Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 28, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

PROJECT NUMBER R2009-02277-(4)
ADVANCE PLANNING CASE NUMBER 200900014
(FOURTH SUPERVISORIAL DISTRICT) (3 VOTES)

SUBJECT

On September 1, 2009, the Board of Supervisors directed the Department of Regional Planning (Department) to aggregate all of the known amendments that were planned for the Marina del Rey Local Coastal Program (LCP) into one major map and text amendment. The Board further directed the Department to address overarching issues such as sensitive biological resources, open space enhancements, and public parking. The Regional Planning Commission held public hearings on this matter on November 3, 2010 and December 15, 2010 and recommended approval of Advance Planning Case Number 200900014.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Indicate its intent to approve the recommendation of the Regional Planning Commission to adopt an amendment to the Marina del Rey Local Coastal Program and determine that the amendment is compatible with and supportive of the goals and policies of the County Strategic Plan;

2. Instruct County Counsel to prepare a final resolution of the Board of Supervisors approving and submitting the Marina del Rey Local Coastal Program amendment to the California Coastal Commission; and

3. Instruct County Counsel to prepare a final ordinance to amend the Marina del Rey Specific Plan (Part 3, Chapter 22.56, Title 22 of the Los Angeles County Code) as recommended by the Regional Planning Commission and include any changes as directed by the Board.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

- The proposed amendments implement Board policy and will help keep Marina

del Rey a vibrant community while addressing such issues as open space enhancement, public parking, and sensitive biological resources.

- The proposed revisions to the LCP do not increase the development potential that was granted by the Coastal Commission in 1996. The revisions simply relocate development potential in some areas and change the land use category of a few parcels in order to more efficiently implement Board policy concerning development in Marina del Rey.

- The proposed amendments are consistent with the policies of the Coastal Act.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This project approval promotes the County's Strategic Plan goals of Fiscal Responsibility and Improving the Quality of Life. The amendment will help ensure that the Marina maintains its role as a source of revenue for the County while at the same time increasing recreational opportunities and coastal access for County residents.

FISCAL IMPACT/FINANCING

Implementation of this amendment to the LCP should not result in any new significant costs to the County or to the Department of Regional Planning; no request for financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

An amendment to the Marina del Rey LCP must be submitted to the California Coastal Commission for certification pursuant to a resolution adopted by the Board of Supervisors.

The Regional Planning Commission conducted duly noticed public hearings on November 3, 2010 and December 15, 2010 on Advance Planning Case Number 200900014 to amend the Marina del Rey Local Coastal Program which covers the Marina del Rey Specific Plan area. The Specific Plan area consists of 804 acres of land which is owned by the County. The Regional Planning Commission voted (3-1) to recommend approval of the plan amendment at their December 15, 2010 meeting.

A public hearing is required for the LCP amendment pursuant to Section 22.16.200 of the County Code and Section 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of the Government Code Sections 6061, 65090, 65355 and 65856 relating to the notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

The California Environmental Quality Act (CEQA) and Sections 30500 through 30522 of the Public Resources Code provide that the process of preparing an LCP, and amendments thereto, is functionally equivalent to the preparation of an environmental

impact report (EIR). Therefore, the County is not required to conduct an environmental assessment or prepare a CEQA document for this project.

Individual development projects are not functionally equivalent to, or exempt from CEQA requirements; development projects shall be required to undergo complete CEQA review which can and may include a full Environmental Impact Report. For more Information on the environmental impacts of the projects requiring amendments addressed by this action, please see the Cumulative Impact Assessment (Appendix A).

IMPACT ON CURRENT SERVICES

Action on the proposed LCP amendment is not anticipated to have an impact on current services.

Respectfully submitted,

Richard J. Bruckner
Director

SZD:mrt

Attachments: Commission Resolution
Commission Staff Report
Attachments
Cumulative Impact Assessment

c: Chief Executive Officer, County Counsel, Board of Supervisors

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 9, 2010

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Samuel Dea
Section Head, Special Projects

SUBJECT: Additional materials for hearing and proposed changes to LCP
Project Number: R2009-02277-(4)
Case: RADV200900014
RPC Meeting: 12/15/10
Agenda Item: 7

Based on comments received from the Commission and members of the public and after further review of the document, staff is suggesting additional changes to the LCP. The suggested changes are outlined below:

- Remove all changes related to the proposed project on Marina del Rey Parcels 33 and NR.

- Page 1-4, make the following change: Property leased from the County, open to the public ~~limited (between hours of 7:00 am to 9pm)~~Open 24 hours

  The quarter mile portion of Promenade Way adjacent to the Marina City Club Towers (Parcel 125).

- Change all maps and text related to Parcel 9U to show the lower 1.46 acres of the parcel as open space.

- Remove all language related to limited use overnight accommodations, including but not limited to timeshares, fractional ownership, condo hotels and vacation clubs.

- Page 2-9, first full paragraph, add a sentence at the end of this paragraph that clarifies that 101 replacement public parking spaces will be developed near Burton Chace Park as compensation for conversion of the Parcel FF parking lot to a residential use.

- Page 2-10, change footnote no. 2 at bottom as follows: "Mixed with commercial uses. Figure reflects current spaces at Parcel 56 as of 2009 and does not reflect number of public parking spaces that may be provided if the Fisherman's Village shopping complex is redeveloped."

- Page 2-12, Figure 2, change reference to 207 parking spaces at Parcel FF to 202 parking spaces; also, in Note 1 below the table, change reference to replacement of 103 spaces for Parcel FF to 101 spaces.

- Page 3-2, under Research Analysis, Figure 4: Minimum Slip Percentages for Smaller Boats, make the following change:
  32 FEET AND UNDER 25%
  ~~32 FEET, 1 INCH TO 38 FEET 25%~~
  38 FEET AND UNDER 50%

- Page 3-5, fourth full paragraph, change end of last sentence in paragraph to read as follows: "A dry stack storage structure demands high capital investment and is generally economically feasible only if it holds more than 220 ~~300~~ spaces."

- Page 3-5, last sentence on page, delete reference to Parcel 44 as being permitted for a mast-up storage yard.

- Page 3-6, first full paragraph, change last sentence as follows: "An additional dry stack facility, containing storage spaces for up to 234 vessels, has been incorporated into the proposed redevelopment plan for Parcel 44."

- Page 3-10, first partial sentence beginning the page, change as follows: "...storage may be constructed on Parcels 44 and 53 or on other parcels with a marine commercial..."

- Page 3-10, paragraph 6, change as follows: "The County intends to expand boating-related support facilities, where feasible, particularly on Parcel 44 for dry stack storage, on Parcel 52 for mast-up and dry stack storage, and increased..."

- Page 8-10, first full paragraph, change the last two sentences as follows: "Since the LCP was certified by the Coastal Commission in 1996, only 355 PM peak hour trips have been entitled in the unincorporated Marina del Rey community by the County of Los Angeles as part of the County's Phase II development of the Marina. In stark contrast, during that same time period, over 10,000 PM peak hour trips have been entitled by the City of Los Angeles and Culver City in conjunction with approval of development projects by those cities in areas immediately surrounding and in the near vicinity of Marina del Rey."

- Page 8-17, "Public Facility" bullet, add "parks" in the list of permitted uses in the category.

- Page 8-22, change the line listing the principal permitted use for Parcel 14 to read as follows: "WOZ Parcel 14 (Formerly Parcel FF) – Residential III & ~~(IV)~~ (V) (density averaged over all parcel)"

- Page 8-26, change the line listing the principal permitted uses for Parcel 44 to read as follows: "WOZ Parcel 44 - Boat Storage (portion of parcel at corner of Admiralty Way and Mindanao Way) ...

- Page 8-30, change the map to show a dark bold line around the parcel boundary of Parcel 44, to denote the WOZ designation on the parcel.

- Page 8-33, change the map to show a dark bold line around the parcel boundary of Parcel 14 (formerly FF), to denote the WOZ designation on the parcel.

- Page 8-35, change the map to show a dark bold line around the parcel boundary of Parcel 44, to denote the WOZ designation on the parcel.

In addition, in order to minimize the impacts of special events in the Marina, staff is recommending additional conditions be included in the Marina del Rey Specific Plan for temporary events. The proposed conditions are as follows:

1) Temporary events shall minimize impacts to public access, recreation and coastal resources. A Coastal Development Permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A Coastal Development Permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse impacts to public access and/or coastal resources. (Coastal Act/30212)

2) Special event permits and Coastal Development Permits (as required above) for temporary events shall be required to provide details on event characteristics, including duration (from set up/assembly to breakdown/dismantling and clean-up times), event hours, per day estimated attendance, parking management and shuttle arrangements, traffic control, noise control, waste removal, insurance, equipment to be used, food service, entertainment, sponsorships and advertising/marketing plans.

3) A Special Event Permit shall be required for all events that necessitate the temporary closure of a public roadway and shall be reviewed and approved by the Los Angeles County Sheriff's Department prior to permit issuance.

4) Shuttle service from off-site parking areas and available to the public free of charge shall be required to serve any temporary event requiring a Coastal Development Permit.

SD:MT:ag

Attachments: Resolution of the Regional Planning Commission
CD received from public "Video Blog #91"

RESOLUTION OF THE REGIONAL PLANNING COMMISSION OF THE COUNTY OF LOS ANGELES RELATING TO THE ADOPTION OF AN AMENDMENT TO THE MARINA DEL REY LOCAL COASTAL PROGRAM FOR PROJECT NO. R2009-02277

WHEREAS, in compliance with the California Coastal Act of 1976, as amended to date, the County of Los Angeles has prepared an amendment to the certified Local Coastal Program for Marina del Rey; and

WHEREAS, Section 30514(a) of the Coastal Act permit local governments to propose amendments to certified local coastal programs; and

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted public hearings regarding the proposed amendment to the Marina del Rey Local Program Amendment on November 3, 2010 and December 15, 2010; and

WHEREAS, the Local Coastal Program for Marina del Rey consists of a Land Use Plan and Local Implementation Program, which includes a Specific Plan, a Transportation Improvement Program and related appendices (collectively referred to herein as the "LCP"); and

WHEREAS, an amendment to the certified LCP element of the Los Angeles County General Plan is necessary at this time to address unique circumstances in the unincorporated territory of Marina del Rey; and

WHEREAS, the amendment to the certified LCP includes modifications to the Land Use Plan and Local Implementation Program and related Title 22 text, for the unincorporated area of Marina del Rey; and

WHEREAS, an amendment to a certified LCP is not required to be accompanied by an environmental document because the LCP process is exempt from provisions of the California Environmental Quality Act that require preparation of an EIR, Negative Declaration, or Initial Study (Section 21080.5 of the Public Resources Code); and

WHEREAS, the Marina del Rey LCP was originally approved by the Board of Supervisors ("Board") on September 13, 1984 and certified by the California Coastal Commission ("CCC") on October 11, 1984. The Local Implementation Program ("LIP") was adopted in 1990, and includes the Marina del Rey Specific Plan; and

WHEREAS, A major amendment to the LCP was approved by the Board on August 22, 1995 and certified by the CCC on February 8, 1996; and

WHEREAS, A minor amendment to the Marina del Rey LCP was certified by the CCC on January 22, 2002 to redesignate Marina del Rey Parcel 20's land use category from Marine Commercial to Residential IV. The amendment also allowed the transfer of 97 dwelling units from Development Zone 1 to Development Zone 4; and

WHEREAS, A second minor amendment to the Marina del Rey LCP was certified by the CCC on February 17, 2009 which clarified the roles and responsibilities of the Marina del Rey Design Control Board (DCB) in its review of development proposals in the coastal development permit process.

WHEREAS, the Regional Planning Commission has considered the public testimony, the recommendations and testimony of the Regional Planning Department staff and the documentation within the case file; and

WHEREAS, the Regional Planning Commission finds as follows:

1. An Asset Management Strategy for Marina del Rey was adopted by the Board of Supervisors on April 15, 1997, which provided a vision for the future development of Marina del Rey in accordance with the development potential certified in the 1996 LCP.

2. On September 01, 2009, the Board adopted a motion which directed the Department of Regional Planning to prepare a single aggregate LCP map and text amendment with respect to all Phase II Marina redevelopment projects requiring an LCP amendment, accompanied by a cumulative impact assessment of all of the development currently proposed in Marina del Rey.

3. The Board further directed the Department of Regional Planning to address overarching policy issues of interest to the California Coastal Commission, such as sensitive biological resources, open space enhancements, and public parking.

4. The Commission finds that the Department of Regional Planning has adequately followed Board's motion and that the proposed amendments are in conformance with the goals and policies of the Coastal Act.

5. Public testimony in both written and verbal form has been considered in revising the text of the proposed LCP amendment.

6. The amendment relocates development potential and changes the land use categories of specific parcels within Marina del Rey. The Commission finds that no new development potential is created as part of this amendment and that any potential traffic impacts related to the relocation of development potential will be mitigated by changes proposed to the Circulation chapter of the LUP.

7. The amendment is consistent with Section 30224 of the Coastal Act, by encouraging recreational boating through the development of dry storage areas. The amendment changes the land use category of Marina del Rey Parcels 52 and GG from "Public Facilities" to "Boat Storage."

8. The amendment for Marina del Rey Parcel 49 is consistent with Section 30213 of the Coastal Act in that it encourages visitor serving and recreational facilities while not displacing boating resources.

9. The amendments for Chace Park and Marina Beach, as well as the expansion of the Parcel 125 promenade hours, are also consistent with Section 30213 of Coastal Act, because they expand low cost visitor serving and recreational opportunities.

10. The amendments for the senior facility proposed for Parcel 147 (formerly Parcel OT), as well as the residential facilities proposed for Parcels 14 (formerly Parcel FF) and 10 are consistent with Section 30250 of the Coastal Act in that new development is being located contiguous with existing developed areas which are able to accommodate it.

11. The expansion of Parcel GR provides additional public access and low cost visitor and recreational opportunities and is consistent with Section 30210 of the Coastal Act.

12. The LCP amendment for the Parcel 14 (formerly Parcel FF) project changes the land use category of a 2 acre parcel from "Open Space" to "Residential V and Residential III." The open space land is replaced by a 1.46 acre wetland park located on the southern portion of Parcel 9U and by the addition of 6.63 acres of open space near Chace Park. The increased acreage near Chace Park also compensates for the 19,755 square feet of open space that is being transferred from Parcel P to Parcel 147 (formerly Parcel OT). In addition, fees from the Parcel 14 will go to replace half of the parking spaces near Parcel 14 at a location near Chace Park. The amendments result in a net increase of recreational land in Marina del Rey.

13. The amendments related to recreation boating slip mixes are consistent with a permit that was recently approved by the California Coastal Commission for a Channel Islands anchorage project.

14. The LCP amendment creates a new chapter in the LCP to protect Sensitive Biological Resources (SBR's) within Marina del Rey. The Commission finds that the new policies within the LCP adequately protect environmental resources in the Marina that deserve protection, but do not rise to the level of environmentally sensitive habitat area (ESHA).

15. The Commission finds that the comprehensive cumulative impact assessment and staff report for the proposed amendment have afforded the public and the Commission an understanding of the numerous land use planning and environmental issues involved with the LCP amendment.

16. The Commission finds that staff has presented substantial evidence, in the form of detailed written correspondence and other reports to the Commission and verbal testimony during the public hearing before the Commission, which satisfies the burden of proof for an amendment to the certified local coastal program, which evidence addresses the need for the development, the appropriateness of the subject LCP amendment, and how the subject amendment will be in the interest of the public health, safety and general welfare, and in conformity with good planning practices. Based on the evidence submitted during the hearing process for the request, the Commission finds the subject amendment to the certified LCP is consistent with the goals, policies and programs of the Los Angeles County General Plan and the certified LCP, and that there is a need for the adoption of the subject LCP amendment in order to facilitate the construction and operation of the proposed projects.

17. The Commission finds the Marina del Rey area to be reasonably proximate to available public transit and necessary services and facilities.

18. The Commission finds the amendment to be consistent with the goal of the certified LCP to encourage controlled changed in the Marina over the next 30 years. The amendments are consistent with the certified LCP's goal to encourage private lessees within the Marina to replace and update facilities to maintain the physical and economic viability of the Marina.

19. The subject amendment to the certified LCP constitutes an amendment to the Los Angeles County General Plan and a change to the County Zoning Ordinance.

20. The Commission finds the recommended plan amendment will not place an undue burden upon the community's ability to provide necessary facilities and services.

21. The County complied with Public Resources Code Section 30514 because it gave appropriate public notice of the amendment, made copies of the amendment available for public review, and accepted public comments at the RPC hearings.

22. The amendment does not have any impact, individually or cumulatively, on coastal resources and is otherwise consistent with the policies of Chapter 3 of the Coastal Act.

23. The LCP amendment will be implemented by revisions to the Marina del Rey Land Use Plan and Part 3 (Marina del Rey Specific Plan) of Chapter 22.44 of Title 22 of the Zoning Code which will be adopted as an ordinance.

24. The proposed amendments to the Marina del Rey LCP are consistent with the Countywide chapters and elements of the County of Los Angeles General Plan adopted November 25, 1980.

NOW, THEREFORE, BE IT RESOLVED: That the Regional Planning Commission of the County of Los Angeles hereby recommends that the Board of Supervisors:

1. Hold a public hearing to consider the above-recommended Local Coastal Program Amendment; and

2. Find that the recommended Local Coastal Program Amendment is consistent with the goals, policies and programs of the Los Angeles County General Plan and the Marina Del Rey Specific Plan; and

3. Signify its intent to amend the Marina del Rey local coastal program which consists of the Land Use Plan and a Specific Plan; and

4. Submit the amended Marina del Rey Local Coastal Program to the California Coastal Commission for its review and certification.

I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on December 15, 2010.

Rosie O. Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 3, 2010

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: Major Amendment to Marina del Rey Local Coastal Program
Project No. R2009-02277 - (4)

A public hearing on the above-mentioned project was held before the Regional Planning Commission on November 3, 2010. At that hearing, your commission instructed staff to address issues raised by the Commission and respond to questions and statements that were posed by members of the public. The following is a summary of the Commission's past actions on the project and responses from staff.

November 3, 2010 Public Hearing

On November 3, 2010, your commission conducted a public hearing on the above-mentioned project (Project). At that hearing, your commission heard the staff presentation and testimony from interested members of the public. All Commissioners were present at the hearing.

Your commission continued the hearing to December 15, 2010 and directed staff to prepare responses to the issues raised during the hearing **(Attachments Nos. 1-8).**

STAFF EVALUATION
Project No. R2009-02277

Issues

Two major issues related to the proposed amendment that were raised during the public meetings and at the November 3rd public hearing are the timeshare component of the Parcel 9U project and possible impacts from the projects on the use and availability of public parking, particularly parking adjacent to Marina Beach. Several concerns were raised regarding the public parking lot on Parcel NR by non motorized

boaters and future locations for non-motorized boating. Their future location will be part of the vision process. The 191 space public parking lot on Parcel NR is slated to become part of a mixed-use project that would be built on Parcels 33 and NR as part of the Pipeline Projects amendment. The current language in the proposed amendment maintains 69 of the existing 191 public parking spaces as part of amendment.

The County has maintained from the beginning of its review of the Parcel 9U project that an amendment to the Local Coastal Program (LCP) is not necessary to allow timeshare units to be included as part of the Woodfin Suites Hotel and Timeshare Resort project. Changes were proposed to the Local Coastal Program to clarify where and when timeshares, fractional ownership, condo hotels, vacation clubs, and other similar arrangements may be permitted in the Marina del Rey Specific Plan area. Based upon the public opposition to and general lack of understanding of this portion of the amendment, staff recommends removing the language regarding timeshares from the LCP amendment and revisiting the idea as part of the visioning process at a later date.

The project proposed for Parcels 33 and NR would demolish an existing restaurant on Parcel 33 and a 191 space public parking lot on Parcel NR and replace them with a mixed use facility. The facility would contain 292 dwelling units, 32,400 square feet of Visitor-serving/Convenience Commercial uses, 323 restaurant seats and 69 public parking spaces. The project would require amendments to the LCP to, change Parcel 33's land use category from Visitor-serving/Convenience Commercial and Parcel NR's land use category from, "Parking," to, "Residential V," with a Waterfront Overlay Zone. Staff has heard the concerns from the public and from the Commission regarding this project and the potential impact to personal watercraft amenities on Marina Beach. As a result, staff recommends removing the Parcels 33 and NR project from the list of Pipeline Projects and removing the proposed changes to the LCP related to the project. It is the opinion of staff that the visioning process would be a better time to further analyze possible change of use for these parcels.

If the mixed-use project proposed for Parcels 33 and NR was removed from the amendment, the remaining Pipeline Projects would be the following:

- **Parcel 10 -** The proposed project would demolish an existing 136 unit apartment complex and replace it with a 400 unit apartment complex and a 28 foot wide pedestrian promenade. This project was approved by the Regional Planning Commission on March 10, 2010.

- **Parcel FF -** The proposed project would demolish an existing 206 space public parking lot and replace it with a 126 unit apartment complex and a 28 foot wide pedestrian promenade. This project was approved by the Regional Planning Commission on March 10, 2010.

- **Parcel OT -** The proposed project would demolish an existing 186 space public parking lot and replace it with a 65' tall building which contains a 114 unit Senior Accommodations facility, 92 public parking spaces, and 3,500 square feet of Visitor-Serving/ Convenience Commercial space. This project was approved by the Regional Planning Commission on April 28, 2010.

- **Parcels 52 and GG -** The proposed project would demolish an existing 245 space public parking lot, the Department of Beaches and Harbor's trailer complex and the Sheriff's Boatwright/Life Guard facility and replace them with a 345 space dry stack boat storage facility. The Draft EIR for this project is expected to be released to County departments by the end of the year.

- **Parcels 49 and 77 -** The proposed project would convert an existing public parking lot and boat storage area into one of the three following options:

  A. Option 1 = A 135,000 square foot Visitor-Serving/Convenience Commercial center.

  B. Option 2 = A 116,495 square foot Visitor-Serving/Convenience Commercial center with 255 dwelling units.

  C. Option 3 = Either of the first two options with the addition of a 26,000 square foot Beaches and Harbors administration building.

As detailed in the in the staff report previously submitted for this amendment to the Local Coastal Program, staff has found the proposed amendments necessary to accommodate the Pipeline Projects and the additional planning related amendments proposed to the document meet the following priority objectives of Chapter 3 of the Coastal Act.

1. Minimization of adverse impacts from new development (Section 30253);

2. Locate new development in appropriate areas (Section 30250);

3. Make coastal dependent development a priority (Section 30255);

4. Enhance public access to the coastline (Section 30252);

5. Encourage recreational boating (Section 30224);

6. Promote visitor-serving facilities (Section 30213); and

7. Protect sensitive coastal resources (Section 30116)

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends approval of project number R2009-02277-(4)/ ADV 200900014.

SUGGESTED APPROVAL MOTIONS

Suggested Motion: "I move that the public hearing be closed and that the Regional Planning Commission recommends approval of Project No. 200900014-(4), with the suggested modifications, to the Board of Supervisors for its consideration."

Prepared by Michael Tripp, Principal Planner
Reviewed by Samuel Dea, Supervising Regional Planner,

Attachments:
1. Staff response to questions and comments raised at the November 3, 2010 hearing
2. County response to November 3, 2010 letter from We are Marina del Rey
3. Hamilton Biological response to letter from Marcia Hanscom
4. County response to letter submitted by the Boating Counsel
5. County response to letter from Harbor Real Estate Group
6. County response to letter from the Boating Coalition
7. County response to October 21, 2010 letter from Dan Gottlieb
8. County response to November 2, 2010 letter from Dan Gottlieb

ATTACHMENT 1

Department of Regional Planning Response to Issues Raised at the November 3, 2010 Public Hearing on the Proposed Major Amendment to the Marina del Rey Local Coastal Program

The following are questions and statements were made by the Commission and members of the public during the November 3, 2010 public hearing regarding the proposed major amendment to the Marina del Rey Local Coastal Program. This list represents major issues that were raised during the hearing. An in depth response to the comment letter received can be found in Attachments 2 through 5.

1. General concerns were raised by both the public and the Commission regarding restricting promenade access.

   Staff Response: The County is committed to increasing the public's access to the coast and expanding the pedestrian promenade in Marina del Rey except where safety may be compromised, by water dependent uses such as boatyards, dry stack storage facilities, launch ramps and public and private hoists or small craft staging areas. Language was specifically added to the LCP to ensure that any redevelopment of Parcels 64 (Villa Venetia), 111 and 112 (Mariner's Village) includes a provision to increase public access. Currently simple remodels do not require an increase in bulkhead access. With the proposed language, the extension of a lease for 10 or more years requires an increase in access regardless of whether the project is being renovated or if a complete tear down and rebuild is planned.

   Safety concerns limit the ability to have a promenade along the bulk head next to the proposed dry stack storage facility on Parcels 52 and GG. Language has been added to the LCP to ensure that if the proposed facility is built, a 32 foot wide public promenade will instead be constructed at the rear of the parcels and a view park will be built near the waterside.

   The current LCP allows the promenade near Parcel 125 (Marina City Club) to be open to the public limited hours (7:00 a.m. to 9 p.m.) Staff proposes to further change the LCP to keep the promenade open to the public 24 hours a day. This would be consistent with a recent approval by the Marina del Rey Design Control Board to expand the Parcel 125 promenade.

2. Both the public and the Commission expressed concerns about the proposed project on Parcels 33 and NR. Numerous members of nonmotorized boating groups expressed their opinions that Parcel NR was crucial for the support of their sport at Marina Beach. They further claimed that the 69 public parking spaces proposed to remain on Parcel NR was insufficient to meet their demand

and that other public parking lots in the Marina Beach area not located conveniently near their staging area.

Staff Response: Staff has heard the concerns raised by the community and the Commission regarding this project. Given the relatively early stage that this project is in the development process, and the substantial concern raised by the community, staff recommends that the changes proposed to the LCP to accommodate the 33/NR project be removed, and that the project along with the needs of the non-motorized boating public be freshly reevaluated as part of the visioning process.

3. The Commission requested that further outreach be done to boaters both inside and outside of the Marina.

The Department of Beaches and Harbors outreach to boaters' groups throughout the County. Further details of their outreach will be presented at the December 15th hearing.

4. Opposition was expressed regarding the proposal to eliminate the requirement that public parking spaces be replaced at a one to one ratio. Questions were raised regarding what transit improvements would be done to offset the loss of public parking, how parking would be accommodated for the proposed new uses, and what would happened if loss of public parking had a negative impact on the Marina.

Staff Response: The Right Sizing Parking Study determined that the majority of Marina del Rey's public parking lots are underutilized for most of the year. The study suggested that Marina del Rey's permanent parking supply be established at the 90th percentile of projected peak parking demand of a 2030 horizon, as enunciated in the Right-Sized Parking Study. In order to avoid the chance that people would circle the parking lot looking for the "last" space in busy periods, the study suggested an additional 10% to the 90th percentile be provided in each activity area. This would add a few parking spaces just for convenience at peak periods, and to avoid the aforementioned "hunting" for an available space.

That being said, the County is not proposing to reduce parking to that level as part of the Map and Text Amendment. The purpose of the study was to evaluate what exactly the future public parking demands for Marina del Rey were. Of the Pipeline Projects, only the mixed-use facility proposed for Parcels 33 and NR would have reduced parking at a rate inconsistent with the current LCP. The proposed projects for Parcels OT, 49, and 77 are conditioned to replace 100% of their public parking spaces. The public parking lot located on Parcel 52 is listed as a, "Temporary," lot in the existing LCP and the spaces are planned to be replaced as part of the proposed Fisherman's Village project.

The proposed project for Parcel FF would replace the existing public spaces on the lot at a rate of .5 to 1. This is consistent with the rate used when a public parking lot is replaced with a park. This project, which was approved by the Regional Planning Commission on March 10, 2010 and was conditioned to provide funding for a park on the southern portion of 9U in compensation for the potential park that could have been provided on Parcel FF.

The Marina is an unincorporated island surrounded by Culver City and the City of Los Angeles, so the County is limited in the major public transportation improvements that can be added. The County is making every effort possible to reduce the need for the use of personal vehicles. Language is proposed for the LCP that would require new and remodeled hotels to provide airport shuttles for their visitors. In addition, the County is encouraging the use of alternative transportation by allowing new and remodeled residential projects to use Zip Cars and other similar modes of transportation for consideration when applications for Parking Permits are being evaluated. In addition, the language regarding the popular Waterbus, which provides another alternative form of transportation around the Marina, has been incorporated into the amended LCP.

Lastly, any project that proposes to convert a public parking lot to another use must be independently reviewed by the RPC on its own merits. The RPC can decide at that time whether or not that project will have a negative impact on the Marina. Any new project that is proposed in the Marina must also provide its own parking on site.

The Visioning Process, which will follow the Map and Text Amendment will provide an additional opportunity to reassess the public parking needs in the Marina and will allow the Commission to further evaluate how public parking access needs can best be met.

5. Concerns were raised by both the Regional Planning Commission and the public regarding the loss of small boats slips during Marina reconstruction and the protection of the recreational boater.

Staff Response: The California Coastal Commission has jurisdiction over Coastal Development Permits for wet boats slips in the Marina. While language has been added to the LCP to protect small slips in Marina del Rey, the ultimate decision maker of what type of slip mix will be approved for a given anchorage is the Coastal Commission.

Nevertheless, the County has added several policies to the LCP to protect small boaters, including language that 25% of all slips within a new anchorage must be under 32 feet in length and 25% of all slips must be

between 32 feet 1 inch and 38 feet. This ensures that at least 50% of all slips within a new Marina will be 38 feet in length or less. The County is also proposing language that will provide a minimum number of slips that must be provided in the Marina.

The County is further facilitating the protection of small slips through the encouragement of dry storage. In addition to the 345 space dry stack storage facility that is proposed on Parcels 52 and GG as part of the Pipeline Projects, language has also been added to the LCP that would allow dry stack facilities, without a plan amendment, on parcels where it can be demonstrated that boating support opportunities will not be materially diminished as a result of the addition of the facility.

Low cost boating opportunities will be further enhanced by changes to the LCP which would require a fee be provided for every 100 slips built over 32 feet in length for Marina reconstruction projects. The in lieu fee would be equal to the annual cost of the rent of one 30 foot slip. The money for this program would be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities.

The Department of Beaches and Harbors is currently drafting a transitional policy to assist small boaters in finding new slips if the anchorage in which they are currently residing is under construction. While this policy has not been adopted yet, the draft policy allows boaters who are being displaced and currently reside in a slip that is 38 feet in length or less to temporary use a larger slip in the new anchorage, at a reduced rate, while they wait for a smaller slip to become available elsewhere in the Marina.

6. Numerous concerns were expressed that the proposed amendment would increase density and cause traffic problems within the Marina.

Staff Response: No increase in development potential is being sought as part of this amendment. Los Angeles County was granted a specific amount of development potential from the Coastal Commission in 1996 and we are not proposing to change that amount. The Map and Text Amend proposes to change the land use category of some specific parcels to move development potential to different locations within the Marina. This does not undue the specific development limits which are already built into the land use categories.

Furthermore, a traffic study has been performed which assess not only the impact of the Pipeline Projects, but of the Marina with total build out. The study found that with proper mitigation measures, which have been added

to the LCP, the Level Of Service for all intersections within the Marina can be kept at acceptable levels.

