

## COUNTY RESPONSES

This section contains detailed comments for each California Coastal Commission (CCC) recommendation.

### Recreational Boating

- 1) CCC Recommendation: 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.

County Position: Support with modification.

Comment: The County has completed two studies, the Marina del Rey Slip Sizing Study and Marina del Rey Slip Pricing and Vacancy Study. Both studies considered public comment and were endorsed by the Small Craft Harbor Commission at its July 2009 meeting after discussions on the matter at three previous meetings in March, April and May 2009. The finalized reports will serve as the Marina-wide guideline for future dock redevelopment projects.

- 2) CCC Recommendation: 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.

County Position: Support with modification.

Comment: The County supports utilizing the Marina del Rey Slip Sizing Study, which recommends that Marina del Rey as a whole should maintain a slip mix for small, medium and large boat slips as follows: 50 percent of all slips should be for smaller boats 35 feet and under; 39 percent for the medium sizes, and 11 percent for the larger sizes. The Study does not recommend creating additional boat berth slips under 30 feet in length. The average slip length for Marina del Rey as a whole should not exceed 40 feet. Additionally, the Study provides a separate guideline for the redevelopment of individual marinas which allows for deviation from the aforementioned percentages as long as each marina's average slip size does not exceed 44 feet in length, unless there is justification.

- 3) CCC Recommendation: 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).

County Position: Support.

Comment: The County is committed to maintaining a proper mix of boat slip length that is responsive to the demands from small, medium and large boats. The proposed Chace Park peninsula dock replacement project will provide increased opportunities for small boat storage and day-use rentals. This proposed project also provides additional boat storage facilities, for motorized and non-motorized personal watercraft such as rowing shells, kayaks, canoes, small sailboats and dinghies.

The Department of Beaches and Harbors (DBH) requires proponents of dock replacement projects to provide opportunities for low cost boating accommodations whenever possible. For example, marinas that reduce the number of slips are required to provide public access to affordable low cost boating by contributing fees to develop or expand existing boating programs for youths, including disadvantaged youths. Wherever practical, boating membership programs or other similar mechanisms will be encouraged. DBH continues to monitor the existing launch ramp facilities to ensure their continued availability to the public and is seeking funding to improve and lengthen their useful life. Additionally, the creation of an additional dock on the north side of the existing launch ramp docks for the public to tie up for staging/rigging as well as for short term visits to nearby landside visitor-serving facilities is being studied. This additional dock, if approved, will further enhance the capacity and functionality of the existing launch ramp by providing additional dock space for boats to be prepared without blocking the launch/retrieval areas of the launch ramps themselves.

- 4) CCC Recommendation: 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.

County Position: Support.

Comment: The proposed Chace Park peninsula dock replacement project will increase the short term, day-use berthing capacity for transient use. There will also be a 140-foot side tie dedicated for four-hour use and an additional 142-foot side tie that can be used for short-term purposes should there be demand for it. Marina-wide, DBH has secured arrangements with the various anchorages to provide a network of docks for water taxi landings that provide convenient access to visitor-serving facilities in the Marina, including parks and Marina Beach.

- 4A) CCC Recommendation: No reduction in total boat slips and no reduction in slips 35 feet or less in length.

County Position: Oppose.

Comment: Due to many factors, including current building standards, Americans with Disabilities Act access requirements, State design guidelines, and policy decisions such as the abandonment of the Funnel Concept, it is impossible not to lose any slips in the

redevelopment process. Additionally, it is not practical to continue developing small wet slips that have historically suffered the highest vacancy rates and for which options exist for dry storage, while there is a shortage of larger boat slips which do not have viable alternative storage options. However, the County will endeavor to create more dry-stack storage along with other options to help offset the loss of wet slips due to the various factors affecting the redevelopment projects and will endeavor to ensure a sufficient supply of boat slips in 35-foot-or-less category by following the guidelines set forth in the Marina del Rey Slip Sizing Study.

### **Marine Resources / Water Quality**

- 5) **CCC Recommendation:** Development shall maintain, enhance and where feasible restore marine resources, including wetlands, submerged aquatic vegetation, or other important aquatic habitat areas as designated by local, state, or federal governments, consistent with Coastal Act Sections 30230 through 30233.

**County Position:** Support with modification.

**Comment:** Submerged aquatic vegetation and aquatic habitat areas are more appropriately regulated by the Coastal Commission.

- 6) **CCC Recommendation:** The LCP should be amended to require that all development that involves disturbance to shallow water marine substrate provide a pre-construction survey to determine the presence of eelgrass (*Zostera marina*) taken during the active growth period. If eelgrass is present within the project site, the project shall be redesigned to avoid impacts to eelgrass. If nearby eelgrass is impacted it shall be mitigated in conformance with "Southern California Eelgrass Mitigation Policy" Revision 8 adopted by the National Marine Fisheries Service.

**County Position:** Support with modification.

**Comment:** This issue is more appropriately regulated by the Coastal Commission.

- 7) **CCC Recommendation:** The LCP should be amended to require that all development that involves disturbance to marine water substrate within the marina and other shallow waters (up to approx. 250 ft. depth) shall provide a survey for the presence of *Caulerpa taxifolia* (*C. taxifolia*) consistent with the survey protocol required by the Southern California Caulerpa Action Team, SCCAT. If *C. taxifolia* is found within or in close proximity to the project site, it shall be eradicated prior to the commencement of the project.

**County Position:** Support with modification.

**Comment:** Disturbance to marine water substrate is an issue more appropriately regulated by the Coastal Commission.

- 8) **CCC Recommendation:** The LCP should be amended to update the policies, procedures and requirements associated with reducing polluted runoff and water quality impacts resulting from development. The update should revise policies and ordinances to ensure that Sections 30230, 30231, 30232, and 30240 of the Coastal Act, related provisions of the LCP, the County's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit and Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, adopted Total Maximum Daily Loads (TMDLs), State Nonpoint Source Control Plan, and Contaminated Sediment Task Force recommendations are integrated.

County Position: Support.

Comment: While the County's Low Impact Development Ordinance, effective January 2009, addresses some of the issues, others will be addressed in a future LCP update.

- 9) CCC Recommendation: The LCP should be updated consistent with the following principles and criteria, and to carry out the following provisions where applicable:

All development must address water quality by incorporating Best Management Practices into the development that are designed to control the volume, velocity and pollutant load of stormwater and dry weather runoff from the site during the construction phase and in the post-development condition. All new development and redevelopment projects shall integrate Low Impact Development principles designed to capture, treat and infiltrate runoff. Specific types of BMPs to be included in all development projects include site design and source control measures. In addition, treatment control BMPs shall be incorporated into all development and redevelopment types categorized as "Priority Development," under the Regional Water Quality Control Board-issued Los Angeles County Municipal NPDES Stormwater Permit and related Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, and where otherwise necessary to protect water quality in accordance with LCP marine resource and water quality related policies and provisions. The specific information necessary for an individual project will vary depending upon site characteristics and the kind of development being proposed.

County Position: Support with modification.

Comment: The County's Low Impact Development Ordinance, effective January 2009, requires the use of BMPs to manage stormwater and dry weather runoff. However, due to Marina del Rey's geology, utilizing BMPs that are designed for infiltration must be carefully sited, and used only when technically feasible and safe to do so. When infiltration of all excess volume is not technically feasible, on-site storage, reuse, or other water-conservation uses of the excess volume is required. Also, the County's SUSMP has no project type that is categorized as "Priority Development".

- 10) CCC Recommendation: LCP policies should be revised to assure that at the time of application, development proposals will be reviewed for conformance with the requirements contained in the Los Angeles County Municipal NPDES Stormwater permit and SUSMP requirements, any adopted TMDLs, applicable provisions of the Santa Monica Bay Restoration Plan, State Nonpoint Source Control Plan, Contaminated Sediment Task Force recommendations, and applicable standards and requirements contained in the Marina Del Rey LCP.

County Position: Support with modification.

Comment: The County supports the intent of this recommendation; however, the issues brought forth in this recommendation are already addressed in the County's comments to Recommendations 8 and 9.

