

REPORT OF THE
RECREATIONAL BOATING WORKING GROUP

on the
Marina del Rey LCP Periodic Review Response

Submitted to:
THE DEPARTMENT OF REGIONAL PLANNING
COUNTY OF LOS ANGELES

MAY 2009

I. PERIODIC REVIEW RECOMMENDATIONS SECTION

Recommendation #1

The County should require an updated comprehensive boater use, slip size, and slip distribution study which is no more than five years old for each dock redevelopment project that affects slip size and distribution of slips, to assess current boater facility needs within the individual project and the Harbor as a whole.

MAJORITY COMMENTS

It is the opinion of the Recreational Boating Working Group ("**RBWG**") that in addition to the study discussed in Recommendation #1, an historical assessment should be completed which accounts for the loss of slips to date since the inception of the marina. The accounting should include but not be limited to a change in slip count when a double slip is used as a single and the amount of sea wall-adjacent berthing space eliminated as a result of policies related to sea wall protection.

It is also the opinion of the RBWG that Recommendation #1 should be expanded as described below:

The County shall require a comprehensive study of recreational boating in the Marina which shall include: an inventory of wet slips by size category, dry storage spaces, human-powered crafts (such as canoes, rowing shells, and kayaks) and boater parking; vacancy rates of slips and dry storage; a survey of boat size (length and beam) and boat type; and an evaluation of boat usage.

The County shall commission a 3rd party to create a study design to clearly establish study objectives and data collection protocols. The study design should be completed by the time of submittal of the County's response to the Coastal Commission Periodic Review. The County shall also commission a 3rd party to conduct a "baseline" comprehensive study using the study design guidelines. The baseline comprehensive study should be completed no later than one year after the completion of the study design.

Subsequent to the completion of the baseline comprehensive study, an update to the study shall be required at the time of application for any dock redevelopment project. The update shall include all dock redevelopment projects completed and proposed since the last study. If more than five years have elapsed since the last study, a new study shall be required.

The reasons for the Group's recommendation of the alternative above include:

- Availability of dry storage spaces, boater parking and counts of human-powered crafts are aspects of assessing current boater facility needs;
- Vacancy rate data would be a useful indicator of marina usage and availability of boating facilities;

- A survey of boat size would provide a picture of “slip efficiency” (boats larger than slips and vice versa);
- An evaluation of boat usage (live-aboard, times used per week/month/year, length of trip hours/days, etc.) would be a useful indicator of marina usage;
- A study design should be created to ensure that the baseline study, all subsequent studies and study updates are undertaken in a consistent manner
- The use of an independent 3rd party to create the study design and conduct the “baseline” study is important to the quality and transparency of the data collected and the study produced;
- Including a timeline would help ensure timely completion of the study design and baseline study; and
- Additional information/clarification was provided to indicate what would “trigger” an update.

MINORITY COMMENTS

A portion of group members thought the following also should be included in the comprehensive study: an analysis of economic, environmental and social impacts of marina redevelopment; an analysis of slip efficiency (size of boat compared to size of slip); a survey of commercial versus privately owned and operated boats; a survey of boater facilities; and information as to market conditions in nearby marinas.

INDIVIDUAL COMMENT - ANDY BESSETTE

The ONLY purpose of such a study is to glorify and lend credence to the county's pitiful planning, which is to fast-track the developers agendas. Any study hired done by the county will look EXACTLY like the same study hired done by the developers to whom the county is subordinate, and will be of no practical use except to deceive the public. The proof of this will be found within the most recent study, where Noble has proven that, for \$70,000-\$80,000, the county and developers have been able to buy EXACTLY the study they wanted--word-for-word, to order!

With today's economy, and government spending so aggregiously out of control, county taxpayers should not have to pay for information that the county mostly should know already, they having so recently approved of so many MDR renovations which included unconscionable reductions of boat slips, the loss of related boat-owner parking, and the loss of access for thousands of boat-owners. To charge taxpayers for a "study" now is in extremely poor taste.