7. The question was posed as to what makes a project a "Pipeline Project."

Staff Response: The Pipeline Projects are:

- **Parcel 10 -** The proposed project would demolish an existing 136 unit apartment complex and replace it with a 400 unit apartment complex and a 28 foot wide pedestrian promenade. This project was approved by the Regional Planning Commission on March 10, 2010.

- **Parcel FF -** The proposed project would demolish an existing 206 space public parking lot and replace it with a 126 unit apartment complex and a 28 foot wide pedestrian promenade. This project was approved by the Regional Planning Commission on March 10, 2010.

- **Parcel OT -** The proposed project would demolish an existing 186 space public parking lot and replace it with a 65' tall building which contains a 114 unit Senior Accommodations facility, 92 public parking spaces, and 3,500 square feet of Visitor-Serving/ Convenience Commercial space. This project was approved by the Regional Planning Commission on April 28, 2010.

- **Parcels 52 and GG -** The proposed project would demolish an existing 245 space public parking lot, the Department of Beaches and Harbor's trailer complex and the Sheriff's Boatwright/Life Guard facility and replace them with a 345 space dry stack boat storage facility. The Draft EIR for this project is expected to be released to County departments by the end of the year.

- **Parcels 49 and 77 -** The proposed project would convert an existing public parking lot and boat storage area into one of the three following options:

  A. Option 1 = A 135,000 square foot Visitor-Serving/Convenience Commercial center.

  B. Option 2 = A 116,495 square foot Visitor-Serving/Convenience Commercial center with 255 dwelling units.

  C. Option 3 = Either of the first two options with the addition of a 26,000 square foot Beaches and Harbors administration building.

- **Parcels 33 and NR –** This proposed project would demolish and existing restaurant and public parking lot and build a mixed-use facility with 292 dwelling units, 32,400 square feet of retail space, 323 restaurant seats and 69 public parking spaces.

In June 2009, the California Coastal Commission (CCC) directed the County to bundle all of these known amendments into a single amendment so that the CCC could review them at a cumulative level. Any project that required a plan amendment and was proposed after the June 2009 meeting would

need to be addressed as part of the Visioning Process or have its proposed amendment brought to the CCC individually at a later date.

8. Some members of the public made general comments disagreeing with the results of the various studies that were prepared in conjunction with the Map and Text Amendment.

   Staff Response: The studies were prepared by experts and have been vetted with the public. The County has not been presented any evidence that any of studies are flawed in their conclusions.

9. Opposition was expressed to development potential that already exists within the current LCP. Some members of the public spoke out against any new non boating related development within the Marina.

   Staff Response: The County respectfully disagrees with the position. A specific amount of development potential was granted to the County by the Coastal Commission in 1996 and the County has no plans to undo what has already been approved. The County sees the Marina asset to all residents of Los Angeles County where boating uses can exist harmoniously alongside visitor-serving commercial, residential, hotel, and office uses.

ATTACHMENT 2

RESPONSE TO LETTER FROM WE ARE MARINA DEL REY DATED November 3, 2010

The County of Los Angeles provides this response to the November 3, 2010 letter from We ARE Marina del Rey ("WAMDR"). The letter follows several format arrangements, and every attempt has been made to provide answers to the many statements in the letter. Page numbers are given where appropriate.

Opening Response

In its opening response, the County observes that many of WAMDR's complaints stem from a strong desire to rescind the existing provisions of the certified Local Coastal Program (LCP). Specifically, WAMDR calls upon the County to suspend its implementation of LCP provisions already certified some 15 years ago, and to which modest modifications are offered for 5 properties out of 94 Marina del Rey parcels, and to engage in a new process whereby the basic tenets of the 1995 certification are eliminated. Because of this focus, the County wishes to relate the history of the entitlements in Marina del Rey and the approach used since 1996 (when full certification and return of jurisdiction to the County occurred).

The passage of 15 years since the full certification of the County's LCP for Marina del Rey has been expended soliciting proposals, evaluating proposals and preparing the necessary analytical documents for entitlements. A not insubstantial step was also undertaken by the Coastal Commission during this period, and that was the Periodic Review. Although WAMDR appears to suggest that the 1995 LCP basically extended no commitment to future development, and that a new process was envisioned to refine the approvals in the LCP, this was not the case. The only undertaking necessary following the LCP certification (other than site-specific Coastal Development Permits) was the development of a public "business plan" to guide the preparation of the Requests for Proposals (the first step in considering development of publicly held land), and to determine if further benefits consistent with the policy direction of the LCP could be gained by modest consolidations of entitlements. Therefore, there is no basis to the claim that once the County had received its LCP certification, that it intended to "resurrect" a debate it had just successfully resolved, including a resolution with the appropriate state agency.

In fact, many of the complaints of WAMDR stem not from the County's current endeavors in the map and text amendment but rather from dissatisfaction from what was allowed in 1995 in terms of development potential and building massing. Therefore, as the County responds it will distinguish between those instances where a complaint focuses on something currently proposed, and where the complaint arises from decisions already legitimately made.

Moreover, WAMDR contends that the County places inappropriate emphasis on revenue generation at Marina del Rey, as opposed to recreational and boating needs. The County takes exception to this contention, as no law, regulation or goal has ever stated that Marina del Rey was to be developed only with open space and boating. MDR revenues support the marina, and revenues exceed what is necessary for facilities and programs by about $10 million a year. These "excess" funds typically are directed to social welfare programs for the County, such as mental health, child protective services, and

elder care. Periodically, these funds are used to expand public facilities as necessary, such as the County's plan to expand and improve Chace Park, build better recreational boating facilities at Marina Beach, and fund sports and water awareness programs.

In addition, MDR provides significant boating opportunities, and also recreational opportunities such as Marina Beach and Chace Park. The County is expanding these opportunities, as will be further described later in this response. In a highly urbanized area such as MDR, however, opportunities should also extend to those visitors who want to recreate in MDR by having lunch, staying at a hotel, or shopping. And, these amenities should not simply be geared to those who already have the privilege of living in Marina del Rey. Not many LA County residents will travel from Chatsworth, for example, on a summer's day to shop at a Ralph's market. Therefore, commercial opportunities need to be geared to the all-day visitor looking for less rigorous entertainment, such as strolling, dining, shopping or listening to a concert in a public plaza.

This type of goal is always a struggle when the interests of the many residents of LA County are juxtaposed to the interests of the local residents, particularly when some of the new facilities will have a wider focus than the type normally serving residents. To balance these interests, the County has included plans to:

- Expand Chace Park by acquiring an existing lease in good standing;
- Add a wetland park on Parcel 9
- Add a trail connecting Washington Boulevard to Admiralty Way through an expansion to Parcel OT, and at no charge to the County;
- Add parking area to Parcel GR for approximately 100 spaces;
- Add a park on Parcel 52;
- Add a park on Parcel 21;
- Add a public plaza requirement on Parcel 49;
- Add policies to enhance public use of Oxford Basin;
- Add a major visitor-serving center at Parcel 49 without displacing the launch ramp and associated facilities;
- Eliminate office entitlement

How LCPA projects begin at MDR

Projects on public land follow a complicated path, depending on how they begin. There are basically two types:

1. Projects which are proposed by the lessee of a leasehold in good standing;

2. Projects which are solicited by the County and attempt to attract a lessee.

Of the Pipeline Projects, portions of the Parcel 10/FF project (Parcel 10 portion) and portions of the 33/NR project (Parcel 33 portion) are covered by existing leases. In the case of Parcel 10, the lessee proposed the project and the use of Parcel FF for residential after the LCP recognized that the use of Parcel FF would probably change to residential. The County solicited proposals for expansion of the Parcel 33 project to incorporate the Parcel NR parking lot – the County did not commit to do this. With respect the Parcel OT project, the County had issued a broader proposal to address various parcels, of which Parcel OT was one. Other parcels failed to attract a permanent lessee proponent, except for Parcel OT. Parcel 52/GG was also the subject of an RFP to attract a dry stack facility. Finally, Parcels 49/77 were the subject of an RFP to attract a more intensive visitor-serving development compatible with the retention of the launch ramp. The County has not selected a proposal for this property, but wishes to attract a future lessee proponent by arranging entitlement in a way that will attract a multi-use visitor venue while preserving the boating interests on site.

Because the process for evaluating these proposals and initiating and completing the public review process is lengthy, the County begins announcing these proposals early, through meetings with the Design Control Board and the Small Craft Harbor Commission. It is for this reason that the public actually sees these proposals on public land quite a bit earlier than the public might review a proposal on private land. Many times, the interval between the time the County announces its intention to consider a proposal on public land and the time the Draft EIR for such a proposal is published is many years. At times, this fact may cause the appearance that the proposal is premature, but in reality it is simply following a transparent public process.

WAMDR asserts that the public should be part of the development of the proposal itself. WAMDR provides no basis for this position, and in fact there is no such justification. The proposal and the contours of the project stem from the County and its lessees or would-be lessees, and are then considered in open public debate. There, proposals are shaped and refined as public hearing process is brought to bear on the project. There can be no question that the County is the "master" of the description of its own project – in other words, it has the right to develop its own proposal and subject it to public scrutiny. More is not required.

The overarching contention of WAMDR is that now, 15 years after the County secured approval from the Coastal Commission of a LCP with a specific development potential, that the County should abandon that development potential in favor of a reduced version more acceptable to the residents of the area. WAMDR urges this position in the guise of a masterplan which – by their own admission – would abandon existing development potential in favor of recreation – recreation that would be primarily enjoyed by those would have the privilege of living in Marina del Rey. WAMDR overlooks the fact that the Marina del Rey LCP has already been found consistent with the Coastal Act provisions that would call for recreational use of land on numerous occasions, and therefore what WAMDR is really urging is abandonment of that finding of consistency.

Clearly, one project – the development of Parcel NR – poses the consistency question. The review process for that project will determine whether, on balance, the development is properly intentioned with respect to the Coastal Act.

What the Board of Supervisors instructed the County to consider in September, 2009

The "motion" as recited on page 2 of the WAMDR letter is incomplete. The Board specifically instructed the County to conform to an agreement presented by the Coastal Commission. Here is what the Board motion actually stated with respect to the action before it:

"The Commission unanimously concurred with the "Roadmap" approach, which commits the County to submitting its LCP Periodic Review response by April 2010, and requires the batching and processing of Phase II Development Projects needing LCP amendments into a single compound amendment. This will allow the Commission and staff to more fully evaluate the cumulative environmental impacts resulting from the proposed redevelopment projects *and address overarching policy issues of interest to the Commission, such as sensitive biological resources, open space enhancements, and public parking.*" [Emphasis added]

Therefore, contrary to the position of WAMDR, the Board DID authorize addressing issues other than the pipeline projects themselves. This is also consistent with the commitment made by the County in the response to the Periodic Review.

The County now turns to the specific contentions of WAMDR beginning with bullet points on page 4. These are in the form of an Executive Summary labeled as **"A. Executive Summary; 1. Summary of Impacts"**

Bullet 1 – Inaccurate. The Pipeline Projects are 33/NR, 10/FF, OT, 49/77 and 52/GG. This disposes of eight of the twelve parcels named. The remaining parcels can be explained as follows:

Parcel IR – once a Pipeline Project, this project has been abandoned. Instead, enhancements of open space are proposed, consistent with the Board's focus on open space enhancements.

Parcel 75 – *This land use category was changed to make the existing use consistent with the Land Use plan.*

Parcel UR – *This project has a Marine Commercial land use category, but is used solely as a parking lot.*

Parcel 47 – This is an addition to Chace Park, consistent with the Board's commitment to open space enhancements.

Bullet 2 – Inaccurate. The LCPA adds recreational and open space to the marina as follows:

Parcel 9 Wetland Park – 1.46 acres

Chace Park Expansion – 6.63 acres

Boat Central Park – 1,500+ square feet

Parcel GR expansion – 31,000 square feet

Parcel 21 park – 15,750 square feet

Parcel 49 urban open space – at least 1 acre

Therefore, up to 10.2 acres of open space are added to the LCPA that are not currently provided for in the text.

In terms of open space changes, the LCPA proposes projects that would do the following:

- Eliminate a parking lot of 2.048 acres which is designated for open space, but has never been used in that way, and move this open space function to the wetland park on Parcel 9 (net "loss" of .59 acres)

- Occupy a portion of Parcel P with 15,000 square feet of building (.33 acres)

This open space "loss" represents a total of .92 acres. The LCPA proposes an increase of 10.2 acres of open space land. Therefore, the statement that the LCPA adds no new net acreage is incorrect.

As to access, the statement is also incorrect. The current LCP calls for a continuous promenade around MDR (which now is approximately 4 miles in length), with certain exceptions for safety. No areas now accessible to the water are interrupted, and areas such as the site of the Parcel 9 Wetland Park are not now available to the public, yet will be in the future. The Parcel OT project provides a much needed linkage between Washington Boulevard and Admiralty Way at no expense to the public, and consistent with the restoration plans for Oxford Basin.

Bullet 3 – There is no change which would require less traffic analysis and less emphasis on reviewing and mitigating regional traffic.

On the contrary, the County Department of Public Works' (DPW) current traffic impact analysis criteria, established in 1997, require an additional level of traffic analysis for cumulative impacts and additional traffic mitigation than the previous guidelines used in the LCP. The County's current guidelines require more cumulative analysis than the guidelines used by the City of Los Angeles.

Automated Traffic Surveillance and Control System (ATSAC) is a Category 3 improvement in the LCP (LUP Page 11-18). The completion of ATSAC fulfills the LUP requirement (LUP Page 11-20) that a Category 3 improvement needs to be completed to lift the 50% interim cap on development. The overall cap on development remains the same.

There is no reduction of the WaterBus or shuttle. On the contrary, in both cases stops have been added. However, the policy requiring that the County create a year-round shuttle system has been found infeasible and is being proposed for deletion. DPW consulting with Metro staff indicated that for the foreseeable future, there is insufficient demand in the Marina to sustain a year-round shuttle for

commuter transportation. This was proven by LADOT's cancellation of DASH service to the Marina in 2005. Nevertheless, the County has continued to pursue shuttle service where feasible. The County partnered with Playa Vista to provide a summer weekend shuttle service, which continues to operate. The County will expand this shuttle service if there is sufficient demand in the future.

In addition to road improvements and the WaterBus, the County is working on improving other non-automotive modes of transportation, including bus transit, pedestrian, and bicycle transportation. The County coordinates with the transit operators to maintain and improve bus access to the Marina. For improved pedestrian access, the County recently installed traffic signalized crossings across Admiralty Way at Mindanao Way, at the Library, at the fire station and at the Marina City Club. The County now requires developers to increase the sidewalk widths from five to eight feet and to provide sidewalks along the mole roads. For improved bicycle access the County will widen Fiji Way and install bicycle lanes by 2012. The County is in the process of updating County's Bicycle Master Plan, and will explore the possibility of additional bicycle routes in the Marina.

Bullet 4– The 32 acre figure apparently comes from a corrected number in the LCP. To state that this correction results in the conversion of 32 acres of public land to private use is inaccurate, as explained below.

Here are the acreages of the public parking lots that the County proposes to develop with private leaseholds:

Parcel FF	2.048 acres
Parcel NR	1.723 acres
Parcel OT	2.10 acres
Parcel 52/GG	3.09 acres (note – this has always been characterized in the LUP as a temporary parking lot)
TOTAL	8.961 acres

Parcel 49/77 is not included because it has a special policy requiring that no part of the current launch ramp or boat parking can be displaced. So even if a project were to occur in that area the uses at the public launch ramp would not be displaced. This means that the development would have to vertically integrate. This is a different situation than an at-grade parking lot development. But even if one counts the launch ramp at 14.379 acres, the total still does not add up to 32 acres. Moreover, in considering the leasehold proposals involved in the LCPA, it must be recognized that two of the proposals involve parcels which already have leases – Parcels 10 and 33 – and simply involves increases to development potential on those leases. Therefore, this statement misrepresents the acres subject to leasehold proposals.

Moreover, with respect to Parcels OT and 52/GG, the parking is replaced in its entirety. Parcel OT retains 92 parking spaces, and 94 of the parcels spaces are relocated to Parcel 21, which is 3 more spaces than are actually striped on Parcel OT now. In addition, Parcel 21's current leasehold is being reduced by 31,000 square feet to add public parking to Parcel GR - more than 100 spaces.

Finally, WAMDR states that Parcel FF was intended to be a park for "residents of the West Side of the Marina". This is not accurate. First, the controlling document for MDR is the LCP. The LCP is founded in the Coastal Act, which places priority on, among other things, facilities for the visitor, not local residents. In fact, the very reason why a hotel designation exists on the west side of MDR is to encourage the casual visitor to use this otherwise predominantly residential area. The park, then, is designed and intended to attract the casual visitor, and may also be enjoyed by residents. However, the incentive for planning on the west side is for the visitor, as opposed to residents.

Evidence of this comes directly from the final findings of the Coastal Commission. The final findings for the 1995 LCP amendment, adopted by the Commission on February 8, 1996, recognize the mitigation for an increase of dwelling units being the Parcel P open space (Oxford basin) and the Parcel FF site. The findings specifically state that two acres of improved park around the basin periphery would provide public recreation and views of the water. (Findings, page 51). The findings do-not, as urged by WAMDR, require development of this land for ballfields. In fact, the findings go on to state that the demand for public recreation generated by additional development in the Marina will be "met by boating uses, walkways, the new recreational land provided in the proposed LUPA and the existing water areas of the marina." (Findings, page 51) While it is true that the improvements to Parcel FF were to be funded by a fee imposed on development, much of this development has not even taken place. In fact, in a very real sense, abandonment of the development already allowed in the LCP will result in a reduction of the fees. Therefore the County finds that there was no affirmative requirement for an active ballfield park at FF, and the key issue for the CCC was not the enjoyment of existing residents but rather the needs of future residents arriving by way of implementation of the development increases in the LCP. The County finds that the delivery of a wetland park both serves the needs of the future residents in the way envisioned by the CCC, but also delivers a park with a better water view than Parcel FF – which was one of the objectives sought by the CCC in their final findings. Finally, the development of this park and the transient docks associated with it are completely financed by the developments proposed, and not the park fee.

It is noteworthy that the CCC was satisfied allowing a substantial increase of residential units in exchange for 12.9 acres of open space. Here, the County proposes an increase of 10.2 acres of open space, and is asking for no development potential increases at all!

With respect to the LCP itself, there exists an internal contradiction which is being resolved in this LCPA. Page 2-5 of the current LCP states that Parcels OT and FF are underutilized parking lots and are being contemplated for development as residential. On page 2-8 the LCP goes on to state that Parcels FF, OT and UR shall not be converted to uses other than public parking and public park. It is this statement that the County seeks to modify in the LCPA. In the case of FF, the park function is being moved to the wetland park, and therefore the public park policy is being met, albeit in a better location. The small

shortfall in acreage is more than compensated for by the improvements to the park, the addition of public transient docks, and the enlargement of Chace Park. The loss of OT for park and public parking is also similarly compensated for by the enlargement of Chace Park. Therefore, contrary to being inconsistent with the goals and policies of the LCP, the County is implementing these policies, albeit in a manner different than envisioned in 1995.

Bullet 5 – Again, this statement is inaccurate. Parking on OT is being completely replaced. Parking on Parcel 52 is being completely replaced. No parking is being displaced on Parcel 49 at all. Parcel NR is the only site being proposed for a reduction in parking, to 69 spaces, and Staff is recommending removal of the NR project from the Map and Text Amendment. Parking is being increased at Parcel GR by 100 spaces. Finally, parking at Parcel FF is already subject to a requirement in the LCP to be replaced at a rate of .5:1 and this is being accomplished at Chace Park. Therefore, there is no credibility to the claim that 350 spaces are lost. In addition, the Raju Right-Sizing Parking Study showed that the parking lots in the Mothers' Beach Activity area have considerable excess parking spaces.

Nor is the County choosing to adjust the LCP to reduce parking down to the level recommended by the Right Sizing Parking Study. Instead, the County is reserving review of the issue to the Visioning process.

Bullet 6 – It is not completely clear what this comment is intended to convey. As demonstrated in the answer to Bullet 2, there is net new open space being added. And uses are not being "shuffled" but rather moved to better locations, as is demonstrated with the relocation of the open space for FF to Parcel 9. It is inaccurate to call a restoration of a wetland "cosmetic", and the restoration of the Parcel 9 wetland and the rehabilitation of Oxford Basin will both serve as wildlife as well as community assets. Non-active open space is important for these areas in order for wildlife values to be retained and enhanced. Active open space enhancements are reserved for Marina Beach and Chace Park, while urban open space will be included in several projects, such as Parcel 52 and Parcel 49 (such a requirement already exists on Parcel 64 if it is redeveloped). Urban open space and gathering plazas are recognized throughout the United States as part of a balanced approach to recreation.

If the intention of the comment is that the County is not providing local athletic fields, such as soccer and basketball, this is true. The County regards these facilities as inappropriate in terms of visitor accommodation and wildlife protection.

Bullet 7 – The LCPA does not add residential units, and does not eliminate any development potential. The LCPA proposes to convert development potential, and this is already permitted by the LCP.

Bullet 8 – These statements are inaccurate. The commenter does not explain how this conclusion is drawn. The collapse of the development zones does not change the amount of traffic generated by development, nor does it change the directional distribution of the traffic generated. Therefore, collapsing of development zones does not in any way alter traffic mitigation by new developments. A traffic study will be required for each development project to determine each project's traffic impact and mitigation. The collapsing of development zones also does not "pre-vision" the marina – it simply places the development potential allocations in reasonably sized zones that integrate logically with the circulation system. The LCPA also does not convert boat slip losses, although the current LCP allows

increases in slips and since that is not going to occur those trips are removed. The 1996 development potential and the 2010 proposed development potential are identical. There is no stealth involved.

Bullet 9 – The lower cost overnight accommodation language was added in response to a recommendation of the Periodic Review conducted by the Coastal Commission. It is true that the County has proposed an overall cap on these types of limited use accommodations not to exceed 25% of the total hotel rooms in Marina del Rey. That being said, Staff is recommending removal of the language from the LCPA regarding this type of use.

Bullet 10 – This is not accurate. The LCPA does nothing to limit, let alone "gut", boat storage and other services. The change being made is a clarification to the policy that boating support uses cannot be removed unless they are replaced elsewhere. The change focuses on the closed fuel dock at Parcel 56. The changed wording clarifies that the use must be in existence for the policy to apply. Since the fuel dock is closed, the policy would not apply in any event, but it was considered for a clarification.

Bullet 11 – ADA requirements and DBAW Guidelines are not a "cover" – they are normal requirements for marina reconstruction.

Bullet 12 – This statement is a bit unclear. First, the idea of increased height in the Marina in exchange for larger view corridors was a key element of the 1996 LCP amendment process, and is currently in the LCP. High rise structure permitted by the existing LCP were already found in character with the marina, and the City of LA has also found these structures in character, as evidenced by the Azzurra project.

Bullet 13 – The carefully crafted policies of the Sensitive Biological resources chapter are aimed at preserving resources. However, there are anticipated to be occasions where the resources will present conflicts and the policy is aimed at providing guidance as to how those conflicts – if they occur – can be resolved. Conflicts which could occur are health risks, public safety risks, and substantial interference with public amenities. In those limited cases, the Conservation and Management Plan recommends strategies to encourage birds to relocate, specifically finding that Marina del Rey has sufficient tree resources to allow this approach. Only one potential candidate for this policy is known in Marina del Rey and that is at Villa Venetia where guanotrophy has seriously compromised the trees. One tree has already fallen, causing property damage to a parked car. The remaining two trees are highly compromised and may need to be removed in the future.

This response continues with further bullets beginning at the bottom of page 5.

Bullet 1 – Please see response to Bullet 4. The LCPA does not in any way pre-empt the visioning aspect that the County intends to undertake. The point of this statement appears to be the commenter's position that since the bond is paid off, not only should new projects not be undertaken, but that existing development should be eliminated. This is inconsistent with the 1996 LCP – which was also subject to a public review process raising many of the same comments. Nonetheless, the County is increasing open space in Marina del Rey, as further explained in the response to Bullet 4 above. The County may not proceed with timeshares at all.

Bullet 2 – Over the past years several commenters have stated that the reason that boat slips are being reduced is to reduce boater parking and thence allow for more development. On many occasions, the County has explained why this cannot be true.

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

Marina Parcel	Existing # slips	Existing Boater Parking	Proposed # slips	Proposed Boater Parking
8	231	169	207	172
10	184	119	161	131
21	183	187 Shared	92	71
42/43	349	193	277	193
44	232	393 Shared	143	111
47/45	332	321 Shared (290 boaters)	188	345 Shared(278 boaters)
125	316	361 Shared	282	361 Shared

More dedicated parking for slip tenants is proposed after dock reconstruction. The table below illustrates the improved parking ratios post development, which mostly exceed the DBAW parking standard of .60 parking spaces per boat slip.

Marina Parcel	Existing Parking/Slip	Proposed Parking/Slip
8	.73	.83
10	.65	.81
21	Shared	.77
42/43	.55	Shared
44	Shared	.80
47/45	.87	1.48
125	Shared	Shared

Therefore, even though public comment has sometimes focused on the assertion that the slips are being reduced in order to accommodate more landside development, this is not accurate. A review of these tables shows that the boater parking spaces actually increase in Parcels 8, 10, 47/45, and 125. In the case of Parcels 42/43 the number of parking spaces does not change. Its current parking ratio falls below the DBAW ratio, but will meet the ratio with the new marina configuration. With respect to Parcel 21, although there is a significant reduction in the number of spaces, there is no increase in the amount of development in the approved landside project, the boater parking is segregated from general use and the spaces dedicated for boaters now exceeds the DBAW ratio. The same conclusion can be drawn for Parcel 44, which will now have parking dedicated for boaters that exceeds the DBAW guideline. Finally, Parcel 47/45 provides considerably more parking than the DBAW standard.

Therefore, by careful review of this data, it can be seen that not only is the parking ratio being increased over what exists now for boaters, but this is also occurring without recovery of any boater parking space for development.

Bullet 3 – With respect to the comments regarding the Residential Community, the County responds that the current LCP already permits high rises, and therefore this is not a new proposal for this LCPA. The removal of the traffic cap is proposed because the conditions precedent to removal have been met. In other words, the current LCP already contemplates the removal of the cap upon the occurrence of certain events, which have now occurred. As explained earlier in this response, Parcel FF is not "lost" – it is simply relocated to the Wetland Park which has a much better water view in any event. There is absolutely NO increase in residential units. It is not understood what is meant by the destruction of a wetland – the County has deliberately designated a wetland park over the existing wetland and has caused the commitment of $1 million to its restoration.

Bullet 4 – This statement is simply untrue. The County has preserved the delineated wetland on Parcel 9, and has installed for the first time key policies for the protection of avian resources.

Bullet 5 – This is also not true. Nothing in the LCPA proposal – which involves a modest adjustment to development potential already granted – will pre-empt the visioning process, and the commenter does not explain on what evidence this conclusion is based. There is no Coastal Act relationship at all, as nothing in the Coastal Act calls for a visioning process – the idea for visioning came from the County itself.

The County now turns to a response to "**2. LCP Review and Roadmap Approach**".

Comprehensive Update vs. Comprehensive Study

WAMDR opens with a claim that the Coastal Commission required that the County undertake a comprehensive *update* to the LCP through a community process. This is not accurate, even by looking at the language that WAMDR itself quotes from the LCP Periodic Review recommendations of the Coastal Commission – which are recommendations, not requirements. The recommendation language itself states that "...a comprehensive ***study*** of anticipated future development..." be undertaken. This the County has done. Because of the timing of the Coastal Commission recommendation, the County was able to tailor its technical studies to address all of the components of Recommendation 18a of the Periodic Review. Therefore, all of the studies (except for the boating studies which were completed before the recommendation was made public) had as a scope the future development as enunciated in the CCC recommendation.

Facilities Identified Through a Community Planning Process

First, it is important to document the efforts the County has already made for community participation.

The County began its community outreach efforts in the fall of 2008 in anticipation of receiving the formal transmittal of the Periodic Review. (See Table 1 for a full timeline.) On August 21, 2008 the County held its first community meeting about the Periodic Review response. Over 9,420 postcards were mailed to Marina residents, liveaboards and interested parties inviting them to attend a Periodic Review orientation meeting held at the Marina del Rey Hotel. The objective of the meeting was for members of the public to develop an understanding of the Periodic Review and how the community could work with the County to help prepare a response. Approximately 160 people attended the two-hour meeting. The meeting included a question-and-answer period, which occupied nearly half the meeting, during which a County representative answered varied questions from attendees about development in the Marina, the County's position on the Periodic Review draft recommendations, and the pending response process.

Attendees were encouraged at the August 21st meeting to sign up for a "working group" which would comment on each of the recommendations contained in one of the nine general topic areas within the Periodic Review. Alternately, working groups could also be formed by any existing group or by individuals wanting to form a new group. Individuals were also encouraged to provide their comments directly to the County, if that approach was more comfortable for them. The purpose of the working groups was to ensure that the County received comments in each topic area, but groups and individuals were free to comment on any portion of the Periodic Review or other issues of concern in Marina del Rey.

The second community meeting was held on October 29, 2008 at the Marina del Rey Hotel. This was a meeting to help the working groups organize and understand their task and the fiveand- a-half-month timeline for completing their comments, and to further explain the County's role in their groups. The County mailed approximately 14,101 postcards to announce this event. The mailing included the 9,420 addresses utilized for the August mailing, plus 4,677 addresses of boat owners who keep their boats in Marina del Rey. While the County provided organizational guidance and reference materials to aid the groups in developing their comments, the County did not assign participants to groups or run group meetings; participant volunteers organized themselves and their meetings, and determined the group's comments.

The County did ask to attend at least one meeting a month of each working group in order to provide administrative support and ensure they were on track to meet the timeline. These meetings were on the whole well run, focused, and extremely productive, which is a testament to the commitment of the group participants and the cooperative atmosphere they worked to maintain.

The results of the Working Group reports were presented to the Board of Supervisors and included both concurrence with CCC and County recommendations and differences between County recommendations and the position of the Working Groups. Nonetheless, the County Department of beaches and Harbors modified certain recreational aspects of its plan in order to add additional kayak and boating launch areas, boat storage, and other such features. During this time, the County also abandoned a proposal – originally part of the Pipeline Projects – which proposed a hotel on Parcel IR. Therefore, while the County did not agree with all of the recommendations, it is inaccurate to state that the County has not been responsive. Further, as noted even in the CCC final findings for the Periodic Review at page 100:

"The mere submission of an LCP amendment or consideration of a project does not represent a commitment on the part of any governmental body to approve such a project."

Therefore, the hearing and amendment process has been correctly pursued to date.

WAMDR appears to interpret the CCC's recommendation regarding emphasis on community recreational facilities. While the Commission findings clearly encourage an increase in recreational land (which is occurring) the Commission discussion specifically notes that no County project to date has displaced recreational land. What the Commission was seeking was a study, and that has been amply performed in the Cumulative Impact Assessment and its associated studies.