- 11) CCC Recommendation: LCP policies should be revised to ensure that as part of the development review process:

A. All developments that require a Coastal Development Permit (CDP) are required to document site design and/or source control BMPs within drainage, landscaping or other site plans, and include sufficient detail for a determination that those are the appropriate BMPs for the project, are located in the appropriate areas of the project

and have adequate mechanisms in place to assure that the BMPs are effective for the life of the project.

Development or reconstruction of impervious surfaces, where a CDP is required, shall include source control or treatment control BMPs, such as permeable pavement, bioinfiltration or drainage to landscaping to eliminate or minimize to the extent feasible dry weather flow to storm drains or bay. Development or reconstruction of landscaping, where a CDP is required, shall use site design, source control and treatment control BMPs, such as "smart" irrigation systems and bioinfiltration to eliminate or minimize to the extent feasible dry weather flow to storm drains or bay. Plans that include infiltration BMPs should be reviewed by a geotechnical engineer if site stability issues are a concern.

- B. All developments that require a CDP and are categorized as "Priority Development" pursuant to the County SUSMP shall incorporate site design, source control, and treatment control BMPs, which are designed to eliminate dry weather runoff except those exempt under the Los Angeles County Municipal Stormwater permit and to treat runoff from the 85th percentile storm event. Such features and BMPs shall be documented in a Water Quality Management Plan (WQMP) or equivalent technical plan designed by a licensed water quality professional or civil engineer. The plan shall be sufficiently detailed for evaluation purposes, and shall include all necessary supporting calculations, descriptive text as well as graphics depicting amount, location of BMPs, as well as design and maintenance details associated with the BMPs or suite of BMPs.
- C. All BMPs implemented should be monitored to ensure that the performance achieved is at least the 75th percentile for BMP performance on the United States Environmental Protection Agency (EPA) and American Society of Civil Engineers (ASCE) National BMP database.

County Position: Support with modification.

Comment: Sub-item A has been implemented via the County's Low Impact Development Ordinance, Chapter 12.84, effective January 2009. The Ordinance includes various BMPs intended to distribute stormwater and urban runoff across development sites to help reduce adverse water quality impacts and help replenish groundwater supplies. Strategies include structural devices, engineered systems, vegetated natural designs, and education to replenish groundwater supplies, improve the quality of surface water runoff, stabilize natural stream characteristics, preserve natural site characteristics, and minimize downstream impacts.

The County supports the intent of sub-item B; however the County's SUSMP has no project type that is categorized as a "Priority Development".

Sub-item C may be problematic in that it imposes an extra burden on the County and property owners to ensure a certain degree of BMP performance. The effort required to demonstrate BMP efficiency would involve conduct of water quality sampling at both the inlet and outlet of a BMP. BMPs selected at the time of permit application should be reviewed for the adequacy of design and would be expected to have minimum pollutant removal efficiencies for their type, size and design. An alternative to this recommendation would be to establish a maintenance protocol for newly constructed BMPs with a self-certification program supported by spot inspections. The 75th percentile performance seems to be a random suggestion. To date, the State Water Resources Control Board has only studied the idea of numeric limits for discharges of storm water, particularly as

ted to BMP performance. Since there is nothing based in regulation to require a specific level of BMP performance, the County opposes this recommendation.

- 12) CCC Recommendation: The LCP should be revised to ensure that development projects will be designed in accordance with the following principles and guidelines. All projects should be designed to:
- A. Prohibit the discharge of pollutants that may result in receiving water impairment or exceedance of State water quality standards. Projects should be designed to reduce post-development peak runoff rates and average volumes over pre-development levels or to maintain such rates and volumes at similar levels to pre-development conditions, through such measures as infiltration, evapotranspiration, and storage/reuse.
  - B. Maintain natural drainage courses and hydrologic patterns.
  - C. Preserve and where possible, create or restore areas that provide important water quality benefits.
  - D. Reduce the amount of directly connected impervious area, and total area of impervious surface from traditional approaches; consider and implement alternatives to impervious material for hardscaping plans, such as porous pavement, crushed gravel, and/or concrete grid designs.
  - E. Minimize irrigation and the use of fertilizers and other landscaping chemicals. Water conservation measures, such as smart irrigation systems, shall be required, and water recycling and reuse should be encouraged.
  - F. Where site constraints allow, incorporate on-site retention and infiltration measures to slow and reduce the amount of runoff discharged from the site.
  - G. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the stormwater conveyance system.
  - H. Incorporate roof or awning covers over trash storage areas and implement other trash-control devices, such as full capture BMPs, to prevent off-site transport of trash and related pollutants from entering the storm water conveyance system. Where appropriate, include cigarette butt receptacles to reduce this common source of beach and ocean pollution.
  - I. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.
  - J. Incorporate those BMPs that are the most effective at mitigating pollutants of concern associated with the development type or use.
  - K. Include requirements consistent with other recommendations contained herein, to inspect, maintain and repair as necessary the BMPs associated with the project to ensure proper and effective functioning for the life of the development. All approved Coastal Development Permit applications which involve the use of BMPs shall include such requirements.

County Position: Support with modification.

Comment: The County supports the intent of this recommendation, as many of the items brought forth are already addressed in the County's Low Impact Development, Drought-tolerant Landscaping and Green Building Ordinances. However, any measures that incorporate infiltration of stormwater and dry weather runoff must be consistent with safety standards and should be reviewed by a geotechnical engineer if site stability issues are a concern.

- 13) CCC Recommendation: The LCP should be revised to incorporate updated guidelines for marina development/redevelopment projects, containing a list of BMPs, management measures and standards appropriate for marina development, to aid the County in its review and permitting of marina development projects. In doing so, the County should utilize resources containing the most updated information and recommendations concerning environmentally sound marina development and operation practices, including but not limited to, the California Clean Marina Toolkit (California Coastal Commission, 2004), a publication of the California Coastal Commission's Boating Clean and Green Campaign.

County Position: Support.

Comment: No comment.

- 14) CCC Recommendation: The LCP should be revised to require that in the development or redevelopment of individual marinas or launch facilities, Best Management Practices (BMPs) for marinas and recreational boating activities shall be implemented to reduce, to the maximum extent practical, the release of pollutants to surface waters. Any coastal development application for reconstruction, modification or redevelopment of marina or launch facilities shall include a Marina Water Quality Management Plan (MWQMP) that includes BMPs to control water quality impacts at each marina or launch. The MWQMP shall include the following components, as applicable, and shall be reviewed for conformance with the set of guidelines for marina related development/use to be developed by the County pursuant to Recommendation No. 13, and the following criteria, as applicable:

- A. Measures to control stormwater and dry-weather runoff from development during the construction phase and in the post-development condition, consistent with all applicable provisions outlined in Recommendations 5 through 14 of this report [Marine Resources/Water Quality section], and consistent with State and Regional Water Quality Control Board NPDES requirements.
- B. A MWQMP component that includes provisions to adequately control impacts from boating sewage, vessel cleaning and maintenance, oil and fuel discharges, fish cleaning and trash generation/disposal. Vessel sewage disposal shall be controlled by: 1) installing a fixed point dockside pumpout facility; or 2) installing slip side pumpouts; or 3) for smaller marina operators, evidence of a cooperative agreement with an adjacent marina to provide joint waste management facilities or services. The MWQMP shall also provide that adequate restrooms and portable toilet dump stations for marinas with slips for smaller boats are installed. In addition, adequate trash, recycling and cigarette butt receptacles shall be placed in convenient locations around the Marina, and should be covered and frequently serviced. The operations and maintenance component shall provide measures for marina operators to regularly inspect and maintain facilities.
- C. A component for implementing boater education measures, including signage.
- D. A component for protection against the spillage of crude oil, gas, petroleum products or hazardous substances in relation to any development or transportation of such materials.
- E. A monitoring and assessment component to evaluate the effectiveness of the MWQMP.
- F. 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 Pile wrap) and reinforced plastic for pilings (e.g. high density polyethylene (HDPE) pile armor), shall conform to the following requirements:

- i. The material used shall be durable and a minimum of one-tenth of an inch thick.
- ii. All joints shall be sealed to prevent leakage.
- iii. 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.
- iv. The plastic sleeves shall extend a minimum of 18 inches below the mudline.
- v. 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.
- vi. The lessee shall be made responsible for removal of failed docks or materials.
- vii. 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.