Instead, our recommendation should be for the California Coastal Commission to seriously question the master plan, acknowledge publicly what a hash the county has made of the redevelopment planning so far, and to insist on an immediate halt in all redevelopment until their mistakes can be rectified, and competent and honest management can be found.

INDIVIDUAL COMMENT - JON NAHHAS

At least every 10 years The Comprehensive Boating Study should include all economic, social, and environmental impacts of recreational boating in Marina

del Rey. The Boating Study should be conducted using the square footage of the boat slips rather than the linear feet.

Recommendation #2

Through the development review process and through improvements to existing facilities, continue to provide a mix of small, medium and large boat slips which is based on updated information from the comprehensive study discussed in recommendation 1 above.

MAJORITY COMMENT

The RBWG offers the following alternative recommendation:

The County needs to address the growing population of Los Angeles County and the need for all recreational boating opportunities to equitably serve all economic sectors of the population. The County should provide for a mix of small, medium and large boat slips which places the highest priority on recreational boating needs over market trends and is based on updated information from the comprehensive study discussed in Recommendation 1 above.

INDIVIDUAL COMMENT - ANDY BESSETTE

As stated "...continue to provide a mix...based on information from the comprehensive study ..." wrongly implies that the county should keep doing a good job, which they certainly have failed miserably to do. Instead, #2 should severely berate the county for allowing greed and corruption to determine the existing slip mix, and should encourage them towards restoring the healthy mix of slips originally provided, increasing the numbers of all slip sizes.

Recommendation #3

Section A3, Recreational Boating, Policy and Action e2, regarding the "Funnel Concept" for boat slip expansion, should be deleted as a policy and action from the Land Use Plan. The County should investigate other alternatives to increase recreational boating within the Marina, assure lower cost boating opportunities and adopt policies requiring implementation of such other alternatives as are found to be appropriate. Other alternatives that should be considered, but are not limited to:

- **creating additional slips along the main channel, end ties, or other areas, where feasible;**
- **maintaining a mix of boat slip lengths throughout the Marina;**
- **increasing day-use rentals;**
- **encouraging boating membership programs; requiring marinas that reduce the number or proportion of slips to provide public access to affordable lower cost boating opportunities for the general public through such**

mechanisms as: contributing fees to develop new boating programs for youths, including disadvantaged youths, development of new lower cost boating facilities for all members of the general public; and encouraging boating membership programs; or similar mechanisms;

- **continue to monitor existing launch ramp facilities, estimate projected increases in demand and develop measures to increase capacity where needed;**
- **providing additional boat storage facilities, including areas for small non-motorized personal watercraft (i.e. kayaks, canoes and dinghies).**

MAJORITY COMMENTS

The RBWG agrees that the “Funnel Concept” as specifically described in the LUP on pages 3-4 and 3-5 and depicted in Map 6 of the LUP, should be deleted as a policy. In addition, the RBWG agrees with the suggested alternatives with the following exception:

Regarding the last bullet point, rowing shells should be added to the list of non-motorized personal watercraft and “canoes” should be clarified to be “outrigger” canoes as follows – “providing additional boat storage facilities, including areas for small non-motorized personal watercraft (i.e. kayaks, outrigger canoes, rowing shells and dinghies).”

Additionally, it should be noted that a significant portion of our Working Group is comprised of individuals representing the non-motorized personal watercraft community. This group raised concerns that expansion into the channel may encroach upon or compromise safety for non-motorized boaters. Accordingly, any proposal for expansion into the main channel should take into account the needs of this segment of the recreational boating community.

INDIVIDUAL COMMENT - ANDY BESSETTE

This recommendation showcases the disingenuousness and corruption of its' authors. Now that thousands of active boaters have lost their slips, and now that significant redevelopment has already taken place (insuring the loss of those slips), the suggestion for new opportunities to increase recreational boating is insulting. And, with such recent unsupportable and unprincipled slip-rent increases, who dares to ask for lower cost boating?

