

CALIFORNIA COASTAL COMMISSION

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W21c

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-18-0382

Applicant: Los Angeles County Department of Public Works

Agent: Anchor QEA, LLC c/o Marine Vié

Location: Parcel 62, 13483 – 13851 Fiji Way, Marina del Rey, County of Los Angeles (APN: 4224-011-901)

Project Description: Removal of a 10,500 sq. ft. dock, including 28 concrete piles, 3 gangways and platforms, and a boat hoist, and replace with a 14,800 sq. ft. dock with 41 concrete piles, 3 15-ft. high buildings on the dock (2,100 sq. ft., and 1,291 sq. ft. 24-hr emergency response operations centers and 510 sq. ft. equipment enclosure), two new gangways, a ‘pumpout’ station and fuel station with utility upgrades, and an ongoing maintenance plan.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to remove an existing dock, including associated pilings, gangways and storage units and replace it with a new, larger dock that is able to accommodate the public safety operations throughout Los Angeles County, including those of the Los Angeles County Fire Department and its Lifeguard Unit and the Los Angeles County Sheriff’s Department and its Harbor Patrol Unit. The docking facility is located within the marina of Marina del Rey in Los Angeles County ([Exhibit 1](#)).

The dock was first constructed in the late 1960s for the Harbor Patrol, which was absorbed by the Sheriff’s Department in 1984. The dock facility is currently utilized for the berthing of public safety vessels, for temporary docking of recreational vessels in distress, and serves as a 24-hour

emergency operations platform for public safety personnel to perform coastal law enforcement and emergency response operations such as search and rescue. Since its absorption into the Sheriff's Department, the facility has experienced a significant increase in jurisdiction area and responsibilities and operations, including greater coordination with other local, state, and federal agencies (i.e. taking over search and rescue duties from the U.S. Coast Guard including dive operations, supporting Homeland Security missions, fire rescue, etc.) that oversees the entire coastline of Los Angeles County from Long Beach to Sequit Point in the Santa Monica mountains, including Santa Catalina Island. To keep up with the increase in demand and to minimize emergency response time for coastal dependent emergency operations, the County of Los Angeles has proposed the new updated dock structure.

While the proposed project would increase over water surface coverage by 4,297 sq. ft. and introduce an additional 47.44 sq. ft. of fill, it is designed to be the minimum amount of coverage and fill necessary to meet current wave and wind load requirements per the American Society of Civil Engineers. Additionally, according to the applicant's biological survey, there are no sensitive species present within or near the subject site that should be negatively impacted by the construction of the new dock facility.

Ocean views from the nearby promenade would be somewhat obstructed during high tide by the new dock facility. However, the visual impacts would be temporary and the structures on the dock are necessary for the functionality and efficiency of emergency responses. In addition, the dock structures are designed with a maximum height of 15 ft., consistent with the Marina del Rey Local Coastal Program (LCP) guidelines to protect scenic views to and along the coast.

The new dock facility would be exposed to hazards from sea level rise as the existing facility is now. However, the applicant's proposal includes measures to address anticipated sea level rise. For example, the piles proposed for the new dock facility could be vertically extended to accommodate increased sea level elevations.

Staff is recommending **approval** of the proposed coastal development permit with **six (6)** special conditions, including **1)** pre and post-construction eelgrass survey; **2)** pre-construction *Caulerpa taxifolia* survey; **3)** construction best management practices (BMPs) for water quality management; **4)** construction and pile driving noise restrictions to avoid impacts to sensitive species; **5)** timing of construction to avoid least tern nesting season; and **6)** assume the risks of development. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.

The motion to approve the staff recommendation is on Page Four.

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APPENDICES - Substantive File Documents

Appendix A – Marina del Rey Land Use Plan, County of Los Angeles Local Coastal Program, certified Feb. 8, 2012

Appendix B –Water Quality Management Plan by Anchor QEA, September 25, 2017

Appendix C – Response to Request for Additional Information of Marina del Rey Public Safety Dock Replacement Permit Application No. 5-18-0382, October 25, 2018

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the Coastal Development Permit Application No. 5-18-0382 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.

Resolution:

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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Eelgrass Survey(s).

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 Wildlife. The applicants 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, within one month after the conclusion of construction, the applicants 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 Wildlife. The applicants 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 applicants 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.

2. Pre-construction *Caulerpa Taxifolia* Survey.

A. Not earlier than 90 days nor later than 30 days prior to commencement or re commencement of any development authorized under this coastal development permit, the applicants shall undertake a survey of the project area and a buffer area at least 10 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 Wildlife, and the National Marine Fisheries Service.