County Position: Support with modification.

Comment: The County does not agree with requiring a monitoring and assessment component to evaluate the effectiveness of a MWQMP. In addition, in-water development is the responsibility of the Coastal Commission to regulate and monitor.

### **New Development / Circulation**

- 15) CCC Recommendation: (A) Although redevelopment of the 1994 DKS transportation model is not recommended as part of this review, any changes to the cap system (that is based on the DKS study), if proposed, should be based on a revised model or equivalent comprehensive traffic analysis. (B) Amend LIP section 22.46.1180.A.11.b to reflect the County's current traffic study guidelines and its requirement that studies be based on and consistent with the most recent studies of major projects in the area, including models prepared for the Airport LAX expansion and Playa Vista Phase II traffic models.

County Position: Support with modification.

Comment: The County is not proposing to exceed the total p.m. peak hour trip cap on traffic; therefore, the only issue is reallocation of that trip cap throughout the Marina. This is best accomplished through a detailed traffic study, rather than a model, regardless of whether adjustments are proposed in the "cap system", so long as the total cap is not exceeded. The County retained a traffic consultant to conduct a comprehensive traffic study of all developments and roadway improvements that require plan amendments. The traffic study utilized information from recent pertinent traffic models, including those prepared for the Airport LAX expansion and Playa Vista Phase II, as well as models prepared by cities and local agencies. The study included the impact of all surrounding development projects and infrastructure projects that affect the transportation system.

- 16) CCC Recommendation: The County should consider options for funding a bus/shuttle system. Such funding could be used to support a regional bus/shuttle system operated by

a regional or local government transit agency that serves Marina del Rey. The County should amend sections 22.46.1100.C. 2 and 22.46.1190.A.3 and A.5 to require an ongoing assessment to support shuttle buses as part of all retail, residential and hotel development, as a Category 1 improvement. If funding is required as part of a lease extension, the amount contributed should be acknowledged in the issuance of the coastal development permit. Consider additional assessments for all projects.

County Position: Oppose.

Comment: The County supports funding alternative transportation programs to the greatest extent possible, and a shuttle currently operates on summer weekends. The County supports the expansion of the shuttle system in Marina del Rey, with the goal to ultimately provide year-round service, provided there is sufficient demand for the service and the funding is available.

However, the County and the Metropolitan Transit Authority (MTA) agree that, at this time, the Marina del Rey shuttle service primarily serves recreational, shopping and other non-commuter trips, and that shuttle service will not reduce commuter peak-hour demands, which is required for a Federal grant called the Jobs Access and Reverse Commute, administered by MTA. Nor has the County determined that a shuttle system will effectively mitigate the traffic impacts caused by new development along internal roadways within Marina del Rey. The County expects a shuttle system will be more effective if implemented in conjunction with a light rail transit system.

The LCP's Category 1 improvements are funded by one-time developer fees. Since the primary expenses of a shuttle system are operating and maintenance costs, Category 1 fees could not fund an ongoing shuttle system. Category 1 fees are \$1,592 per peak-hour trip, yielding a total of \$4,378,000 for the buildout of the LCP. Based on a conservative estimate of \$500,000 per year to operate a shuttle system, the Category 1 fees could not fund a shuttle system for an extended period of time. Therefore, funding a shuttle using these developer fees is not sustainable for its ongoing operation costs.

Rather than focusing on a shuttle/bus system for commuter purposes, there should be greater support of the WaterBus and other visitor-serving transportation options. Commuter shuttle services are not within the scope of the County to support without the existence of a regional transportation solution.

- 17) CCC Recommendation: The County should amend LCP Ordinances Sections 22.46.110.B, 22.46.1060, and 22.46.1190A.3, 5, 9 and 15 to require improvements or proportional contributions that would enhance non-automotive transportation from all development: pedestrian and alternative traffic modes; widened sidewalks; jitney stops; stops for water taxi; and dinghy tie-ups as part of site plan review.

County Position: Support with modification.

Comment: The County encourages a range of options for improving non-automotive transportation inside and near the Marina where feasible, and is working on several transit projects to enhance non-automotive transportation. The options include improving pedestrian access by widening sidewalks where possible, improving the South Bay Bike Trail through the Marina, extending the Playa Vista shuttle to establish shuttle service in the Marina to the extent justified, maintaining bus service into the Marina, providing water taxi service and stops, and adding pedestrian crossings where feasible (for instance, crossings of Admiralty Way at Mindanao Way and at the library were added). The County is also actively participating on the Lincoln Corridor Task Force to plan a dedicated traffic

lane along Lincoln Boulevard for bicycles and buses for the short term and light-rail transit for the long term. Development projects are currently required to increase public access by way of bicycle path and pedestrian promenade to the maximum extent possible considering the size of the parcel. DBH is also preparing dock plans for the Chace Park peninsula that include dinghy tie-ups. Additionally, developments are being required to include dinghy tie-ups, as appropriate. However, the Category 1 fee assessment does not currently include these types of improvements. The County will revise the County Code to require that these features be included as part of a site plan.

- 18) CCC Recommendation: The County should amend LCP Ordinance Sections 22.46.1050, 22.46.1100.B.2 and Appendix G to include the improvement of pedestrian access across and along thoroughfares as part of roadway design.

County Position: Support.

Comment: The County Department of Public Works (DPW) has instituted new requirements that all new development, where feasible, widen sidewalks along their frontage to provide eight-foot sidewalks on the public roads and five-foot sidewalks on the mole roads.

The County will amend Appendix G to reflect the status of various Category 1 improvements, which have been proposed by DPW to mitigate the internal traffic impacts of development within Marina Del Rey. Development-specific traffic studies have determined various lane configurations, which are intended to provide improved traffic signal operations and overall circulation while still achieving the same level of service expected from the original Category 1 improvements. In addition, the County has identified various Category 1 improvements which are either infeasible due to right-of-way constraints or have already been implemented and should be removed from the list.

- 18A) CCC Recommendation: In preparation for amending its LCP the County should 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.

County Position: Support.

Comment: The County will batch current LCP Amendments (LCPA) into a single amendment supported by a cumulative impact assessment of all LCPAs as well as all reasonably foreseeable projects.

- 19) CCC Recommendation: Revise the LCP to require that the County consider all pending project-driven amendments of the LCP that would change the designation of parcels from a public park or parking use to a private use at the same time. A project shall be considered pending if there is an approved term sheet allowing the applicant to apply for approval of the project. In considering such amendments, the County should analyze the total pattern of public serving and park uses in the Marina.

County Position: Support.

Comment: A Draft Right-Sizing Parking Study based on the pending project-driven LCP amendments has been prepared to determine demand for public parking within Marina del Rey boundaries, resulting in the right-sizing of public parking spaces for specific activity areas. All parking calculations in the LCP will be reconciled to the Right-Sizing Parking Study in the batched map and text amendment.

20) CCC Recommendation: The County should amend its LCP to include development standards that would incorporate the design elements in the Asset Management Strategy (similar to many of the LCP policies concerning public access and site design). For example:

- Maintain the visibility of public spaces;
- Integrate the building with open space and access areas; and, identify the County agency best qualified to undertake this review

County Position: Support with modification.

Comment: The County supports including policy statements in the LCP that guide development design with respect to maintaining the visibility of public spaces and integrating the building with open space and access areas. The County does not support placing specific development design standards into the LCP.

21) CCC Recommendation: The County should revise the LCP in order to include incentives to provide priority to free or lower cost public uses on waterfront parcels designated for residential use but developed with mixed uses, including visitor serving commercial and public facility uses.

County Position: Support with modification.

Comment: This is not an issue in the Marina. Only two residentially-designated waterfront parcels contain mixed uses (Parcels 15 and 18), and both are visitor-serving. The County agrees with providing incentives for free or lower-cost public uses on waterfront parcels that contain residential uses and that can accommodate mixed-use development. In fact, there are existing requirements to provide view corridors and promenade access when leases for residential developments are renewed. In addition, Beaches & Harbors uses its best efforts during the lease negotiation process to involve lessees in other public improvements, such as Marina Beach enhancements. The County does not intend, however, to adopt a policy of eliminating residential uses in favor of free or lower-cost public uses.