Finally, WAMDR omits the very next recommendation of the Periodic Review, which was discussed in tandem with Recommendation 19a in the Commission findings report. This recommendation was recited in the Cumulative Impact Assessment but is not repeated in the letter from WAMDR. It reads as follows:

> ***19. 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. **[Emphasis added]**

As can be seen, the Commission intended to aggregate the amendments necessary – which the County has done – and accompany this effort with a comprehensive study of the cumulative effect of all future development. Taken together, it can be seen that the claim that the CCC required a Comprehensive update is incorrect, and that the Commission not only anticipated but requested that the LCP amendments now pending be aggregated into a single amendment.

The contention that the Pipeline Projects LCPA is premature

Based on the foregoing, the Pipeline Projects amendment is a natural outgrowth of the Periodic Review. There is nothing in state law or the regulations of the Coastal Commission requiring that the County suspend any entitlement efforts until the Commission considers the response of the County to the Periodic Review. In fact, the statute does not even require a hearing of the Commission on the Periodic Review response, but rather provides that if the Commission is unsatisfied with the response of the County, the Commission can elect to make a report to the Legislature.

Moreover, the Commission has already considered the County's proposal for a Pipeline Project approach. WAMDR notes that this was not subject to public comment. However, the public did speak at the CCC hearing in Marina del Rey at the same monthly Commission meeting wherein the Executive Director and his staff proposed this approach, and there was no different outcome. Nonetheless, the County is not in any way limited in its ability to present proposals to the Coastal Commission. It is noteworthy that the County has chosen, on its own, to address several issues of interest to the Commission even though they are not raised by the Pipeline Projects themselves. This step accelerates the achievement of the mutual goals of the County and the CCC.

The County now turns to a response to "**3. Public participation/Notice of LCP Amendment/Disclosure of Changes to LCP**".

In this portion of the letter, WAMDR comments that the LCP does not respond to the input made by the public. The County has complied with all applicable rules of the Coastal Commission, the County and state law, and has in fact exceeded such rules. The County offers the following response to the points raised in the letter presented in Appendix 2.

We Are Marina del Rey states that Los Angeles County is not in compliance with California Coastal Act (Act) Section 30503 and California Code of Regulations Section 13515, with respect to noticing and giving the public maximum opportunity to participate in the preparation of the amendment to the Marina del Rey Local Coastal Program (LCP). We respectfully disagree. The County has conducted the process in an open and inclusive manner. The public notice and outreach has been extensive and there has been and will continue to be multiple opportunities for public comment. County staff has listened carefully and based on input, revisions to the draft have been made. As was evidenced by the recent Regional Planning Commission hearing, the public was given generous opportunity to comment and the Regional Planning Commission carefully considered comments and requested that staff examine several issues.

Both the Act and the Regulations require that the public and affected governmental agencies be afforded "maximum opportunities to participate in the preparation of the LCP or LRDP. (Pub. Res. Code Section 30503; CCR Section 13515). In the Act, this language applies to the original development of the LCP as well as any amendment thereto. In addition, the Regulations set forth minimum requirements for participation. Nothing in the Act or the Regulations states that the local government may not present the first draft of the amendment to the public for review.

The Regulations also present a common methodology to be followed by the local agency in developing the LCP (CCR Section 13511). This common methodology is primarily aimed at the development of the first LCP draft, and it is noteworthy that the provision, in subdivision (c) the Regulations state:

"With regard to LCPs, the level and pattern of development *selected* by the local government shall be reflected in the land use plan, zoning ordinances and zoning district maps." [Emphasis added]

Notably, the provisions relating to how the public is involved in the review of this draft follow the common methodology provision. There is nothing in the Act or the Regulations to suggest that the County, as the local land use authority, is constrained at the outset from making proposals for its own LCP. The Act and the Regulations impose upon the local agency the burden of proposing the plan, and then providing ample opportunity for public reaction.

The County has provided the public with maximum opportunities to participate. First and foremost, the Pipeline Projects – with the exception of one project introduced last year – have been the focus of County review for at least five years. Two of the five projects have been approved by the Regional Planning Commission after months of hearings. Each of the five projects was the subject of agendized discussion at boards, such as the Design Control Board, at publicly noticed meetings.

Moreover, the Coastal Commission undertook a Periodic Review of the Marina del Rey LCP, culminating in a series of findings adopted in final form in October 2008. The (then) six Pipeline Projects were prominently discussed, resulting in a recommendation – further endorsed by the Coastal Commission at its meeting in June 2009 – that these projects be aggregated into a single amendment request. Following the Periodic Review recommendations to the County, the County undertook a months-long series of public workshops aimed at soliciting public comment. These workshops included attention to the recommendations themselves, and resulted in a comprehensive report to the Board of Supervisors (Board) which was forwarded as the County's response to the LCP Periodic review recommendations.

Finally, when the Board directed staff to undertake the Pipeline Projects amendment and other improvements to the LCP to respond to the recommendations of the Coastal Commission, the Board announced its decision at a public meeting, where public testimony was taken.

Following the Board motion, the County set out to develop the changes necessary to the LCP Land Use Plan (LUP) and Local Implementation Program (LIP). On August 2, 2010, approximately 16,338 community meeting notices were mailed out. The mailing included all boaters, liveaboards and residents within Marina del Rey as well as all property owners within a 500 foot buffer around Marina del Rey. This list also included Neighborhood Councils and the Lessees' Association. Also on August 2,

2010 an e-mail message was sent to all the members of the Small Craft Harbor Commission, Beach Commission, Design Control Board and the adjacent City of Los Angeles Neighborhood Councils. Additionally, the community meetings were announced at the regularly scheduled Design Control Board meeting. On August 13, 2010 the Department of Regional Planning posted the Draft LCP documents, meeting notice and related materials on the Department website and also provided a copy of the documents to the Lloyd Taber-Marina Library. The Department of Beaches and Harbors also posted the meeting notice on their main web page.

Community meetings were held on Saturday, August 21, 2010 and Tuesday August 24, 2010. The August 21st meeting had 52 people sign in and 34 speakers. The August 24th meeting had 94 people sign in with 43 opting to speak. Both meetings were attended by staff from the Department of Regional Planning, the Department of Beaches and Harbors, the Department of Public Works, the Office of County Counsel and the County's Coastal Consultant, all of whom were available to solicit public comment and answer questions about the proposed amendment. In addition, at the conclusion of each public meeting, Michael Tripp, the planner who is processing the amendment, announced his willingness to meet with interested members of the public and go over with them changes proposed to the document on a page by page basis. Richard Bruckner, the Director of Planning, also offered to meet with members of We are MDR personally to go over any questions or concerns.

Additional public input was sought on September 15, 2010 when at a joint meeting of the Design Control Board and Small Craft Harbor Commission, where Department of Regional Planning Staff once again presented information about the proposed amendment. Please note that we are still in the preliminary steps of the plan amendment process. Prior to possible action on the proposed amendment, additional opportunities for public input will be available at hearings at the Regional Planning Commission, Board of Supervisors, and the California Coastal Commission.

The issuance of the draft LCP amendment for public review was also well in advance of any possible final action on the amendment. The County has never stopped the process of receiving comments, even after the first public hearing before the Regional Planning Commission. The County has announced its intention to make adjustments to the documents responsive to comments to the extent possible. Many such changes have already been made and will continue to be made as part of the public review process.

Essentially, We ARE MDR makes the following argument – in order to fulfill the maximum opportunities for public participation required by the Coastal Act and the California Code of Regulations, they must be offered an opportunity to co-author the LCP amendment. The County does not find any support for this position. The County, nonetheless, welcomes the participation of We ARE MDR and others at public meetings.

In regards to the timing of the meetings and the venue seating capacity, at the time of noticing of the public meetings, no one advised the County that they could not attend because of holidays. Even so, any person who could not attend in August could certainly attend in September. The County does not

believe that the timing impaired the public's ability to participate, as evidenced by the large number of people in attendance.

In terms of the venue, the County only has the Burton Chace Community Building available in Marina del Rey. When more people attended than the seating inside allowed, the County promptly provided seating outside with the doors open, and contrary to what is stated in your letter, the County provided a public address system so that the proceedings could be monitored from outside of the building. The County believes that it made a maximum effort to accommodate attendees at these meetings.

We ARE MDR also objected to the first public hearing on the major amendment being held at Regional Planning's downtown hearing room. This is the same location where other such hearings have occurred, including two of the five projects in the major amendment. The County disagrees with the assertion that the downtown hearing room is a place that is not easily accessible to residents of the Coastal Zone, as is required by CCR 13515 (d).

Lastly, We ARE MDR claims that the community meetings were insufficient, lacked disclosure of land use changes and that County staff showed bias during the meetings. The Community meeting presentations were timed and structured in a way to maximize the ability of the public to comment. As there were many members of the public present, time was limited for each speaker, as would be done at any hearing, including that of the Coastal Commission, to ensure adequate speaking time for attendees. While We ARE MDR lists numerous changes to the LCP, some of which are accurate and some of which are not, many changes are always made to documents in amendments to insure internal consistency and clarity. In fact, more changes might be recommended by reviewers as the process continues, and this is a natural concomitant of the planning process. Changes to the LCP "unrelated' to the Pipeline Projects have always been contemplated to begin to address Periodic Review recommendations, and also to insure coherence in the document.

The claim of bias on the part of County staff against members of the public during the community meetings is completely unsubstantiated. An equal amount of time was given to any member of the public who wanted to speak regardless of whether or not they were in favor of the project.

In conclusion, the County regrets that its extraordinary efforts to maximize public participation have fallen short of the expectations of We ARE MDR. However, the County strongly believes that these efforts have not fallen short of the Coastal Act and California Code of Regulations requirements. We look forward to your continued participation and comments.

The County now turns to a response to **"4. LCP Update Guidelines".**

WAMDR does not specify in what way the County's amendment falls short of the Guidelines. However, the Guidelines are not relevant, in that the County is not proposing an update to the LCP, and that is what the Guidelines address. In the Visioning process, however, the Guidelines will be used as a tool to address the revisions to the LCP.

The County now turns to a response to **"5. Moratorium on Lease Extensions/Guidelines for RFPs".**

This comment is not directly related to the LCPA and makes suggestions as to changes in the County's process of land leases. Nothing in the LCPA for the Pipeline Projects is affected by these suggestions, and no public agency has ever suggested a moratorium.

RESPONSE TO SECTION B OF THE WAMDR LETTER

This section details comments on projects and this response will follow the arrangement of the letter from WAMDR.

1. Pipeline projects – this heading states that it includes Parcel 9. Parcel 9 is not a Pipeline project. Parcels 10/FF – The primary contention with respect to this property is that the loss of Parcel FF to development is not compensated for by the wetland park. WAMDR claims that the wetland park is not comparable to the loss of FF, now a parking lot, in terms of active recreation. The comment goes on to stress that Parcel FF should be for soccer fields, a dog run, and basketball hoops. WAMDR claims that this was a requirement of the 1995 Coastal Commission action.

   First and foremost, while the findings of the Coastal Commission in 1995 comment that park provision in Marina del Rey falls short of planning requirements, the findings do not state that the open space on FF is for local residents. In fact, the Coastal Act contains no policies favoring local residents, and certainly not over resources. The County does, in fact, "assert" that a portion of Parcel 9 features a wetland – it does. The addition of a wetland park on this side of the marina can also be enjoyed by residents, as well as the general public and the wildlife. Moreover, increases to Chace Park are available to residents as well. In this case, the County has chosen resource protection and enhancement over a local active park. Even if Parcel FF were developed as a park the County would be under the affirmative obligation to develop the park in a manner that is usable to the casual visitor, not necessarily the residents of MDR and nearby Venice. Please see response to Bullet 4 above.

   Secondly, the reason there is a hotel site on this side of the marina is to attract the public to coastal resources. MDR is not the only area which has residences – the City of Los Angeles' Venice community has many residences just across the street. The fact that these older developed areas do not now conform to modern local park requirements is an artifact of history. There are many areas of Los Angeles County where residents do not have the normal community elements as might exist in modern planned communities. But the lifestyle of living near the water generally does not include these amenities, many times because of the proximity of the beach and ocean. Dog runs and soccer fields do not attract the casual visitor, and the LCP currently requires the residential uses to provide onsite recreation or to pay into a fund. The enhancement of Chace Park is a recreational asset which, taken together with Yvonne B. Burke park and Marina Beach, serves the residents as well as the public.

Parcel 9U

The entire parcel is not a wetland. The reader is referred to a Coastal Commission determination regarding the presence of seaside heliotrope as a wetland indicator (CDP 5- 01-450, Caltrans). The Commission concluded that this did not serve as a wetland indicator. The delineation performed, and re-checked at least twice, delineates the wetland as only occupying a portion of the parcel. The statement that the site was not surveyed for heron and egret use is simply false. The Conservation and Management Plan, as well as biologists studying the wetland, have regularly surveyed the site.

Parcel 33/NR

The height on Parcel 33 is limited to 75 feet. The reason why Residential V is proposed is that the LCP does not allow residential on a parcel that does not have an underlying residential designation. The County is still studying the development proposed for Parcel NR, although the parking analyses and on-site observations do not indicate a high use of this lot by kayakers, etc. The County believes that a mixed use project on Parcel 33 will introduce a more economically sound visitor-serving use to the site.

Parcel 49/77

As the County has stated on several occasions, and also in the policies of the LCP, no aspect of the launch ramp or boat storage on Parcel 49 may be displaced. The current LCP allows boat storage to be moved.

The comment is inaccurate in many respects. First, the referenced Appendix – a letter to the Board of Supervisors from Santos Kreimann – specifically notes the CCC staff support for enhanced visitor-serving uses at this site and in this area. The reason that the proposal – the only one received – was rejected is that the CCC staff – and the County - objected to the residential component. The idea of intensifying visitor-serving uses is still considered viable, however.

It is also not accurate to state that the launch ramp cannot be integrated vertically with the visitor-serving uses. Inasmuch as the County has no intention of reducing the launch ramp function, carefully designed visitor-serving uses can be incorporated without interference with the launch ramp or the on-site mast-up storage.

The goal of the County is to encourage more visitors to the area and also to recognize the needs of the boating community. The popularity of the Waterside shopping center for visitors is adequate evidence of the desire of the public to frequent these facilities. Merely because these residents do not believe they need more shopping opportunities is not a reason to restrict the public at large from the enjoyment that a multi-use center would provide.

Parcel OT

While it is true that the County proposed redesignation of this parcel in 1995 and was not successful, there are two important reasons why this proposal is legitimately before the decision-makers now.

First, the County had not submitted any evidence to the CCC in 1995 documenting the low use of this parking lot, or any other parking lot for that matter. The County has now submitted a very thorough parking study performed over a multi-year timeframe showing that this parking lot is rarely used.

Secondly, the conclusion of the Coastal Commission in 1995 that this lot would serve the Venice Beach and other users has also turned out to be well-intentioned but inaccurate in practice. The low utilization and great distance from Venice Beach – particularly considering that the County operates a parking lot very close to the channel and certainly much closer to Venice Beach – has simply not been conducive to public use.

In terms of park and bike lot, the County believes this might be more appropriate at Parcel GR, where a large area is being taken from an existing leasehold and placed into public parking. This is closer to Venice Beach and is also convenient to the uses at Marina Beach. At this location, the County is supportive of this suggestion.

2. Parking

Please see response to Bullet 5. There is no evidence to support the contention that the County is losing 350 spaces.

The County recognizes that the open space and recreational enhancements that it proposes will hopefully stimulate greater interest for outside visitors. This is precisely why the County is increasing parking in the areas where those facilities are to be located. Contrary to the commenter's assertion, the Right Sizing Parking Study takes into account ALL of these increased uses as well as needs up to the year 2030! Therefore, there is no basis to claim that parking will not be sufficient. Moreover, further reductions beyond this amendment will be taken up – if at all – in the Visioning process.

The claim that changes in Section A of the LCP will cause problems is similarly unfounded. The opportunity to cause office buildings to make their parking available in off-peak periods has always be a key tenet of the LCP.

In terms of the use of public parking by commercial operators in MDR, the County did take into account the use of parking lots by persons who would normally not be expected to use them.

For example, the cars in Parcel FF's lot are primarily owned by surrounding residents, who purchase a parking pass in order to meet the requirements of "Pay and Display". Additionally, patrons to the Marriott sometimes use Parcel IR's lot, rather than valet park. From the County's perspective, this latter use is still consistent with the LCP as these are visitors – if people want to use public parking to enjoy a visitor-serving use, they may. But this use was included in the figures in the parking study.

In terms of the focus of the study, the County has already stated that the lots are sometimes used liberally during large events. But most of the year they are not. The important issue is that in Parcels OT, FF and NR the parking is either replaced in the manner called for in the LCP or it is accommodated to the degree is necessary, and Parcel OT and 21 accommodate ALL of the spaces in Parcel OT's lot. In like manner, parcel FF provides .5:1 parking as required by the LCP. This important point appears to be overlooked, and is a different situation than the County completely losing these spaces. Furthermore, although Parcel IR is mentioned, Parcel IR is not a Pipeline project and is reserved for study in the Visioning process.

3. **Open Space**

The County has not counted promenades towards its open space figures. The County believes that passive open space is appropriately counted as it is part of the importance of MDR regionally.

The Coastal Act does not concern itself with local parks *per se*. The use of land for open space is geared to resources and to visitors. In fact, although WAMDR quotes sections 30222 and 30252 of the Coastal Act in support of their local park contentions, it is clear that Section 30222 refers to *coastal* recreation. And, with respect to Coastal Act section 30252 (6), the requirement that new residents not overload nearby coastal recreational areas is met with the combination of the wetland park and the significant expansion of Chace Park. While it is true that MDR (and other older communities such as Venice) may not have abundant recreational acreage because of the way they developed, this does not mean that scarce open space opportunities should be geared towards residents.

It is not accurate to state that these open space opportunities are taken from visitor-serving or other priority categories. Every use (such as yacht club, boat storage etc.) which is converted to open space land is replaced in another location – as required by the current LCP.

The balance of the comment appears to be an inventory and arguments previously made and answered herein. The relationship of Parcels FF and P as mitigation has been previously discussed, and the County finds that the public recreational and resource opportunities proposed in this LCPA greatly outweigh the local interests of the residents for local recreation.

With respect to Parcel UR, its designation as Marina Commercial arose out o the 1995 amendment and the parking designation is being restored. Parcel 21 is not a Pipeline project and neither is Parcel IR. Parcel IR is currently under study to enhance the visitor experience to the beach but no specific proposal has been endorsed by the County. Parcel 77 is not proposed for the DBH office. The RFP and its sole proposal have not been endorsed by the County. The importance of a plan before development on Parcel 77 is undertaken is emphasized by the LCP. There is new mast up storage proposed at Parcel 52, and the non-masted boats do stack (there are only non-masted boats on Parcel 77). There are also many vacancies at this site.

Comments regarding the design of the Parcel P walkway and more appropriately addressed in connection with the plan under developement by the Department of Public Works.

In terms of the phrase referred to regarding out of service components, this is intended to refer to the second fuel dock at Parcel 56. Clarifying language will be added, as this fuel dock never operated profitably and an operator has not been attracted to the site for many years. The new fuel dock at Parcel 1 is highly patronized.

4. Traffic/Circulation

The Traffic Study falsely concludes that the Revised Set of Intersection Improvements will provide sufficient capacity for the LCP build-out traffic conditions (pg 11-20):

Response: The Revised Set of Intersection Improvements provides additional traffic capacity at key intersections in the Marina similar to the transportation improvements specified in the LUP. Based on actual traffic counts taken for the LCP in 1991 and the traffic counts taken for the Raju Traffic Study in 2009, the Raju traffic study showed that traffic volumes decreased by an average of 5% during the AM peak hours and decreased by an average of 8% during the PM peak hours. The decrease in traffic volumes is also supported by traffic counts taken by Caltrans, the DPW and the Metropolitan Transportation Authority (Metro). The Raju Traffic Study showed that using the current traffic volumes as a basis, and adding the yearly traffic ambient growth, the Revised Set of Intersection Improvements provide sufficient capacity to accommodate the Pipeline projects as well as the buildout of the Marina.

WAMDR's statement, *Based on the above conclusions, the proposed LCP amendment would remove caps on development...* is incorrect.

Response: The Raju's Traffic Study finding that that the Revised Set of Intersection Improvements provide sufficient capacity to accommodate the Pipeline projects as well as the buildout of the Marina was not a factor in removing the 50% interim cap on *development*. Automated Traffic Surveillance and Control System (ATSAC) is a Category 3 improvement (LUP Page 11-18). The Implementation of ATSAC fulfills the LUP requirement that a Category 3 improvement needs to be completed to lift the 50% interim cap on development (Page 11-20). The overall cap on development remains the same. The mitigation fees have no relationship to

the development cap in the Marina.

WAMDR's statement, *Projects cannot be approved based on unknown future "improvements" simply because there is a fund being collected.* is not correct.

Response: A traffic mitigation fee is required of all developments in the Marina, based on the amount of PM peak-hour traffic the developments generate. The developer fees collected are earmarked to pay for the Revised Set of Intersection Improvements as follows: The Admiralty Way improvements at Palawan Way, Bali Way, Mindanao Way and Fiji Way are under design and targeted for construction in the Fall of 2011. The Admiralty Way/Via Marina intersection improvement is under design and targeted for construction in the Fall of 2012. The Revised Set of Intersection Improvements is a downscoped version of the Admiralty Way, Via Marina to Fiji Way 5-Lane project, a Category 3 improvement in the LCP. It will be implemented in accordance with the LCP to improve traffic flow and circulation along Admiralty Way. The LUP on Page 11-20 4. f) 2) states, "Funding and Phasing. Development in the exiting Marina may proceed independently upon agreement with the County, without benefit of other agreements, contingent on completion of the road improvements determined necessary by the County to mitigate the development consistent with the provisions of the certified LCP." The Raju Traffic Study showed that the traffic volumes and levels of congestion did not reach levels estimated in the LCP. The LCP anticipated that the full build-out of the Marina would occur by 2010. However, only a small fraction of developments allowed in the LCP have been entitled, producing only 374 peak-hour trips. As shown in the Raju Traffic Study, the Revised Set of Intersection Improvements is needed to accommodate future traffic demands.

Page 17, *As further detailed in the table and traffic study comments below, we believe the Traffic Study's methodologies, analysis and conclusions are faulty and geared towards concluding that traffic is fine and no real mitigation is required*:

Response: Contrary to this statement, the Raju Traffic Study concluded that the Revised Set of I ntersection Improvements accommodate future traffic generated by the Pipeline Projects as well as the buildout of the Marina. In addition, each Marina development project is required to conduct a traffic study to determine the extent of traffic mitigation required.

WAMDR's statement, *There are no mitigation measures listed for the remaining 54% of the LCP build-out.* is incorrect.

Response: The Raju Traffic Study, beginning on Page 61, V. Future Cumulative Traffic Conditions, analyzed the cumulative impact of the Pipeline projects, ambient yearly growth of traffic, the remaining buildout of the Marina and traffic generated by all known related projects. The Traffic Study concluded that the Revised Set of Intersection Improvements would accommodate the future traffic demands for all the aforementioned cumulative traffic impacts.

WAMDR's statement, *This conclusion means that with full LCP build-out AND with the implementation of all the revised set of intersection improvement projects, 5 am intersections*

and 8 pm intersections will be operating at a worse than D level of service This does not correlate to the statement that there is sufficient capacity to handle full LCP build-out conditions as concluded in the Traffic Study! is incorrect.

Response: The Raju Traffic Study summarized that the proposed LCP Amendment (with Pipeline Projects) as well as the proposed LCP Buildout traffic conditions with the Revised Set of Intersection Improvement Projects would result in better operating conditions at all analysis locations than the future conditions with the approved LCP in the 1991/1994 DKS Study. The Raju Study further summarized that the Revised Set of Intersection Improvements being proposed as part of the LCP Amendment would provide sufficient capacity at all the key intersections within the Marina for the five Pipeline Projects and for the proposed LCP buildout traffic conditions.

Regarding intersections that operate at an undesirable level of service (E or F), according to County of Los Angeles and City of Los Angeles criteria for traffic impact analysis, development projects are not required to improve those intersections, unless the development alone or in concert with other projects creates a significant impact at the intersection(s).

Page 17, c.1:

Response: Past studies have shown that through traffic in the evening peak hour constitutes 8 to 9 percent of the peak period and peak hour traffic volumes on Admiralty Way. The word "significant" used to characterize the amount of through traffic is subjective, and it will be removed.

Page 18,c.2:

Resonse: The trip generation rates developed for Marina del Rey were based on two extensive traffic studies for the LCP. The Institute of Transportation (ITE) recommends the use of local, site-specific trip generation rates if possible. The DPW approves the continued use of the trip generation rates for Marina del Rey that are specified in the LCP.

Page 18, c.3:

Response: The statement will be modified to remove the word "predominantly."

Page 18, c.4:

Response: The Raju Traffic Study concluded that the Revised Set of Intersection Improvements accommodate future traffic generated by the Pipeline Projects as well as the buildout of the Marina at all the key intersections within the Marina. The Raju Traffic Study used new traffic counts in their traffic analyses. All the traffic analyses conducted in the Raju Traffic Study are representative of conditions expected to occur with the LCP Amendment and buildout of the LCP Development, and as such, there is no need to re-evaluate existing traffic conditions. Further, the Raju Study correctly concluded that the year 2020 traffic conditions with buildout of

the LCP Development, with or without the Revised Set of Intersection Improvements, would be better than any of the approved LCP 2010 traffic conditions projected in the 1991/1994 DKS Study. This statement is relevant in the evaluation of the LCP Amendment in relation to the currently-approved LCP Project. Regarding intersections that operate an undesirable level of service, according to County of Los Angeles and City of Los Angeles criteria for traffic impact analysis, a development is not required to improve those intersections, unless the development alone or in concert with other projects creates a significant impact.

Page 18, d.5:

Response: The traffic counts taken for the 1991/1994 DKS Traffic Study for the LCP and the traffic counts taken for the 2010 Raju Traffic Study were approved by the DPW as representative traffic counts for conditions at that time. The decrease in traffic is a regional trend, and not based on local occupancy and activity by Marina leaseholds. The decrease in traffic volumes shown in the Raju Traffic Study are consistent with DPW's traffic counts taken periodically in the Marina and Countywide. The general decrease in traffic in the Marina area and region-wide is further supported by traffic volume data obtained by the California Department of Transportation (Caltrans), and by the County Metropolitan Transportation Authority (Metro).

Page 19, d.6:

Response: See response for Page 18, c4.

Page 19, d.7:

Response: See response for Page 18, c4.

Page 19, d.8:

Response: See response for Page 18, c4.

Page 19, e.9:

Response: The Raju Traffic Study showed that the Revised Set of Intersection Improvements will provide sufficient capacity for the LCP build-out. Using the current traffic volumes as a basis, and adding the yearly traffic ambient growth, plus related projects outside the Marina, the Revised Set of Intersection Improvements provide sufficient capacity to accommodate the Pipeline projects as well as the buildout of the Marina at all key intersections within the Marina.

Page 20, e.10:

Response: WAMDR's statement, *...yet the mitigation measures listed for regional transportation measures do not exist and mention a vague coordination effort that may not occur.* is incorrect. Over the years, the County has been active in working with other jurisdictions on regional transportation projects. The County spent considerable time and resources on the SR90 Extension to Admiralty Way project. The County submitted the project in Metro's 2007 Call For

Projects, but it did not get funded. This project is currently on hold pending availability of funds. The status of other regional transportation projects is as follows: Automated Traffic Surveillance and Control (ATSAC) is complete and operational; a seasonal shuttle bus service is operational, and its expansion will be dependent on demand; and the redesign of the Admiralty Way/Via Marina intersection is an active project. The County working with other jurisdictions, formed the Lincoln Corridor Task Force (LCTF) to work collectively with other jurisdictions and reach consensus on regional projects along the Lincoln Boulevard Corridor. The County used developer fees to fund a LCTF study of regional transportation projects. As a result of that study, bus improvements were made along Lincoln Boulevard. The County is currently participating with neighboring jurisdictions on the Regional Development and Traffic Mitigation Working Group to establish a new set of multi-jurisdictional regional projects.

Page 20:

The statement, *The Draft Traffic Study was not comprehensive and complete. It lacked proper wide review by City and County agencies, had no public input into the scope and methodologies nor public review/comment period for the study.* is incorrect.

Response: The Raju Traffic Study is a comprehensive traffic study conducted with input from the DPW, Regional Planning and Beaches and Harbors. The DPW approved all aspects of the Traffic Study, including the days and times of day the traffic counts were conducted, and the conclusions. The Draft Traffic study was posted on the DBH website for review and comment.

Page 20, 1: Study Conclusions:

Response: The traffic counts taken for the 1991/1994 DKS Traffic Study for the LCP and the traffic counts taken for the 2010 Raju Traffic Study were approved by the DPW as representative traffic counts for conditions at that time. The decrease in traffic is a regional trend, and not based on local occupancy and activity by Marina leaseholds. The decrease in traffic volumes shown in the Raju Traffic Study are consistent with DPW's traffic counts taken periodically in the Marina and Countywide. The general decrease in traffic in the Marina area and region wide is further supported by traffic volume data obtained by the California Department of Transportation (Caltrans), and by the County Metropolitan Transportation Authority (Metro).

As previously indicated, the Raju Traffic Study concluded that the Revised Set of Intersection Improvements accommodate future traffic generated by the Pipeline Projects as well as the buildout of the Marina at all key locations within the Marina. Regarding intersections that operate an undesirable level of service, according to County of Los Angeles and City of Los Angeles criteria for traffic impact analysis, a development is not required to improve those intersections, unless the development alone or in concert with other projects creates a significant impact.

Page 22, 2:

Response: See comment for Page 20, 1. Study Conclusions.

Page 22, 3:

Response: See comment for Page 20, 1. Study Conclusions.

Page 23, 4:

The statement, *This conclusion is irrelevant and does not compare apples and oranges. It does not reference or account for development and corresponding traffic trips that has been built since 1996.* is incorrect.

Response: The County has entitled developments that generate 374 PM peak-hour trips, and the traffic study takes that into account.

Page 23, 5:

The statement, *This conclusion is irrelevant to the analysis of traffic condition.* which refers to the amount of traffic expected to be generated by the Pipeline Projects, is not correct.

Response: It is relevant to analyze the amount of traffic expected to be generated by the Pipeline Projects in order to analyze the traffic impact of the Pipeline Projects only.

Page 23, 6:

The statement, *Based on our response to Conclusions #1, this data may not be accurate and must be retested.* is incorrect.

Response: The data in the Traffic Study is accurate as verified by the DPW.

Page 23, 7:

Response: See comment for Page 23, 6.

Page 24, 8:

Response: See comment for Page 23, 6.

Page 24, 9:

The statement, *Based on our response to Conclusions #1, this data may not be accurate and must be retested. Also, here it is irrelevant to compare future ambient conditions between the current traffic study and the DKS study because in this scenario, there are still 5 intersections that operate at worse than LOS D even after the intersection improvements.* is incorrect.

Response: The data in the Traffic Study is accurate as verified by the DPW. The comparison of LCP amendment traffic conditions to the approved LCP traffic conditions shown in the DKS Study is relevant. Regarding intersections that operate an undesirable level of service, according to

County of Los Angeles and City of Los Angeles criteria for traffic impact analysis, a development is not required to improve those intersections, unless the development alone or in concert with other projects creates a significant impact.

Page 24, 10:

Response: See comment for Page 23, 6.

Page 25, 11:

The statement, *Based on our response to Conclusions #1, this data may not be accurate and must be retested. Additionally, this conclusion says that after the pipeline projects are built, 2 morning and 7 evening intersections will be worse than D* is incorrect.