C. Within five (5) business days of completion of the survey, the applicants shall submit the survey:

(1) for the review and approval of the Executive Director; and

(2) 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 and Wildlife (858/467 4218) or Robert Hoffman, National Marine Fisheries Service (562/980 4043), or their successors.

D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicants shall not proceed with the project until 1) the applicants provides evidence to the Executive Director that all *Caulerpa taxifolia* discovered within the project and 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 applicants have revised the project to avoid any contact with *Caulerpa taxifolia*. No revisions to the project shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Water Quality Best Management Practices (BMPs). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted. For the land side of a construction site, silt fences, or equivalent measures, shall be installed at the site perimeter to prevent construction-related runoff and/or sediment from entering coastal waters. For the water side of a construction site, turbidity curtains shall be used to contain sediment where coastal resources, such as benthic communities or eelgrass, may be at risk.

- a. All work shall be performed during favorable tidal, ocean, wind, and weather conditions that will enhance the ability to contain and remove, to the maximum extent feasible, construction and demolition debris.
- b. Tarps or other devices shall be used to capture debris, sawdust, particulates, oil, grease, rust, dirt, and spills to protect the quality of coastal waters.
- c. Floating booms shall be used to contain debris if discharged into coastal waters, and any debris discharged will be removed as soon as possible but no later than the end of each day.
- d. Unless specifically authorized, all work shall take place during daylight hours and lighting of tidelands and water areas is prohibited.
- e. Construction work or equipment operations below the mean high water line shall be minimized to the maximum extent feasible, and, where possible, limited to times when tidal waters have receded from the authorized work areas.
- f. All construction materials shall be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.
- g. Construction (including but not limited to construction activities, and materials and/or equipment storage) shall be prohibited outside of the defined construction, staging, and storage areas.
- h. Equipment washing, refueling, and/or servicing shall not take place on the tidelands or over-water structures to eliminate the possibility that pollutants may enter coastal waters.

- i. Bulkhead and over-water construction projects that will use heavy equipment for more than 30 days shall use biodegradable hydraulic fluid and biodiesel as an alternative to petroleum products.
- j. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the tidelands).
- k. Treated wood and treated wood debris shall be stored a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets. The treated wood and treated wood debris shall be stored on impervious pavement or an impervious tarp, and covered during rain events.
- l. If treated wood is sanded or sawcut during demolition, installation, or maintenance, all sawdust and debris generated shall be contained and removed.
- m. Piles installations shall prioritize driven or hammered methods, if feasible, in order to minimize water quality impacts. Vibratory hammer method shall be prioritized over impact hammer methods. However, if an impact hammer is used, pile driving shall use a soft-start/ramping up BMP with hammer strikes that begin at approximately 40 to 60 percent energy levels with no less than a one-minute interval between each strike for a five-minute period. If a water-jetting method is utilized, silt curtains shall be installed in the work area to contain turbidity where coastal resources, such as benthic communities or eelgrass, may be at risk.
- n. Coatings and sealants shall be composed of products that are inert after they have cured and dried. Fusion Bonded Epoxy, HDPE, and polyurea products are recommended.
- o. Installation and application of epoxy, resin, or cementitious grout/fill shall be conducted when predicted weather and ocean conditions allow effective control and full containment and will remain dry until cured, in order to prevent any leaching of uncured treatment materials into coastal waters. It is preferable to perform the work in dry conditions (low tide) or off-site in a controlled-environment manufacturing facility, wherever feasible.
- p. Demolition shall employ a wet vacuum or similar technique so that any debris, dust, and fine particles are collected and disposed of in a location where they will not enter coastal waters. Dip nets shall be on-site and used to retrieve debris if it accidentally falls into the water.
- q. Methods to contain any leaks or spills of treatment materials during application shall be planned in advance, and any necessary equipment or supplies shall be readily accessible onsite. Any leaks or spills of anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be immediately cleaned up.
- r. All anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be properly stored and contained so that these products will not leak or spill, or otherwise enter the coastal environment.
- s. Coatings and sealants used in the field shall be carefully applied by brush or roller to limit application to the immediate surfaces intended for protection, and to prevent drips or spills into coastal waters.
- t. Removal of existing piles shall observe the following conditions, where applicable:

- i. Work shall occur during favorable tidal, ocean, and weather conditions that will enhance the ability to remove, to the maximum extent, the full length of the pile and any associated debris generated during demolition.
 - ii. Piles and debris shall be placed directly into a vessel/container suitable for transport off-site.
 - iii. All used piles and debris shall be removed to an offsite, authorized disposal site. Sediment adhered to the removed pile shall be removed from coastal waters.
 - iv. Piles shall be removed slowly and handled carefully to minimize turbidity. Vibratory extraction shall be prioritized over direct-pull methods, where feasible, in order to limit disturbance.
 - u. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
 - v. A copy of the approved Construction Plan shall be kept at the construction job site at all times and all persons involved with the construction shall be briefed on its content and meaning prior to commencement of construction.
 - w. The Coastal Commission's Long Beach District Office shall be notified at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.
- 4. Construction and Pile Driving Noise Level Restrictions.** By acceptance of this coastal development permit, the applicants 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 to (within seven days) 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 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 applicants 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. The trees or habitat where nesting behavior is observed shall be preserved until the qualified independent biologist or environmental resources specialist has determined that nesting season is complete and the trees or habitat are not populated by black-crowned

night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species.

- B. 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.
- C. 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 potential 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. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards waves, storm waves, and erosion; (ii) to assume the risks to the applicant 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; and (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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The applicant is proposing to remove a 10,500 sq. ft. dock structure with 28 concrete piles (occupying approximately 39 sq. ft. of soft bottom habitat), three gangways and platforms, and a boat hoist and replace it with a new 14,800 sq. ft. dock structure with 41 concrete piles (thirteen 16" diameter and twenty-eight 18" diameter piles) occupying approximately 86 sq. ft. of soft bottom

habitat. The new dock structure will house two approximately 15-ft. high 24-hour emergency response operations centers, one at 2,100 sq. ft. and another at 1,291 sq. ft.; a new approximately 15-ft. high 510 sq. ft. emergency equipment storage room; new pumpout station; and utility upgrades ([Exhibit 2](#)). The three existing gangways (two 34-ft. long and one 35-ft. long) will be replaced with two new aluminum gangways, at 80-ft. long and 35-ft. long. The project also includes replacing an existing and outdated fuel station and an ongoing/as needed repair and maintenance plan which includes replacing broken metal braces that attach the dock fingers to the headwalk; replacement of pontoon modules; replacement of dock-to-pile guide roller brackets; repair of pontoon cracks; repair of broken water lines and electrical power supply to various slips; and maintenance of a trash collector by scooping up collected trash and disposing it off-site.

The repair and maintenance activities would occur on an as needed basis and the applicant proposes to follow best management practices when performing any repair and/or maintenance activities. No dredging or discharge of fill material from maintenance activities on the dock is proposed. No improvements to the existing bulkhead and landward buildings are proposed. There are no public recreation facilities at the site and none are proposed.

The Marina del Rey public safety dock is located in the water at 13851 Fiji Way, Marina del Rey in the County of Los Angeles ([Exhibit 1](#)). The project site is situated entirely on the water of the marina on parcel 62, designated as a Water Category parcel in the County's certified Local Coastal Program (LCP). Surrounding development includes the United States Coast Guard station to the south, Fishermen's Village to the north, the marina and marina waters to the west, and the Ballona wetlands to the east. The site is located approximately one mile inland from the harbor mouth, and is protected by a breakwater.

The subject site is located over and on submerged lands in the Commission's original permit jurisdiction and, thus, the standard of review is Chapter 3 of the Coastal Act. The Commission certified the County's Local Coastal Program (LCP) for Marina del Rey in 1990. The County certified LCP is advisory and may provide guidance for the Commission's review of the project's consistency with Chapter 3 Coastal Act policies.

Background

The Marina del Rey Public Safety Dock supports law enforcement and search and rescue operations throughout Los Angeles County (including Catalina Island and the Los Angeles International Airport), including those of the Los Angeles County Fire Department and its Lifeguard Unit and the Los Angeles County Sheriff's Department and its Harbor Patrol Unit. The facility was originally constructed in the late 1960s for Harbor Patrol, which was absorbed by the Sheriff's Department in 1984. Since that time, the operational responsibilities of the Fire and Sheriff's Departments have expanded significantly, including greater coordination with other local, state, and federal agencies, such as taking over search and rescue duties (as well as diving duties) from the United States Coast Guard and supporting offshore Homeland Security missions. The facility serves as a medical evacuation site, requiring adequate on-dock space to accommodate support and transportation of patients from vessels to ambulances, a temporary dock for derelict vessels and vessels in distress, response center for water landings from aircraft at Los Angeles airport, an information center, and an impound facility for vessels requiring temporary dock space. The facility supports 24-hour operations and is the multi-agency command center during emergencies. Emergency response teams assigned to the Public Safety Dock typically respond to more than 200 emergency calls each month.