22) CCC Recommendation: The County should amend the LCP to strengthen development standards to preserve existing public and lower cost recreation facilities including free facilities; assure that these facilities and public rights to them are maintained.

County Position: Support with modification.

Comment: This recommendation cannot be supported in its current form because it is too vague. To the extent the Recommendation is aimed at preserving and/or enhancing park space, the County has identified areas it wishes to expand or add for open public use, such as Chace Park and Oxford Basin.

23) CCC Recommendation: The County should amend LCP Definitions to define "hotel" and should evaluate opportunities to protect the availability of, and encourage additional, short-term overnight accommodations in the Marina. To protect and maximize public access, LUP and LIP definitions and development standards should exclude private fractional ownership of hotel/motel rooms on publicly owned land designated for visitor or public uses. And for areas not designated for visitor use, in any hotel, motel or similar project that includes timeshare or fractional or condominium ownership components, the County shall address, among other factors, peak use demands in the summer, availability of units to the general public and operational provisions to require hotel/motel management of a facility. LCP Standards should ensure that such projects maximize public access in operation of

the hotel/motel, including restrictions on the percentage of units privately [individually] owned and length of stay.

County Position: Support with modification.

Comment: The County does not believe the inclusion of fractional or timeshare ownership concepts are inconsistent with the Coastal Act or current LCP so long as operational parameters ensure the facility treats hotel and timeshare/fractional visitors in the same manner.

24) CCC Recommendation: In-Lieu Fees for Lower Cost Overnight Visitor Accommodations. The County should update the existing in-lieu mitigation fee LCP policy for new development of overnight visitor accommodations in the coastal zone that are not lower cost. The in-lieu fee would be required as a condition of approval of a coastal development permit in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County. The fee would be based on the per bed "mid-range" land acquisition and construction costs to build a lower cost overnight visitor accommodation in the coastal zone of Los Angeles County for 25% of the total number of proposed overnight visitor accommodations in the new development. The fee (i.e. \$30,000 in 2007) shall be adjusted annually to account for inflation according to increases in the Consumer Price Index – U.S. City Average.

The required in-lieu fees should be deposited into an interest-bearing account, to be established and managed by one of the following entities approved by the Executive Director of the Coastal Commission: Los Angeles County, Hostelling International, California Coastal Conservancy, California Department of Parks and Recreation or a similar entity. The purpose of the account should be to establish lower cost overnight visitor accommodations, such as new hostel beds, tent campsites, cabins or campground units, at appropriate locations within the coastal area Los Angeles County. The entire fee and accrued interest would be used for the above-stated purpose, in consultation with the Executive Director, within ten years of the fee being deposited into the account. Any portion of the fee that remains after ten years shall be donated to one or more of the State Park units or non-profit entities providing lower cost visitor amenities in a Southern California coastal zone jurisdiction or other organization acceptable to the Executive Director. Required mitigation shall be in the form of in-lieu fees as specified herein or may include completion of a specific project that is roughly equivalent in cost to the amount of the in-lieu fee and makes a substantial contribution to the availability of lower cost overnight visitor accommodations in Los Angeles County.

County Position: Support with modification.

Comment: The County supports the intent of this recommendation, and aims to provide lower cost overnight visitor accommodations, including campsites and hostel accommodations near Marina del Rey; however, the proposed in-lieu fee scheme is too onerous. While adjusting the in-lieu fee annually to account for inflation is reasonable, the amount proposed in the Recommendation is not. In addition, the County could not agree to release to the State or non-profit entities the in-lieu fees collected as mitigation for Marina projects.

25) CCC Recommendation: The County should amend Section 22.46.1180 12(a), which specifies the contents of the revised final plans which are submitted to the Design Control Board to include all elements subject to the Design Control Board's review and all design elements listed in the Asset Management Strategy:

*... The design control board, as a condition of its approval, may require the applicant to return with final plans for approval of signage, landscaping, color site plans, onsite open space and project features that facilitate public uses, including parking and nonautomotive transportation including tram stops and other details.*

If the County amends the LCP to assign site plan review to the regional planning commission, the amended language should provide authority to the regional planning commission to evaluate site plan designs for consistency with the LCP, including how well "onsite open space and project features that facilitate public uses" will provide public access.

County Position: Support with modification.

Comment: The County supports the intent of this recommendation; however, the County believes the newly approved amendment covering the role of the Design Control Board, effective in 2009, addresses Coastal Commission's concerns and should not be further modified.

26) CCC Recommendation: The County should promote "green building" design and construction practices that reduce the negative environmental impacts of buildings and improves occupant health and well-being consistent with State or Nationally recognized programs, such as the Leadership in Energy and Environmental Design (LEED) system.

County Position: Support.

Comment: All new development is required to meet the Countywide Green Building Ordinance, effective January 2009, which includes both State and nationally recognized programs, including LEED.

### **Recreation and Visitor Facilities**

27) CCC Recommendation: The County should revise the LCP to design locate public parking in areas that provide easy access to the recreation and visitor-serving facilities located throughout the Marina (see also suggested Recommendations 39 and 40). The County should revise the LCP to prohibit relocation of public parking lots to the periphery of the marina unless 1) equivalent public parking is also reserved in priority locations as part of development projects and 2) an effective internal transportation system, such as a shuttle bus system or other equivalent transportation system has been fully funded for long-term operation (25+ years) and available for use.

County Position: Support with modification.

Comment: The County agrees that having a shuttle program in concert with well-situated parking structures is desirable. The County has instituted two new transportation programs – the Beach Shuttle (land) and the WaterBus (water). The Beach Shuttle, which functions half-hourly from Memorial Day to Labor Day and serves Playa Vista, Marina del Rey and Venice Beach, will expand as needed and to the extent funding is available. The County opposes this recommendation only to the extent of the shuttle system for residents, which has been demonstrated to lack demand. With our response, the County is including information on the various other forms of public transit mentioned above. Parking demand and locations, however, will be determined by the Right-Sizing Parking Study.

28) CCC Recommendation: Because the LCP ordinance Section 22.46.170 requires the replacement of any public parking, public park or boating facility before it is relocated, consider a 2:1 replacement ratio for displaced parks or lower cost facilities, unless the park or lower cost facility is to be replaced on the waterfront.

County Position: Oppose.

Comment: Due to the Right-Sizing Parking Study, the County now has a long-term understanding of the projected parking needs in Marina del Rey up to the year 2030. The Right-Sizing Parking Study determined the ultimate parking needs and locations in Marina del Rey. As the Study shows, a 2:1 replacement is not rationally related to actual need. There is no proposal to move public parking away from the waterfront if it is currently located there.

The County recommends a 1:1 replacement for displaced parks, meaning that the same acreage of park should replace any relocated park. The County does not believe the loss of low- or no-cost visitor facilities is a critical issue in the Marina, but recognizes that any potential loss calls for careful consideration.

29) CCC Recommendation: The County should encourage individual leaseholds that are not being redeveloped to upgrade and improve, on or off-site, public access along the waterfront consistent with LCP requirements for new development in order to provide a uniform and contiguous pathway throughout the marina.

County Position: Support.

Comment: The County agrees to this recommendation to the extent that "encourage" means good-faith efforts as opposed to regulation. The County cannot interfere with current leasehold rights and can only solicit the cooperation of lessees without any real leverage. Further, this provision currently exists in the LCP.

30) CCC Recommendation: The County should update the LCP to include a uniform signage plan for the marina that is developed to link all recreational facilities (i.e., trails, bikepaths, parks, and viewing areas) throughout the marina. Such signage should be located along the main thoroughfares and at, or along, the recreational sites.

County Position: Support with modification.

Comment: The County intends to expand its uniform signage plan for the marina to include links to all recreational facilities (i.e. trails, bike paths, parks and viewing areas) throughout the marina following approval of Phase II developments. Such signage should be located along the main thoroughfares and at, or along, the recreational sites. However, all signage along the public roads maintained by the Department of Public Works is subject to Public Works guidelines.