Response: The data in the Traffic Study is accurate as verified by the DPW and does not need to be re-tested.

Page 25, 12:

Response: This statement is incorrect. See comments for Page 25, 11.

Page 25, 13:

Response: This statement is incorrect. See comments for Page 25, 11.

Page 26, 14:

Response: This statement is incorrect. See comments for Page 25, 11.

Page 26, 15:

Response: This statement is incorrect. See comments for Page 25, 11.

Page 27:

The statement, *The revised traffic intersection improvements DO NOT provide sufficient capacity for the future build-out and therefore, the changes to the circulation system, including removing capacity and phasing controls based on this Traffic Study are not acceptable and must be reinstated.* is not correct.

Response: As verified by the DPW, the Traffic Study demonstrates that the Revised Set of Intersection Improvements provides sufficient capacity to accommodate the Pipeline Projects as well as the buildout of Marina at all the key intersections within the Marina.

Further Study Issues, a. Ambient Growth. *How was it (ambient traffic growth) applied in the1991/1994 reports? Shouldn't it be exponential?:*

Response: The 1991/1994 Traffic Study used an ambient growth rate of 0.6% per year for

intersections in the Marina, and an ambient growth rate of 2.0% per year for the intersections outside the Marina. Based on historical traffic growth in the Marina monitored by the DPW, traffic at intersections in the Marina was estimated to increase at a rate of 0.6% per year. Similarly, for the City of Los Angeles, traffic outside the Marina was estimated to increase by a rate of 0.5% per year. The ambient growth rates conform to the Southern California Association of Governments (SCAG) Regional Transportation Plan 2008 (RTP 2008) travel demand model. The County DPW and the City of Los Angeles Department of Transportation recommend these ambient growth rates for traffic studies with long-term horizon year analyses.

Page 27, b. LOS methodology.

Response: The County DPW and City of Los Angeles Department of Transportation approve the LOS methodology used in the Traffic Study.

Page 27, c. Other Proposed Changes to the LCP; d. Trip Generation Rates.

Response: The trip generation rates used in the Marina are site-specific trip rates. The Institute of Transportation (ITE) publication Trip Generation recommends the use of site-specific trip generation rates where possible, and the DPW concurs with their use for projects in the Marina.

Page 27, e. Missing Intersection Analyses. *The traffic study failed to analyze three important intersections in the Marina. Washington Boulevard/Via Dolce, Via Dolce/Dell and Via Marina/Dell. Why were these intersections left out of the Traffic Study?*

Response: The 1991/1994 Traffic Study for the currently-approved LCP selected 19 intersections inside and outside the Marina for study. The 19 intersections are the key intersections that provide internal access or provide a regional connection. The purpose of the Raju Traffic Study was to compare findings of the 1991/1994 Traffic Study with an updated traffic study for the proposed LCP Amendment project at all the key intersections in the Marina. As such, the Raju Traffic Study analyzed the same 19 intersections analyzed in the 1991/1994 Traffic Study. In addition, the intersection of Washington Boulevard and Palawan Way was analyzed because of the proposed improvements at that intersection. The DPW approved the 20 intersections studied.

5. **Land Use/Development** In this section WAMDR restates many claims previously addressed in this response. This portion of the response only addresses new or amplified issues.

The collapsing of the development zones is for a simple purpose. Many LCPAs are made necessary because of the small size of the development zones. These zones were not created for planning administration purposes but rather to satisfy the concerns of existing lessees and to foster competition in the marina. Therefore, they have no rational basis in LCP administration.

Moreover, they cause a very labor intensive LCPA process for very minor adjustments in the existing development potential between sites.

The three development zones signal an arrangement that is easier and more effective to administer without losing any of the control that exists in the LCP to shape a project. Therefore, while flexibility is introduced, it is not accompanied by a commitment of the development potential to any particular site.

Before proceeding to the table of comments beginning on page 29, it is important to note that the County did not make all of the changes necessary to bring this LCP document current. The County regards some of the changes proposed as outside of the Pipeline Project process, and therefore did not "re-write" the entire document. In addition, when the County did strengthen or clarify a policy at this time, the County does not regard this step as interfering with the Visioning process. Out of 401 land acres, the County is making modest adjustments within the development potential allocated in the LCP to approximately 35 acres, or 8.7% of the land area. In light of the leases set to expire after 2020, this is a small amount of land area. Moreover, one project – Parcel 10 – is reasonably construed as an outgrowth of the last LCP in 1995, and therefore should not even be considered as having any bearing on the Visioning process – it was already approved for residential development. In other words, the idea of residential on that site has already been determined.

Before beginning the review of tabular comments, two points must be made. First, not all of the revenue from Marina del Rey leases goes to social programs of the County. The predominant part of the revenue is used to support MDR, and even if no revenue at all was allocated to the general fund for other programs, the services, public programs, harbor maintenance and harbor support functions would continue to require revenue from leases in MDR. Therefore, the concept that all leases can be turned into open space or recreational venues for residents is not economically feasible.

Secondly, in 1995, when the last LCPA was considered by the Coastal Commission, many of the same arguments were made – the County is inconsistent with the Coastal Act for developing residential uses, the County should not increase heights, the County should not increase visitor-serving uses, the County should not "make money" on MDR because the bonds are paid off, the County should engage in a Master Plan process which reduces development. These arguments are raised again here but the Coastal Commission has already determined – in 1995 – the position on these arguments, and it was to approve the Phase II development. The County is only trying to carry out what was already approved in terms of development potential, and make some minor adjustments in where that development is located. The County does not regard this step as requiring an elaborate process, although the development review process is ordinarily complicated. However, much of the expressed dissatisfaction appears to stem from dissatisfaction with the development potential already accommodated in the LCP. The time to be heard to complain about this aspect has long since passed. That is not to say that the public

may not comment, but rather that those comments should be considered in the context of a plan that is already approved and is now just being implemented.

(Note: this portion of the comment letter does not always include the specific section of page reference. Every attempt has been made to follow the order of the comments exactly.

Comment reference	Response
b.1	Staff does not object to this change.
c.2	The statement in the LCP is accurate and does not conflict with the lease agreements. The County does balance public use with private leases and has demonstrated this commitment in a number of ways, including but not limited to the expansion of Chace Park.
c. 3	In the visioning process this language will be changed but the Pipeline Projects amendment is intended to be limited to the LCP changes necessary for those projects, and not an update of the LCP. This means that many areas of the LCP will have language that, while not materially affecting the Pipeline Projects, is out-of-date. Nonetheless, the County has no objection to making this distinction.
c.4	This is not an issue with respect to the Pipeline Projects.
c.5	Staff is not opposed to this change
c.6	It is true that development has occurred to some extent on all parcels, and it is also true that Parcel 9 was never fully developed. A construction of a hotel was commenced but suspended. Nonetheless, the County has no objection to making this distinction.
c.7	This is a minor change that has no material effect on the document or the Pipeline projects. Nonetheless, the County has no objection to making this distinction.
c.8	This is a minor change that has no material effect on the document or the Pipeline projects. Nonetheless, the County has no objection to making this distinction.
c.9	The visioning process will discuss the desired control mechanism.
c. 10	This is a minor change that has no material effect on the document or the Pipeline projects. Nonetheless, the County has no objection to

	making this distinction.
c.11	See responses in Public Parking comments.
c.12	Staff is not opposed to this change.
c.13	There are no locations where height is increased. A review of the appropriate graphic and the LCP shows that at the time of the certification of the LCP additional height was permitted on many parcels in MDR. The Cumulative Impact Assessment even discusses this with a graphic – Exhibit 10.
c. 14	The statement is still valid. Fluctuations in the market and economic downturns have delayed the implementation of some proposals and therefore the period of 30 years still appears valid. However, the long range aspect will be addressed in the visioning process.
c. 15	The visioning process is intended to address the future of MDR outside of the Pipeline projects. The County has already received the development potential for these projects and is making minor adjustments to carry that potential to fruition. The arguments made to delay and re-study MDR – in essence to study whether the Phase II potential should be carried out at all – were made a the time of the 1995 LCP certification. A request to suspend implementation of this approval is tantamount to re-argument of a position that was not successful. Nonetheless, the County has agreed to reconsider the Buildout of the areas of MDR with leases expiring beyond 2020, and exclusive of the Pipeline projects.
c.16	The County is adding boating facilities to several parcels in the marina, particularly along Fiji Way.
c.17	Raju and Associates prepared the current traffic study but as reported in the Periodic Review report based on information provided by the County, both Playa Vista and LAX have conducted studies as well. The results are all in agreement with respect to an improvement of future conditions as compared to the Barton

	Ashman/DKS studies.
c. 18	Many of the comments relate to areas of the LCP that already exist and have been certified. However, to the extent comments are made on changes, the following can be said. A gathering place is a commons – an open area not devoted to commercial use and not a path or promenade, where people can gather, relax, converse and enjoy a more hardscaped experience in MDR. An effective view corridor is one which really does open up an important view. It makes little sense to have a view corridor into the side of an apartment building, for example, as opposed to out over the water. Private on-site parking requirements are governed by the LCP and Title 22 and are clear. Solar access is the practice of avoiding heavy shadowing for most of the day such that an area is always in shade. Adequate boating facilities are those which attract users, as opposed to standing vacant, and which serve the needs as the public demands them.
c.19	As explained in the traffic responses, the cap had a specific purpose which was to be lifted on the occurrence of one of a set of conditions.
c.20	Staff has no objection to this change.
c.21	Staff has no objection to this change.
c.22	As explained previously, the DZs were configured based on how traffic flowed to key intersections. A set number was not proposed initially. Rather, the traffic engineer examined the conditions in MDR and suggested the correct number of zones in order to maintain traffic control. The traffic engineer also established exactly where the boundaries were drawn, so that the proper relationships between development and the intersections could be analyzed. The zones have nothing to do with the visioning process. They simply modernize the way that traffic is related to the system, and they reduce the amount of steps necessary to carry out minor land

	use transfer of development potential. Development can be transferred within a zone without a LCPA.
c.23	OK
c.24	*Please previous comments on circulation.*
c. 25	As explained previously, the MDR area operates in a very large system not under control of the County. The significant increase in trips by the City of LA over the years since the LCP's last certification is ample evidence of that fact. A requirement to maintain LOS D at intersections is beyond the ability of the County to achieve alone, as improvements would have to take place in areas where the County has no jurisdiction. However, what is feasible is the collection of substantial sums from development projects which can in turn fund improvements collectively with other agencies. Therefore, the County believes that the approach it suggests is most equitable and the best one to achieve circulation goals. Finally, it is important to point out that the 1996 LCP allowed a far worse service level than will now occur at the intersections. The LCP only called upon the County to restrict adding trips to the system until the occurrence of certain events. No such restriction was placed on the City of LA. The County has met that requirement and is entitled to lift the cap.
c.26	There is no comment to respond to.
c.27	There has already been a decision in 1995 concerning the development potential in MDR and the public was extensively involved. No moratorium on leases or lease extensions is justified.
c.28	This is a statement in the existing LCP which should probably be given attention in the visioning process. However, it has little to do with the Pipeline Projects, as Parcel 9 is not a Pipeline Project.
c.29	The County disagrees. Parcel OT adds an important linkage between Washington Boulevard and Admiralty at no expense to the County. Parcel 33/NR would provide an exciting mixed use area for visitors.
e.30	Staff has no issue with this change.
e.31	DRP has always been, and will continue to be, the Department that enforces the LCP.

e.32	The LUP is for policies; the LIP is for standards.
e.33	Overlays create more than one category, and sometimes parcels (such as Parcel 49, 10, 111) contain more than one category.
e. 34	The County respectfully disagrees that hotel accommodations as proposed and operated will be a detriment in MDR. In adding this definition the County was responding to the Periodic review recommendation of the CCC. Staff is recommending removal of this language from the LCPA
e.35	Please see response above to e.34
e.36	The elderly are an important part of any community and it is irrelevant whether these are luxury or non-luxury accommodations. Because projects like this involve a full service package, many elderly people find that it is less expensive to live in a project like the one proposed on OT than to live on their own, and they are in a community environment.
e.37	The heights for WOZ zones are derived from the underlying land use category. Comparable is a term that will be tested as each project comes in. The commenter might wish to review the intention of the WOZ overlay as many of the questions might be answered by this review.
e.38	The County considered the trip generation table to be accurate.
e.39	In a regulatory document, it is not customary to state the progress of a development phase – how much has been built, for example. The Cumulative Impact Assessment explained the projects which have been approved in detail and the commenter is referred to that document.
e.40	This language was added to further encourage development of VSC uses. Even if a parcel partially fronts the water it can receive the WOZ overlay. The criteria are expressed in the LCP, but the WOZ designation is supposed to cause both a transition to more coastal-friendly uses such as visitor-serving and boating. Since the ease of securing approvals is sometimes a key ingredient of a successful VSC use, the WOZ overlay provides attractive flexibility.
e.41	Please see response above
e.42	This phrase recognizes the adjustment allowed by the WOZ zone which may not result in the exact

	land use components contained in the table, but will not exceed the total development potential in terms of impact.
e. 43	The park is an allowed use but the park site in any event will be designated open space. The wetland is not ESHA.
e.44	The County does not agree that Parcel FF should be retained as open space. The County believes that the wetland park would be an asset on this side of the marina.
e. 45	Parcel 33 is proposed for a mixed Use project, as is Parcel NR, with the retention of 69 spaces of public parking. The County believes that this project would bring considerable variety to this area of MDR.
e. 49 (there is a break in numbering here in the original comment letter)	The objective is more public use for Parcel IR. However, this can be eliminated and addressed in the visioning process if desired. The County was simply trying to add more opportunities for park and picnic facilities for the public to use, inasmuch as Parcel IR is not used very frequently, and spaces are being added to Parcel GR.
e. 50	The statement that all of the OT parking is being moved to Parcel 21 is incorrect. The parking – 94 spaces – is being accommodated on Parcel OT. The remaining parking on OT – 92 spaces – is being moved to Parcel 21. In spite of the availability of this parking lot for the last 15 years, it has not been used as contemplated – for visitors to Venice and Venice Beach. A park and bike facility might be a good addition, but it should be at GR, where it is convenient to ride to the beach or Venice.
e.51	The parcels aren't split, this was an error.
e.52	The County does not object to reserving this change to the visioning process.
e. 53	IR, GR and W are shown for parking.
e. 54	As mentioned previously, IR is being considered for several enhancements to attract the public to Marina Beach. An open space designation will be added to a portion of Parcel 9 to reflect the wetland park. Parcel P, once completed, will be accessible with trails and viewing areas.

6. Coastal Visual Resources

d.1	The County disagrees with this comment, which

	would have the effect of falling short of the development potential allocated in the certified LCP.
d.2	Please see response above. The visioning process is intended to consider a number of issues, and height is likely to be one of the issues. But in terms of the 225-foot height, there is no Pipeline Project that is using that allowance in the current LCP.
d.3	Please see prior response. Most of these comments are aimed at the visioning process as opposed to the Pipeline projects. Parcel 9 contains a wetland, but only is a portion of the site.
e.1	Please see prior response. Conversion as suggested would not be consistent with the intention of the certified LCP.
e. 5 (break in numbering in original comment letter)	The added language is to be more specific on location for view retention. Although the words appeared clear to the County, several members of the public asked for clarification and therefore the County added language.
e. 6	The County has no objection to removing this language.
e. 7	Please see prior response. This issue is not raised by the Pipeline Projects and in any event the County is undertaking a visioning process where this issue can be discussed, as well as the parcels mentioned.
e. 8a)	Fiji is not, and has never been, a mole road. It does not meet the definition. The revision is to correct a mistake.
e. 8b)	Again, this comment is aimed at an objection to the LCP as currently written, as opposed to revisions for the Pipeline Projects.

7. Sensitive Biological Resources

The County has caused to be prepared a technical response to the appended report entitled, "Preliminary Analysis: Sensitive Biological Resources, Conservation and Management Plan Study" prepared by Marcia Hanscom. It is attached to this response as Attachment 3. However, the County responds to general comments presented in Ms. Hanscom's report, as follows.

First, there can be no question that the Coastal Act stands for the proposition of retaining and enhancing coastal resources, including those of a biological character. But in order to qualify as ESHA, the resource must meet the definition of Coastal Act Section 30107.5. Nothing in the Coastal Act suggests that the provisions of Section 30240 apply absent meeting the definition of Section 30107.5. In fact, Section 30116 was intended to inventory areas meeting ESHA and falling below that definition, but otherwise

worthy of attention. Unfortunately, the Coastal Commission was never fully funded by the Legislature for that plan. But it is inaccuarate and misleading to state that if there is a resource, reagardless of whether it meets the statutory definition of ESHA, that it must be accorded ESHA status.

The Coastal Commission has regularly found areas not ESHA, but then proceeded to impose policy and regulatory requirements on such areas. The County's selection of a name for these resources is simply an attempt to accommodate resource protection of non-ESHA resources. The County is entitled to respectfully disagree with the determination of the CCC, based in part on the memo of Dr. Engel, when presented with the new and comprehensive data contained in the Conservation and Management Plan. But nothing in the statute authorizes the imposition of ESHA requirements and ESHA treatment absent a finding that the area meets the definition of environmentally sensitive area in the statute. The commenter appears to be suggesting otherwise – that the assignation of ESHA should attach because the regulation of the resource is more favorable. The County disagrees, and finds that this is not in conformance with the law.

The observations that ESHA cannot be removed, cannot be relocated are all accurate – only if the area meets the threshold test. Therefore, it is the definition of the area that applies the protections – not the protections that define what the area is.

Secondly, the memo of Dr. Engel is over 2 years old. Since that time, extensive research into the MDR and surrounding area has been made, and several notable biological entities – including the California Department of Fish and Game – have commented favorably on the report and its policies. This is new information which was not available at the time that Dr. Engel prepared her memo. The County looks forward to consideration of this new data by the Coastal Commission and its staff.

Finally, in at least two other contexts (Channel Islands and Dana Point), the Coastal Commission has found such heron resources <u>not</u> to constitute ESHA. Nonetheless, the Commission has imposed several policies for the protection of this resource, completely consistent with its mission to protect and enhance coastal resources. A designation of ESHA for the <u>same</u> resources in MDR would be inconsistent with these prior determinations. With respect to wetlands, not all wetlands are ESHA and the Commission has repeatedly recognized this – including with respect to Oxford basin, and over the objections of Ms. Hanscom. But even if that were not so, restoration is always a permitted use of the ESHA, and consistent with its purpose. Therefore, although the County has concluded that Oxford Basin and the wetland park area are not ESHA, the activities of the County would qualify as permitted uses of ESHA in any event.

The reader is referred to Attachment 3 for a technical response.

8. Recreational Boating/Boat Slips

8. 1	The commenter is criticizing language in the

	existing LCP. No further response is necessary, as the comments do not pertain to changes made for the Pipeline Projects or boating policies.
8.1a	The funnel concept was recommended for deletion by the CCC in its periodic Review report. The County concurred in this recommendation, because the funnel concept uses open water area. It is true that the funnel concept would have added more slips to MDR – and generated significant revenue for the County. However, it would also have reduced the amount of open water are for non-motorized craft. Therefore, the County is removing the concept.
8.2	First, Coastal Act section 30224 requires and encourages a number of things. In terms of increased recreational use of coastal waters, it encourages dry storage areas, public launching facilities, additional berthing space in existing harbors, limiting non-water dependent uses where they would congest access corridors and preclude boating support facilities, provide harbors of refuge and provide new boating facilities in natural harbors, etc. There is nothing in the Coastal Act that suggests that slip size and arrangement is to be evaluated pursuant to Sec. 30224. Therefore, there is no violation of this section. However, the County is undertaking a number of strategies to pursue the elements of 30224, including increasing non-motorized craft accommodation, increasing dry storage, increasing mast-up storage, and protecting existing boating facilities. The existing LCP provides an inaccurate slip count. Moreover, the Master CDP for the marina reconstruction is in furtherance of presenting all marina reconstructions together – and, in light of the fact that the CCC has original jurisdiction over the water, is not a permit that can be granted by the County alone.
8.3	There is no re-definition of Parcel 49 – the added language simply helps the reader understand where the public launch ramp is. There are no mast-up boats in Parcel 77, and in any event the County is changing the designation on Parcel 52/GG to boat storage to accommodate the spaces on Parcel 77 – and even increase the spaces provided.
8.3a	This is not accurate. In the policy portion of the LUP the County makes a firm commitment on

	percentages of slips by size, and on the number of dry storage spaces.
8.4	This figure was removed from the document.
8.5	This section has been completely re-written to carry out policy. The percentages are as has been approved by the CCC for Channel Islands Harbor. The County can meet and exceed these percentages in Marina del Rey.
8.6	Fitting a small boat in a larger slip is not the same as accommodating double-wide slips, which the County is not proposing. Several marinas using double-wides originally (like downtown Long Beach) abandoned that practice after encountering many of the problems that have been experienced in MDR. Contrary to the comment, the Maser CDP contains a transition policy that requires a small boater who is currently a marina tenant to be offered a larger slip when a slip of the appropriate size is not available. And, this tenant may also only pay the amount the new smaller slip would have cost.
8.7	This comment lacks specifics in some areas. The issue of vacancies in small slips is being felt throughout southern California as owners turn to trailerable boats. This fact was recited by the Department of Boating and Waterways as early as 2002. The Noble Study only corroborates this phenomenon. The remainder of the comment suggests that deposits and marketing practices are to blame for vacancies. However, if this were true, you would not find vacancies in Long beach, where the City runs the slips.
8.A3c	Section 30224 specifically states that dry storage is a means to answer for boating needs. This is largely due to the expressed policies underpinning the Coastal Act and arguing against the development of harbors in wetland areas. In fact, MDR was to connect to a new harbor in Area A, but since it was a wetland and in the Coastal Zone, this step was abandoned.
8.9	The County is relocating the storage to Parcel 52.
8.10	In terms of phasing marina redevelopment, the County has required that no more than 2% of the smaller slips be out of service at any point. This allows a gradual transition to the new marina reconfigurations. With a 30% vacancy rate in dry storage, already enough spaces are likely available

	for boats wanting to come out of the water.
8.11	The language change is clearly a revision to avoid awkward wording – nothing else.
8.12	There are no specifics to the comment.
8.13	Figure 4 is missing and will be replaced.
8.14	This is an expression of opinion. Notably, the CCC found this percentage arrangement adequate to address boating uses in Channel Islands.
8.15	Please see prior response regarding funnel concept.
8.16	The fuel dock has never been viable on Fiji Way. The County has tried – and failed – to keep an operator in place there. Fuel prices are not a LCP issue in any event.
8.17	The comment is not clear.
8.18	This is not a LCP issue. The County has regularly provided for coop clubs for sailing and will continue to do so.
8.20	See prior response.
8.21	This is a statement of opinion, but it should be recognized that these types of fees help the least economically advantaged members of the community.
8.22	This is an expression of opinion.
8.23	The County does not believe it is doing anything to erode boating support.

9. Recreation and Visitor Serving

Page 2-2	These are not LCP issues. To whatever extent the LCP addresses shortfalls in park resources for residents; the County does not believe a new study is necessary. First, MDR has a very small amount of residential use compared to its neighbor, the City of Los Angeles. Most if not all of the residential projects have their own recreational facilities on site. There are numerous facilities available for community enjoyment in MDR – Marina Beach, Chace Park, the future wetland park, when built. Merely because the community does not have AYSO sports fields does not make MDR deficient. The availability of the wetland park is a unique asset that will serve these residents, and also provide a windfall to people who reside across the street and look over the site (the former hotel project was 9 stories).

Page 2-3	See response above
Page 2-3	This comment is out of the scope of the LCPA. The County does not regulate fishing, and is itself regulated by the RWQCB in terms of water quality.
[Unnumbered comment]	See prior response. It is not the responsibility of the County to provide recreational land in MDR for development in the City of LA, particularly when the City did not choose to do so when it built many high-rise towers adjacent to MDR.
Page 2-4	Should the Sea Scouts need to use a landside facility, they can make arrangements to use the community building at Chace Park. The Scouts have a permit to use 342 lineal feet of docks adjacent to Chace Park.
Page 2-4	The County has several sailing clubs operating in MDR and has received no complaints about parking. There are plenty of parking spaces in public lots, however, where club members can rendezvous prior to entering the boater parking.
Page 2-4	Land based sports do not attract visitors and should not be immediately adjacent to the water.
Page 2-4 Racquetball Courts	The size of the health club is proposed to be reduced to make room for more Marine Commercial uses.
Page 2-5	A wind study was performed for the hotel and was published in the EIR. It shows no impairment of wind for sailing.
Page 2-5	It is not true that public access is not allowed on the wetland or Oxford Basin – it is. There is no "stacking" of view corridors. However, in any event these comments are directed at a project that is not part of the Pipeline Projects.
Page 2-6	This comment recommends a number of pricing schemes. This is outside of the scope of the LCPA.
Page 2-6	The language change is only to recognize that demand drives what is provided. Updates to development are inappropriate for the LCP as it is a regulatory document, not a recital of what has happened.
Page 2-6	The parking study has provided ample documentation of the underutilization of lots.
Page 2-6, 2-7	The County disagrees with this comment for the reasons stated in this response.
Page 2-7	Limitation of the waterbus and shuttle to seasonal services is simply what the County can afford, and is not different from what occurs in Playa Vista.
Page 2-8	This is a misinterpretation on the part of the commenter. There is no policy of displacing private parking to parking lots used by the public.

Page 2-8 (bottom)	The commenter misunderstands the provision. Parcel OT is not displacing its parking. Parcel NR is providing 69 spaces and Parcel GR is increasing its provision by at least 100 spaces.
Page 2-16	It is not necessary to show the promenade on the suggested map.
10 – mole road	Mole is a common word. Fiji Way does not meet the definition of a mole. The LUP listed Fiji Way as a mole road, but the LIP did not. Fiji was probably once considered for mole road status some time ago when a 20-acre marina was supposed to be built on Area A, However, those plans have been abandoned and Fiji Way will never meet the definition of a mole road. Therefore, this language is being reconciled.
Sensitive Biological Resources	There is no need for a definition of such resources to be founded in the Coastal Act. The County takes the position on the basis of substantial evidence that no ESHA resources exist in Marina del Rey. Notwithstanding that conclusion, however, the County has carefully studied and has incorporated policies for the resources which are present. This is quite common in Coastal Act practice, and in fact in two other harbors such resources have been found not to be ESHA, but also deserving of policy treatment. Therefore, the County's inclusion of policies for these resources is appropriate.

C. Detailed LIP Comments

Response to detailed LIP comments

Comment section	**Response**
22.46.1000	OK to add statement back but condition precedent to the program has been satisfied and cap has been lifted.
22.46.1020 p. C	This really is not relevant to a regulatory document but OK to add if desired
22.46.1030 p. A (p. 2)	The LUP prevails as the foundation policy document
22.46.1040 (commenter uses "36" but it is actually "46"	The modified bowl concept is part of the existing LCP and is not being altered.
22.46.1040 Urban Design Concept	The commenter appears to believe that increased heights were not permitted in the certified LCP – they were. In fact, a primary aim of the LCP as certified was to encourage greater heights in certain areas to increase view corridors. This is not

	being changed. Further, retention of this language has no effect on the visioning process, since only one project is taking advantage of this policy – Parcel 9 hotel.
22.46.1060 Design Guidelines C.2	The County disagrees that no change can be made in this policy until after the visioning process. The Right-Sized Parking Study provides extensive justification for the conversion of selected lots, and the visioning process will discuss any further modifications, if any, consistent with the study's conclusions. It is not known what is meant by insufficient parking – the LCP has long endorsed the idea of off peak office parking being used for visitors. It is not prudent to build parking to the maximum event, but other arrangements can and are made to accommodate maximum events (such as the Boat Parade and the use of off peak parking in offices is one of those strategies.
22.46.1060	The County acknowledges that the commenter wishes to review corridor and height policies in the visioning process. However, the Pipeline projects are in advance of that process and do not use the view corridor or increased height policies, but rather standard policies in the LCP.
22.46.1080	The LCP has always had congregate care units and this land use is simply an extension of that concept. The elderly benefit from proximity to the many uses in MDR – all within walking distance of the facility. And, while there have been comments that these facilities are for "rich" people, there is nothing in the Coastal Act that speaks against that provision. In other words, the Coastal Act is not class-based. Many persons have found these types of facilities an alternative to nursing homes and living alone.
22.46.1080	A definition of senior facilities, including congregate care, has been added. However, this is gratuitous, as the existing LCP does not have such a definition, and the proposed OT project is not a congregate care facility.
22.46.1080 – WOZ	The WOZ should have been added in the 1996 LCP because it encourages waterfront development to be more visitor-serving. Retail is, in fact, a visitor-serving use. Mixed use complexes on the water – including restaurants, retail and entertainment venues – are highly popular with coastal visitors.
22.46.1090 C.1	See responses to comments on Traffic and