Due to the increase in jurisdiction area and responsibilities, the existing docking facility is no longer sufficient to meet the demands placed on the County agencies.

B. WATER QUALITY/ MARINE ENVIRONMENT

Coastal Act Section 30230 Marine resources; maintenance 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.

Coastal Act Section 30231 Biological productivity; water quality 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 (a) of the Coastal Act states:

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...(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

The Coastal Act contains policies that require development to minimize adverse impacts to water quality and marine resources in coastal waters. The proposed project involves the installation of a new dock and piles in the waters of the Pacific Ocean and must be found consistent with Sections 30230, 30231 and 30233 of the Coastal Act.

The proposed project consists of a new dock facility that must meet the needs of the emergency operations it supports while also conforming to current engineer standards, which requires that piles accommodate 19 to 22 pounds per square foot for wind loads. The proposed project would introduce an additional 13 piles, increase over water surface coverage by 4,297 sq. ft. and result in an increase of 47.44 sq. ft. of fill. The project will disturb an additional 47.44 sq. ft. of soft-bottom habitat. However, the proposed facility is designed to be the minimum amount of coverage and fill necessary to meet the demands of the emergency operations it is intended to support and to assure

stability of the dock that conforms to the current wave and wind load requirements per the American Society of Civil Engineers.

Biological Resources

On July 27, 2017, an eelgrass and *Caulerpa taxifolia* survey of the subject site (Eelgrass/Caulerpa Survey – L.A. County Sheriff Dock, Marina Del Rey, CA, August 2, 2017) was conducted by Ecomarine Consulting LLC. The survey concluded that no eelgrass or *Caulerpa taxifolia* were found at or in the vicinity of the project site. The survey also identified dominant flora and fauna within the waters of the subject site including a variety of filamentous red and turf brown algae, sargassum weed, common motile and sessile macroinvertebrates, and common fish species. The soft bottom benthos was covered with common species such as infauna burrows, epifauna, and tube anemones. The soft bottom species identified in the biological survey are not listed as sensitive, endangered or threatened.

In an effort to minimize impacts to biological resources, the applicant proposes to incorporate construction BMPs to avoid shading submerged aquatic vegetation to the maximum extent feasible by moving them prior to installing the piles or slightly adjusting the pile's location in order to minimize impacts to marine species. Thus, the increased over water surface coverage and increased pile footprint on the soft bottom area has been minimized to reduce impacts to marine organisms.

However, the survey was conducted more than one year ago and conditions at the project site may have changed. Therefore, **Special Conditions 1 & 2** require the applicant to conduct a new eelgrass and *Caulerpa taxifolia* survey prior to the commencement of construction in order to ensure that eelgrass and *Caulerpa taxifolia* have not migrated to the area in the time since the previous survey was conducted. If these species are found during surveys, then the applicants shall determine if any eelgrass was adversely affected. If so, a mitigation plan shall be submitted utilizing ratios identified in Section B of Special Condition 1. For *Caulerpa taxifolia*, the applicant must provide evidence that all *Caulerpa taxifolia* discovered onsite have been removed.

Therefore, as conditioned, the project will maintain and minimize impacts to marine biological resources.

Water Quality

The increase in dock surface area will result in increased site runoff and wastewater discharges into the Pacific Ocean, including contaminated rain water from pumpout and fuel stations, wastewater from wash-off stations, toilets, and sinks. In addition, if not properly treated or maintained, contaminants from pile and dock material may enter the water and may potentially add plastic debris into the marine environment due to cracking, peeling, and sloughing of float materials such polyethylene.

The certified LCP requires any new development to prepare a Water Quality Management Plan (WQMP) that incorporates BMPs to reduce the “volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site.” The applicant submitted a comprehensive WQMP that addresses proposed utility infrastructure and drainage methods, pollutant management programs for boat cleaning, invasive species, solid and liquid waste, and petroleum control. The applicant has proposed the follow non-exhaustive list as part of the WQMP to address the above-mentioned issues:

- The proposed project includes outdoor wash stations that would be utilized by emergency response personnel who would be required to immediately decontaminate any contaminated equipment or themselves upon return from an emergency response operation. The contaminated wash-off water would be contained in a double-walled tank on the dock and pumped by a waste water handling company to be treated offsite. The sump pump station would be operated, maintained, and inspected by the County.
- The new fuel dispenser would be connected to the land via sealed containment sumps and would be equipped with a leak detection monitoring system to minimize contamination of fuel into coastal waters.
- In order to prevent recreational and commercial boating related spills, boating BMPs would be implemented and spill kits would be provided at the dock in case such events occur.
- With regard to dock materials, the proposed dock would be composed of concrete with timber components. The timber would be treated with ACZA timber preservative, which is the preferred alternative as opposed to creosote, a carcinogenic chemical that is detrimental to marine wildlife. However, no timber is expected to be submerged in water.
- The piles would be composed of concrete, and is the least environmentally harmful and preferred material as it does not require preservative treatment.
- Construction will mainly occur over water using water-based equipment, and any land-based equipment for construction will be staged in the north portion of the parking lot.

The above is a nonexhaustive list of water quality measures outlined in the applicant's WQMP. Staff water quality scientists have reviewed the WQMP and found it acceptable. Therefore, [Special Condition 3](#) requires that the applicant comply with construction best management practices that minimize impacts to water quality and marine biology.

In addition, the applicant provided a list of periodic repair and maintenance procedures typically required to maintain the safety of the dock structure, including:

- Replace metal braces that attach the dock fingers to the headwalk
- Replace 8-ft. long pontoon modules that support the connection between the pontoon and timber edges of the dock which allow the dock to float
- Replace dock-to-pile guide roller brackets which allow vertical movement of the dock
- Repair concrete pontoon cracks
- Repair of broken water lines and electrical power supply to various slips
- Maintenance of trash collector by scooping up collected trash and disposing it off-site

The County's maintenance procedures are a response to maintain broken components of the dock after a storm event and are conducted on an as needed basis. The replacement activities that occur on the dock do not enlarge the footprint of the existing structures. The applicant proposes to follow best management practices when performing any repair and/or maintenance activities. This includes removing floating debris to be disposed off-site properly at an approved disposal area, using materials such as polyuria and epoxy that do not leach into coastal waters, using floating silt curtains to limit spread of turbidity plumes, and as further described in Special Condition 3. As conditioned, the maintenance activities will not have a significant impact on water quality and marine resources because impacts have been minimized through best management practices.

Fill of Open Coastal Waters

Section 30233(a) of the Coastal Act applies to fill of open coastal water, and contains three basic requirements: 1) the fill must be limited to certain allowable uses listed in Section 30233(a), 2) there must be no feasible less environmentally damaging alternative, and 3) feasible mitigation measures must be provided to minimize adverse environmental effects.

Allowable Use

The existing dock facility is currently utilized for the berthing of public safety vessels and for temporary docking of recreational vessels in distress, and serves as a 24-hour emergency operations platform for public safety personnel to perform coastal law enforcement and emergency response operations such as search and rescue. The County proposes to replace the current dock with a new, larger dock structure in order to accommodate expanded public safety operations and responsibilities. The project, therefore, will result in the installation of 41 concrete piles (an increase of 13 piles) and fill of open coastal waters.

Section 30233(a) limits fill of open coastal waters to certain, identified allowable uses, including new or expanded boating facilities (Section 30233(a)(3)). As the dock replacement project involves installation of an expanded dock to serve public safety boating operations, the project involves an allowable use under Section 30233(a).

Alternatives Analysis

The applicant assessed the possibility of locating the Public Safety Dock facilities to other locations that could reduce the amount of fill and disturbance of soft-bottom habitat, including: areas within the harbor; within the existing building landward of the subject site; in a new building on land, but within the general vicinity of the existing site; and in between the existing dock and the seawall on top of the existing rock revetment. The alternative locations were found to be infeasible by the applicant for the following reasons.

The existing dock facility operates in tandem with the Los Angeles County Beaches and Harbor Department offices immediately landward of the project site. The County office building currently supports dock facility operations, and due to the limited space and expansion of jurisdiction and responsibility, the dock facility operations require additional space in the existing County office structure landward of the dock. Locating the facilities landward, within the existing structure, is not feasible due to overcapacity and the need for emergency responders to be located on the water in direct contact with emergency launch facilities (i.e. boats). Additionally, the emergency response equipment must be located as close as possible to the emergency launch facilities in order to minimize response time. Therefore, siting the facilities within the existing County operated office building landward of the site is not feasible.