INDIVIDUAL COMMENT - JON NAHHAS

The County should create additional slips along the main channel for larger boats 36' and above, where the redevelopment has not already occurred.

Recommendation #4

Through the development review process and through improvements to existing facilities, provide short-term day use docks at or in close proximity to visitor-serving facilities, such as parks, Fishermen's Village, and restaurants.

MAJORITY COMMENT

The RBWG generally agrees with Recommendation #4, but thinks it could be improved and clarified by adding the following (*underlined and italicized*):

The County shall enhance short-term docking opportunities throughout the Marina, through the development review process and through improvements to existing facilities. A comprehensive marina-wide review would identify opportunities to provide short-term day use, guest and dinghy docks at or in close proximity to visitor-serving facilities, such as parks, Mother's Beach (dinghies only), Fisherman's Village, and restaurants.

The reasons for the Group's recommendation of the alternative above include:

- Additional short-term docking facilities would provide for more boater use and recreational opportunities in the marina.
- All types of water craft, including dinghies, need to have access to visitor-serving facilities.
- The County should conduct a marina-wide assessment to identify opportunities, set priorities and provide design guidelines for short-term day use, guest and dinghy docks.

INDIVIDUAL COMMENT - JON NAHHAS

The County should provide access for recreational boaters in the protected recreational areas of the harbor, including but not limited to Burton Chase Park and Mother's Beach.

Recommendation #4a

No reduction in total boat slips and no reduction in slips 35 feet or less in length.

MAJORITY COMMENT

The majority of the RBWG voted against supporting Recommendation #4a.

MINORITY COMMENTS

A portion of the RBWG supported the following comment drafted by Roger Van Wert:

The policy should be revised because it cannot feasibly be implemented and would establish a slip mix that is inappropriate for Marina del Rey.

Rationale:

The redevelopment of several marinas has led to loss of approximately 448 slips, with a disproportionate amount of the loss among smaller slips, less than 26 feet (*Periodic Review, p53*). The reductions have resulted in questions as to the appropriate slip mix. Studies have brought to light information that underpins the efficacy of reducing the number of small slips to better align the slip mix with the needs of the current market (*Noble, 2009*). Specific factors supporting this conclusion include:

1. There are a minimum of 2,400 wet slips under 35 feet in the marina (*Noble, 2009, p10*). Even if all the proposed marina redevelopment projects were approved and constructed, small boats would comprise 58% of the wet slips in the marina - more than adequate to meet the demand for wet slips.
2. The slip mix of marinas that have not yet redeveloped was determined 50 years ago when the Marina was first built. Redevelopment should respond to today's needs, rather than follow a half-century old pattern.
3. Today's marina design standards (DBAW) call for more water area per slip than the designs used a half century ago (*Noble, 2009, p28*). Therefore, it is not possible to maintain the same number of slips in most redeveloped marinas since additional water area is not available. This fact alone is adequate justification to delete the proposed policy.
4. The demand for wet slips 35' and under in Marina del Rey is being met as evidenced by the vacancy rates for slips in this category. Vacancy rates for slips 35 feet and under are substantially higher than the rates of larger boats (36 ft. +) (*Noble, 2009, p23*). This higher vacancy rate indicates sufficient or excess supply of smaller slips.
5. There are proposals before the County to add several hundred dry-stack spaces in the near future which will serve boats 35 feet or less.
6. The shortage of available boat slips 40 feet or longer means this portion of the recreational boating community is not well served by the present slip mix. A slip mix which reflects today's demand would result in relatively equal vacancy rates by slip length.
7. Smaller boaters (generally 30 feet and under) have a number of available storage options (dry storage, personal property, commercial RV storage lots) not readily available to larger boats (generally 40 feet and above), which by and large must be stored in the water.
8. The vacancy rate for slips less than 26 feet is approximately four times that of larger slips, indicating an excess supply in this size category. Therefore, the minimum slip length for redeveloped marinas should be 30 feet except where necessary to address specific space limitations (*Noble, 2009, p34*).
9. An unachievable policy undermines all the policies of the LCP (If this policy cannot be addressed successfully, then it provides a basis to question the need to follow other policies as well).