	Circulation.
22.46.1090 C.2	The commenter misunderstands the addition to the LIP text. The LCP currently provides that the County retain all facilities of the type specified. There have been occasions – the second fuel dock is one of them – where the County has not been able to attract anyone to run the fuel dock, and several operators have abandoned operation of the second fuel dock. The addition makes clear that the County does not have to retain a use for which no operator is available.
22.46.1090 C.3, C.4	As explained previously, the MDR area operates in a very large system not under control of the County. The significant increase in trips by the City of LA over the years since the LCP's last certification is ample evidence of that fact. A requirement to maintain LOS D at intersections is beyond the ability of the County to achieve alone, as improvements would have to take place in areas where the County has no jurisdiction. However, what is feasible is the collection of substantial sums from development projects which can in turn fund improvements collectively with other agencies. Therefore, the County believes that the approach it suggests is most equitable and the best one to achieve circulation goals. Finally, it is important to point out that the 1996 LCP allowed a far worse service level than will now occur at the intersections. The LCP only called upon the County to restrict adding trips to the system until the occurrence of certain events. No such restriction was placed on the City of LA. The County has met that requirement and is entitled to lift the cap.
Footnote p. 13	The footnote is accurate. This is not an update and therefore no change is necessary. It does not matter whether some Phase II projects have been approved.
22.46.1100 B. 2.d	This is a simple change to encourage safe bicycle lanes, which the County emphasizes in development where bike trails are included. Public comment also raised the issue of bicycle safety. It is difficult to see how the inclusion of a policy aimed at encouraging safety "pre-empts' the visioning process.
22.46.1100 Section C	See responses to Traffic and Circulation comments. In terms of the County being

	responsible for attracting regional traffic, the County agrees, and has included such assessments in its traffic studies. However, holding the County responsible for the actions of the City of LA in adding 10,000 p.m. peak hour trips to the system since the LCP was last certified is improper.
22.46.1100 C.2	*Please see previous comments on the shuttle.*
22.46.1190 A.3 to A.15	*Please see previous circulation comments.*
22.46.1240 (p.37)	Congregate care is already permitted in the LCP
22.46.1240	The County disagrees with the commenter that this addition of an air quality based feature compromises the visioning process. This is also being requested by CCC staff.
22.46.1240	Please see earlier response at 22.46.1090 C.2
22.46.1280	Please see earlier response at 22.46.1080
22.46.1240	See 22.46.1240 response above
22.46.1320	Please see prior responses
22.46.1330	Please see prior responses
22.46.1350	The LUOA definition was added at the request of the CCC staff and the Periodic Review. Staff recommends removal of this language from the LCPA.
22.46.1370	This is a request of CCC staff. The effect is to reduce travel by personal automobile, taxi or for hire shuttle services.
22.46.1370 E.a to E.l	Again, the LUOA was added as a result of a Periodic Review recommendation and the request of CCC staff. The change to height is outside the scope of the LCPA, as the Parcel 9 hotel has been considered consistent with the LCP by the County.
22.46.1410 A	The County is always looking for ways to increase boating uses. Inclusion of this language is intended to allow more dry storage if it is feasible.
22.46.1410 E and F	Urban open space has long been recognized by planners nationwide. The inclusion of major plazas, view platforms and other such features contribute greatly to the visitor experience. At Parcel 49, for example, a platform or plaza at elevation permits views of Catalina Island. Therefore, the use of urban open space to attract gatherings of people is considered an important addition to the LCP. In terms of moving the launch ramp, this is not a matter of first impression. The Vestar project also considered such a move. The County wants to insure that adequate flexibility exists in case a relocation of the launch ramp can be made and further expand boater opportunities

	by increasing ease of access, proximity to the harbor entrance, and congregation with other boating support uses, such as boatyards. The County agrees that any development of Parcel 49 should have a boating theme; however, the County disagrees that a shopping and restaurant venue here will not better serve the public in combination with the launch ramp.
22.46.1450 A	Please see prior response
22.46.1570 A	Please see prior response
22.46.1620A	Please see prior response at 22.46.1410 E and F
22.46.1680A	Please see prior response at 22.46.1410 E and F
22.46.1690	The commenter appears to contest the increased height for dry stack storage. Dry stack cannot be accommodated in 15 feet of height. In fact, dry stack is permitted on Parcel 53 at 75 feet in height, so this precedent is already set in the LCP.
22.46.1789	This comment is not clear. It is believed that the commenter is referring to questions posed to DRP regarding perceived discrepancies in the number of dwelling units remaining. These are not actually discrepancies, and what the commenter had done is omit one project and its density bonus. The numbers in the development table reconcile correctly.
22.46.1800	As explained previously the WOZ is added to all waterfront parcels where appropriate.
22.46.1820	This change has already been recommended for approval by the RPC and is necessary to carry out the project proposed. The County does not agree with the commenter's suggestion that Parcel FF be retained as a soccer field/dog run/ basketball court and also does not agree that the wetland park is not a significant asset to the community.
22.46.1820	See response above
22.461820 (pg 76)	Please see prior responses. The WOZ overlay is considered appropriate for all waterfront parcels to emphasize the combination of uses to increase visitor enjoyment of MDR.
22.46.1820 (pg 77)	Please see prior response on with respect to this issue.
22.46.1820 – Parcel 15	Staff does not object to removing this change.
22.46.1830	Staff does not object to removing this change.
22.46.1840	Parcel IR is already designated public parking.
22.46.1840 (pg 82)	Please see prior response regarding application of WOZ to waterfront areas
22.46.1840 – Parcel 33	Staff recommends removal of the Parcel 33/NR

	project from the Map and Text Amendment.
22.46.1850	The commenter is incorrect. Parcel OT's public parking is accommodated on Parcel OT (94 spaces) and on Parcel 21 (92 spaces). This is three more spaces than are currently striped on the lot. The approval for Parcel 21 requires that it be constructed BEFORE Parcel OT begins construction. Therefore the fear of the commenter that the plan will change is unfounded.
22.46.1860 (p. 85)	The parcel in question was not split. This is an error in the LCPA
22.46.1880	With respect to Parcel 49 and 77, there is no intention to reduce boating uses. In fact, the County has insured that not only will dry storage continue – albeit in another location as the LCP already provides for – but measures are added to insure that dry storage will increase. Parcel 77 is currently 30% vacant. If the concern is that the cited language might go beyond the fuel dock, then specification that a second fuel dock is not required can be added. But the fact is that no operator has been able to sustain a second fuel dock in MDR in spite of the County soliciting new operators. This is not uncommon – many harbors have only one fuel dock. In terms of the remaining comments, the County recognizes that detailed plans will be necessary to allay public concerns that the development of the referenced parcels will, in fact, not result in the permanent displacement of boating opportunities. The County has actively sought other sites, including sites outside MDR and owned by public agencies. To date, these efforts have not been successful. Nonetheless, the County intends to continue to accommodate dry storage throughout this area of MDR for the enjoyment of the County's boating population. In 2009 the County adopted a rental qualification policy as an additional means to insure that spaces were used for persons with seaworthy and registered boats, as opposed to "dead" storage.
22.46.1880 (pg 88)	The open space designation is intended to recognize the addition of this land to Chace Park. Plans for this land have been actively reviewed in public for over one year and are available on the DBH website. The addition of land will help augment the facilities for this popular park.

22.46.1950	Please see prior responses to this issue. The County believes that the wetland park serves an adequate purpose for the community, given even this commenter's focus on bird use. Active ballfields on the water are not mentioned in the findings of the CCC for the 1995 LCP certification, and the County does not believe that is what the CCC intended. However, it is noteworthy that the community will have full access to the Chace Park expansion.
22.46.1950 (p. 94)	Please see prior responses. There can be no argument that the County's acquisition of an active lease in order to expand Chace Park is an increase in the amount of park land in MDR, especially when the wetland park on Parcel 9 is established in addition to this increase.

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MEMORANDUM

TO: Mr. Santos Kreimann, LACDBH
CC: Mr. Gary Jones, LACDBH
Ms. Charlotte Miyamoto, LACDBH
Mr. Barry Kurtz, LACDBH
Ms. Andriette Culbertson, Culbertson & Associates

FROM: Srinath Raju, P.E.

SUBJECT: Parking Evaluation at Lot 9 (Parcel NR)

DATE: October 26, 2010 **REF:** RA299

This memorandum responds to questions posed in the course of a review in summer 2009 of the original Draft Right Sizing Parking Study. The analysis addresses those questions pertaining to Public Parking Lot 9 located on Parcel NR within the Marina Del Rey area of the County of Los Angeles, California. This lot is located within the Mother's Beach Activity Area and is utilized by users of Mother's Beach along with Parking Lots 8, 10 and 11 on Parcels OT, IR and GR, respectively.

The user population of Mother's Beach Activity Area includes patrons who visit the Mother's Beach attractions, kayakers and other small craft users, recreational boat users, joggers and walkers. This evaluation has been performed in response to comments provided by the Marina Del Rey Community Boating Council in its comment letter dated July 22, 2009 to the Design Control Board.

Specifically, Parking Lot 9 is currently utilized at certain times by patrons who are kayakers and other small craft users as well as joggers and walkers within the Mother's Beach Activity Area. Parking demands at this Lot 9 as well as at Lots 8, 10 and 11 within Mother's Beach Activity Area were noted down on peak weekdays and peak weekend days during long weekends prior to or after major holidays when parking utilization at all the public parking lots within Marina Del Rey

have been observed to be at their maximum. These demands are indicated in Table 1 for Lot 9 and Table 2 for the Mother's Beach Activity Area. Also, parking demand data was obtained for a typical weekday and weekend day to examine the magnitude of typical utilization in relation to the peak observed utilization.

It is worth noting that peak parking data was collected during the years 2005, 2007 and 2009. The long weekends and holiday weekdays when surveys were conducted to obtain peak parking demand information included the Memorial Day (end of May), Independence Day (July 4th) and Labor Day (September) holidays. Boat Parade Day parking demand data was also solicited and obtained. Overall, parking demand data for twenty two days (seven weekdays and fifteen weekend days) from three different calendar years were compiled and assembled for this analysis.

From Table 1, the following observations can be noted:

1. The peak parking demand at Lot 9 during weekdays was observed to be 35 spaces. The range of peak parking demands on weekdays was 13 to 35 spaces, translating to 7% to 19% parking occupancy out of the current parking supply of 186 spaces. The public parking lot 9 on parcel NR is greatly under-utilized during approximately 250+ non-holiday weekdays, every year.
2. The peak parking demand at Lot 9 during weekend days was observed to be 65 spaces. The next highest peak parking demand observed was 56 spaces. The range of peak parking demands on weekend days was 22 to 65 spaces, translating to 12% to 35% occupancy out of the current parking supply of 186 spaces. Again, the public parking lot 9 is currently very under-utilized during the remaining non-holiday weekend days, every year.
3. The 90th percentile observed parking demand at Lot 9 was 45 spaces. Typically, 90th - percentile demand is used as the design day demand for most uses. However, since many recreational uses utilize all of the parking lots within the Mother's Beach Activity Area, an evaluation of the Activity Area parking demands as a whole is presented in the subsequent sections of this technical memorandum.

TABLE 1
PARKING DEMANDS OBSERVED AT LOT 9 (PARCEL NR)

Date:	Time of Day				Peak Demand	Peak % Occupancy
	10:00 AM	1:00 PM	4:00 PM	8:00 PM		
Weekdays:						
5/27/05	8	11	9	13	13	7%
7/1/05	15	16	13	27	27	15%
9/2/05	11	9	14	13	14	8%
5/25/07	20	17	18	20	20	11%
8/31/07	35	21	21	25	35	19%
10/25/07	9	10	15	9	15	8%
9/4/09	10	13	12	17	17	9%
Weekend Days:						
7/5/09	29	38	30	41	41	22%
5/28/05	21	34	33	17	34	18%
5/29/05	18	20	26	17	26	14%
7/2/05	25	36	34	22	36	19%
7/3/05	22	39	38	22	39	21%
9/3/05	27	38	33	44	44	24%
9/4/05	37	38	30	24	38	20%
5/26/07	32	34	28	33	34	18%
5/27/07	28	31	36	30	36	19%
9/1/07	37	39	38	41	41	22%
9/2/07	36	45	65	29	65	35%
11/3/07	15	11	12	10	15	8%
9/5/09	42	56	43	11	56	30%
9/6/09	36	44	45	14	45	24%
12/8/07	16	20	21	22	22	12%
90th Percentile observed parking demand					45	24%

NOTE: Peak % occupancy was calculated using total existing parking supply of 186 spaces.

TABLE 2
OBSERVED PARKING DEMANDS AT MOTHER'S BEACH ACTIVITY AREA

Date:	Time of Day				Peak Demand	Peak % Occupancy
	10:00 AM	1:00 PM	4:00 PM	8:00 PM		
Weekdays:						
5/27/05	37	62	50	81	81	10%
7/1/05	58	89	66	201	201	24%
9/2/05	45	57	61	154	154	18%
5/25/07	61	66	61	135	135	16%
8/31/07	84	77	69	92	92	11%
10/25/07	62	112	66	77	112	13%
9/4/09	94	120	109	190	190	23%
Weekend Days:						
7/5/09	160	171	207	253	253	30%
5/28/05	98	134	158	101	158	19%
5/29/05	88	142	173	119	173	21%
7/2/05	87	128	160	128	160	19%
7/3/05	119	216	282	152	282	33%
9/3/05	89	148	199	128	199	24%
9/4/05	114	175	255	103	255	30%
5/26/07	92	130	137	162	162	19%
5/27/07	97	177	209	150	209	25%
9/1/07	105	132	136	184	184	22%
9/2/07	119	223	273	206	273	32%
11/3/07	93	104	86	87	104	12%
9/5/09	147	214	235	151	235	28%
9/6/09	186	274	348	220	348	41%
12/8/07	123	146	132	173	173	21%
90th Percentile observed parking demand					273	32%

NOTE: Peak % occupancy was calculated using total existing parking supply of 843 spaces.

4. The Marina Del Rey Community Boating Council noted that a number of their members currently utilize or have utilized in the past, private parking at Organic Panificio parking lot on Parcel 33 to avoid payment of parking fees at the public parking lot 9 on Parcel NR. Since the patrons are currently parking farther away from the recreational boating attractions as noted above, there would parking available at Lots GR and/or IR, if necessary, in the future. Additionally, there is the consideration of provision of potential boating amenities (rowing activities) in the future to move to the launch area of Parcel 77 in the Chase Park Activity Area where significant additional parking is being proposed.

An evaluation of the Mother's Beach Activity Area parking demands is presented in Table 2. The overall public parking supply at Mother's Beach Activity Area is provided by Lots 8, 9, 10 and 11 on Parcels OT, NR, IR and GR, respectively. From Table 2, the following observations can be made.

1. The peak parking demand within the Mother's Beach Activity Area during weekdays was observed to be 201 spaces at 8 PM in the evening. The maximum observed peak weekday parking demand during daytime was 120 spaces. The range of peak parking demands on weekdays was 81 to 201 spaces, translating to 10% to 24% parking occupancy out of the current parking supply of 843 spaces. The Public Parking Lots 8, 9, 10 and 11 on Parcels OT, NR, IR and GR, respectively, are all greatly under-utilized during approximately 250+ non-holiday weekdays, every year.
2. The peak parking demand within the Mother's Beach Activity Area during weekend days was observed to be 348 spaces. The next highest peak parking demand observed was 282 spaces. The range of peak parking demands on weekend days was 104 to 348 spaces, translating to 12% to 41% occupancy out of the current parking supply of 843 spaces. Again, the Public Parking Lots 8, 9, 10 and 11 are currently very under-utilized during the remaining non-holiday weekend days, every year.
3. The 90th percentile observed parking demand within the Mother's Beach Activity Area was 273 spaces at 32% peak occupancy. An examination of future peak parking demands provided in the *Right Sizing Parking Study for the Public Parking Lots in Marina Del Rey, California*, prepared by Raju Associates, Inc., November 2009 indicates that the 90th-percentile future public parking demand within this activity area including anticipated growth to the year 2030 would be equal to 360 spaces. Typically, the 85th or 90th - percentile demand is used as the design day for sizing the required parking supply for

most uses. However, for the purposes of this study, the 90th percentile peak public parking demand was increased by 10% to allow for easy access to and circulation within various parking lots serving the activity area. It was recommended that the Mother's Beach Activity Area provide a minimum of 400 public parking spaces to accommodate the future overall peak parking demands.

4. The currently-proposed parking plan for Mother's Beach Activity Area including the "pipeline projects" proposed by the County, calls for provision of a total of 652 public parking spaces at the Lots 8, 9, 10 and 11 on Parcels OT, NR, IR and GR, respectively. Therefore, there would be more than adequate public parking supply available in the currently proposed plan with the "pipeline projects" in place.

The Marina Del Rey Community Boating Council noted in its comment letter that "picking a few days to study parking and extrapolating though the whole year is inadequate to determine parking usage..." and went to state that "Stakeholders who are actual daily users were never interviewed to determine if the times and dates were adequate to capture the parking usage". One of the key elements of parking studies is to collect parking demand data in a systematic yet random fashion without warning the users of such activity in order to obtain actual demand data as it normally occurs. This assists in the objectivity of the data.

In order to determine potential peak usage, parking revenue information was solicited from the Los Angeles County Department of Beaches and Harbors. The monthly revenue stream from the financial years 2000-01 to 2008-09 was analyzed. This detailed analysis of the actual revenue stream from the public parking lots serving Mother's Beach Activity Area (Lots 8, 9, 10 and 11 combined) as well as the Parking Lot 9 on Parcel NR is provided in Table 3. The highest revenue month(s) reflected by the percent of yearly revenue of each financial year has been highlighted in this Table.

From Table 3, the following observations can be made:

1. In the Mother's Beach Activity Area, the month of July generated the highest parking activity (reflected in percent revenue figures) in five of the nine financial years. The month

TABLE 3
MOTHER'S BEACH AND LOT 9 REVENUE STREAM ANALYSIS

LOCATION	YEAR	PERCENT REVENUE BY MONTH OF FINANCIAL YEAR												TOTAL FOR THE YEAR
		JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	
MOTHER'S BEACH (LOTS 8,9,10 & 11)	2000-01	18%	15%	13%	12%	5%	5%	4%	4%	6%	6%	6%	7%	100%
	2001-02	19%	16%	3%	22%	1%	2%	6%	5%	7%	10%	3%	7%	100%
	2002-03	20%	16%	5%	19%	2%	7%	5%	5%	5%	6%	8%	4%	100%
	2003-04	11%	20%	4%	2%	21%	9%	5%	5%	2%	3%	7%	11%	100%
	2004-05	9%	8%	24%	3%	10%	7%	4%	5%	6%	4%	12%	8%	100%
	2005-06	15%	23%	13%	7%	2%	4%	6%	3%	7%	5%	7%	8%	100%
	2006-07	13%	15%	18%	4%	5%	4%	4%	5%	5%	6%	9%	11%	100%
	2007-08	14%	11%	14%	14%	6%	7%	4%	3%	6%	8%	7%	8%	100%
	2008-09	20%	13%	9%	8%	5%	4%	2%	6%	4%	6%	6%	15%	100%
LOT 9 ON PARCEL NR	2000-01	20%	10%	8%	9%	3%	6%	4%	2%	12%	11%	7%	7%	100%
	2001-02	13%	12%	8%	4%	4%	2%	2%	4%	4%	5%	7%	34%	100%
	2002-03	13%	17%	7%	7%	8%	4%	7%	4%	6%	11%	9%	7%	100%
	2003-04	13%	15%	9%	5%	5%	6%	7%	5%	7%	7%	8%	11%	100%
	2004-05	13%	13%	11%	6%	5%	8%	4%	4%	6%	6%	8%	16%	100%
	2005-06	13%	8%	16%	7%	6%	5%	5%	6%	7%	5%	6%	16%	100%
	2006-07	12%	12%	17%	7%	5%	4%	5%	3%	6%	6%	11%	12%	100%
	2007-08	15%	15%	14%	6%	6%	5%	5%	5%	6%	8%	8%	8%	100%
	2008-09	16%	12%	12%	6%	5%	4%	3%	6%	8%	7%	10%	11%	100%

Source: Los Angeles County Department of Beaches & Harbors

of September generated the highest parking activity in two additional financial years and generated approximately the same as in July in another financial year. In other words, the months of July and September generated the highest parking activity within this Activity Area in 7 of the 9 financial years, per the revenue data.

2. In Lot 9, the months of July and September accounted for peak parking activity in five of the nine financial years that revenue data was analyzed. The month of August accounted for an additional two years when the highest parking activity was reflected in the revenue data.
3. The Right Sizing Parking Study conducted for the Public Parking Lots in Marina Del Rey by Raju Associates, Inc., dated November 2009, utilized the peak parking demands of the busiest non-holiday weekdays and weekend days in May, July, August and September from various years in its analysis and evaluation of parking demands and consequently, in the identification of minimum public parking requirements by activity area.

The Marina Del Rey Community Boating Council comment letter also states that the "Parking Study relies heavily on quantitative data ...", and goes on to further state that "the Parking Study does not reflect real life usage of the lot". The letter provides information on an informal study conducted on Saturday, November 22, 2008. It also states that the "Outrigger and Rowing Clubs asked their members to park in the pay lot instead of parking at the adjacent restaurant parking lots". The results (provided in the comment letter) for that day are the following:

7:30 AM → 45 vehicles
8:15 AM → 71 vehicles
8:45 AM → 91 vehicles
11:30 AM → 73 vehicles

Additionally, the comment letter states that these results are reflective of only a typical Saturday in November, with the numbers being significantly higher in summer (possibly 30 more vehicles at the peak time).

In response to these assertions, the Los Angeles County Department of Beaches and Harbors staff conducted parking demand surveys at the Lots 9, 10 and Organic Panificio Lot at the same times as noted above on a summer Friday and weekend (July 10 – 12, 2009). The results of these surveys are presented in Table 4. It can be observed from Table 4, that the peak parking

demand at Lot 9 was 17 spaces on both Saturday and Sunday at the same times noted above. The Organic Panificio Lot noted more utilization at the same times but included all other recreational users namely joggers, walkers and beach-goers, as well.

In conclusion, the following key findings are relevant for the Right Sizing of Public Parking Spaces in Marina Del Rey:

1. Detailed Public Parking demand surveys were conducted at all the public parking lots in Marina Del Rey. From these observed peak public parking demand numbers, the future potential public parking demand numbers were estimated.
2. The potential future public parking demand estimates also take into account the ambient growth due to population increase in the region as well as potential induced public parking demand, if any, due to the "pipeline projects" in Marina Del Rey. Additionally, these future estimates also account for the increased demand due to expansion of existing public amenities and/or provision of new amenities in various Activity Areas including Mother's Beach and Chace Park Areas.
3. The parking demand surveys conducted indicate that all the parking lots within the Mother's Beach Activity Area (Lots 8,9,10 and 11) are all very under-utilized currently. Even with the proposed "Pipeline Projects" in place, the parking analysis indicates that more than adequate parking supply would be available at all times, with the currently proposed parking plan for the Mother's Beach Activity Area.
4. Potential improvements to the Chace Park Activity Area to incorporate the rowing activity from Mother's Beach to move to the launch area of Parcel 77 could further reduce the parking demand at Mother's Beach. This parking demand would potentially move to Chace Park Activity Area when this rowing facility is moved to that area.

If you have any questions, please let us know.

TABLE 4

SUMMARY OF MARINA BEACH PARKING SURVEY - SUMMER 2009

MARINA BEACH PARKING SURVEY - FRIDAY

SURVEY TIME	SURVEY DATE	PARCEL NR	PARCEL IR	PARCEL 33	CASA ESCOBAR	TOTALS
7:30am	7/10/2009	11	15	21	0	47
8:15am	7/10/2009	9	10	19	0	38
8:45am	7/10/2009	13	7	17	0	37
10:00am	7/10/2009	8	5	23	0	36
11:30am	7/10/2009	11	6	19	0	36

MARINA BEACH PARKING SURVEY - SATURDAY

SURVEY TIME	SURVEY DATE	PARCEL NR	PARCEL IR	PARCEL 33	CASA ESCOBAR	TOTALS
7:30am	7/11/2009	15	56	46	0	117
8:15am	7/11/2009	17	64	66	0	147
8:45am	7/11/2009	17	66	72	0	155
10:00am	7/11/2009	14	58	70	0	142
11:30am	7/11/2009	12	61	65	0	138

MARINA BEACH PARKING SURVEY - SUNDAY

SURVEY TIME	SURVEY DATE	PARCEL NR	PARCEL IR	PARCEL 33	CASA ESCOBAR	TOTALS
7:30am	7/12/2009	13	62	61	0	136
8:15am	7/12/2009	12	65	70	0	147
8:45am	7/12/2009	16	71	73	0	160
10:00am	7/12/2009	17	60	78	0	155
11:30am	7/12/2009	11	69	54	0	134

We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

11-3-10 RPC
R2009-02277-4
M Trpp/RRU2

November 3, 2010

Commissioner Wayne Rew, Chair
Commissioner Pat Modugno, Vice Chair
Commissioner Harold V. Helsley
Commissioner Leslie G. Bellamy
Commissioner Esther L. Valadez

Regional Planning Commission
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Project No. R2009-02277-(4) Major Amendment to the Marina del Rey Local Coastal Program: OPPOSE

Honorable Commissioners,

Please accept the attached report and appendices on the issues and impacts of the proposed major amendment to the Marina del Rey Local Coastal Program. I am also incorporating into this document by reference, written and oral testimony from We ARE Marina del Rey (David Barish and Nancy Vernon Marino) and local residents Dan Gottlieb, Lynne Shapiro, Bruce Russell, Ina Barish, Carla Andrus, Marcia Hanscom that have been made with respect to: 1) proposed the proposed LCP Amendment; 2) Marina del Rey project hearings and meetings including Neptune/Woodfin (Project R2006-03647, Project R2006-03652, Project TR067861, R2006-03643 and Project R2006-03644), Parcel OT/21 (Project R2006-01510 and R2006-02726), Parcels 49/77, Parcel 52/GG, Parcel 33/NR, Parcels 100/101; 3) the LCP Periodic Review conducted by the California Coastal Commission; 4) Burton Chase Master plan/Mothers beach plans; and 5) Roadmap approach.

We urge this commission to reject this amendment pending a community-based visioning process.

Sincerely,

David Barish
Nancy Vernon Marino
Co-Directors

Analysis of Major Amendment to the Marina del Rey Local Coastal Program

Project # R2009-02277-(4)

Report prepared by
We Are Marina del Rey
November 3, 2010

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A. EXECUTIVE SUMMARY

1. Summary of Impacts

On September 1, 2009, the Los Angeles County Board of Supervisors (BOS) approved a motion calling for among other things:

> "b. Presentation of a single aggregate LCP map and text amendment with respect to all Phase II Marina redevelopment projects requiring an LCP amendment, which will be accompanied by a cumulative impact assessment of all of the development currently proposed in Marina del Rey; and
>
> c. Development of a vision for future redevelopment of Marina del Rey within five years, which will focus on the redevelopment of leaseholds terminating in the next 15 to 20 years."

This single aggregate LCP map and text amendment is now the Department of Regional Planning's Project No. R2009-02277-(4) with a stated the purpose as follows:

- Pipeline Projects: Aggregated all five contemplated LCP amendments, known as the "Pipeline Project" amendment (PPA). No increase in development granted in 1996.
- Right Size Parking: Determine Marina del Rey's parking needs.
- Open Space: Enhance open space.
- Environmental Protection: Develop sound policies to protect sensitive resources.
- Circulation Improvements: Update the Marina circulation plan.
  (source: Dept Regional Planning Community Meeting presentation)

Overall, the proposed changes in this major map and text amendment are driven by the needs of developers and the County's view of the Marina as a cash cow for its general fund. Not only is the proposed amendment long on private development, short on public recreation, it guts public recreation and now and opens it open for more to follow in the future.

The changes to the LCP proposed in this major map and text amendment are purportedly supported by underlying studies the County has conducted. Unfortunately, as detailed in Section B, these studies are faulty from the core assumptions and methodologies to the conclusions made that are not even supported by the data in the studies. The studies include the Conservation Management Plan, two slip sizing and pricing studies, a parking study and a draft traffic study.

Many proposed changes to the LCP represent a cover for projects already negotiated. These projects are known as the Pipeline Projects, most of which LA County has been negotiating for numerous years, establishing lease terms and/or lease options without public consideration of land use changes required, well in advance of environmental review and consideration by Los Angeles County and the California Coastal Commission, a violation of the California Environmental Quality Act.

The proposed major map and text amendment to the Marina del Rey Local Coastal Program goes well beyond the motion made by the BOS AND it goes well beyond the purposes stated above. With stealth/subtle and undisclosed changes to the Marina del Rey land use plan and specific plan that have nothing to do with the pipeline projects, LA County has taken advantage of this opportunity to start visioning the future of Marina del Rey development prior to a promised community-based visioning process, making land use and development standard changes that affect much more than the pipeline projects, effectively pre-empting a community-based visioning process and leading towards more private development and less recreation.

LA County is missing a unprecendented opportunity to properly plan and create a future marina. A master plan through community planning process is essential to the future successful development of Marina del Rey. Additionally, many parcels where leases extended without considering recreational use opportunities – also prevented visioning and perpetuate land use decisions made in the 1960s.

While LA County claims a comprehensive study was performed, the proposed changes in this amendment simply represent a batching together of piecemeal studies, issues and policies all summed up neatly in a Cumulative Impact Assessment (CIA) that does not actually analyze cumulative impacts or provide any new information but mainly summarizes the key results of the various studies that were performed.

What is missing from this comprehensive study and cumulative impact analysis are studies that cover Marina del Rey population and demographics; the displacement of affordable housing for middle-class residents; current and future recreational needs including current uses, what is missing, what will be needed in the future; an analysis of local and regional natural resources to accommodate future development; hotel/visitor serving tourist studies/needs assessment; and a review and analysis of what County has done to create and/or promote recreation and boating at the local, regional, national, international levels.

It is not surprising that two former officials who were intimately involved in the redevelopment planning of Marina del Rey over the last decade have come out to blast the County's approach to Marina del Rey redevelopment. Susan Cloke, former Board member of the Design Control Board called the proposed LCP amendment poor planning and bad economic policy.

A former director of planning at the Department of Beaches and Harbors in an interview with the Argonaut stated that true planning did not exist and was snubbed for economically driven policy. Furthermore, the public was never let in on the process, either planning or land use changes! (See article, Appendix 6)

Which raises an even more damaging impact of this amendment - the fact that the community was not involved in the decisions made for this current major amendment to the LCP. Please refer to section 3 below and our letter regarding lack of maximum public opportunities to participate in the LCP amendment process.

A summary of major proposed changes to LCP is as follows:

- Land use changes on 12 parcels: Parcels 33, FF, IR, NR, OT, 75, UR, 47, 49, 52, 77 and GG. 5 of 12 parcels are not pipeline projects.
- Adds no new net recreational/access acreage to the Marina.
- Major proposed changes to the circulation sections of the LUP and LIP would remove caps on development based on traffic capacity and remove the requirement for new development to mitigate traffic before a project is approved. Instead, a mitigation fee may be required. Thus the phasing of development is removed and the requirement to actually mitigate traffic is removed. The proposed changes would also require less traffic analyses and less emphasis on reviewing and mitigating regional traffic.

  The amendment also reduces the internal components of the circulation system (water bus and shuttle) to seasonal, weekend/holidays only, shrinks the shuttle route to omit Venice & Playa del Rey beaches and links w/other public transit, and then makes expansion of service dependent on increased demand.
- The conversion of 32 Marina del Rey acres from public use to private development including key public parking lots on parcels IR, OT and NR and a current public parking lot (FF) that is supposed to be a public park for residents of the West Side of the Marina.
- Eliminates all or part of 6 public parking lots and 350 public parking spaces which is referred to as the first phase of right size parking. The amendment indicates that in future phases another 1500 public parking spaces would be eliminated.
- Open space enhancements that shuffle or transfer boating and recreational uses between parcels, giving the appearance that over 17 acres of new open space has been added when NO new net space has been added. Additionally, open space enhancements are cosmetic, non-active, and non-recreational (ie urban space and public plazas).
- Development potential changes: eliminates 382 hotel units, 264 restaurant seats, 348 boat slips and 32,000 square feet of office space and adds 95,000 square feet of commercial/retail, 114 luxury senior's accommodations and 375 dry stack storage spaces. It may also add residential units and we are awaiting further clarification from the Dept of Regional Planning. The development potential shifts significant traffic trips to visitor-serving commercial with a focus on retail, which is not a priority use in Marina del Rey.
- Collapsing of development zones from 14 to 3. On the surface it seems to make sense but upon further analysis, it is: 1) a cover to eliminate actual traffic mitigation by developers; 2) a means to pre-vision the future of the Marina development without a public process by shifting intensities and types of development potential around the Marina for future undisclosed projects; 3) it stealthily converts traffic trips from the loss of small boat slips from recent Marina redevelopments into new development potential and 4) it enables an overall

increase in development potential because it is very difficult to reconcile 1996 development potential to proposed 2010 development potential.

- It adds limited use overnight accommodations including timeshares as an allowed use under the hotel category and further allows for increased limited use overnight accommodations development in the Marina (up to 25% of all hotel units may be designated limited use overnight accommodations).
- Contains new language to gut existing boat storage, public access, public parking and boating support services that are deemed not to be economically viable.
- It promotes the further loss of small boat slips using ADA and new dock development guidelines as a cover
- Builds a height bias towards high-rise buildings into the LCP that would lead to high-rise structures being in character within the Marina instead of out of character.
- Adds a new chapter called Sensitive Biological Resources which deems that Great Blue Herons and Great Egrets can stay in the Marina as long as they do not get in the way of future development. Installs a policy that disallows trees that herons and egrets may use from being planted in the Marina for new developments. Avoids adding ESHA status/designation to sites in the Marina as per findings and recommendations of the Coastal Commission and its biologist, Dr. Jonna Engel.

