways to ensure continued growth in recreational boating facilities to meet the public demand (Coastal Act Section § 30224).

Attached is copy of the above facts with explanations and evidence provided for each statement. Due to the close proximity of the hearing on these items and the expectation of a staff report in the near future, please provide another timely response to our concerns.

Sincerely,

Jon Nahhas
 The Boating Coalition

CC: Lucia C. Becerra, Director, Department of Boating & Waterways
 Amy Vierra, California Natural Resources Agency

EXHIBIT 17

10/19/2011

Recreational Boating Facts in Marina del Rey

Fact #1 - Boat slip vacancies are being manufactured and public access is being denied.

We have notified Los Angeles County and the Coastal Commission regarding public recreational boating slips that have been taken off of the market and are not being rented in Marina del Rey. The public leases for MdR cite "continuous active use" and "maintaining optimum conditions for public use." The Los Angeles County Counsel has responded unofficially in stating that there are a lot of leases (public and private) that are not being enforced.

"The marina operators are making a very good profit" (1983, LA County Supervisor Kenneth Hahn) [Exhibit A]. The following year in 1984, the LA County Board of Supervisors handed the control of pricing over to the private marina operators in MdR. Beginning in 2003, slip prices increased 30-60% in many of the marinas within the harbor [Exhibit B].

The overall vacancy percentage across all anchorages in Marina del Rey stood at

17.2% for June 2011. This represents 819 vacancies out of 4,761 total slips as reported by the Dept. of Beaches & Harbors. Why is this considerably higher than in other LA County harbors or adjacent harbors? Is this truly the result of a bad economy (as offered by LA County Officials) or a push to deceive the California Coastal Commission to give the appearance of a low demand in the use of public boat slips?

There is a positive correlation between boat slip vacancies and the developer's entrance into the public regulatory process [Exhibit C]. We have not only seen this correlation in Marina del Rey but in other adjacent harbors where the local jurisdictions have hired the same "Coastal Commission Advocates" or lobbyists.

LA County Officials stated that some of the vacant slips were due to dilapidated conditions but that they did not know how much of the slip inventory that represented. MdR Harbor Director, Santos Kreimann, stated that the docks were practically "falling in the water." Interestingly, Mr. Kreimann was responsible for withdrawing the application for Parcel 21 marina because "he didn't have a chance to speak with two of the Commissioners prior to the hearing." [Exhibit D - Video]

The Marina del Rey Lessees Association representatives have also stated that the vacancies are due to the poor economy. The public has continually been denied any indication of marketing information by marina operators. We have not found a newspaper advertisement, website, or social media ad where the marina operators are actively promoting use of the public boat slips. At 20, 30, and even 40% vacancy rates, it doesn't seem that there is a "will" to rent the slips.

Recreational Boating Facts in Marina del Rey

It is clearly understood that the private marina operators and local jurisdictions would like to increase profits and provide opportunities for more luxurious yachts. Dr. Ed Mahoney, a Michigan State University Professor and a leading U.S. Boating Economist, has developed an online Boating Economic Model. Dr. Mahoney has stated that while the push by local agencies and corporations in moving to larger luxury yachts will increase profits in the harbors, it will contradict the intent of why these public assets were created.

We believe that the California Coastal Commission and California Natural Resources Agency has a duty to continue provide public access in our states harbors. That includes oversight of the public leases, ensuring the intent of the public facilities is upheld, and protection of the public resources.

Fact #2 - Boating trends favor smaller, more affordable boats.

Boating trends have always favored the more affordable boating and the Coastal Commission should embrace this statement as a philosophy in the decision-making process. LA County and MdR Lessees have made contradictory statements based on the skewing of data from new boat sales in the state [Exhibit E – Video]. They insist that the trends indicate a move to larger boats and that more marina operators are constructing facilities to accommodate the larger craft. Absent from their arguments is any sense of metric or any mention of the intent of the harbor.

In November 2010, Tom Daschem, President of the National Marine Manufacturers Association (NMMA), stated that the move to larger yachts was unsustainable. "For years, as long as I've been in the industry, everybody was working to build bigger and bigger and bigger boats and it's interesting to hear that it's kind of moving in the other direction, and I think it needs to. We've got to build what the market wants and right now it wants smaller boats." Other industry leaders are also supporting the move to building smaller, more affordable boats [Exhibit F].