31) CCC Recommendation: Policy A.2.e.5, that addresses mitigation for non-coastal priority or non-marine related uses through the contribution to a Coastal Improvement Fund, should be modified as follows:

*i. 2.e.5. Any new proposal for construction of facilities in the existing Marina that is a non-coastal priority or non-marine related use shall require offsetting mitigation. Mitigation shall be accomplished by contribution to a Coastal Improvement Fund. This Fund is primarily intended to finance construction of local park facilities. Uses exempt from this policy requirement include hotels, visitor-serving commercial, office and marine commercial uses.*

County Position: Support.

Comment: The County agrees that office uses should not be exempt from this contribution requirement.

- 32) CCC Recommendation: The Coastal Improvement Fund implementing ordinance, Section 22.46.1950 and 22.46.1970, should be similarly modified to ensure that all non-visitor-serving uses and non-marine related uses are required to contribute to the Coastal Improvement Fund, and the fee should be adjusted annually based on the consumer price index to reflect increased construction costs for local park facilities.

County Position: Support.

Comment: The County agrees that non-visitor serving uses and non-marine related uses should contribute to the Coastal Improvement Fund.

- 33) CCC Recommendation: Although the LCP requires parking areas be attractively designed with a buffer of landscaping, berms or other screening materials, buffering should be designed and maintained as to not impact the public's view of the water from public streets, trails, or bike paths (Policy A.2.e.7).

County Position: Support.

Comment: The County agrees with this recommendation and the LCP currently requires parking areas be attractively designed with a buffer of landscaping, berms or other screening materials, and should be designed to the extent possible and maintained as to not impact the public's view of the water from public streets, trails, or bike paths. However, it should be noted that providing attractive landscaping to buffer the view of parking lots, while concurrently providing view corridors or views over public parking lots, are sometimes mutually-exclusive endeavors.

- 34) CCC Recommendation: Through the development review process and through improvements to existing facilities, the bikepath should be developed and located along the waterfront wherever feasible and when it can be designed to minimize conflicts with safe pedestrian access.

County Position: Support.

Comment: Although the County supports this recommendation, the challenge to narrow parcels in accommodating both the promenade, which also must be along the waterfront, and the bike trail must be recognized. At times, there is insufficient depth to accomplish this and still produce a visitor-serving project. There are plans to widen and install bicycle lanes along Fiji Way by early 2011. The County works to ensure the maximum safety for pedestrians and cyclists in Marina del Rey.

- 35) CCC Recommendation: The LCP should be revised to maximize public views of the coastal waters in the development of recreational facilities.

County Position: Support with modification.

Comment: This County supports the intent of this recommendation; however, it is a bit unclear. Recreational facilities in Marina del Rey are primarily parks and beaches. With the exception of Yvonne B. Burke Park and Oxford Basin, these facilities are all on the water. The public's views are made available from trails, but support buildings (such as restrooms and maintenance buildings) and landscaping can obstruct views for a short

time. It is not known what is intended by this recommendation beyond what is already accomplished in the Marina. This wording can be added to the LCP if it is revised to make clear that service facilities, landscaping, and safety considerations that require public accessways to be away from the water are excluded from this requirement, and that the place from which the views are going to be preserved is clearly stated (e.g., from the promenade looking toward the water).

### **Public Access**

36) **CCC Recommendation:** In order to assure maximum access the LCP requirements for provision of public access should be implemented even in minor projects that impact public access. The LUP and Section 22.46.1110 should be modified to ensure adequate consideration of access in all development projects, such as adding to 22.46.1110(B):

*B. In Marina del Rey, all land is owned by the County of Los Angeles and all leaseholders hold leases subject to an obligation to provide for active public use, and maximum public enjoyment of the public recreational land. Private rights have been granted by contracts, which in some cases limit public use of the parcels. Existing public accessways are identified in Existing Shoreline Access Map (Map 2) of this Specific Plan (see Map 2 at the end of Part 3 of this chapter), and it is the policy of the County that all development preserve existing access to the Marina, to its bulkhead walkways and to its waters. Where development will increase the numbers of residents or guests (including users of any commercial development) on the parcel, this Specific Plan identifies additional bulkhead access and identifies that a public access corridor or other public accommodations in that location would benefit the public, said additional access, including vertical access, shall be guaranteed by the leaseholder of that parcel pursuant to subsection A of this section. Where development does not increase the numbers of residents or guests on the parcel but extends the life of existing development that has unmitigated public access impacts, public access enhancements shall be required.*

**County Position:** Support with modification.

**Comment:** In order to assure maximum access, the LCP requirements for provisions of public access should be implemented where feasible only in projects pursuant to lease extensions, whether or not the numbers of residents or guests on the parcel increase.

37) **CCC Recommendation:** In order to assure maximum access, the LCP requirements for provisions of public access should assure that where public access and public safety conflicts are raised by proposed new development, alternative siting and design of the development shall be considered in order to provide shoreline access without creating a safety conflict. And, where a proposed project would restrict shoreline access, and where no feasible alternatives exist to provide shoreline access in conjunction with the project, if the project is to be approved, alternative access enhancements are required, such as provision of signage, benches, or viewpoints. (Section 22.46.1160 Access Restrictions and 22.46.1120 Findings).

**22.46.1160 Access Restrictions.** *A. Public access may be restricted in certain locations around the Marina, such as in front of the sheriffs station and near launch hoists, in the interest of pedestrian safety, provided there are no feasible alternatives for siting, designing or managing development to provide safe pedestrian shoreline access. Necessary restrictions and management may consist of, but are not limited to, the following:*

*-- Construction of fences, guard rails or other barriers to prevent the public from*

- entering areas where hazardous activity is occurring;*
- Limiting public access to certain hours of the day or days of the week when hazardous activities are not in operation;*
- Posting of warning signs which notify the public of potential safety hazards;*
- Relocation of the public access to ensure pedestrian safety.*

*B. Any restrictions deemed necessary by the authority supervising a site determined to be hazardous shall be reviewed for incorporation into the conditions of a coastal development permit for new development in these areas. In addition, in cases where public access is restricted by or in connection with development, the developer shall provide alternative public enhancements elsewhere in the development zone such as provision of alternative access, interpretive enhancements, benches, or viewpoints as mitigation for the access impacts of the development.*

*C. Where access standards of a different width or location are necessary to avoid demolition of existing structures, to set access ways back from existing development, or to avoid hoists and staging areas, the applicant may provide access ways of a different width or location that are sensitive to the development if such access provides continuous connection to other bulkhead access ways, as well as maximum public benefit. In no event shall access provided be less than ten feet in width. (Ord. 95-0058 § 1, 1995; Ord. 95-0042 § 1 (part), 1995; Ord. 90-0158 § 1 (part), 1990.)*

**22.46.1120 Access -- Findings.**

*In order to make the appropriate findings to impose vertical or lateral access requirements, the County shall:*

- A. Base all findings on factual evidence obtained at the public hearing, submitted by the applicant or interested parties, or discovered during the staff's investigation;*
- B. Evaluate the individual and cumulative impacts of the proposed development on public access and recreation opportunities;*
- C. Identify the access-related problems associated with the development;*
- D. Cite the specific Coastal Act provisions that are impacted by the development;*
- E. Evaluate feasibility of alternatives and [e]xplain and how the proposed conditions would solve the access problem created by the development and are related in the nature and extent to the impacts of the development on the public's right to access the Marina.*

**County Position:** Support.

**Comment:** The County agrees with the objective of this recommendation. The County can adjust the LCP to exclude boatyards, launch facilities and yacht clubs with launch facilities from the shoreline promenade requirement so long as a lateral trail and parkette are established at the site. In order to be clear, the County shall identify those areas on a map that will be excluded from the promenade requirement and show generally where the access will be.