Given these factors, a policy requiring no loss in the number of total slips and no reduction of slips 35' and under, does not make sense and is not supported by the facts. LCP policies related to slip mix should encourage a greater percentage of larger slips to address the existing shortage of larger slips, while insuring that an adequate number of small wet slips remain.

A portion of the RBWG supported Recommendation 4a as written.

A portion of the RBWG commented that the County should seek to restore lost boat slips.

INDIVIDUAL COMMENT - ANDY BESSETTE

This is so totally inadequate. No reduction of slips 35-feet and under? Now that thousands of boaters have already lost their slips? We must insist on the restoration of ALL lost slips before taking this seriously.

In summary, this work-group has been completely and totally managed by the overwhelming majority presence of the developers and their county subordinates, and by their hired consultants, the results of which they hope will disguise their corrupt dealings and transgressions against the boaters of this marina. The public has been lied to at every turn. The true monsters can be found among the county supervisors, regional planning, beaches and harbors, the developers and their hangers-on; they should be held accountable. They are responsible for cutting the heart out of the marina--the very most active group of boaters the marina was built for--the small boaters.

II. OTHER ISSUES AND CONCERNS SECTION

MINORITY COMMENTS

A portion of the RBWG voted to support the following comments drafted by Jon Nahhas:

Recommendation LA Mariner 1: The County shall require centralized pump-out stations on all redeveloped docks at least every 3 slips and ensure that no cost would be passed on to the recreational boater.

Recommendation LA Mariner 2: The County of Los Angeles shall implement a "Cost Recovery Methodology" for assessing boat slip prices of non-commercial boating activity. The costs of the monthly rent on slips would be based on the cost to build the slip along with maintenance costs. All of the slip prices would be listed on a County website and completely transparent. The use of square footage to assess pricing.

Recommendation LA Mariner 3: The County shall begin a vendor performance evaluation and rating system to ensure that the quality of facilities and service is of the

upmost importance. This should include a comprehensive website and transparent process for the boating consumers to make an informed decision.

Recommendation LA Mariner 4: No blue tarps, torn sails, or sail covers visible unless in emergency situations not to exceed 48 hours. Bilge pumps cannot be exhumed more than once per day.

Recommendation LA Mariner 5: The County shall ensure that all recreational and commercial boaters be provided leases with landlord/tenant rights. This would provide lower recreational costs and help provide piece of mind in the recreational arena.

Recommendation LA Mariner 6: Absolutely no construction of health clubs, bathrooms, laundry-facilities or other non-essential buildings over the water. Our water space is an extremely valuable resource.

INDIVIDUAL COMMENTS - NANCY MARINO

- 1. The County should analyze the cost recovery method for determining slip rates, rather than relying solely on "market rate" surveys of regional marinas, to determine a fair and reasonable cost to recreational users of Marina del Rey.**

By using "market rate" pricing for recreational boat slips, the County is effectively promoting the gentrification of the Marina. Slip prices are rising at a much higher rate than is justified by the costs associated with marina maintenance and upkeep, forcing low- to moderate-income slip tenants out of their slips. Any raise in slip fees other than a CPI adjustment should be assessed to determine whether proposed additional maintenance and/or improvement costs justify such an increase.

- 2. Revenues from recreational boating should be used first for the maintenance and enhancement of recreational boating facilities and opportunities. The County should place all funds from boating fees, including all slip rents, into a separate fund for use in maintaining and improving Marina del Rey.**

While it is desirable for public recreational facilities to pay for themselves, recreational boaters should not be forced to subsidize other County programs (however meritorious). There is no mandate for recreational boaters should pay for County programs disproportionately to any other County resident.

- 3. The County should analyze commercial use of slips and its impact on recreational boater demand, especially in the larger slip categories. For-profit use should be charged at a higher rate than recreational users.**

This could be done by charging a premium based on the slip fee, as is done with live aboard premiums, or a two-tier pricing scheme.