Locating the facilities in a new structure on land but within the general vicinity of the subject site is not feasible for the same reasons mentioned above, but also due to the lack of available sites that would be appropriate to construct any new structures. For example, the only "open space" available in the area is currently used for public parking, parking for the Coast Guard and County facilities, or is part of the Ballona wetland preserve and therefore not a viable option for siting the proposed emergency response facilities. Therefore, siting the facilities in a new structure on land and within the harbor is not a feasible option.

Finally, the proposed project could not be constructed over the rock revetment between the existing dock facility and the seawall because the variable nature of the tides may compromise the structural stability of the facility during low-tide. Therefore, the current location is the most feasible location for the public safety dock because it would not displace existing encumbered parking facilities; it would not occupy a sensitive habitat area; and most importantly, it would minimize emergency response time by locating personnel and equipment in the direct vicinity of emergency launch craft while maintaining the current siting of the dock near the mouth of the jetty, which allows quick access along the coastline and to the open waters of the Pacific Ocean to which the emergency response personnel would be directed in response to a call.

Mitigation Measures

Section 30233(a) requires feasible mitigation measures to minimize adverse environmental effects. The project has been conditioned to minimize impacts to biological resources by requiring surveys for eelgrass and creation of a mitigation plan if any eelgrass is identified through surveys (**Special Condition 1**), surveys for *Caulerpa taxifolia* and a demonstration that any identified *Caulerpa taxifolia* have been removed from the project site (**Special Condition 2**), and implementation of water quality best management practices to avoid and minimize impacts to aquatic vegetation and protection of water quality (**Special Condition 3**)

The proposed dock support piles will result in the disturbance of 47.44 square feet of soft-bottom habitat. The Commission typically requires mitigation for impacts to soft-bottom habitat. Here, the applicants have demonstrated that the number of piles and related disturbance of soft-bottom habitat is the least amount necessary to structurally support the dock, and that the new dock system is necessary for public safety operations within the Los Angeles County coastline. Furthermore, staff was unable to identify areas within or near the subject site that may provide areas to create soft-bottom as mitigation for impacts of additional fill. This is due to the fact that the marina is completely developed, and does not provide additional “open spaces” that would allow digging to create additional soft-bottom. Thus, feasible mitigation to off-set impacts to soft-bottom habitat was not identified, although the project is otherwise conditioned to minimize impacts to biological resources.

The proposed project is designed to be the minimum size necessary to meet the demands and requirements of the County’s emergency response teams. As proposed and conditioned, the proposed project will not adversely impact the biological productivity of ocean waters and is the least environmentally damaging option that minimizes fill of coastal waters. Therefore, the Commission finds that as proposed and conditioned the development conforms with Sections 30230, 30231, and 30233 of the Coastal Act.

C. ENVIRONMENTALLY SENSITIVE HABITAT

Section 30240 (b) of the Coastal Act states:

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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

According to the certified LCP, there are no sites designated as ESHA located in Marina del Rey; however, the Ballona wetlands, the least tern nesting area on Venice Beach, and Ballona Lagoon are designated ESHA sites that border Marina del Rey. As such, sensitive species can be found in Marina del Rey for foraging, roosting, nesting, and other activities. For example, Great Blue Herons have been observed roosting and nesting in mature trees adjacent to the wetlands, within the marina. The applicant's biological resources assessment stated that no least terns or brown pelicans were observed in the vicinity of the project site or within the area of the project site. Additionally, the project site is located in coastal waters which are used by colonial waterbirds such as Double-crested Cormorants, Black-crowned Night-Herons, Great Blue Herons, Great Egrets, and Snowy Egrets. While the proposed project would not displace any roosting or nesting sites, nesting birds within the marina could be adversely affected by construction noise and activities. The certified Marina del Rey LCP, which may be used as guidance to evaluate this project's consistency with the Coastal Act, includes a comprehensive set of nesting bird protection policies to minimize construction impacts on nesting birds, which the applicant is required to observe.

The project is not expected to disturb sensitive bird species; however, in order to avoid unintended impacts to nesting birds that may be in the area, **Special Condition 4** requires the applicant to conduct a biological survey, rendering the services of a qualified biologist, of the trees within 500 feet of the project site prior to construction activities. Noise levels caused by pile driving activities shall be reduced to 85 decibels as measured from any nest sites in order to provide additional protection to the aforementioned birds and other sensitive species which may be found in or adjacent to the project area. Furthermore, in order to avoid disturbance to the nesting and foraging of the nearby Least Terns, **Special Condition 5** restricts construction activity that may generate noise or turbidity between April 1st and September 1st. As conditioned, the project is consistent with Section 30240 of the Coastal Act.