- 38) **CCC Recommendation:** The LCP should be updated to incorporate new policies and standards in the Access Component designed to identify and implement the California Coastal Trail (CCT). The LCP should include revisions consistent with the following:
- a. Identify and define the CCT as a continuous trail system traversing the length of the state's coastline and designed and sited to include a continuous lateral trail and connecting with contiguous trail links in adjacent jurisdictions.
  - b. Provide that the trail be designed and implemented to achieve the following objectives:
    - Provide a continuous walking and hiking trail as close to the ocean as possible;
    - Provide maximum access for a variety of non-motorized uses
    - Maximize connections to existing and proposed local trail systems;

- Maximize ocean views and scenic coastal vistas; and,
  - Provide an educational experience where feasible through interpretive facilities.
- c. Provide that the trail be sited and designed to be located along the shoreline where physically and aesthetically feasible.
- d. Provide that the trail be designed and located to: 1) avoid any significant disruption of habitat values in, or significantly degrade, environmentally sensitive habitat areas to the maximum extent feasible, and, 2) incorporate existing waterfront paths and support facilities of shoreline parks and beaches to the maximum extent feasible.
- e. The LCP Access Component should be amended to incorporate any plans and designs for locating and implementing the CCT within the Marina, including mapped alignment with linkages and parking staging areas.
- f. The LUP Policy 13 on Directional Signs should be revised to integrate future signage in Spanish and in English related to the California Coastal Trail, when available, with Marina visitor signage programs:

*13. Public awareness of shoreline access ways and public areas including the California Coastal Trail, shall be promoted by the provision of appropriate signs, outdoor exhibits and brochures. All development in the existing Marina shall be required to incorporate the following informational features to improve the public's awareness of access opportunities and the coastal environment:*

- a) Outdoor maps indicating the location and type of public access ways and parks including the California Coastal Trail;*
- b) Identifying and directional signs;*
- c) As appropriate, facilities for brochures and other informational aids; and*
- d) Outdoor exhibits describing historical, biological and recreational aspects of the Marina, coast, wetlands and other aspects of the coastal environment, which should be coordinated and integrated with similar such exhibits which may be established in other areas of the Playa Vista project. (LUP 1996 p.1-8)*

County Position: Support with modification.

Comment: The County supports the Coastal Trail to the extent its current alignment is already accommodated by the existing bike trail and promenade, each of which will be improved to the extent feasible as redevelopment of the Marina occurs. The language of the directional signs should be consistent with other directional signage, as addressed in comments to Recommendation 30.

39) CCC Recommendation: The County should incorporate into the LCP Access Component a Comprehensive Parking Management Plan that:

- Evaluates the overall parking resources needed to support not only planned development uses but also the planned public access promenade, open space parks, viewpoints, public boating and recreation areas. Such a comprehensive plan should provide for siting and designing new parking to support future public facilities and maximize access to those facilities.
- Monitors buildout of redevelopment projects for adequacy of parking and if necessary updates existing parking standards and parking replacement requirements.
- Ensures public parking adjacent to waterfront lots for beach and boating use is protected and maximized where feasible;
- Considers shared management of parking to provide additional parking for the public;

- Expands opportunities for peripheral parking with possible shuttle system for visitors to commercial and recreational areas; and,
- Ensures that new development is phased so that adequate parking and/or shuttle system from peripheral parking is in place before new development is approved.

County Position: Support.

Comment: The Right-Sizing Parking Study has been prepared and is completely responsive to this recommendation. The results of the Study will be placed in the batched map and text amendment.

- 40) CCC Recommendation: Revise filing requirements to require that new development include a parking plan showing 1) all existing parking onsite for all designated uses; 2) all parking spaces for proposed development; 3) parking alternatives for proposed development that maximizes potential demand for boater and promenade/park use parking on site; and 4) its share of the public parking needed for Marina-wide general recreation facilities (such as the Promenade and public parks). The parking plan should ensure that development does not reserve all parking on the site for only marina residents, customers, or guests.

County Position: Support with modification.

Comment: The County can accommodate this recommendation to the extent it conforms to existing filing requirements pursuant to both the LCP and the County Planning and Zoning Code. The County cannot support the recommendation to the extent it accommodates public use parking at residential leaseholds, which the County believes is neither necessary nor effective. Public parking is either already available or being pursued at convenient and meaningful access points to the promenade and recreation facilities.

The filing requirements should be revised to require that new development include a parking plan showing: 1) All existing parking on-site for all designated uses; 2) All parking spaces for proposed development; and, 3) Parking alternatives for proposed redevelopment that maximizes potential demand for boater parking on-site.

- 41) CCC Recommendation: Any applicable revisions to the Specifications and Minimum Standards of Architectural Treatment and Construction (1989) that have been adopted since update of the LCP or are adopted in the future should be submitted for review as a proposed amendment to the LCP Appendix C.

County Position: Oppose.

Comment: Standards regulating the visual features, or "look", of structures do not belong in an LCP.

- 42) CCC Recommendation: Sections 22.46.1060 Community Design Guidelines and 22.46.1180(A)(1) Filing Requirements should be modified to provide that development applications shall include project plans that show all proposed public access improvements, including lateral and vertical access and turnout areas for future shuttle and/or transit stops where appropriate.

County Position: Support.

Comment: This is already done in all plans but can be made a part of the filing requirements.

## **Biological Resources and Environmentally Sensitive Habitat Areas**

The Coastal Commission recommends:

“Revise the LCP to include a new Section 5-1 to incorporate policies and implementing standards to ensure assessment, identification and designation of sensitive resources and ESHA as part of project review. The policies and standards should address the following...” (Page 36, Periodic Review)

**County Position on Environmentally Sensitive Habitat Areas:** The County does not support the reintroduction of ESHA policies into the Marina del Rey Local Coastal Program (LCP) for all of the following reasons:

- All of the resources in the LCP area were known at the time the California Coastal Commission (CCC) eliminated the ESHA section from the LCP in 1996 as documented in the Commission’s own findings in 1996. The fact that the herons have moved around is in the nature of their behavior. But, herons were present at the time the Commission made its determinations in 1996. In terms of wetlands, given the very high historic profile of the Ballona wetlands, including at the time of LCP certification, it is difficult to believe this was not taken into consideration. Nonetheless, policies for wetlands and attention to the Oxford Basin are in the LCP and the 1996 findings.
- The County knows of no reason to designate any of the resources in Marina del Rey as ESHA and appreciates the notation by staff that even occupied trees in a marina have not been so considered. In this regard, the County believes a common misconception of resources in an ESHA determination context stems from the impression that nothing can be done to protect or mitigate for the resource unless it is designated ESHA. The County believes that the Conservation and Management Plan being prepared for inclusion in the LCP is sufficient protection of these resources under the Coastal Act.
- The County has no objection to recognizing that sensitive resources need to be devoted attention in the County’s CEQA process, for which the County believes it routinely applies aggressive CEQA-level mitigation. This approach could generate a considerable amount of funding and mitigation for both the Marina and adjacent resources.
- The Oxford Flood Control Basin (Parcel P) is adequately addressed in the LCP. Moreover, the County has agreed to adopt wetland characterizations not only for Parcel P, but also for a portion of Parcel 9. With respect to the small portion of Parcel 9 containing a wetland, the County has already conducted an extensive study of this area. Even though not required by the LCP, the County caused the proposed development project on the parcel to be redesigned to avoid the wetland. The County has also worked for many years with the CCC and other regulatory agencies on protecting this resource.
- The County continues to work with surrounding agencies toward mutual goals on resource protection. The County does not believe an additional overlay of policy is necessary in the Marina to address the salutary objectives of environmental protection under CEQA or the Coastal Act.

For all of these reasons, the County strongly disagrees that the LCP lacks adequate safeguards, particularly when combined with the County’s CEQA and consultation process.

- 43) **CCC Recommendation:** As the LUP already contains a definition of ESHA, add a definition of Wetland consistent with Section 30121 of the Coastal Act and Section 13577(b) of Title 14 of the California Code of Regulations. Any areas that meet the definition of Wetland shall be protected consistent with the policies of the LCP and Coastal Act.

County Position: Support with modification.

Comment: The County concurs with this recommendation to the extent that it applies only to the non-flood control portion of Parcel P and a portion of Parcel 9, the only undeveloped property in the Marina and where a wetland has been identified on a small part.

44) DELETED.