4. Comprehensive LCP Revision.

After full public participation, the County should submit a comprehensive revision of the 1996 certified LCP that: (1) reflects the County's current policy and planning for visitor-serving uses, public recreation, land use and development, and (2) addresses comprehensively the related issues of: environmental impacts, public access, traffic, public parking, balance of land uses and biological resources including environmentally sensitive habitat areas, so that the Commission can evaluate these policies and plans in a singular review for their consistency with the Coastal Act.

5. Sea/Jetty to Land View Protection Policy.

The County should immediately analyze the implications for all developable parcels in Marina del Rey to determine the limitations and other parameters for development mandated by the View Disturbance Prohibition Policy 5 on page 5 of the LCP's Chapter 9. In the course of analyzing development on any specific Marina del Rey Parcel, the County shall include a finding, justified with specific reasons, that the proposed development is consistent with this Sea/Jetty to Land View Protection Policy.

6. Strengthen View Protection for Mother's Beach: New Proposed Recommendation 35.1

The LCP should be revised to recognize and protect the intersection of Admiralty Way and Via Marina that frames Marina Beach, popularly known as Mother's Beach, which provides the key panoramic viewscape that establishes the identity of Marina del Rey as a small craft harbor and public recreation destination.

7. Protection of Recreation at Mother's Beach: New Proposed Recommendation 35.2

The LCP should be revised to protect Marina Beach, including the existing picnic shelters and solar access, popularly known as Mother's Beach, as a premier day visitor attraction in the Marina and as primary location for low cost and free recreation in Marina del Rey in addition to Burton Chace Park.

8. Comprehensive Amendment for Land Use Change: Amendment Replacing Recommendation 19

If at any time the County seeks to change the current land use designation of any parcels covered by the LCP, the County shall seek one comprehensive amendment to the LCP identifying all of the parcels in the same phase of development (for example, the current Phase II) that would be subject to change, so that all proposed

change(s) may be reviewed as an integrated plan and the balance of public uses required by the LCP and the Coastal Act may be maintained.

9. Strengthen Parking Requirements: Amendment to Recommendation 39.

In bullet 3, delete “where feasible,” so reads: “Ensures public parking adjacent to waterfront lots for beach and boating use is protected and maximized;”

10. Independent Traffic Study.

The County should commission and complete within one year, at its expense, an independent comprehensive sub-regional traffic study for Marina del Rey and the surrounding area recommending new total trip caps related to any further development in MDR. The traffic policy recommendations of this study shall be immediately incorporated by amendment into the Marina del Rey LCP. Until such study is completed, no CDPs resulting in net traffic trip increases shall be issued in Marina del Rey. An example of the degree of independence recommended would be a study wherein the Coastal Conservancy, for example, selected and managed the entity doing the traffic study.

11. Independent Boater Study: Amendment Replacing Recommendation 1

The County should commission and complete within one year, at its expense, and make available for public comment, a new independent comprehensive boater use, slip size, and slip distribution study of Marina del Rey as a whole to assess boater facility needs (the “Boating Study”). The Boating Study should include, but not be limited to, an analysis of (a) national trends, (b) trends in Marina del Rey over the past ten years and (c) the effects the current or pending redevelopment projects at Holiday Harbor, Dolphin and Panay Way, among others, have had on the vacancy rates of small and medium slips at such facilities. The County should commission, and make available for public comment, an independent update to the Boating Study once every five years. Independent shall mean not under the control or influence of Los Angeles County officials or other interested parties.

12. Moratorium on Dock Redevelopment Projects: Amendment Replacing Recommendation 2

There should be a moratorium on the approval by the County of all applications for dock and boating facility redevelopment projects that affects slip size and distribution of slips, and on the development of any approved project that has not commenced construction that affects slip size and distribution of slips, until completion of the Boating Study referenced in Recommendation #1. All future dock and boating facility redevelopment projects shall continue to be reviewed as an integrated plan with the purpose of maintaining the balance of public uses required by the LCP and the Coastal Act based upon the required updated Boating Studies.