D. VISUAL RESOURCES

Section 30251 Scenic and visual qualities

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.

The project site is located immediately seaward of the Los Angeles County Department of Beaches and Harbor office building. This portion of the marina does not contain any public recreational facilities or accessways and does not have a direct impact to public views. Immediately to the north is Fisherman's Village, a visitor-serving commercial center which contains a public boardwalk on the bulkhead along the water. The public boardwalk terminates at the north section of the County's paved public parking lot. West of that site is the public parking lot used to serve visitors to the County office, and further west is the Marvin Braude Bike Trail located on Fiji Way. According to

the LCP, the “Marvin Braude Bike Trail [is] a 19.1 mile bike path from Torrance Beach to Santa Monica [and] provides an unequalled coastline experience”. One of those destinations along the bike trail is the public boardwalk in Fisherman’s Village because it offers views of the ocean and marina. These views are protected under the LCP, which provides that the height of development located on parcels designated as Water is limited to 15 feet above the water surface.

According to the plans, the emergency response structures will be 14 ft. 10 in. high and the proposed piles will occur at an elevation of 15 ft. MLLW. The existing bulkhead is 12 ft. MLLW at this location of the harbor. As the tide changes, the elevations of the proposed dock structures can range from 1 ft. to 10 ft. above MLLW, which could rise to approximately 11.5 ft. above the bulkhead and impacting public views to and along the coast from the adjacent boardwalk. Public views from the bike path on Fiji Way will not be impacted due to the presence of the existing County office building seaward of the bike path. Views from the southern portion of the public boardwalk may be temporarily impeded because the dock structures would rise to a height above the bulkhead that would break up the continuous ocean and harbor views. However, the dock structures rising above the bulkhead will occur twice within 24 hours during high tides since the Pacific Ocean tide experiences a semidiurnal cycle. The dock facility would only be visible once during the daytime when the general public populates the boardwalk and is able to view the ocean and harbor. Furthermore, the Commission has approved projects in the past which have allowed over-water structures to maintain a 15-ft. height limit (CDP Nos. 5-11-131 (Los Angeles County) and 5-98-344 (Loyola Marymount)) that minimizes view impacts to and along the coast. Although views to the ocean and marina may be somewhat obstructed during times of high tide, the maximum height of the piles and emergency response structures comply with the LCP and are consistent with past Commission actions in the area.

As proposed, the project is consistent with Section 30251 of the Coastal Act that protects ocean views to and along the coast.

E. HAZARDS

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) 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.*

Because of its location in the water, an inherently dynamic and potentially hazardous area, the project site must be examined for the potential for flooding and wave attack hazards, including consideration of potential impacts due to severe storm events. These hazards may be exacerbated by expected future sea level rise, which must also be considered.

Sea Level Rise

Sea level has been rising for many years. Several different approaches have been used to analyze the global tide gauge records in order to assess the spatial and temporal variations, and these efforts have yielded sea level rise rates ranging from about 1.2 mm/year to 1.7 mm/year (about 0.5 to 0.7 inches/decade) for the 20th century. Since 1990 the rate has more than doubled, and the rate of sea level rise continues to accelerate. Since the advent of satellite altimetry in 1993, measurements of absolute sea level from space indicate an average global rate of sea level rise of 3.4 mm/year or 1.3 inches/decade – more than twice the average rate over the 20th century and greater than any time over the past one thousand years. Recent observations of sea level along parts of the California coast have shown some anomalous trends; however, the climate is warming, and such warming is expected to cause sea levels to rise at an accelerating rate throughout this century.

The State of California has undertaken significant research to understand how much sea level rise to expect over this century and to anticipate the likely impacts of such sea level rise. In 2013, the Ocean Protection Council (OPC) adopted the National Research Council (NRC) report, “Sea level Rise for the Coasts of California, Oregon, and Washington: Past Present and Future”, as best available science for the State of California, and recommended in its 2013 State Sea level Rise Guidance that state agencies and others use these projections in their planning processes (the Coastal Commission also adopted the NRC report as best available science its 2015 Sea level Rise Policy Guidance). Two subsequent OPC reports have updated the best available science, including the *Rising Seas in California: An Update on Sea-Level Rise Science*, released in April 2017 by a working group of OPC’s Science Advisory team, and the *State of California Sea Level-Rise Guidance: 2018 Update*. The OPC’s most recent projection in its statewide sea-level rise guidance is that in this area sea levels may rise between 2.2 and 5.5 feet by the year 2090, though there is a risk of much more significant sea-level rise depending on various uncertainties, including the dynamics of ice sheet loss. The projection is given in a range largely because researchers cannot know exactly how much greenhouse gases we will continue to emit over the coming decades – large-scale curtailment of greenhouse gas emissions would keep sea level rise towards the lower end of the projections, while business as usual emissions scenarios would result in the higher end of the projections. Because the world has continued along the “business as usual” scenario (and data suggests temperatures and sea level rise are tracking along the higher projections), OPC and the Natural Resources Agency have continued to recommend that we avoid relying on the lower projections in planning and decision-making processes.