The proposed changes to the Marina del Rey LCP will have significant adverse impacts on public access and recreation, boating, residents, traffic, the environment and a future community-based visioning process. These impacts are detailed under sections B (Detailed LUP Comments) and C (Detailed LIP Comments) but are partially summarized here:

- Public access and recreation: Taken together, the proposed amendments transfer 32 acres of public use to private use that reduces access and recreational use of the Marina and further opens the door to more reductions in public parking and public access. The changes also pre-empt the community-based visioning process. Since the bond is paid off, there should be an increase in acres dedicated to public access and recreation. The addition of timeshares further reduces public access due to fractional ownership of the units regardless of if County deems them to be the equivalent of hotel units.
- Recreational boating: from 1999 to 2008, 670+ small wet slips for boats less than 36' were eliminated with a further 800+ slips slated for elimination. The justifications for less small slips are many but the reasons do not add up. The real reason is that less small slips means less boater parking spaces and more landside developable area. It also has allowed the County to stealthily transfer traffic trips from loss of slips to other development potential by showing that traffic has decreased from 1990 and by reducing the trips

associated from loss of slips against the increasing traffic trips of new residential development.

- Residential community: the residential community will be impacted in many ways including out of character development in residential areas (eg high-rise towers); increased and unmitigated traffic due to removal of traffic caps and sufficient traffic mitigations; loss of park space (Parcel FF) that was designated as mitigation for the increase in residential units development potential granted 1995; by destruction of a wetland that serves local herons and egrets.
- Environment: LA County has a great opportunity to embrace the environmental assets of Marina del Rey including the wetland on parcel 9 and the nesting, roosting and foraging sites around the Marina for great blue herons, great egrets and black–crowned night herons to name a few. Instead, proposed County policies included in this amendment would aim to deter future use of the Marina by these birds, eliminate an important foraging, wetland and ESHA site (parcel 9) and make their stay here as long as they do not get in the way of future redevelopment. These environmental assets need to be preserved and enhanced, not the opposite.
- Visioning Process: the proposed changes to the LCP include many changes that pre-empt the public's involvement in the future visioning of Marina del Rey. This is a significant violation of the Coastal Act.

2. LCP Review and Roadmap Approach

In 2005, based on a court order, the California Coastal Commission commenced a periodic review of the Marina del Rey LCP which was finally by the Coastal Commissioners in January 2008. In its final report, the California Coastal Commissioners found that the Marina del Rey LCP was out of conformity with the Coastal Act and that LA County was piecemealing development making it difficult to assess the potential impacts to public access/recreation, boating, the community and the environment including ESHA designations. Based on this, they unanimously adopted amendments to the LCP Review recommendations that included recommending that LA County undertake a comprehensive update to the LCP though a community process. The recommendation was:

> *18a. In preparation for amending its LCP the County should undertake a comprehensive study of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies an other facilities identified through a community planning process.*

In May 2009, a letter (Appendix 1) was sent from the Director of Beaches and Harbors to Executive Director of the Coastal Commission stating that LA County could not afford to complete a comprehensive update of the LCPA but would aggregate amendments related to certain projects, now referred to a pipeline project into a single compound amendment and address other issues of concern to the Coastal Commission. This

approach, referred to as the Roadmap Approach, was presented unagendized to Coastal Commissioners in June 2009. Commissioners concurred with the new approach without the benefit of public comment and based on inaccurate information provided to them by Los Angeles County and Coastal Commission staff. Based on this "concurrence," this map and text amendment to the Marina del Rey LCP was born.

LA County now claims that the proposed amendment to the LCP is in accordance with the Coastal Commission's LCP Review recommendation #18a referenced above. However, it is missing two critical pieces. A comprehensive study has not been carried out AND there was no community planning process involved.

Finally, it is premature to initiate this major LCP amendment prior to the California Coastal Commission closing out the LCP Review process. It does not allow for final changes that may occur, whether or not the Coastal Commission has accepted LA County's review response. This prejudices the public process and the review and analysis of this amendment by the Regional Planning staff and Commissioners.

3. Public Participation/Notice of LCP Amendment/Disclosure of Changes to LCP

The changes proposed in this LCP amendment does not reflect overwhelming cumulative public input from the prior project hearings or LCP Review workshops.

The process carried out for this map and text amendment has been characterized by lack of any real public participation including the LCP Review process, the creation of the Roadmap approach, the "comprehensive study" LA County has claimed to carry out and the creation of the map and text amendment itself.

The LCP amendment process also included insufficient notice processes, untimely meeting dates and lack of disclosure of changes to the LCP including changes not listed in the County's stated purposes for this LCP amendment. The county failed to disclose, at either public meeting, the basic provisions of the amendment, Instead, it continued to characterize the amendment as "primarily about the pipeline projects."

For further details, please refer to a Violation of Coastal Act letter submitted to the Department of Regional Planning (Appendix 2).

4. LCP Update Guidelines

The California Coastal Commission publishes a CCC LCP Update Guide, which is incorporated into this document by reference here. This guide provides detailed guidelines as to how an LCP update should be handled including information that is needed to process an amendment. Based on a review of this document, we believe LA County has failed to implement numerous guidelines. This adversely impacts the DRP staff/commissioners and members of the public from fully analyzing the impacts of this LCP amendment.

5. Moratorium on Lease Extensions/Guidelines for RFPs

While the LCP Periodic Review was taking place and while members of the public were clamoring for input into the land use decision making process, LA County continued to provide lease extensions for existing properties, thus perpetuating land use decisions made way back in the 1960s.

LA County has promised a community-based visioning process for future leased parcels coming due in the 2020's. In order to facilitate a visioning process, a moratorium must be placed on all lease extensions pending the results of the visioning process. Additionally, all RFP's for parcels in the Marina must be opened to public bids for the land use allowed on that parcel. And all submitted bids must be available for public inspection. Current practice prevents alternative projects from even being proposed.

B. DETAILED LAND USE PLAN AMENDMENTS COMMENTS

1. Pipeline Projects (including Parcel 9)

Parcels 10/FF – Neptune Apartments and Anchorages
Amendments for this pipeline project include a land use change of Parcel FF from Open space to residential. We are opposed to this change.

Parcel FF is a 2-acre space currently designated as Open Space but used as a public parking lot. It was a condition of the 1995 LCP Update that Parcel FF be converted into a park (active space) for residents of the west side of the Marina as mitigation for the additional 1000 dwelling units that were added into the overall LCP build out. This was based a calculation requiring 4-acres of park space per 1000 units of residential development. Additionally, Coastal Improvement Funds were collected for the purpose of developing Parcel FF (and Parcel P) into park space (see Marina del Rey Specific Plan Section 22.46.1950).

Proposed projects and this LCP amendment would convert Parcel FF to residential apartments and move the 2-acre active park space to 1.46-acres passive wetland space on a portion of Parcel 9U that LA County asserts is a wetland. This portion of Parcel 9U is also serving as the view corridor for the hotel to allow a height of 225 feet.

The two mitigation options are not comparable – trading a 2-acre active park for 1.46-acres of passive open space. You cannot mitigate a mitigation with a lesser value space. The residents on the west side of the Marina need active green space, there is no other active park within walking distance. This parcel would be ideal for a dog run, basketball hoops, soccer field, etc. And this is what the community needs.

Therefore Parcel FF must remain Open space and an active park built thereon with Coastal Improvement Funds already raised for this purpose.

Parcels 9U – Woodfin Hotel/Timeshares

While LA County does not consider this a pipeline project, We ARE Marina del Rey does because the Coastal Commission has stated numerous times an amendment is needed for timeshares in the Marina and because the LCP is being amended to redefine the hotel land use category to include timeshares.

We are opposed to timeshares on public land in general and specifically on Parcel 9U because we assert the entire parcel is a wetland and should also be designated an ESHA site due. Parcel 9U should remain, in its entirety, a wetland space for use by herons and egrets with added public access and recreational features such as interpretive signs and walkways as environmentally permitted. No study on Great Blue Heron and Great Egret usage of parcel 9U has been performed by LA County. Heron rookeries lie within half a mile from Parcel 9U. This site must be preserved.

Parcel 33/NR

Parcel NR is a public parking lot used by kayakers, rowers, outriggers and non-motorized boaters that use Mothers Beach for practice, races and events along with personal boating use. The proposed project here and the adjacent lot (Parcel 33) are slated for a mixed use complex with a height of 6 stories, yet a land use designation of Residential V which allows up to 225 feet is being added to this parcel development standards. This location is not suitable for a 225 foot building. Additionally, this project has no regional planning application submitted. This parcel should remain a public parking lot for non-motorized boaters in conjunction with a potential boathouse and increased and improved non-motorized boating facilities across the street on Mothers Beach.

Parcel 49/77

LCPA eliminates boater facilities (49 reclassifying 227 boater parking spaces to regular parking, 77 not really park expansion,

Despite being the largest man-made marina in the United States, the importance placed on the boat launch ramp and mast-up boat storage located on Parcel 49 is of tertiary concern to LA County which is happy to consider moving these uses to other locations or even eliminating the uses in order to accommodate retail/shopping space and a government office building for the Department of Beaches and Harbors.

But you cannot stack sailboats, and you cannot stack parking for trailered boats, either at the launch ramp or at Mothers Beach. Recreational boating takes space, and that is the primary function of this harbor, trumping all other uses.

LA County rejected the RFP proposal received for these parcels in July 2010 citing the Coastal Commission staff's inappropriateness of the proposed projects for this site and public opposition to the project (Appendix 3). Yet, the changes proposed in this LCP amendment are precisely for the project that was rejected. Why is this?

Most importantly, we are opposed to development consideration on these parcels pending a community based visioning process.

Parcel OT

Parcel OT is a public parking approximately 3000 feet from Venice Beach and the Venice Beach pier at Washington Boulevard. It is used for Marina special events and Mothers beach parking. LA County tried to convert this parcel in the 1995 LCP Amendment and were rejected by the California Coastal Commission. It was deemed to be inconsistent with the Coastal Act because Parcel OT was needed not just for Marina events but area coastal access and recreation including Venice Beach parking.

Parcel OT should remain a public parking lot. Consider a Park and Bike lot for Venice Beach/Marina del Rey beach and recreational access with a viewing plaza for the Oxford basin.

2. Parking

The assault on public parking in Marina del Rey is unprecedented. The proposed LCP amendment would eliminate all or part of 6 public parking lots and 350+ public parking spaces as part of a first phase of right size parking. The amendment indicates that in future phases another 1500+ public parking spaces would be eliminated, leaving 1250 spaces, down from an original figure of 3100+ spaces.

Yet, LA County is proposing open space enhancements and public amenities that may increase the need for public parking. And LA County has not created a master recreational plan for the Marina, nor has it conducted any studies to assess current and future potential recreational uses and needs.

Additionally, proposed policy changes in Section A Coastal Access and Recreation Policy will increasingly blur the distinction between public and private parking, and will ultimately give the benefit of those parking space allocations to the developers, as well as put the parking itself under private control. The "shared use" parking arrangements in office buildings will provide for the eventual elimination of additional public parking lots and the eventual commingling of public and private parking that will be under the control of the private leaseholder. The proposed LCP amendment policies will allow for the eventual substitution of all but 1,250 parking spaces of which how many would be stand alone or shared is unknown at this point. This is a serious threat to public access and recreation in the Marina.

A proposed change to the Local Implementation Plan also compromises public parking. It states:

> "Existing boat storage, public access, **public parking** and boating support uses in residentially zoned areas in the WOZ zone shall be preserved. With the exception of existing facilities located on Parcels 1, 54, 55 and 56, as part of the application, these uses may be relocated on the same parcel or to another parcel

within the Marina, as long as the size, efficiency and capacity of the facility remains the same and such relocations occur prior to any dislocating development, and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action." (bold emphasis added)

LA County undertook a study of parking in the Marina that they referred to as Right-Sizing Parking. The study ignored parking in the public lots used by residents, their guests and overflow hotel parking. Many apartment complexes that do not have enough parking capacity which causes use of public lots. Additionally, the Marriot hotel guests utilize Mothers Beach for parking. This use was not analyzed.

We believe this study was set up to corroborate County claims that the public parking lots are underutilized most of the year. However, two specific events held in the Marina in 2010, the Outriggers Regatta and the Taste of Marina del Rey, fill all the lots around Mothers Beach including parcels IR, GR, NR, and OT. **This shows that the public parking lots are not underutilized but underserved. With a fully realized master recreational plan for the Marina, these lots can be properly utilized.**

Figure 1. Public Parking Lot Conversions

Parking Lot	Current Use	Proposed Change	Potential Alt. Use
Parcel OT[1]	Public Parking	Seniors Accommodation	Park and Bike lot for Venice Beach/ Marina del Rey with a viewing plaza for the Oxford basin
Parcel FF[2]	Open Space/ Public Parking/Residential overflow parking	Residential	Active green space for the West side residents of the Marina.
Parcel NR	Public Parking	Mixed use residential/retail	Public parking for non-motorized boaters in conjunction with boathouse and increased and improved non-motorized boating facilities across the street.
Parcel IR	Public Parking Marriot Hotel overflow parking	Public Parking and Open Space	The uses for this space if to be changes should be part of the community-based visioning process.

[1]During the 1995 LCP Update, LA County tried to convert parcel OT to alternative private uses. Per the Coastal Commission Staff Report Th6B dated January 25, 1996, this conversion was not allowed because they would be inconsistent with the public access and recreation policies of the Coastal Act.

[2]Parcel FF conversion to an active public park was mitigation for an additional 1000 dwelling units of development potential. See Coastal Commission Staff Report Th6B dated January 25, 1996, this

conversion was not allowed because they would be inconsistent with the public access and recreation policies of the Coastal Act

We believe the major changes to parking lots and shared use parking policies should be reviewed as part of the community-based visioning process so that public parking needs can be matched with future potential public recreational uses and demands for parking.

3. Open Space

The County states that 17.8 acres of open space and public amenities are being added in the existing Marina by this LCP amendment including promenade expansions, a new urban space category that includes public plazas, active space and passive space. While we encourage open space changes and enhancements, the proposed changes in this amendment do not actually add new access or public recreational space as claimed.

Meaning all proposed open space enhancements are being taken from existing land currently used for public recreation, access and or visitor-serving uses including parks and open space that were set aside as mitigation during the 1995 LCP Update.

It is critical to note here that the 1996 Coastal Commission Staff report for the 1995 LCP update found that promenades and passive space are not deemed public recreation.

Section 22.46.1950 Coastal improvement fund of the proposed Local Implementation Program as amended reads:

> The Los Angeles County General Plan establishes a local park standard of four acres per 1,000 population. Application of this standard against the increased population results in a local park need of 14.5 acres in the existing Marina. These acreages are attributed to the new development only and do not include acreages which are part of the local park space deficit for existing development.
>
> Improvement ~~of Parcel FF as a 2-acre park and improvement~~ of Parcel P as a 10.27-acre open space area with public access will create 120.7 acres of new ~~local park~~ open space and public amenities in the existing Marina, Additionally, the County intends to add 7.1 acres to Chace Park, bring the total added acreage to 17.8 acres. ~~resulting in a 1.8-acre deficit. Improvement of another 1.8-acre site would fulfill the local park need of new development. However, a more feasible alternative is the improvement of the 12.7 acres (Parcels FF and P) with amenities is equal in value to the cost of improving the entire 14.5 acres. This will mitigate local park needs attributable to new development and is preferable to development of another 1.8-acre site.~~

The following is a list of open space enhancements proposed in this LCP amendment by parcel and what the current use of the space/parcels is:

Parcel	Proposed Use	Current Use
Parcel FF	Residential	Open Space - mitigation
Parcel 9U	Wetland Park	Wetland/vacant lot/heron and egret foraging
Parcel P	Open Space (2-acre path around 8-acre basin)	Open Space – mitigation
Parcel UR	Public parking	Designated Marine Commercial but used as Public parking
Parcel 21	Small public park plaza and promenade	Visitor serving café and fitness center. Mermaids Café provides only place to get quick meals/snacks that overlooks Mothers Beach
Parcel IR	Public Parking and Public Plaza	Public Parking
Parcels 47/48	Expand Burton Chase Park open space	Yacht Club (Parcel 48)
Parcel 77	Parking/Office Space	Boat Storage
Parcel OT	Public Walkway	Public Parking/Open space

Parcel FF/9U:

See comments for Parcel FF/Neptune Marina Apartments and Parcel 9U, Woodfin Hotel/Timeshares and Wetland Park under Pipeline Projects section above. Parcel FF is a 2-acre space currently designated as Open Space but used as a public parking lot. It was a condition of the 1995 LCP Update that Parcel FF be converted into a park (active space) for residents of the west side of the Marina as mitigation for the additional 1000 dwelling units that were added into the overall LCP build out. This was based a calculation requiring 4-acres of park space per 1000 units of residential development. Additionally, Coastal Improvement Funds were collected for the purpose of developing Parcel FF (and Parcel P) into park space (see Marina del Rey Specific Plan Section 22.00000).

Proposed projects and this LCP amendment would convert Parcel FF to residential apartments and move the 2-acre active park space to 1.46-acres passive wetland space on the wetland delineated portion of Parcel 9U (per LA County determinations). This portion of Parcel 9U, which LA County asserts is a wetland, is also serving as the view corridor for the hotel to allow a height of 225 feet.

The two mitigation options are not comparable – trading a 2-acre active park for 1.46-acres of passive open space. You cannot mitigate a mitigation with a lesser value space. The residents on the west side of the Marina need active green space, there is

no other active park within walking distance. This parcel would be ideal for a dog run, basketball hoops, soccer field, etc. And this is what the community needs.

We assert the entire parcel 9U is a wetland and should also be designated an ESHA site due. Parcel 9U should remain, in its entirety, a wetland space for use by herons and egrets with added public access and recreational features such as interpretive signs and walkways as environmentally permitted. No study on Great Blue Heron and Great Egret usage of parcel 9U has been performed by LA County. Heron rookeries lie within half a mile from Parcel 9U. This site must be preserved.

Parcel P:

Like Parcel FF, the enhancement of Parcel P, known as the Oxford Basin, was a condition of the 1995 LCP Update that perimeter path around Parcel P be developed as mitigation for the additional 1000 dwelling units that were added into the overall LCP build out. This was based a calculation requiring 4-acres of park space per 1000 units of residential development. The idea was that a path around the Oxford basin would allow residents and visitors to view the birdlife that used the basin as a place to roost and forage. Thus, this is not "new" open space. Parcel P is located half a mile from main residential section of Marina del Rey. Additionally, as part of the proposed Senior Retirement Hotel on Parcel OT, .5-acres Parcel P is being taken away to make more room for the development, to which the Department of Public Works has objected.

Most importantly, the perimeter path proposed for Parcel P is dubious because the portion of the path which would front Admiralty Way is narrow and dangerous due to the high volumes and speed of traffic that is received. It is a public safety hazard.

We believe that the use of Parcel P as mitigation for residential development units added in the 1995 LCP Update is not suitable and an alternative park space of 10 acres must be found that is closer to the west side where most residents reside.

Parcel UR:
Parcel UR, located next to the Marina del Rey library, has a designated land use of Marine commercial. However, it is undeveloped and serves as public parking. The change from Marina Commercial to Public Parking does not technically add any new open space or park space.

Parcel 21:
The small public park and promenade proposed on Parcel 21 adds open space at the expense of a popular visitor-serving café that provides affordable meals and snacks and views of Mother's Beach and the boats. The creation of this park adds benefits but also takes them away.

Parcel IR:
Parcel IR is a public parking lot that fills up during major Mother's Beach events and festivals. It also serves as alternative parking for hotel guests of the Marriot Hotel on

Parcel 140. The proposed open space enhancements would take away public parking to make space for a public plaza, a "gathering place" as the proposed LCP amendment states. We believe that any removal of public parking at Mothers Beach should be used for active recreational uses, not "gathering places." The public promenade proposed is likely an amenity to be paid by tax dollars to make the beach look nicer for future hotel redevelopment of Parcel 22 (this LCP amendment adds 86 hotel units of development around Mothers Beach). To summarize, this enhancement takes away one form of public access that is sorely needed and replaces it with another public use.

Parcel 77:
Based on the Request for Proposal (RFP) for this parcel (along with parcels 49M, 49R and 49S), it is unknown how this parcel will ultimately be used, but there is a good chance it will not be for open space but the administration building for the Department of Beaches and Harbors. The current use on this parcel is mast up boat storage. The RFP states that any boating facilities on the parcel must be maintained or moved if development of Parcel 77 occurs. However, there is no indication where mast up storage can be relocated and these boats cannot be stacked. Additionally, because of a new sentence added to the proposed amendment to the Local Implementation Program which reads regarding existing boat storage, public access, public parking and boating support uses:

> ...and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action.

Thus, it is not guaranteed that the existing boating storage on parcel 77 would ultimately remain.

The proposed amendment to the Local Implementation Program Section 22.46.1880 Mindanao Area further reads:

> Parcels 49M, 49R, 49S and 77 may be developed as a unit, with blending of uses within the parcels and between the parcels.

Based on this and the RFP for these parcels, it is not possible to say what development may ultimately end up on Parcel 77. Regardless, the expansion takes one recreational use and trades it possibly for another.

Most importantly, we are opposed to development consideration on these parcels pending a community based visioning process.

Parcel OT:

Parcel OT is a public parking lot that fills up during major Mother's Beach events and festivals. It also provides 93 public parking spaces to the Fantasea Yachts across the street under private arrangement. The proposed walkway on Parcel OT between

Admiralty Way not only takes away acreage from Parcel P but adds a walkway that should be part of the Parcel P perimeter path mitigation. Additionally, anyone currently can walk between the parcels. This enhancement does not add any open space to the Marina.

4. Traffic/Circulation

Based on the results of the 2010 Draft Traffic Study ("Traffic Study"), LA County proposes to make major changes to the Land Use Plan and Circulation sections of the certified LCP including collapsing development zones from 14 to 3 and removing traffic capacity caps on development application approvals.

The Traffic Study concludes, based on new traffic counts, that traffic in the Marina is 5% (am) and 8% (pm) better than in expected based on 1990 traffic counts. Therefore, the "Revised" set of intersection improvements would provide sufficient additional capacity at all intersections to fully accommodate the increase in traffic from the pipeline projects (LUP pg 11-19). The Traffic Study further concludes that under future traffic conditions, with or without the "Revised" set of intersection improvements and with full LCP build out as proposed in this LCP amendment, all intersections will operate with less congestion than projected by the 1991/1994 DKS Traffic Studies (DKS Study) (pg 11-19). Based on this, the Traffic Study falsely concludes that the "Revised" set of intersection improvements will provide sufficient capacity for the LCP build-out traffic conditions (pg 11-20)

Based on the above conclusions, the proposed LCP amendment would remove caps on development based on traffic capacity and remove the requirement for new development to mitigate traffic before a project is approved. Instead, a mitigation fee may be required. Or, according to LA County's Marina planner, if the development's Environmental Impact Report cannot fully mitigate traffic impacts, then a Statement of Overriding Conditions would be issued.

There is nothing to show that paying a "fair share" of the costs of traffic improvements will actually do anything to mitigate the lack of capacity for increased traffic. Projects cannot be approved based on unknown future "improvements" simply because there is a fund being collected. Development must demonstrate that physical adverse impacts will actually be mitigated as a result of the traffic trip funds and as further explained below, the Revised set of improvement projects will not mitigate traffic impacts.

The Land Use Plan and LIP proposed amendments related to traffic and circulation have been designed to gut the existing LCP core restrictions that halt development until mitigation can be proven feasible and effective.

Therefore, we do not agree with the proposed changes that remove traffic caps and phasing of development. It is still needed for the orderly build out of the development potential contained in the certified LCP or the LCP as proposed to be amended. Our support for this statement lies in the poor quality of the Traffic Study and its conclusions.

As further detailed in the table and traffic study comments below, we believe the Traffic Study's methodologies, analysis and conclusions are faulty and geared towards concluding that traffic is fine and no real mitigation is required.

The policies and actions section of Chapter 11 calls only for traffic mitigation measures, in the form of intersection improvement projects, to accommodate the increased traffic generated by the pipeline projects, which is stated to be 46% of the total LCP build-out. There are no mitigation measures listed for the remaining 54% of the LCP build-out. Why is this? Well, the study simply and erroneously concludes that because future traffic conditions with or without the revised list of intersection improvement projects for the full LCP build-out will be better than those projected in the DKS Study, then these revised set of intersection improvements will provide sufficient capacity for full build-out conditions. But there is no correlation between these statements and thus, **the Traffic Study does not really determine if there will be sufficient traffic capacity to handle future traffic conditions with full LCP build-out.**

In fact, one of the conclusions of the Traffic Study states:

> In the Future (2020) Cumulative with LCP Buildout conditions (with the Revised Set of Intersection Improvement Projects), 15 and 12 of the 20 analyzed intersections would be operating at acceptable levels of service (LOS D or better) during the morning and evening peak hours, respectively.

This conclusion means that will full LCP build-out AND with the implementation of all the revised set of intersection improvement projects, 5 am intersections and 8 pm intersections will be operating at a worse than D level of service. This does not correlate to the statement that there is sufficient capacity to handle full LCP build-out traffic conditions as concluded in the Traffic Study!

Proposed LCP Changes	Issues	Corrective Actions
c. Research Analysis		
1. A majority of the total traffic entering Marina del Rey via Fiji Way, Mindanao Way and Bali Way has a destination in the Marina. A significant amount of the daily traffic in the Marina is "bypass traffic," i.e. traffic that passes through the Marina without an origin or destination in the Marina. (pg 11-8)	This statement is not supported by the facts. Both the Traffic Study and the DKS Study state that bypass traffic through the Marina has been historically around 7-9%. Therefore, it does not appear that a significant amount of the daily traffic in the Marin is bypass traffic.	Remove significant and insert accurate percentages.

2. Trip generation surveys taken from 1991 DKS Study. (pg 11-8)	Why weren't the trip generation rates re-tested to ensure accuracy given the significant proposed changes to the circulation section of the LCP?	Evaluate trip generation rates to see if they are still accurate.
3. Traffic conditions in and around Marina del Rey are predominantly affected by development and land use changes occurring in the incorporated communities surrounding the Marina. (pg 11-19)	This statement is not supported by the facts. Both the Traffic Study and the DKS Study state that bypass traffic through the Marina has been historically around 7-9%. Therefore, it does not appear that traffic conditions in the Marina are predominantly affected by development and land use changes outside the Marina.	Remove statement.
4. The Raju traffic study found that under Marina del Rey build-out traffic conditions, in 2020 with and without the Revised Set of Intersection Improvement Projects, all intersections are projected to operate with less congestion than the 1991/1994 DKS traffic studies projected for the year 2010 for all scenarios. Accordingly, the Revised Set of Intersection Improvement Projects would provide sufficient capacity for the five Pipeline Projects and for the proposed LCP build-out traffic conditions. (pgs 11-19 to 11-20)	It is irrelevant if, with the future LCP build-out projects, the intersections are projected to operate with less congestion than in the DKS Study. What is relevant is whether or not there would be sufficient traffic capacity to handle full LCP build-out conditions period. The leap from better than projected in 1991 to there is sufficient capacity with the revised set of intersection improvements is not logical and is unsupported by the data presented in the traffic study.	Re-evaluate current traffic conditions and re-run LOS calculations. An analysis of what is required to improve traffic capacity such that all intersections operate at a LOS of D or better with full LCP build-out with ambient growth and cumulative projects.
d. Findings		
5. Current (2010) and projected operations at all of the analysis locations are equivalent to or better than the conditions projected in the 1991/1994 DKS traffic studies. Overall, current traffic counts have decreased by 5% and 8% during peak hours. Therefore, baseline traffic data for all scenarios tested were	See response under Study Conclusions #1 below	Re-evaluate current traffic conditions and re-run LOS calculations. Reinstate traffic caps and phasing of buildouts based on traffic capacity. Since the Marina is a public asset for use by all residents of Los Angeles County,

found to be less than the 1991/1994 DKS traffic studies projections for the year 2010. (pg 11-23)		analyses of ..... should be reinstated.
6. In 2020, the Revised Set of Intersection Improvement Projects sufficiently alleviates the traffic impacts associated with the Pipeline Project land use changes proposed in this LCP amendment. (pg 11-23)	See response under Study Conclusions #12 below. What does it me? How is sufficiently measured? Even with revised traffic mitigations, after the pipeline projects are built, 2 morning and 5 evening intersections will be worse than D.	Re-evaluate current traffic conditions and re-run LOS calculations
7. Under build-out traffic conditions, with and without the Revised Set of Intersection Improvement Projects, all intersections studied are projected to operate with less congestion than projected in the 1991/1994 DKS traffic studies.	See response under Study Conclusions #14 below. This comparison is not relevant. What is relevant is that even after the revised set of intersection improvement projects, 5 morning and 8 evening intersections would still be operating at WORSE than a D LOS!	Re-evaluate current traffic conditions and re-run LOS calculations
8. The Revised Set of Intersection Improvement Projects would provide all needed transportation-related infrastructure improvements to support the entire development of Marina del Rey.	See response under Study Conclusions #14 and #15 below. This statement is not true. Even after the revised set of intersection improvement projects, 5 morning and 8 evening intersections would still be operating at WORSE than a D LOS!	Re-evaluate current traffic conditions and re-run LOS calculations
e. Policies and Actions		
9. Amended to include only the revised set of intersection improvement projects that will provide sufficient traffic capacity in 2020 to handle the pipeline projects (pgs 11-23 to 11-26)	The pipeline projects are stated to be 46% of the total LCP build-out. As revised, there are no mitigation measures listed for the remaining 54% of the LCP build-out. The study simply and erroneously concludes that because future traffic conditions with or without the revised list of intersection improvement projects for the full LCP build-out will be better than those projected in the DKS Study, then these revised set of intersection improvements will provide sufficient capacity for full build-	Re-evaluate current traffic conditions and re-run LOS calculations. An analysis of what is required to improve traffic capacity such that all intersections operate at a LOS of D or better with full LCP build-out with ambient growth and cumulative projects.

	out conditions. But there is no correlation between these statements and thus, the Traffic Study does not really say if there will be sufficient traffic capacity to handle future traffic conditions with full LCP build-out.	
10. 2. Regional Transportation System Improvements. The Department of Public Works shall coordinate the Regional Transportation Improvements with the appropriate transportation agencies having jurisdiction over the Improvement Projects in this LCP. (pg 11-26)	Applicants are required to pay mitigation fees for the regional transportation system, yet the mitigation measures listed for regional transportation measures do not exist and mention a vague coordination effort that may never occur.	An analysis and list of mitigation measures for the regional transportation system for the future LCP build-out. This should take into account that the Marina is a public recreational asset for the entire Los Angeles County and thus LA County has a responsibility for traffic generated outside the county borders.

Draft Traffic Study

The Draft Traffic Study was not comprehensive and complete. It lacked proper wide review by City and County agencies, had no public input into the scope and methodologies nor public review/comment period for the study. And the study is still in draft form!