13. Maintenance of Affordable Housing

Los Angeles County shall actively encourage and ensure that all leaseholders constructing new or remodeled residential structures in Marina del Rey shall completely adhere to Government Code Section 65590, regarding affordable (low and moderate income) housing, in all phases of CDP application, construction and throughout the term of their leasehold. Furthermore, it is feasible that all newly constructed Marina del Rey structures replacing existing residential structures shall be built within the MDR LCP area.

14. ESHA Designation: Amendment Replacing Recommendation 44 and 52

Since the Commission and/or Commission Ecologist find the seven sites described in the analysis below to be ESHA, the County of Los Angeles should update their LCP to include this finding. (Therefore all Commission Staff references to “Sensitive Biological Resources” in Recommendations 45-51 should be replaced with “Environmentally Sensitive Habitat Area” and/or its grammatical derivatives.)

INDIVIDUAL COMMENT - JON NAHHAS

Los Angeles County shall meet or exceed the Department of Boating and Waterways ADA Guidelines by no more than a factor of 3.

III. ATTENDENCE

Meeting #1 - November 5, 2008

Andy Bessette
Jennifer Carter
Jun Dolor
Leon Felus
Fred Fisher
Harlan Holmes
Wayne Miller
Jon Nahhas
Carlos Sanchez
Greg Schem
Mike Selden
Darrell Steffey
Roger Van Wert
Paula Wildermuth

Meeting #2 - November 19, 2008

Andy Bessette
Stan Borinski
Jennifer Carter
Steven Cho
Jun Dolor
Steve Freedman
Fred Fisher
Christopher King
Wayne Miller
Jon Nahhas
Mike Selden
Roger Van Wert
Paula Wildermuth
Patricia Younis

Meeting #3 - December 3, 2008

Andy Bessette
Stan Borinski
Jennifer Carter
Steven Cho
Jun Dolor
Fred Fisher
Steve Freedman
Chris King
Wayne Miller
Jon Nahhas
Tim O'Brien
Greg Schem
Roger Van Wert
Paula Wildermuth

Meeting #4 - December 17, 2008

Andy Bessette
Jennifer Carter
Jun Dolor
Fred Fisher
Steve Freedman
Wayne Miller
Jon Nahhas
Mike Selden
Roger Van Wert
Paula Wildermuth
Jeff Juarez (DRP)

Meeting #5 - January 14, 2009

Andy Bessette
Stan Borinski
Jennifer Carter
Steven Cho
Steve Freedman
Fred Fisher
Nancy Marino
Wayne Miller

Jon Nahhas
Tim O'Brien
Greg Schem
Mike Selden
Roger Van Wert
Paula Wildermuth
Gina Natoli (DRP)

Meeting #6 - January 28, 2009

Andy Bessette
Jennifer Carter
Jun Dolor
Nancy Marino
Wayne Miller
Jon Nahhas
Paula Wildermuth

Meeting #7 - February 11, 2009

Carla Andrus
Andy Bessette
Jennifer Carter
Steve Freedman
Nancy Marino
Wayne Miller
Jon Nahhas
Roger Van Wert
Paula Wildermuth

Meeting #8 - February 25, 2009

Andy Bessette
Jennifer Carter
Steve Freedman
Nancy Marino
Wayne Miller
Jon Nahhas
Roger Van Wert
Paula Wildermuth
Gina Natoli (DRP)

Meeting #9 - March 11, 2009

Andy Bessette
Stan Borinski (end)
Jennifer Carter
Steve Freedman
Wayne Miller
Roger Van Wert

Meeting #10 - March 25, 2009

Andy Bessette
Stan Borinski
Jennifer Carter
Fred Fisher
Steve Freedman (end)
Nancy Marino
Wayne Miller
Jon Nahhas
Roger Van Wert
Paula Wildermuth