As our understanding of sea level rise continues to evolve, it is possible that sea level rise projections will continue to change as well (as evidenced by the recent updates to best available science). While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea level change is clear and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

On the California coast, the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, which will result in increased flooding, erosion, and storm impacts to coastal areas. On a relatively flat beach, with a slope of 40:1, a simple geometric model of the coast indicated that every centimeter of sea level rise will result in a 40 cm landward movement of the ocean/beach interface. For fixed structures on the shoreline, such as a seawall, an increase in sea

level will increase the inundation of the structure. More of the structure will be inundated or underwater than is inundated now and the portions of the structure that are now underwater part of the time will be underwater more frequently. Accompanying this rise in sea level will be an increase in wave heights and wave energy. Along much of the California coast, the bottom depth controls the nearshore wave heights, with bigger waves occurring in deeper water. Since wave energy increases with the square of the wave height, a small increase in wave height can cause a significant increase in wave energy and wave damage. Combined with the physical increase in water elevation, a small rise in sea level can expose previously protected back shore development to increased wave action, and those areas that are already exposed to wave action will be exposed more frequently, with higher wave forces. Structures that are adequate for current storm conditions may not provide as much protection in the future.

Application to this Project

The applicant submitted a coastal hazards analysis that assessed the vulnerability of the proposed dock structure to wave and wind loads from anticipated sea level rise. The analysis, as part of the “Description of Proposed Development” letter dated April 2018, provides estimates of projected sea level that are enumerated in the CCC’s Sea Level Rise Policy Guidance document, adopted in August 12, 2015, as updated by the Commission in November 2018. By the year 2090, it is anticipated that 17 to 66 inches (1.5 feet to 5.5 feet) of sea level rise will occur. According to the applicant, the subject site is projected to experience an estimated wave height of 1.5 feet from storms with a maximum high tide observed at 7.6 feet MLLW. In a moderate scenario, if storm waves (1.5 feet) were to occur during high tide (7.6 feet) along with sea level rise (1.5 feet), water elevations could occur at 10.6 feet MLLW. In an extreme scenario, if storm waves were to occur during high tide along with sea level rise (5.5 feet), water elevations could occur at 14.6 feet MLLW. Since the proposed dock structure will be located on water, storm waves that are exacerbated by sea level rise can compromise the structural integrity of the dock that can crash against the wall, resulting in overtopping and inundation of the existing bulkhead (12 feet MLLW) landward of the dock structure.

With regard to sea level rise, the proposed dock system has been designed to adapt to changing tides and water elevations. The dock itself is designed to float and move vertically along the piles. The piles lengths have been designed to be extended in the future, if necessary, in order to accommodate rising sea levels by attaching a vertical precast concrete column to the top of the concrete pile.

In regard to hazards, the emergency response structures to be located on the dock would be constructed on 1.3-ft. tall freeboards, which would be permanently attached to the dock surface to provide structural stability during movement from wave action. In addition, there is a breakwater located approximately 1.1 miles from the subject site at the mouth of the marina that significantly reduces wave energy before reaching the site. Although the structures are to provide stability to the maximum extent feasible, floating docks situated on coastal waters are exposed and vulnerable to unpredictable wave action from storms.

However, no development in the ocean or near the shoreline can be guaranteed to be safe from hazards. All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, and storms. The proposed project is located in the Pacific Ocean subject to tidal action and is susceptible these natural hazards. Therefore, the applicant must assume the risks of development in this coastal area. Thus, [Special Condition 6](#) ensures that the

permittee understands and assumes the potential hazards associated with development in or near the water. As conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

F. LOCAL COASTAL PROGRAM (LCP)

In 1984, the Commission certified the 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, Play 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. The LCP has been updated several times.

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.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's 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. According to Appendix B of the application, the project received a categorical exemption on April 2, 2018.

As conditioned, the Commission finds that the proposed project has minimized impacts to water quality, sensitive species, visual resources, and hazards. There are no feasible alternatives or

additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to minimize the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.