The Traffic Study failed to explain methodology for how traffic counts were measured and why days were chosen. It compares apples and oranges with respect to measurement dates for traffic counts. And it did not factor in other potential anomalies in traffic volume changes between 1990 and 2009, such as Marina apartment and slip vacancy rates and reduction of traffic trips since 1991 for small boat slips that were eliminated. Major decreases in Westside internal intersection volumes are unexplained and do not correlate.

Study Conclusions

1. Current traffic counts were conducted at each of the analysis intersections during both the morning and evening peak hours. A comparison of these counts with those conducted in the 1991/1994 DKS Study indicate that the current traffic counts have decreased overall by 5% and 8% during the morning and evening peak hours, respectively. This implies that the ambient growth projected in the 1991/1994 DKS Study has not occurred in this region.

   Our Response:
   The implication in this conclusion is faulty. Just because traffic counts are down, does not mean that ambient growth did not occur in the region. According to the 1991/1994 DKS Study, pass through traffic was only 7-9% of total internal Marina

traffic. Today, the same through traffic rate is seen (per conversation with Barry Kurtz) so this is consistent.

The real question to ask is why is traffic better now than in 1990? Are there any other factors that may have influenced current counts including: high vacancy rates in the Marina now including Esprit I; loss of 1000 small wet slips over last decade, Jamaica Bay in being out of service during the study count, restaurants taken out of service. Higher slip vacancy rates and general recession with less usage of boats? Could this explain the decreases?

At the time the traffic counts were taken for the Traffic Study, 382 apartments (7%) were vacant and that figure excluded recently redeveloped complexes, Admiralty Apartments (172 apartments) and Esprit I (data would not be provided by LA County) both of which had significant vacancies. Could this explain the decreases?

According to the 1991/94 DKS Study, traffic counts were taken in June 1990, a time period of the year that was considered a higher than other times of the year, while the traffic counts in this Traffic Study were taken during the week immediately preceding the Memorial Day holiday weekend. Could this explain the decreases?

This DKS Study checked their June data against permanent traffic station at Admiralty and Bali Ways to see if the data was reliable. This was not done for the current Traffic Study. Could this explain the decreases?

Upon further review of traffic counts as analyzed by intersection, we found the following:

Via Marina/Panay Way – 227 dwelling units were added to this intersection since 1991 - 68 market rate apts/60 congregate care apartments/99 apartments (65 pm traffic trips) less 127 benni hanna seats (-32 trips), which represents a net increase of 33 peak hour trips, yet there was a decrease of 16% in AM traffic volumes and a decrease of 23% in PM traffic volumes. Notes: Vacancy rates at time of 2009 traffic counts: Bar Harbor (3%, 10 units), Dolphin (7%, 23 units) Capri (0%, 0 units), Del Rey Shores both parcels (7%, 14 units).

Via Marina/Bora Bora – 120 dwelling units (+39), 271 slips decreased (-37), 4000sqft office (-5). Net decrease of 3 trips yet decrease of 13% in AM traffic volumes and a decrease of 26% in PM traffic volumes. Notes: Vacancy rates at time of 2009 traffic counts: Marina Harbor apts/parcel 112 (10%, 60 units).

Via Marina/Marquesas - 282 dwelling units (+92), 35 senior apts (+6), 237 slips decreased (-32), 3600sqft office (-5). There was a net increase of 61 trips yet a decrease of 23% in AM traffic volumes and a decrease of 26% in PM traffic volumes. Notes: 1% vacancy in Neptune (1 unit), Villa del Mar 6% (12 units) vacancy, Esprit I (data would not be provided by LA County).

Via Marina/Tahiti – No new traffic trips gained or lost since 1991. Decrease of 12% in AM traffic volumes and a decrease of 33% in PM traffic volumes. Notes: Vacancies - Marina Harbor apts/parcel 111 (12%, 29 units not all use Tahiti), Bay Club (5%, 10 units), Tahiti Marina (1%, 2 units).

Palawan/Admiralty – 108 dwelling units added for Admiralty Apts (35 trips), Jamaica Bay Inn closed down for construction (around 50 rooms, 18 trips). Decrease of 16% in AM traffic volumes and a decrease of 20% in PM traffic volumes. Notes: Vacancies - Mariners Bay (26%, 97 units), Admiralty Apts (data would not be provided by LA County).

Via Marina/Admiralty Way – Increase of 9% in AM traffic volume levels and a decrease of 0% PM traffic volumes. How is this affected by other factors above? Pass through? If Pass through is only 7% then an increase must be coming from somewhere within the Marina?

Admiralty/Mindanao – Decrease of 12% in AM traffic volume levels and a decrease of 2% in PM traffic volumes. Yet significant increase in traffic exists due to Waterside shopping center since renovation and expansion.

Admiralty/Bali - Decrease of 12% in AM traffic volume levels and a decrease of 24% in PM traffic volumes. How is this explained?

Even if ambient growth ended up being zero in the DKS study, the decreases being seen do not make sense.

Thus, we believe the traffic counts are not representative of current traffic levels and must be retested.

2. Currently, all 20 of the analyzed intersection locations are operating at levels of service (LOS) D or better during the morning and evening peak hours, with 19 of them operating a LOS C or better. Typically, in urban areas, LOS D is considered as acceptable operations. In the 1991/1994 DKS Study, "existing conditions" analysis identified that 3 locations during the morning peak hour and 9 locations during the evening peak hour were operating at congested or failing levels of service (LOS E or F). A comparison between the two indicates that the current operations at all of the analysis locations are equivalent to or better than the base conditions projected in the 1991/1994 DKS Study.

   Response:
   Per our response to Conclusion #1 above, since traffic counts do not appear accurate, the level of service (LOS) analyses may not be accurate.

3. In the Future Ambient (2020) conditions, all 20 locations in the morning peak hour and 19 of the 20 locations in the evening peak hour are projected to operate at LOS D or better. The remaining intersection is projected to operate at LOS E. The Future

Ambient (2020) conditions has been forecast to operate better than the Future Ambient (2010) conditions projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

Response:
Based on our response to Conclusion #1, this Future Ambient (2020) conditions may not be accurate or comparable to Future Ambient (2010) conditions from the DKS study.

4. The proposed overall LCP Buildout including the Pipeline Projects Amendment would generate slightly less than the amount of trips generated by the LCP uses approved but not built yet, from the 1991/94 DKS Study, during the evening peak hour. The Proposed LCP Buildout trip generation would result in a total of approximately 2,503 trips (1,378 inbound, 1,125 outbound) during the evening peak hour. This is equivalent to approximately 91% of the approved PM peak hour trips in the LCP.

   Response:
   This conclusion is irrelevant and does not compare apples and oranges. It does not reference or account for development and corresponding traffic trips that have been built since 1996.

5. The Proposed Pipeline Projects' trip generation would result in a total of approximately 1,163 trips (610 inbound, 553 outbound) during the evening peak hour. The Pipeline Projects account for approximately 46% of the overall LCP Buildout remaining (unbuilt) uses' trip generation.

   Response:
   This conclusion is irrelevant to the analysis of traffic conditions.

6. In the Future Ambient (2020) with LCP Amendment (Pipeline Projects) conditions (without improvements), all 20 of the analyzed intersections in the morning peak hour and 18 of the 20 analyzed intersections in the evening peak hour are projected to operate at LOS D or better. The remaining intersections in the evening peak hour are projected to operate at LOS E. The Future Ambient (2020) with LCP Amendment conditions have been forecast to operate better than the Future Ambient (2010) conditions projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

   Response:
   Based on our response to Conclusion #1, this data may not be accurate and must be retested.

7. In the Future Ambient (2020) with LCP Amendment conditions (with the Revised Set of Intersection Improvement Projects), all 20 of the analyzed intersections in the morning peak hour and 19 of the 20 analyzed intersections in the evening peak hour are projected to operate at LOS D or better. The remaining intersection (Culver Boulevard at Jefferson Boulevard) is projected to continue to operate at LOS E in the evening peak hour. The Future Ambient (2020) with LCP Amendment and the

Revised Set of Intersection Improvement Projects have been forecast to operate better than the Future Ambient conditions projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

Response:
Based on our response to Conclusion #1, this data may not be accurate and must be retested.

8. In the Future Ambient (2020) with proposed LCP Buildout (including Pipeline Projects prior to any of the improvements) conditions, all 20 of the analyzed intersections in the morning peak hour and 10 of the 20 analyzed intersections in the evening peak hour are projected to operate at LOS D or better. The remaining intersections in the evening peak hour are projected to operate at LOS E or F. The Future Ambient (2020) with LCP Buildout conditions has been forecast to operate better than the Future Ambient (2010) plus approved LCP conditions projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

   Response:
   Based on our response to Conclusion #1, this data may not be accurate and must be retested.

9. In the Future Ambient (2020) with LCP Buildout conditions (with the Revised Set of Intersection Improvement Projects), all 20 of the analyzed intersections in the morning peak hour and 15 of the 20 analyzed intersections in the evening peak hour are projected to operate at LOS D or better. The Future Ambient (2020) with LCP Buildout and the Revised Set of Intersection Improvement Projects have been forecast to operate better than the Future Ambient plus approved LCP and mitigations conditions projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

   Response:
   Based on our response to Conclusion #1, this data may not be accurate and must be retested. Also, here it is irrelevant to compare future ambient conditions between the current study and the DKS study because in this scenario, there are still 5 intersections that operate at worse than LOS D even after intersection improvements.

10. A cumulative analysis of future 2020 conditions with all related projects was performed and compared to the cumulative analysis conditions in the 1991/1994 DKS Study. In the Cumulative (2020) conditions, 18 and 17 of the 20 analyzed intersections are projected to operate at LOS D or better during the morning and evening peak hours, respectively. The remaining intersections are projected to operate at LOS E or F. The Cumulative (2020) conditions have been forecast to operate better than the Cumulative (2010) conditions (with no Marina development) projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

Response:
Based on our response to Conclusion #1, this data may not be accurate and must be retested.

11. In the Future (2020) Cumulative with LCP Amendment (Pipeline Projects) conditions, 18 and 13 of the 20 analyzed intersections would be operating at acceptable levels of service (LOS D or better) during the morning and evening peak hours, respectively. The Cumulative (2020) with LCP Amendment conditions have been forecast to operate better than the Cumulative (2010) conditions (with no Marina development) projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

    Response:
    Based on our response to Conclusion #1, this data may not be accurate and must be retested. Additionally, this conclusion says that after the pipeline projects are built, 2 morning and 7 evening intersections will be worse than D.

12. In the Future (2020) Cumulative with LCP Amendment (Pipeline Projects) conditions (with the Revised Set of Intersection Improvement Projects), 18 and 15 of the 20 analyzed intersections would be operating at acceptable levels of service (LOS D or better) during the morning and evening peak hours, respectively. The Cumulative (2020) with LCP Amendment and the Revised Set of Intersection Improvement Projects have been forecast to operate better than the Cumulative (2010) conditions (with no Marina development) projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

    Response:
    Based on our response to Conclusion #1, this data may not be accurate and must be retested. Additionally, this conclusion shows buildout of the pipeline projects WITH the revised set of intersection improvement projects improves only zero morning and 2 evening intersections to be D or better (that is comparing conclusion 11 and 12). And, even with revised traffic mitigations, after the pipeline projects are built, 2 morning and 5 evening intersections will be worse than D.

13. In the Future (2020) Cumulative with Proposed LCP Buildout (including Pipeline Projects) conditions, 14 and 8 of the 20 analyzed intersections would be operating at acceptable levels of service (LOS D or better) during the morning and evening peak hours, respectively. Again, the Cumulative (2020) with LCP Buildout conditions have been forecast to operate better than the Cumulative (2010) conditions (with no Marina development) projected in the 1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

    Response:
    Based on our response to Conclusion #1, this data may not be accurate and must be retested. Regardless of comparison to 1991/1994 conditions, the future cumulative with LCP Buildout still results in 6 morning and 12 evening intersections at WORSE than D LOS.

14. In the Future (2020) Cumulative with LCP Buildout conditions (with the Revised Set of Intersection Improvement Projects), 15 and 12 of the 20 analyzed intersections would be operating at acceptable levels of service (LOS D or better) during the morning and evening peak hours, respectively. Again, the Cumulative (2020) with LCP Buildout and the Revised Set of Intersection Improvement Projects have been forecast to operate better than the Cumulative (2010) conditions (with no Marina development) projected in the1991/1994 DKS Study during both the morning and evening peak hours at all of the analyzed intersections.

    Response:
    Based on our response to Conclusion #1, this data may not be accurate and must be retested. Just as important, this conclusion represents the full buildout with traffic improvements including pipeline projects, ambient growth, related cumulative projects YET, 5 morning and 8 evening intersections would still be operating at WORSE than a D LOS! Even more revealing is that comparing conclusion #14 (includes revised set of traffic improvement) with #13 (excludes revised set of traffic improvement) we find that the revised set of traffic improvements improves only 1 morning and 4 evening intersections to a D LOS or better. 5 morning and 8 evening intersections will still be WORSE than a D LOS.

15. In summary, the proposed LCP Amendment (with Pipeline Projects) as well as the proposed LCP Buildout traffic conditions with the Revised Set of Intersection Improvement Projects would result in better operating conditions at all analysis locations than the future conditions with the approved LCP in the 1991/1994 DKS Study. Accordingly, the Revised Set of Intersection Improvement Projects would provide sufficient capacity for the five Pipeline Projects and for the proposed LCP buildout traffic conditions. Further, the Future Cumulative (2020) with both the proposed Amendment and proposed Buildout conditions are also projected to operate better than the Future Cumulative (2010) conditions (with no Marina development) projected in the 1991/1994 DKS Study.

    Response:
    Based on our response to Conclusion #1, this data may not be accurate and must be retested.

    These final conclusions are the worst of them all because they do not correlate with the others or within this paragraph. First, comparing future build-out conditions projected from the Traffic Study to the DKS study are not relevant. Why, because the current Traffic Study concludes that <u>even after</u> the traffic intersection improvements are made, <u>5 morning and 8 evening intersections would still be operating at WORSE than a D LOS!</u>

    Further, the revised set of traffic improvements improve only 1 am and 4 pm intersections to LOS D or better. <u>Thus, the statement that the revised traffic intersection improvements provide sufficient capacity for the pipeline projects and the LCP build-out is false.</u> 25% of intersections in the AM will be operating worse than a D LOS and 40% of PM intersections will be operating worse than a D LOS.

The revised traffic intersection improvements DO NOT provide sufficient capacity for the future build-out and therefore, the changes to the circulation system, including removing capacity and phasing controls based on this Traffic Study are not acceptable and must be reinstated.

Further Study Issues

a. Ambient Growth
   - Ambient growth projections in the Traffic Study were applied to traffic counts that may be inaccurate (See Conclusion #1 above).
   - Applied straight ambient growth factor of 10 years (2009 to 2020) by .5% and .6% How was it applied in 1991/1994 reports? Shouldn't it be exponential?

b. LOS methodology
   Other methods to calculate Level of Service include the Average Stopped Delay (ASD). With this system, the people can measure the time it takes to pass through an intersection starting when the motorist joins the queue. For example, at Washington and Lincoln, at a peak hour, it I was delayed over a minute on a few occasions, there would be evidence that Lincoln and Washington remains an F LOS.

c. Other Proposed Changes to the LCP
   There are many other land use and zone changes that may affect traffic conditions and that will increase traffic trips but do not have corresponding buildout potential/traffic trips and thus, have not been analyzed in the Traffic Study. These include open space enhancements to: parcel IR/Mothers Beach, Burton Chase Park, Parcel P as well as an increase of 200 hotel development units in the Mothers beach area (Development Zone 2). For example, the redevelopment of Waterside Shopping center did not increase square footage but the redevelopment has caused a significant increase in traffic in the area.

d. Trip Generation Rates
   In the DKS Study, Trip Generation rates were reviewed and it was determined that many use types in the Marina differ from the standard rates included in the ITE Manual. So a study of traffic trips was undertaken to see what actual trip generation rates may be. Based on this, it was determined that residential units were below the average and that commercial/visitor serving was higher. Per the DKS Study, trip generation for apartments was lower because the Marina consisted of older persons, smaller average household size, fewer school aged children and a higher rate working at home (pg 2-36). Is this still the case? Have these factors been reviewed again? Since major changes to the traffic and circulation system have been proposed, why wasn't a new trip generation study performed?

e. Missing Intersection Analyses
   The Traffic Study failed to analyze three important intersections in the Marina, Washington Boulevard/Via Dolce, Via Dolce/Dell and Via Marina/Dell. Why were these intersections left out of the Traffic Study?

5. Land Use/New Development

This section covers comments and issues with changes to the Marina del Rey Land Use Plan Chapter 8. Land Use Plan. Please also refer to sections above including Pipeline Projects, Parking, Open Space and Traffic/Circulation for land use comments that fall under these categories.

Major changes to this Chapter include: major land use changes to 12 parcels; collapsing development zones from 14 to 3; establishing the first phase of right sizing public parking including the conversion of 6 public parking lots to private use; creating a seniors accommodation land use category; adding timeshares and fractional use to the hotel land use category, allowing up to 25% of all hotel rooms to be time-share/fractional ownership; allowing waterfront parcels to apply for WOZ (Waterfront Overlay Zone) status and adding the WOZ designation to numerous parcels.

In addition to the land use changes for the pipeline projects, this LCPA proposes many development potential changes that not only INCREASE overall development intensity but also moves this potential around the marina. These changes are stealthily accomplished through the collapsing of development zones from 14 to 3. On the surface it seems to make sense but upon further analysis, it is: 1) a cover to eliminate actual traffic mitigation by developers; 2) a means to pre-vision the future of the Marina development without a public process by shifting intensities and types of development potential around the Marina for future undisclosed projects; 3) it stealthily converts traffic trips from the loss of small boat slips from recent Marina redevelopments into new development potential and 4) it enables an overall increase in development potential because it is very difficult to reconcile 1996 development potential to proposed 2010 development potential.

We were unable to reconcile changes between 1996 development potential and proposed 2010 development potential and are awaiting responses from the Department of Regional Planning staff. (see Appendix 4).

The impacts of the above changes include the transfer of over 32 aces of public recreational land to private developments and the INCREASE in overall development unit intensity despite claims that no increases are occurring. Additionally, the proposed land use changes the intensity of use of many parcels, leading to loss of views, loss of open space, loss of recreational uses, loss of key parking locations, etc.

The collapsing of development zones and the resulting increases in development potential and movements of where this potential can be developed impacts future visioning. Development zone changes are not needed for purposes of the pipeline projects or other changes communicated by County as purposes for this major amendment. Changing development zones now pre-empts future a visioning process by locking in certain, unneeded changes now, before a vision is created, which may require a different set of zones or analysis methods.

Proposed LCP Changes	Issues	Corrective Actions
b. Issues Identified		
1. Leases on many parcels in the Marina expire after the year 2023 (pg 8-3)	Based on our review: 2 leases expire in 2021 8 leases expire in 2022 2 leases expire in 2023 4 leases expire after 2023	2023 should be changes to 2021
c. Issues Identified		
2. Above all, the County has sought to maximize revenues from the Marina for operation of the Marina and other social programs of the County by. (pg 8-4)	This statement conflicts with Marina lease agreements which indicate the purpose being to balance public use of the premises with maximize revenue there from. Additionally, the Marina was created as a low-cost visitor recreation facility, not to fund social programs of the County.	Remove this addition
3. These revenues are intended to provide an on-going stream of revenue for the County, and to pay off bonded indebtedness. (pg 8-4)	The bonds have been paid off.	Delete reference to bond indebtedness
4. Notwithstanding, the combined acreage of land and water, leaseholds comprise less than 50 percent of the property owned by the County in Marina del Rey. (pg 8-4)		Please provide a table showing how this has been calculated.
5. Lease termination dates for most many parcels will occur after 20230 (pg 8-4)	Based on our review: 2 leases expire in 2021 8 leases expire in 2022 2 leases expire in 2023 4 leases expire after 2023	2023 should be changes to 2021
6. Within the existing Marina, development of some kind has occurred on all leasehold parcels. (pg 8-4)	Parcel 9U is undeveloped	
7. Phase II development will be encouraged and permitted. (pg 8-4)	Phase II development has already commenced including completed and/or approved projects on parcels 12, 15, 27, 140, 20, 18, 111, 112, 100/101, 102, 103 and projects in the regulatory process: 145, 42, 64, 7, 8	Phase II development **continues to be** encouraged and permitted…
8. Phase I development of the Marina is now complete. This LCP presents the next phase of the development (Phase II) for the Marina in which existing uses may be recycled or intensified, and new uses may be created. (pg 8-5)	Phase I development was completed over a decade ago. Phase II redevelopment, as noted above, commenced prior to the proposed LCP creation.	Phase I development of the Marina was completed in the early 1990s. This LCP presents the continued Phase II development for the Marina in which existing uses may be recycled or intensified, and new uses may be created.

9.Encouraging controlled change over the next 30 years, rather than facing the prospect of major simultaneous changes when leases expire after 2020... (pg 8-5)	With the removal of traffic capacity caps on development approval, there is nothing in the proposed LCP amendment to control change over the next 30 years. This statement does not account for renovation projects for lease extensions occurring currently.	A mechanism for such control needs to be discussed and added to this amendment. (see circulation section)
10.The Phase II development will offer: (pg 8-5)	This statement does not reflect phase II development accurately. As noted above many phase II developments have already occurred and a number are in the regulatory approval process currently.	Modify to reflect definition of phase II development accurately.
11. ? Establishing the first phase of right sizing public parking, and collocating public parking with the appropriate facilities; (pg 8-5)	See comments in Public Parking section above regarding the removal of public parking spaces and impacts of the first phase and beyond of the proposed public parking lot amendment changes. What are the additional phase or phases?	See comments in Public Parking section above.
12. Footnote 5: However, parcel refinements have become necessary in some cases, particularly to relocate existing approved **entitlement**. Development beyond Phase II will be preceded by a visioning process and a single, integrated LCP amendment for all parcels contemplated for future development. (pg 8-5)	The use of the word entitlement is incorrect. An entitlement only exists once a project is awarded a coastal development permit.	Change entitlement to development potential.
13. High-rise development generally will be permitted in ~~appropriate~~ four locations on the periphery of the Marina, provided that such development will be sited such as to allow for adequate passage of prevailing off-shore winds into the Marina waters, and two locations on the water to encourage visitor-serving development of hotels. Flexible height limits are intended to encourage a variety of buildings types. Winter shadow effects are an	We are very concerned about plans to increase high-rise development in locations not on the periphery.	Which locations are these? What height standards apply to hotels that are created in a WOZ - the hotel category standards or the standard for the parcel?

important concern in the location of taller buildings. (pg 8-6)		
14. New development in the existing Marina area is expected to occur incrementally over the next 30 years, thus minimizing significant disruption from construction and related impacts. (pg 8-6)	Is this statement still valid? If so, how will it be controlled incrementally? If the statement is not correct, how will development be controlled given the changes to the circulation system in this proposed LCP amendment?	Answer questions.
15. Determination of Land Use intensities (pg 8-6)	Since a visioning is going to occur, the criteria for determining land use intensities should be revisited. Thus, before wholesale land use changes being proposed in this LCP amendment are made, a visioning process should occur.	Hold off on all land use changes until a community based visioning process occurs.
16. County's commitment to provide more public boating facilities. (pg 8-7)	Where?	Please provide a list of anticipated increase in public boating facilities.
17. Traffic studies conducted for the LCP ~~study a~~Area ~~by Gruen Associates, Barton-Aschman, and DKS Associates.~~	There is only one traffic study identified as conducted for this proposed LCP amendment.	What additional studies were completed?
18. The County maintains several target objectives when considering land use intensity, as follows: • Preserving public a~~A~~ccess and ~~P~~pedestrian ~~A~~amenities • Creation of attractive "gathering places" for visitors • Characterization and establishment of open space categories • Architectural and ~~U~~urban ~~D~~design ~~Q~~quality • Effective v~~V~~iew c~~C~~orridors • ~~Effect on~~ Marina and ~~R~~regional ~~T~~traffic ~~F~~flow • Public p~~P~~arking ~~R~~requirements • Ad~~equateded~~ b~~B~~oating f~~F~~acilities • Balancing ~~H~~height ~~L~~limits in relation to view corridors • Setbacks • Sufficient s~~S~~olar ~~A~~access (pg 8-7)	What is a gathering place? Where is this defined? How does it relate to public access and recreation? What is an effective view corridor? What about other parking requirements? Eg, some current commercial and residential uses do not have sufficient parking capacity, leading to the use of public parking lots for non-recreational uses. How do you define **adequate** boating facilities? How do you define **sufficient** solar access?	Goals should be: Preserve and **enhance** public access and pedestrian amenities Parking should be looked at in totality including public, private and commercial parking. Heights should be reduced where possible and view corridors restored when land uses are recycled.
19. New development and reconstruction in the existing Marina is divided into threewo	The current Traffic Study does not support these conclusions. See comments above regarding	A cap on development phasing needs to be added back in to protect the traffic

phases. ~~Apart from design considerations, traffic capacity is the key factor in determining intensities and phasing. Development intensity is carefully linked to traffic capacity so that sufficient capacity must be added via traffic improvements before development may proceed~~. Marina del Rey was originally governed by restrictions on growth pending the installation of certain circulation improvements. These have now been completed and only project-driven circulation improvements are necessary. Additional phasing issues may arise from the displacement of public parking lots from development if not properly coordinated. (pg 8-8)	circulation and traffic. Which circulation improvements have been completed that allow only project-driven improvements to be required? What additional phasing issues may arise from the displacement of public parking lots?	capacity system.
20. The approved Phase II~~Two~~ development... (pg 8-8)	As noted above, numerous parcels have been redeveloped as part of Phase II development.	Should read the remaining approved Phase II development
21. It should be recognized that Marina del Rey, while unincorporated, is dominated by two key features over which it has no regulatory control; 1) the Lincoln Boulevard corridor linking Los Angeles International Airport and Santa Monica/Malibu (and points north and east) and 2) City of Los Angeles, generally. Since 1996, the area immediately surrounding Marina del Rey has experienced intensive growth of residential high-rises and commercial uses, without corresponding major circulation system improvements. While Marina del Rey development entitlement has not changed, the intensification of the surrounding area causes Admiralty Way to be used as a	It is stated that intensification of surrounding areas outside of Marina del Rey are "magnifying" impacts to Admiralty Way traffic. However, it should be noted that this through-traffic still amounts to approximately 7-9% of all traffic and is consistent with through-traffic percentages from previous decades. Additionally, because Marina del Rey is a public recreational asset for the residents of Los Angeles County, the County has an obligation to study and mitigate its impacts on traffic inside and outside Marina del Rey. Please see Traffic & Circulation section above for further clarification.	Change the word entitlement to development potential.

"bypass" to the Lincoln Boulevard corridor, magnifying traffic impacts beyond what is caused by Marina del Rey and posing special challenges to the County in its planning process, as more fully explained in Chapter 11, Circulation. (pg 8-9)		
22. Collapsing of development zones (pg 8-9)	What other zone options were considered? How were three zones decided? Why are zones being collapsed now given the upcoming visioning process? Can development units be transferred between zones?	Restore original zone configuration until the Visioning process is complete and zones are reviewed as part of a public process.
23. Development potential in Phase II will be granted	As noted above, Phase II development has already been granted	Change to: ...has been and will continue to be granted...
24. Moreover, the circulation improvements must be incorporated as a part of the proposed development. (pg 8-10)	This statement is not consistent with the Circulation chapter of the Land Use Plan and the circulation sections of the Local Implementation Program.	Is this statement true?
25. However, it should be noted that the County of Los Angeles is only a small part of this system, and that the City of Los Angeles controls the vast majority of the regional circulation system. Therefore, the County can only commit to those measures and those impacts that are within its control. Also, the vast majority of entitled trips in the area are by the City of Los Angeles and to a lesser degree, Culver City. Since the LCP was certified by the Coastal Commission in 1996, 355 PM peak hour trips have been entitled by the County of Los Angeles. During that same time period, over 10,000 peak hour trips have been entitled by the City of Los Angeles and Culver City. (pg 8-10)	Because Marina del Rey is a public recreational asset for the residents of Los Angeles County, the County has an obligation to study and mitigate its impacts on traffic inside and outside Marina del Rey.	
26. Paragraph on circulation improvements???? (pg 8-10)		

d. Findings		
27. Future development of the ~~Marinauntil the third decade of the next century~~ will be influenced by the long-term land leases presently in existence or modifications to land leases within the current approved development capacity of Marina del Rey as enunciated in the LCP. Revisions to the land leases require the participation and agreement of both the County and the lessee. (pg 8-10)	These statements mean that land use decisions made in the 1960's will be perpetuated into the next 3-4 decades without a chance for the public to be involved in reconsidering land uses for the future Marina or in the decision making process for lease extensions.	The public should have a role in deciding whether leases will be extended or recycled to other, more recreation oriented uses. Therefore, a moratorium on lease extensions should be required as part of this LCP amendment so that leases are not extended prior to the visioning process being completed.
28. Parcels which have not been leased are being developed by the County to respond to the needs of the boating public as well as the needs of non-boaters using the Marina for recreation.	This is not accurate. Parcel 9U has not been leased.	Needs to reflect accurate information
29. New development and recycling of existing uses in the Marina will provide opportunities to (1) improve the Harbor for recreational boaters and other recreational visitors and, (2) improve coastal access. (pg 8-10)	New development on parcels OT, 33/NR and FF are NOT providing these opportunities.	The public should have a role in deciding whether leases will be extended or recycled to other, more recreation oriented uses. The pipeline projects on parcels FF, OT and 33/NR should be cancelled and land uses reconsidered during the visioning process. Therefore, a moratorium on lease extensions should be required as part of this LCP amendment so that leases are not extended prior to the visioning process being completed.
e. Policies and Actions		
30. **Phase II Development**. All development approved under the authority of this LUP shall be deemed to be Phase II development. All prior distinctions of phased development into Phases I, II or III shall be deemed void. (pg 8-11)	Phase II development has already commenced since 1996 including completed and/or approved projects on parcels 12, 15, 27, 140, 20, 18, 111, 112, 100/101, 102, 103 and projects in the regulatory process: 145, 42, 64, 7, 8	Phase II development definition needs to be fixed throughout the LCP document.

31. **Enforcement.** The ~~Dept. of Beaches and Harbors~~ County shall have primary responsibility for the enforcement of these guidelines.. (pg 8-12)	Why is this being changed? How will it be decided who provides enforcement?	Establish a specific County agency to be primarily responsible for enforcement.
32. The Land Use Plan Map illustrates the policies, ~~and standards of development~~ applicable to redevelopment (pg 8-14)	Why were these words removed? How does that change the meaning?	Wait for clarification, then respond.
33. The following list of land use categories establishes the range of uses permitted in Marina del Rey. ~~A single category is designated for each parcel or sub-parcel~~. (pg 8-14)	Why were these words removed? How does that change the meaning?	Wait for clarification, then respond.
34. Hotel land use category changes (pg 8-15) to add timeshares, fractional ownership, condo hotels, vacation clubs and other similar arrangements collectively referred to as limited use overnight accommodations. (pg 8-15)	The Marina is public land for low-cost recreation and visitor serving uses. We disagree with County's view point that limited use overnight accommodations are the same as hotels. The use of limited overnight accommodations is for the sole-purpose of making more money for developers at the expense of affordable accommodation in the coastal zone.	The LCP should be amended to read that timeshares, fractional ownership, condo hotels, vacation clubs and other similar arrangements collectively referred to as limited use overnight accommodations are not allowed in the Marina. The use of limited overnight accommodations has not been demonstrated as needed per the Coastal Commission's Memo on Condominium-Hotel Development in the Coastal Zone dated 12/26/2006.
35. In addition, at no time may the total amount of limited use overnight accommodations exceed 25 percent of the total number of hotel rooms in Marina del Rey. (pg 8-15)	See comments above. Increasing the allowable use of limited use overnight accommodations to 25% of all hotel rooms is visioning for future parcels and whether or not additional limited use overnight accommodations are allowed should be left to the community visioning process. Additionally, since numerous parcels have been changed to a WOZ designation, conceivably many parcels could convert to hotel use and then install limited use overnight accommodations.	The LCP should be amended to read that timeshares, fractional ownership, condo hotels, vacation clubs and other similar arrangements collectively referred to as limited use overnight accommodations are not allowed in the Marina. During a community visioning process, the use of limited use overnight accommodations can be debated.