45) CCC Recommendation: Assess the resources on a site and determine the presence of any Environmentally Sensitive Habitat Areas based on the best available information, including current field observation, biological reports, and additional resources from the Department of Fish and Game and the U.S. Fish and Wildlife Service. At a minimum areas identified in Exhibit 13 should be assessed. Modify the LUP Filing requirements (Section 5-1 and LIP section 2246.1180) to require, as part of application requirements, that on sites that potentially contain sensitive habitat, for example, trees that support nesting and roosting herons and egrets, protected bird species or wetlands or upland resource areas, new development:

- a. shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, or potential impact on biological diversity or productivity of adjacent Environmentally Sensitive Habitat Areas, a detailed biological study shall be required through the development review process. Such assessment should include site-specific biological assessments of whether a habitat area provides an ecologically valuable habitat for sensitive species, including bird species that nest, forage and roost in the marina area and the adjacent Ballona wetlands and the proposed development's impact on the biological productivity of any biological resource within and adjacent to the site. The biological study should also include mitigation measures for any negative impacts to the habitat.
- b. Where the required initial site inventory indicates the presence or potential for wetland species or indicators, the County shall, in addition to the submittal of a detailed biological study of the site, require delineation of all wetland areas on the project site. Wetland delineations shall be based on the definitions contained in Section 13577(b) of Title 14 of the California Code of Regulations. A preponderance of hydric soils, a preponderance of hydrophytic vegetation, or evidence of wetland hydrology will be considered presumptive evidence of wetland conditions. The delineation report will include at a minimum a (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the consultant doing the delineation.

County Position: Oppose unless modified.

Comment: The County supports the sub-item a. recommendation to require a biological inventory as part of application requirements and to require mitigation measures for impacts to sensitive biological resources. The County does not support sub-item b., as the County does not recognize that there are wetland areas in Marina del Rey other than those that have been identified on the non-flood control portion of Parcel P and a portion of Parcel 9.

46) CCC Recommendation: Accessways located within or adjacent to ESHAs shall be sited to minimize impacts to ESHAs to the maximum extent feasible. Measures, including but not limited to, signage and fencing should be implemented as necessary to protect ESHAs.

County Position: Support with modification.

Comment: The County does not recognize any ESHAs in Marina del Rey. The County does recognize, however, that there may be restored habitat areas in the flood control portion of Parcel P, and in the wetlands portion of Parcel 9, and that accessways adjacent to these restored resources should be sited to minimize impacts.

47) CCC Recommendation: Protection of ESHAs and public access shall take priority over other development standards. Accordingly, where there is any conflict between general development standards and ESHAs and/or public access protection, the LCP should make clear that the allowable use(s) of the area and the development regulations applicable in the area are governed by the ESHAs and public access standards.

County Position: Oppose.

Comment: The County does not recognize ESHAs in Marina del Rey. Protection of public access is addressed in the County's comments to the New Development/Circulation section recommendations. While the County supports the concept that public access has priority over general development standards should conflicts arise, issues such as public safety and the operation of marine commercial facilities must also be taken into consideration.

48) CCC Recommendation: Degraded coastal resources or habitat areas shall not be further degraded, and if feasible, restored. If new development removes or adversely impacts native vegetation, measures to restore any disturbed or degraded habitat on the property shall be included as mitigation.

County Position: Support with modification.

Comment: The County supports this Recommendation to the extent that native vegetation planted in conjunction with new development and indicated on a landscaping plan included with the project's application, is not subject to restoration or mitigation requirements if removed in the future.

49) CCC Recommendation: New development should be sited and designed to avoid adverse impacts to ESHAs. If there is no feasible alternative that can avoid adverse impacts through implementation of siting and design alternatives adverse impacts should be fully mitigated.

County Position: Oppose.

Comment: The County does not recognize ESHA in Marina del Rey.

50) CCC Recommendation: Development in the Marina should be sited and designed to minimize impacts to sensitive species or habitat values of areas adjacent to the Marina including Area A, and the Ballona wetlands, or areas which may be designated as State Ecological Reserves, to the maximum extent feasible. The siting and design of structures in the Marina should take into account areas planned for future habitat restoration. Development should consider measures to minimize spillover impacts on adjacent resources and habitat areas including, but not limited to, impacts to resources from sources such as night lighting, building height, run-off and noise.

County Position: Support with modifications.

Comment: The County supports the intent of this recommendation and believes that with the CEQA process and working in coordination with the Department of Fish and Game, in addition to current Green Building and Standard Urban Stormwater Mitigation Plan requirements, the issue of how projects are sited and designed in relation to sensitive species or areas is addressed. However, this issue shall be addressed more clearly in a future LCP update.

- 51) CCC Recommendation: Mitigation measures for impacts to wetlands or other ESHAs that cannot be avoided through the implementation of siting and design alternatives, including habitat restoration and/or enhancement shall be monitored for a period of no less than five years following completion. Specific mitigation objectives and performance standards shall be designed to measure the success of the restoration and/or enhancement. Mid-course corrections shall be implemented if necessary. Monitoring reports shall be provided to the County annually and at the conclusion of the five-year monitoring period that document the success or failure of the mitigation. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met. However, if after ten years, performance standards have still not been met, the applicant shall submit an amendment proposing alternative mitigation measures.

County Position: Oppose.

Comment: As there are no ESHAs in Marina del Rey and the wetlands designation applies only to the non-flood control portion of Parcel P and a small portion of Parcel 9, the County will provide guidelines for habitat enhancement on these parcels separate from the LCP.

- 52) CCC Recommendation: Update the LCP to incorporate an Environmentally Sensitive Habitat (ESHA) component through an LCP Amendment. The County should undertake a biological assessment of tree stands within Marina del Rey to determine which stand of trees provide important nesting and roosting habitat for birds protected by the Fish and Game Code, the Migratory Bird Treaty Act and all species of concern. Tree stands identified as nesting and roosting habitat for these bird species shall be designated as ESHA. The LCP amendment should incorporate policies and standards to ensure long term protection of the marina heron and egret rookeries consistent with the following:
- A. The assessment should consider the Marina area resources in relation to the wetlands in Area A and Ballona. It should look at availability of habitat throughout the wetlands and the Marina to support protected bird species and identify any Marina habitat that may be needed to provide habitat for protected species. It should identify any active or historic nesting and roosting areas.
  - B. Measures should be developed to protect the active or historic nesting and roosting areas by appropriate means, which may include, but are not limited to, restrictions on timing of construction, restrictions on tree trimming or tree removal, setbacks, fencing, signage, and seasonal access restrictions.
  - C. Policies and standards for mitigation may incorporate the County Policy No. 23 "Tree Pruning in Marina Del Rey and on County Beaches in Accordance with Native Bird Breeding Cycles", dated 12/5/06, if modified to ensure the long-term protection of the heron rookery and the modified Policy is adopted into the LCP through an LCP amendment. Any tree pruning policy should include at a minimum, protection for all species of concern and include specifications and standards for approval of pruning during breeding season and removal of dead palm fronds with attached nests and other activities. The County may develop and approve a programmatic coastal development permit for the tree pruning

program. However, the removal of any tree determined to be ESHA shall require a separate coastal development permit and shall only be allowed if necessary to protect public health and safety and shall require 1:1 mitigation with specimen sized trees. Tree removal shall only be done during the non-nesting season.

County Position: Oppose.

Comment: The County does not recognize ESHA in Marina del Rey; however, the County is committed to protecting tree stands that provide important nesting and roosting habitat for birds. Practices for protecting such trees will be included and referenced in the LCP update.

- 53) CCC Recommendation: The use of insecticides, herbicides, rodenticides or any toxic chemical substance within and adjacent to ESHAs should only be used as part of an integrated pest management program and to the maximum extent possible, avoid the use of these substances except where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration.

County Position: Oppose.

Comment: The County does not recognize ESHA in Marina del Rey.

- 54) CCC Recommendation: The use of insecticides, herbicides, rodenticides or other toxic substances by County employees and contractors in construction and maintenance of County facilities should be implemented through an integrated pest management plan which minimizes the use of these substances.

County Position: Support with modification.

Comment: The County agrees with minimizing the use of these and other toxic substances and will be evaluating whether guidelines for using toxic substances in construction and maintenance of facilities could be developed and implemented in a future LCP update.