Boating magazines, blogs, and social media sites have featured boaters that are feeling the impacts of the economy and downsizing to smaller boats [Exhibit G]. Yacht brokers (who mostly cater to larger yacht sales) have been going out of business at an extraordinary rate. Small boat brokers (some featuring 22 foot boats) have recently started in Marina del Rey. The construction of larger slips in complete disregard for actual boating demand has created fear in the affordable boating market. Potential buyers contemplating purchasing smaller boats are not confident that they will be able to find accommodations for their boats.

Recreational Boating Facts in Marina del Rey

Fact #3 - Piece-meal planning has negatively affected recreational boating in Marina del Rey.

In January 2008, the Coastal Commission found that LA County was out of compliance with the certified LCP and that the continued use of piece-meal planning had created problems in Marina del Rey [Exhibit H - Video]. The Commission Staff has done a great job in trying to get LA County in moving towards a more cumulative plan going forward. LA County and Commission Staff do not have an accounting of the total loss of the public resources during the long history of piece-meal planning [Exhibit I]. Through viewing public records, we have some indication of these losses. Long-term Coastal Commissioners have made statements acknowledging continued requests by LA County to reduce recreational boating resources [Exhibit J].

Fact #4 - The lack of baseline numbers and skewed data has continued to plague the Coastal Commission's process in MdR.

In Sokalski vs. LA County/California Coastal Commission (2003), Mr. Sokalski asserted that LA County had used numerous total slip count numbers in Marina del Rey within a two year time frame [Exhibit K]. We have been monitoring a similar trend since 2007 where baseline total slip count numbers and other metrics released by LA County were inconsistent. Absent any approval by the Commission for a CDP, these numbers should be static. A long-time Coastal Commissioner recently stated that without accurate baseline slip numbers, the smaller boaters will be harmed the most [Exhibit L - Video].

In three of the boating studies cited by the Coastal Commission Staff Reports (Kubelbeck 2000 & 2005, Noble 2009), data was meticulously skewed to precipitate the development of larger slips. In fact, the 2005 study was independently funded by a private marina operator with the suggestion that it was the update to the publicly-funded 2000 study. The 2009 study by Ron Noble was completed in one month using data from the other two studies. Mr. Noble admitted to having difficulties with the "screwy data" and having to "work it out" [Exhibit M]. His conclusions were based on comparing different marinas (apples & oranges) [Exhibit N] and using faulty calculations that have been publicly vetted [Exhibit O]. The California Department of Boating & Waterways (DBW) Boating Study (2000) conducted by a public university over a two year period remains a decent source of information but needs to be updated.

The "hiding" of slips certainly adds to the sophistry. LA County has adopted a policy that does not consider end-ties as slips. This contradicts the standards set by DBW, the sister agency of the Coastal Commission [Exhibit P]. It effectively hides the use of these larger slips that are mostly accommodated by larger yachts and alters the percentage rates of the current slip inventory against smaller, affordable boating.

Recreational Boating Facts in Marina del Rey

Fact #5 - There are practical ways to ensure continued growth in recreational boating facilities to meet the public's needs (Coastal Act Section § 30224).

We have seen continued efforts by responsible local jurisdictions to comply with **Section § 30224 of the Coastal Act** and increase recreational boating opportunities in their respective harbors [Exhibit Q]. The DBW has continually asserted that their guidelines are merely suggestions and not a "one size fits all." While we understand the use of guidelines, we believe that our current fairway lengths are safe and that blindly adopting guidelines absent of any lawsuits or public complaints by users of the harbor is counterintuitive.

It seems a little peculiar that LA County wants to adopt some of the DBW Guidelines while completely disregarding others. There is a lot of documentation to support the use of "double-wide" slips that help lower costs and provide more boating opportunities. LA County Officials have stated that they do not want to use these slips any longer without offering any coherent reasoning behind their statements.

Heavy boating nations like Australia and New Zealand have been using double-wide slips exclusively to ensure more opportunity for their citizens. They have also used other technologies to allow the placement of more boats in their public harbors [Exhibit R].

LA County continues to promote the construction of ADA slips, vastly exceeding the Federal & State standards, while declining to do any analysis that would support their rationale [Exhibit S].