- 55) CCC Recommendation: LUP Landscaping requirements (LUP p.9-7 #12, LIP Appendices pp. C-14 #G and LIP pp.5 22.46.1060) should be modified to ensure that vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation is not permitted in any area designated as wetlands or ESHAs. Landscaping plans should preclude use of plant species listed as "noxious weed" by the State of California or listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council or as may be identified from time to time by the State of California. Habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.

County Position: Support with modification.

Comment: The County does not recognize ESHA in Marina del Rey. However, the County supports the Recommendation in that the use of "noxious weeds" and invasive species for habitat restoration should be prohibited in the non-flood control portion of Parcel P and a portion of Parcel 9, as well as within landscape plans for new development.

- 56) CCC Recommendation: Development adjacent to wetlands or ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Buffer areas shall be determined based on specific site characteristics and resource values, and shall be of sufficient width to protect the biological functions of the resources they are designed to protect. While wetland buffer widths of 100 feet are preferred, if site

constraints preclude such buffer width and no siting and design alternatives are feasible to allow for such a buffer, a lesser buffer width may be allowed.

County Position: Support with modification.

Comment: The County does not recognize ESHA in Marina del Rey; however, the County is supportive of minimizing development impacts to habitat values or sensitive species within the non-flood control area of Oxford Basin and the wetland portion of Parcel 9, to the maximum extent feasible.

57) CCC Recommendation: Any area mapped as wetland or ESHAs or otherwise identified as a biological resource area shall not be deprived of protection, as required by the policies and provisions of the LCP, on the basis that the habitat has been illegally removed, filled, degraded, or that species of concern have been illegally eliminated.

County Position: Support with modification.

Comment: The County does not recognize ESHA in Marina del Rey; however, the County supports the Recommendation as it applies to the non-flood control portion of Parcel P and a portion of Parcel 9.

58) CCC Recommendation: The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes may be permitted in accordance with all policies of the LCP, 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 uses specified in Section 30233 of the Coastal Act.

County Position: Support with modification.

Comment: The County supports this recommendation as it applies to the wetlands designated on the non-flood control portion of Parcel P and a portion of Parcel 9.

59) CCC Recommendation: Where any dike or fill development is permitted in wetlands in accordance with the Coastal Act and any applicable LCP policies, mitigation measures shall include, at a minimum, creation or substantial restoration of wetlands of a similar type. Adverse impacts will be mitigated at a ratio of 3:1 for seasonal wetlands or freshwater marsh, and at a ratio of 4:1 for saltmarsh. The County shall coordinate with the California Department of Fish and Game, U.S. Army Corps of Engineers, U. S. Fish and Wildlife Service, and other resource management agencies, as applicable, in review of development applications.

County Position: Support with modification.

Comment: The County believes the requirements of the various agencies should be harmonized on a case-by-case basis with respect to wetlands on the non-flood control portion of Parcel P and a portion of Parcel 9 and not predetermined in an LCP.

60) CCC Recommendation: Habitat enhancement and restoration of the Oxford basin should be identified as a goal in a future LCP amendment. Although the Oxford Basin is a flood control basin it has restoration potential as a transitional upland/wetland area for wading birds. To the extent feasible, the Oxford Basin area should be restored to provide habitat for wading birds and for passive public recreation while maintaining its function as a flood control facility. A restoration/enhancement plan should be prepared for the area and designed to improve the water quality of runoff entering the basin and should include specific measures to filter and infiltrate runoff. The plan should include an interpretive

signage program and any public trails through the area should be sited and designed to minimize disturbance to nesting birds. Any dredging of the basin for routine maintenance or habitat enhancement purposes shall comply with the Water Quality Policies of the LCP, Regional Water Quality Control Board requirements, California Department of Fish and Game Regulations, and Army Corps and US Fish and Wildlife Regulations.

County Position: Oppose.

Comment: The Department of Public Works has already begun planning an Oxford Basin improvement project, the Oxford Retention Basin Flood Protection Multiuse Enhancement Project, which includes water quality and habitat enhancement concepts, as well as aesthetic enhancement and passive recreation features. Coastal Commission staff should consider a broader description of habitat enhancement rather than limiting it to wading birds. Large bird populations may have a negative impact on water quality within the Basin despite all efforts otherwise to address such an impact through Basin redesign. Identification of pollutants coming from natural sources, and particularly birds, will not likely relieve the Flood Control District and/or the County from associated water quality regulatory compliance. From a technical perspective, infiltrating runoff in the Basin is not feasible due to the high level of ground water.

61) CCC Recommendation: As part of a LCP comprehensive update, the County shall incorporate findings of Commission ecologist, Dr. Jonna Engel, (memorandum, entitled, "Status of nonnative tree stands serving as multi-species heronries in Marina del Rey", dated December 10, 2007) of the ESHA status of the tree stands in the marina, and designate such sites as ESHA. For additional areas a site-specific biological assessment should be undertaken by a qualified biologist of the plant and animal species present on a project site to determine the presence of any additional ESHA, as defined in the LUP, based on the best available information, including current field observation, biological reports, and additional resources from the Department of Fish and Game and the U.S. Fish and Wildlife Service. Development within and adjacent to subsequently identified ESHA shall be consistent with the ESHA Resources Protection policy below.

County Position: Oppose.

Comment: The County will not support the recommendation for ESHA.

62) CCC Recommendation: Environmentally Sensitive Habitat Areas (ESHA) designated within the Marina, as determined through a site specific biological assessment of a project site, these shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

County Position: Oppose.

Comment: The County will not support the recommendation for ESHA.

### **Cultural Resources**

63) CCC Recommendation: The LCP Policies B.7-1-6 and Ordinances 22.46.1180(5) and 22.46.1190(2) should be updated to revise noticing, consultation and measures to protect traditional tribal cultural places, features, and objects consistent with the Government Code and Office of Planning and Research Guidelines pursuant to SB 18.

County Position: Support.

Comment: The County will address this provision in a future LCP update.

64) CCC Recommendation: Modify LUP Policy B.7-4 that, if any resource is discovered during any phase of development construction that involves earth moving operations including grading, excavation and site preparation, a professional archaeologist and appropriate Native American consultant(s) shall be retained to monitor any earth-moving operations in the study area. A halt-work condition shall be in place in the event of cultural resource discovery during construction.

County Position: Support.

Comment: The County will address this provision in a future LCP update.

### **Hazards**

65) CCC Recommendation: The LCP ordinances for required geotechnical analysis and conditions of approval should be updated to update names of applicable agencies and to ensure that projects for coastal development permits implement any new requirements of state or locally adopted Hazard Mitigation Plans related to tsunami and runup hazards and should require new development be constructed to resist lateral movement due to the effect of water loading from the maximum expected event, to the greatest extent feasible.

County Position: Support.

Comment: The County is preparing a revision to Los Angeles County Zoning Code, Title 22, Section 22.46.1180 that accommodates both the seismic acceleration correction, and tsunami hazard requirements.

### **Procedures**

66) CCC Recommendation: The determination that a development is exempt from coastal development permit requirements under Section 22.56.2290 of the County code should be accompanied by a written project description and an indication of the reasons that the work is exempt. Such log concerning exemptions shall be kept on file and available for public inspection at the Department of Regional Planning, or if feasible, available electronically.

County Position: Support.

Comment: The County will address this provision in a future LCP update.

67) CCC Recommendation: Land Use Plan Policy C.8 -10 that addresses affordable housing should be modified to include language that encourages the protection of existing and provision of new affordable housing within the coastal zone of Marina del Rey.

County Position: Support with modification.

Comment: The County has adopted an Affordable Housing Policy for Marina del Rey under which all new residential development in Marina del Rey complies with the Mello Act by preserving existing affordable housing supplies (replacements units) and creating new affordable housing units (inclusionary units). The number of replacement units required is based on the results of an income survey that sets the replacement units on a like-for-like basis as determined by the income level of existing tenants whose income level triggers the replacement requirement. The number of inclusionary units is calculated as 15 percent of the net new incremental units to be constructed as part of the project with one-third reserved for very low-, one-third reserved for low-, and one-third reserved for moderate-income persons and families.