36. Seniors Accommodations land use category (pg 8-16)	The Marina is public land for low-cost recreation and visitor serving uses. It should not be used to provide luxury senior accommodations. Seniors of this wealth category can live anywhere. See Pipeline Projects section above for further comments.	Remove Seniors Accommodations land use category from proposed LCP amendment.
37. Waterfront Overlay Zone (WOZ) changes (pg 8-18)	How does the displacement of existing public recreation, visitor serving or coastal dependent boating uses in a comparable manner clause jive with the LIP additions of economically feasible? What does comparable mean? What height categories apply in a WOZ for WOZ uses that are not permitted uses?	Need to be clarified for movement of uses (they must be moved), what comparable means and what heights apply to WOZ uses that are not principally permitted uses for that parcel.
38. **Conversion Monitoring.** The common unit of conversion among land uses shall be the number of P. M. peak hour traffic trips generated by each land use, using the standard trip generation table found in the 1991 DKS study of Marina del Rey t~~T~~raffic. (pg 8-20)	Why are standard trip generate rates being used from an outdated traffic study? See comments in Traffic/Circulation section above regarding trip generation rates.	Updated Trip generation rates should be included in the LCP and should be used for conversion monitoring.
39. Existing development is not included in this development potential description. (pg 8-20)	Does this include development that has been approved but not built like Del Rey Shores, and Bar Harbor apartments?	As noted above, Phase II definitions and uses needs to be clarified throughout the LCP document.
40. Every parcel that adjoins the waterfront may apply for designation within the "Waterfront Overlay Zone" and, based on the principal permitted use designation, be approved for development of a mix of land uses, including: hotel, visitor-serving commercial, open space, boat storage, and marine commercial.	Why was this added? What if a parcel partially fronts water, can the entire parcel receive WOZ designation? What are the criteria for applying? For being given a WOZ designation?	Wait for clarification, then respond.
41. Waterfront Overlay Zone (WOZ) changes (pg 8-21 to pg 8-29)	Why has WOZ been added to the following parcels: 1, 14, 91, 49M, 49R, 49S, 52 and 77?	Wait for clarification, then respond.
42. The development potential for each land use category in	What does this mean?	Wait for clarification, then respond.

the three Development Zones may slightly change due to potential conversion of up to 10 percent of residential or office commercial potential uses to visitor-serving, marine commercial, or hotel uses. (pg 8-21)		
43. Parcel 9 (pg 8-22)	See comments in Pipeline Projects above for comments on Parcel 9 land use. Is a Wetland park an allowed use?	Change Parcel 9 Land use to open space. Add ESHA status.
44. Parcel 14 (pg 8-22)	Formerly parcel FF. See comments in Pipeline Projects above for comments on Parcel FF land use. Non comparable mitigations from open space active park to passive wetland park that must be preserved regardless of parcel FF and also serves as the view corridor for proposed 19-story hotel and timeshares project.	Keep parcel FF open space designation and require development of a 2-acre active park to mitigate additional 1000 dwelling units allowed in 1995 LCP Update.
45. Parcel 33/NR (pg 8-24)	See comments in Pipeline Projects above for comments on Parcel 33 and NR land use as well as comments in Parking section. Residential V, 225 feet, is an inappropriate height for this location. Blocks view shed of D basin.	Maintain 33 as Visitor serving commercial and NR as parking.
49. Parcel IR (pg 8-24)	What is the purpose of converting some public parking here to open space?	See open space comments for IR under Open Space section.
50. Parcel OT (pg 8-24) Parcel 147 (pg 8-25)	See comments in Pipeline Projects above for comments on Parcel OT and use as well as comments in Parking section. Movement of public parking space to furthest end of parcel 21 is not a better location for public use.	Maintain Parcel OT as public parking. Consider park and ride for tourists and recreational visitors to the Marina and Venice Beach. Increase accessibility from Admiralty and Washington Blvd.
51. Parcels 40T/40W (pg 8-25)	Why are these parcels being split?	Wait for clarification, then respond.
52. Parcel 75 (pg 8-26)	This is a parcel expiring in 2026. Changing land use now pre-empts visioning process.	Keep as hotel for now
53. Parcel UR (pg 8-26)	What is public parking category? Why aren't parcels IR, GR, W designated public parking?	Add public parking designations to IR, GR and W

54. Open Space Plan Map 9	See comments in Open Space section above. Looks like all of IR is being converted to open space versus parking? Is this accurate? Why is Parcel 9 left off the map? How much of Parcel P will be accessible and usable by the pubic once the project there is completed? See comments above re Parcel FF.	

6. Coastal Visual Resources

As maintaining and enhancing views of the Marina is a priority goal of the LCP, as leases on apartment complexes expire, the parcels should convert to a public recreational use that allows a greater visual experience of the Marina. The visioning process should revisit building heights in the Marina and consider new recreational uses that provide enhanced visual experience of the Marina. The height limit category of 225 feet should be eliminated with a maximum height of 140ft throughout the Marina for new development or redevelopment. Fiji Way and Bora Bora should be designated as Mole Roads.

Proposed LCP Changes	Issues	Corrective Actions
d. findings		
1. Man -made factors (telephone poles and wires, litter) have negatively impacted the visual experience of ~~these areas~~ Marina. (pg 9-4)	New apartment blocks such as Esprit I have negatively impacted the visual experience of the Marina. In general, apartment complexes on the mole roads have impacted the visual experience of the Marina which is public land that was created for recreational use, not residential	As leases on apartment complexes expire, convert the use to a public recreational use that allows a greater visual experience of the Marina.
2. The existing height limit of forty-five feet for mole road projects often leads to large, low-rise rectilinear buildings that create a tunnel vision effect and inhibit the publics' view of the waterfront. To accommodate enhanced views of the waterfront mole roads, more flexibility in the design of structures, especially taller and narrower buildings,	New apartment blocks such as Esprit I have negatively impacted the visual experience of the Marina. In general, apartment complexes on the mole roads have impacted the visual experience of the Marina which is public land that was created for recreational use, not residential	As leases on apartment complexes expire, convert the use to a public recreational use that allows a greater visual experience of the Marina. The visioning process should revisit building heights in the Marina and new recreational uses that provide enhanced visual experience of the

could be effective in achieving this objective. (pg 9-4)		Marina. The height limit category of 225 feet should be eliminated with a maximum height of 140ft throughout the Marina for new development or redevelopment.
3. For the most part ~~M~~mid-rises or high –rises would be appropriate for the outer periphery where little view obstruction would result, and to Parcel 9 for the hotel. (pg 9-5)	Are high rise apartments still appropriate for the Marina? Need to ensure that high rises do not become the normal versus the exception. Parcel 9 is a wetland and must be preserved. See further comments in Pipeline Projects section.	As leases on apartment complexes expire, convert the use to a public recreational use that allows a greater visual experience of the Marina. The visioning process should revisit building heights in the Marina and new recreational uses that provide enhanced visual experience of the Marina. The height limit category of 225 feet should be eliminated with a maximum height of 140ft throughout the Marina for new development or redevelopment. Parcel 9 should be retained in its entirety as a wetland for use by herons and egrets, to retain visual experience and to ensure wind patterns for boats are not negatively impacted.
e. Policies & Actions		
4 **1. Views of the Harbor a Priority**. Maintaining and enhancing views of the Marina shall be a priority goal of this Plan. Enhancing the ability of the public to experience and view the Marina waters shall be a prime consideration in the design of all new, modified or expanded development. This goal shall be achieved by placing conditions on permits for new development to enhance public viewing, to allow for greater public access, and to create new view corridors of the waterfront. (pg 9-5)		As leases on apartment complexes expire, convert the use to a public recreational use that allows a greater visual experience of the Marina. The visioning process should revisit building heights in the Marina and new recreational uses that provide enhanced visual experience of the Marina. The height category of 225 feet should be eliminated, maximum height of 140ft throughout the Marina.

5. All views from north jetty and south jetty (on the jetty at points west of UCLA boathouse); (pg 9-5)	What does this change mean? How does it affect view protection?	Clarify and ensure that it further protects views than weakens protection of views.
6. Cross-beach view from Panay Way parking lot (parcel GGR) unless a parking structure increasing public parking is provided ; (pg 9-6)	Where would this parking lot structure be provided? Why should it pre-empt view protection?	This view point must be high priority to save. Remove unless a parking structure increasing public parking is provided.
7. 225-Foot Standard Except as noted above, applies to parcels landward of Via Marina and Admiralty Way, and includes parcel 112 and 113, and the westerly portion of parcel 125. This height standard also applies to Parcel 9 for the hotel, subject to increased view corridor requirements.	Are high rise apartments still appropriate for the Marina? Need to ensure that high rises do not become the normal versus the exception.	As leases on apartment complexes expire, convert the use to a public recreational use that allows a greater visual experience of the Marina. The visioning process should revisit building heights in the Marina and new recreational uses that provide enhanced visual experience of the Marina. The height limit category of 225 feet should be eliminated with a maximum height of 140ft throughout the Marina for new development or redevelopment.
8. 8 a) Mole roads are only Tahiti Way, Marquesas Way, Panay Way, Bali Way and Mindanao Way. (pg 9-7)	Why was Fiji Way changed from a mole road?	
9. 8 b) Via Marina and Admiralty Way Optional Height Areas. Except as noted in Policy No. 7 above, structures proposed on parcels where a 140-foot standard applies and located adjacent to and seaward of Via Marina and Admiralty Way may be allowed up to a maximum height of 225 feet when a 40 percent view corridor is provided. Height above 140 feet shall be permitted at the ratio of 4.25 feet of additional height for every additional 1 percent of view corridor provided in excess of the 20 percent minimum standard. (pg 9-7)		Remove paragraph and option to increase building heights to 225 ft. and building heights of 225 ft. The visioning process should revisit building heights in the Marina and new recreational uses that provide enhanced visual experience of the Marina. The height limit category of 225 feet should be eliminated with a maximum height of 140ft throughout the Marina for new development or redevelopment.

7. Sensitive Biological Resources

Please refer to Appendix 5 Preliminary Analysis: Sensitive Biological Resources, Conservation Management Plan Study prepared by Marcia Hanscom on behalf of We ARE Marina del Rey.

8. Recreational Boating/Boat slips

Page #	Proposed LCP Change	Why a problem
1. Section A.3.b Issues Identified Page 3-1	[also in 1996 LCP] Statement that MdR was "originally planned" as a small craft harbor, and the question of whether future use of MdR should "focus" on recreational boating	This was inappropriate in the 1996 LCP and should be re-stated accurately in this LCPA. It violates the very essence of the Coastal Act, including the 3 sections cited in this LCPA section 1 - MdR was originally planned as a small craft harbor AND recreational area. The statement is a lie of omission, leaving out the overriding basis for land use/redevelopment, which is RECREATION. 2 – by questioning the recreational boating purpose, county adopts attitude that the "answer" is No, in all of its subsequent analysis and conclusions (recreational boating has been only a secondary use of the area for a long time – even before 1996; land-side recreation is a mere afterthought—6% of the land—then as now, despite promises to county residents, as well as to the US government in securing Federal funding for the creation of the harbor)
1a. Section A.3.b Issues Ident. page 3-1, 3-2	Eliminates funnel concept, removes general concept that harbor expansion is possible/feasible	Removes any possibility of slip expansion. What has changed since 1996 that makes the funnel concept no longer viable? (other than the will of county officials to pursue the policy to reduce the prominence and popularity of boating in MdR)
2. Section A.3.c Research Analysis page 3-2	reduces slip inventory (by 1,668) to 4,255 total berths, uses future "eventual" to describe that # - as opposed to stating finite # of existing slips. [1996 LCP identifies 5,923 slips]	*violates Coastal Act section 30234, also CCC recommendation since Jan. 2008 for NO further reduction of slips/slips under 35' *master waterside CDP also moving outside LCPA, but will be "consistent" w/LCP (and by extension the Coastal Act)
2a. *** Section A.3.c Res. Anal. page 3-2	Figure 4 • identifies eventual percentage of "smaller berths" only (no hard number or distribution in MdR is provided) • removes the overall MdR slip inventory	1 - The new table identifies only Dry Storage spaces, not smaller slips, although Figure 4 is cited elsewhere in the draft LCPA as providing the slip data 2 – the change itself is a blatant violation of Coastal Act section 30234 (protection of rec. boating facilities) 3 - omits all data that would reveal how much smaller boat facilities overall (wet and dry) have already been reduced since 1996 in violation of both LCP and Coastal Act section 30234
3. Section A.3.c Res. Anal. page 3-2	• redefines public launch ramp as only 49R • omits 201 mast-up spaces on Parcel 77	1 – allows for manipulation of land use of the other two areas 2 – dramatically reduces amount of boater facilities that are required to be retained or replaced if/when parcels are redeveloped

	• excludes end-ties and side-ties from count of boater facilities • under-states the amount of boater facilities that it maintains overall	3 – RFP for 49/77required developer only to retain or replace "existing boater facilities." The LCPA simply eliminates the facilities from the inventory. Notes: • Parcel 49 is one parcel, although 3 distinct uses are identified for sections 49M, 49R and 49S • the 10 lanes of public launch ramp include only 3 docks for queuing boats (6 lanes) while remaining 4 lanes are just extra width on the ramps in between or on either end, and have no place to secure watercraft while trailers are stored (usable for hand-carried watercraft only) • Parcel 77's 201 mast-up spaces and hoist are excluded from all LCPA inventories (county runs this business only 4-days per week since it reclaimed this parcel several years ago; it is closed Fridays, weekends and holidays, so it is not well utilized. • exclusion of end ties and side ties, almost exclusively devoted to the largest boats, skews data on the amount and percentage of the Marina that is devoted to that class, both numerically and percentage-wise (see note re Figure 4)
3a. *** Section A.3.c Res. Anal. Page 3-3, 3-4	Figure 4 – eliminates the Marina-wide inventory of slips by marina, replacing it with data on dry storage only (even though references elsewhere continue to refer to the slip inventory	1 – by eliminating the existing inventory and replacing it with a mere percentage of a nebulous figure, it will be difficult (if not impossible) to monitor compliance of future project proposals. 2 – by excluding existing inventories of wet slips, the county presumes approvals of projects that would otherwise be in blatant conflict with the Coastal Act and unlikely to receive CCC approval
4. Section A.3.c Res. Anal. page 3-3	Red-lining error: reference to Figure 4 total slips	(this data was in original red-lined draft, removed before draft that was released to public)
5. Section A.3.c Res. Anal. Page 3-4	• eliminates estimate of demand for slips in LA County • eliminates overall county inventory of berths • contradicts assertion of high vacancy rates elsewhere in draft LCPA	1 – current LCP quantifies demand for boating facilities; amendment uses faulty studies and unsubstantiated claims to refute those findings, and then 2 – eliminates any benchmark to ascertain growth or shrinkage of demand into the future 3 – What IS the demand for boater facilities, county-wide? Has the county conducted a survey to determine the desire of county residents for boating facilities, and what kind of facilities they are interested in?
6. Section A.3.c Res. Anal. Page 3-5	• adds unsubstantiated and undefined argument that 2 small boats can fit into a large slip, citing technical report for slip widths • contradicts assertions elsewhere in LCPA that	1 – county has elsewhere rejected the concept of double-wide slips as "unsafe" 2 – lessees allege that double-wide slips expose them to liability lawsuits, have publicly asserted their objection to this configuration (no substantiation for damages or lawsuits was ever provided) 3 – there are no policies proposed to require lessees

	double-wide slips are dangerous and not supported by lessees of the marina parcels • omits any discussion or policies to cover this eventuality	to offer vacant large slips to smaller boats, or to establish that the rental rate would be at the small slip rate for each smaller boat slip tenant 4 – in the event that they do rent a portion of a larger slip, there is no protection against displacement for these smaller boat tenants, should a larger boat owner happen along. (This puts the small boat owner's entire investment at risk, if he/she is not able to acquire another slip within the prescribed period.)
7. Section A.3.c Res. Anal. Page 3-5	Noble Consultant study conclusions inserted into LCPA as findings	1 – underlying study is flawed (omitted data, misclassified slips, faulty formulas), conclusions are questionable at best 2 – establishes "lack of demand" for small slips as a permanent assumption (reactive, reveals bias with which the county) *[is this study the final one?]* Q's: Where is the study/analysis of the effect of the switch from "fair and reasonable" to "market rate" policy, and its impact on slip rates demand for small slips? Why has the county adopted free-market policy for a closed-market system? What impacts did doubling security deposits and higher income qualifications have on small boaters? Did the switch from leases to "permits" affect small boaters' willingness to risk entire investment in the shrinking slip market? Where is analysis of discriminatory rental policies that barred many older boats at marinas? What is the effect of marketing on slip occupancy (large slips are actively marketed by and through boat brokers, advertised by lessees)
8. A.3.c Res. Anal. page 3-5	1 – [also in 1996 LCP] ...state should support dry storage program as *a supplement* to its support of sm. craft harbor development 2 – removes statement about MdR being preferred harbor for boat storage	1 – County is *substituting* dry storage for slips. This violates the Coastal Act Section 30224 2 – Is this statement no longer true? Where is the study of demand by the 102,000 registered LA County boat owners for the various types of boat storage and access to the harbor (slips/dry-stack/mast-up/launch ramp)?
8a. A.3.c Res. Anal. page 3-5	dry stack accommodations' limitation to boats under 26' is removed	Q: Since proposed dry stack will accommodate boats up to 40', how will demand for slips in the larger 32-50' category be affected? Right now, small wet slips are being eliminated to allow more in this next-higher category—does this trend need to be increased? 4 – Larger boats in dry stack will not only displace smaller boats, they will reduce total remaining spaces available also. Why is there no provision in the LCPA to protect small boaters from being squeezed out of this type of facility?
9. A.3.c Res. Anal. page 3-5	Retains language enumerating limitations on dry-stack and mast-up storage even though lease	1 – Creates artificial excuse for not providing more storage or need to anticipate growth in demand from current levels 2 – Eliminates need to retain or replace the 201 mast-

	expirations and new technologies provide opportunites for new facilities. Redefines mast-up storage facilities as *permitted* on parcels, rather than *existing* on parcels; Parcel 77 mast-up "disappears"	up spaces on Parcel 77 3 – Inventories of all boater facilities are being "downsized" in this LCPA, by slashing their numbers outright, removal of facilities' descriptions from the text, inserting conditions or terms that are poorly- or un-defined, or the introduction of policies that make them optional rather than mandatory
10. A.3.c Res. Anal. page 3-6	Proposed additional land storage on Parcel 49 is stricken; Waterfront Overlay Zone allows other uses to crowd boater facilities; Parcel 44 "may" (not "shall") include dry stack in redevelopment;	1 – Eliminates firm, proactive commitment to Coastal Act Section 30224. There are so many qualifiers in this paragraph that its meaning is completely obscured. What does the county mean by "boater support uses" --and how exactly does providing access for boats that have been displaced from the water, or new/entry-level boaters, diminish boater support uses? Shouldn't this policy be equally applied to other potential uses ? Q: With 850 additional slips under 35' proposed for demolition, why is there no policy requiring that dry storage alternatives be built prior to the slips being taken out of service? Q: Has a study been done to determine the effect on demand for dry storage when small slips are eliminated? Q: Has a study been done to determine what the traffic impacts will be of additional trailered boats if the on-site storage is not available? Of the increased need for launch ramp facilities if combined slips & on-site dry storage is reduced? Q: Why is the county decreasing the overall number of small boat facilities (slips, dry storage, boater parking at the launch ramp) when the number of registered boats in the county is at 102,000 and growing? If slips are being reduced, shouldn't BOTH on-site storage and ramp facilities be increased?
11. A.3.c Res. Anal. page 3-6	added text re dry storage is unclear as to its meaning or intent; Launch Ramp has only "provided" a vital service (as opposed to 1996, when it had "proven" a vital service); number of launchings in 2008 was 25% of launchings in 1980;	Does not replace commitment to Section 30224 removed in #10 above; language insinuates that dry storage is more desirable than slips (although the amount of water pollution from boats will not be reduced because other, larger boats will still be in the water
12. A.3.c Res. Anal. page 3-6	Noble Study introduced; presumption of declining demand for small slips; prediction of future slip reductions	Statements not supported by slip study data.
13. *** A.3.c Res. Anal. page 3-6	Figure 4 reference says it "depicts the various marinas in MdR, both existing and proposed"	FALSE! >>>

14. *** A.3.c Res. Anal. page 3-6	(w/Figure 4) establishes a percentage-of-slips standard for redevelopment	provides for future mega-yachting gentrification. VISIONING ACCOMPLISHED!
15. A.3.c Res. Anal. page 3-6, 3-7	Eliminates "funnel concept" for slip expansion	No justification given for the removal of this policy, other than the county said it wasn't feasible and boaters didn't want it Q: Where is the survey that shows this? Were any boaters other than marina operators and CYC/DRYC members polled? (note: CYC and DRYC already have their funnel docks in place, it gives them additional slips to rent and allows them to keep slip fees lower
16. *** A.3.c Res. Anal. page 3-7	Eliminates 2nd fuel dock in MdR; added dry storage is provisional and limited to the remaining 3 "boater support" parcels enumerated	1 – Creates permanent legal monopoly for the Parcel1 lessee (it has been a *de facto* monopoly for many years, resulting in MdR's fuel prices being comparable with Catalina's—and far greater than other harbors on the continental coastline 2 – Eliminates one of the only four land parcels dedicated to boating support uses 3 – The new fuel dock has no hoist and no plans to add one, there is no "potential" there for mast-up storage or dry stack – only dingy racks or deck storage would be possible
17. A.3.c Res. Anal. page 3-7	ERROR ("fuel docks") is inconsistent with #16 above; potential expansion of marinas is stricken from text	>>>
18. *** A.3.c Res. Anal. page 3-7	Reduces boater parking to 0.6 spaces per slip; leaves dry storage parking allocations to discretion of planning director, and references non-existent on-street parking	Where is analysis of increased shared ownership of the larger size boats due to financial needs and practical concerns (single-handed sailing less likely). >>> cf – FYC cooperative, charter operations (Basin C?), etc. >>>
19. A.3.d Findings page 3-7, 3-8	Adds language arguing for larger slip sizes; strikes language re demand	1 – Again, no analysis of why small slips have large vacancy rates 2 - Establishes "permanent" lack of demand for small slips 3 – Facile argument that one can always berth a smaller boat in a larger slip. Marina operators have already demonstrated that they are hostile to small boats; there is no policy added to compel marina lessees to do so; there is no discussion of what rate would be charged for a small boat owner (one cannot fit two 30' boats into a 60' slip, so who would pay for the "excess space"—lessee or slip tenant? and there is no policy to protect the small boat tenant, should he rent such a slip, from 30-day eviction if a larger boat happens along (this would put those small boat owners' entire investment at risk, and would strongly discourage them from renting a larger slip)
20. A.3.e Policies &	reduces fuel dock to a single dock	see #17 above

Actions page 3-8		
21. A.3.e Pol's & Act's page 3-8	In-lieu fee for slip reductions	>>> paltry price paid for lost rec. resource!

22.
A.3.e
Pol's & Act's
page 3-9
	"Existing level of boating-related support" changed to "existing operating boater-related support"; Parcel 77 boating support facilities stricken;	>>> Engineered blight
		>>> Economic cycles
		>>> Motivation to future manipulation to reduce boater support

23. A.3.e Pol's & Act's page 3-9		>>> Instead of increasing or enhancing boater support, county is shifting it laterally to other parcels, and some of it gets "lost" in transit

9. Recreation and Visitor Serving

The policies and language of LCPA Chapter 2 – Recreation and Visitor Serving as to what constitutes public recreation are troubling. There is nothing in the Coastal Act that differentiates between the right of access to recreational facilities for local residents from those in other areas, nor is there any language to suggest that public recreation must be attractive to "distant" users in order to qualify as public recreation. It appears that the County is placing into the LCP an overt bias against local residents, as a "justification" for taking away the park that was promised for local residents' use as a mitigation for the massive amount of redevelopment allowed for Phase II in the 1996 plan, much of which has already occurred and all of which (and more) remains in this LCPA. Ironically, it is those same local residents who have demanded that the County include the distant stakeholders in the planning process.

The LCPA fails to offer any specifics about the amount of recreation that is needed or offered in Marina del Rey, or to analyze the challenges in making more recreation available to the public on terms that are reasonable and affordable. The increasingly sedentary recreational opportunities proposed for the Marina del Rey (passive parks, view parks) do not take full advantage of the unique opportunities that Marina del Rey can offer that will increasingly attract both local and distant visitors to the area, enhancing the economic vitality and productivity of the area's existing businesses. First and foremost, Marina del Rey is a recreational asset dedicated to the enjoyment of Los Angeles County residents. While it may sound lucrative to create a high-end resort for the jet-set, there is no substantiation of any growth in this type of demand, and to lure such trade from other areas of Los Angeles County would just shift the source of revenues without growing them overall. Recreational development was the premise and the promise when the Marina was first created. Two generations later, we need to rededicate ourselves to that promise. This LCPA overtly reneges on that promise.

Proposed LCP Changes	Issues	Corrective Actions
Page 2-2 Issues Identified: the first four issues – (balance/changes to recreational activities, deficit of lower cost recreational facilities in MdR and region, how to improve public parking, no-fee beach parking desirability/feasibility) – are not addressed, surveyed or analyzed. In subsequent sections there are policy changes evidencing decisions relating to these issues, but no supporting evidence is supplied	Issues that should be addressed are: What are the existing demands for recreational facilities in the region? Does Marina del Rey satisfy those needs now? How can it improve its offerings/increase local recreational visitors to the Marina? What are population growth projections for the region, and how can we plan for the added recreational demands of that increased population? How can Marina del better serve lower-income county residents in areas that are under-served by recreation? Should the County "beach bus" for residents in the valleys include MdR? What recreational activities would attract them?	Qualitative and quantitative studies of existing and projected demand for recreation; Analysis of health benefits to county residents of plentiful and easily-accessed recreation vs. health care costs for preventable conditions/diseases such as obesity and diabetes
2-3 County proposing to expand Chace Park by 7.1 acres (and footnote)	Parcels are not identified; no mention that recreational boating and boating support uses are being eliminated for this "additional" recreation—it is just a trade, not an expansion	restore the park facility on Parcel FF, that is where the demand for parks and playgrounds exists;
2-3 fishing activities	inordinately high levels of toxic substances in MdR makes the safety of eating fish caught in the Marina a serious recreational issue	include specific solutions to water quality issues to improve the health and safety of recreational activities and of wildlife and birds in the area
Provision of recreational needs of anticipated new local residents is removed	The county is unresponsive to local residents needs; it invites people to relocate here, then treats them like interlopers who have no right to a say in their own community	Restore Parcel FF as a park for the residents of the west side of the Marina, their friends and neighbors, the 1,100 + families of the Marina Peninsula and the residents of Venice north of Washington; Add a policy section to the LCPA to establish a more balanced system of local governance that includes representatives of the local community as well as the Beaches & Harbors/SCHC and the Marina Lessees.
2-4 Sea Scouts	lost their leasehold interest in	restore the lease to the Sea

	the Sea Scout base (boat building at Chace Park; programs are much more limited than they used to be	Scouts or find/build them a new location in the Marina
2-4 Private sailing clubs offer sailing and boating opportunities to the public	shared use of boats will increase accessibility and affordability of boating for county residents, but it requires more parking than typical individually-owned boats, since many members share the use of the boats (as many as 8 unrelated crew, sometimes more; new parking allocation of 0.6 parking spaces per slip will prevent the growth of this kind of shared use boating	revisit the parking policy for boaters and make sure that they are sufficient to accommodate new trends in shared boat ownership;
page 2-4 shopping centers increased from 3 to 5, additional hotel rooms	MdR has adequate amount of shopping, dining and hotels. Need more active recreational opportunities to draw visitors here, to increase occupancy of existing businesses (and greater revenues to County from percentage rents, sales taxes and bed taxes)	Revise LCPA to increase land use for free and low-cost recreational uses, promote unique water-sports opportunities as well as land-based sports to attract visitors with a greater variety of exciting activities.
page 2-4 Holiday Harbor Racquetball Courts removed from LCPA	this facility to be replaced in Parcel 21 redevelopment?	keep the racquetball facility. Over 1,000 new residential units proposed—should be expanding, not shrinking, health clubs
2-5 planned transient docking facility at Parcel 9	19 story hotel will create wind eddies, make docking hazardous, especially for student sailors specifically mentioned. Development that interferes with prevailing wind patterns can be anywhere from irksome to extremely hazardous for boaters, especially during docking and undocking, when sudden, even minor shifts in the wind can cause the boat to smash into the dock, or other boats, with potential injuries to crew and damage to both the boat and the docks (the new concrete docks will likely result in greater damage to the boats)	A comprehensive wind study is needed to assess all anticipated development in MdR for its impacts on the ease, enjoyment and safety of small boating in the harbor. Wind shadow is frustrating because the Tall, narrow buildings should be avoided, as should massive footprints with narrow alleys. Removal of some non-boating, non-water-dependent buildings should be analyzed for potential enhancement to prevailing wind patterns for which the Army Corps of Engineers designed MdR to begin with.

page 2-5 County plans "concentrated attention" for certain areas, including Oxford Basin and Parcel 9U	The county is "stacking" disparate uses that involve open space in order to use more land for non-recreational build-out. Public access is not allowed on either the wetland or the flood control basin and a path around the perimeter, while an attractive design solution that will also increase the safety buffer between pedestrians and vehicular traffic, does not offer the same recreational opportunities as a true park, and should therefore not be characterized as such. Fancy sidewalks are NOT parks	continue to encourage or require attractive design solutions that will enhance the eye appeal and environmental value of "passive" parcels; add policy section to preclude the stacking of open space/view corridor requirements of a single or multiple projects, which reduces visual and physical access to the Marina; overall amount of open space that creates the special Marina ambience and facilitates wind flow; and provides opportunities for unstructured recreational uses.
page 2-6 Marina "primarily devoted to boating interests	this statement is no longer true either in the abstract or in fact; boating interests are being reduced on an unprecedented scale, boating is not promoted by the county, boating opportunities and pricing are being gouged by LCPA policies and focus on build-out rather than redevelopment of the Marina to enhance the boating experience and attract more people to participate in boating activities	restore the policies that make boating a priority, including pricing policies that do not tax boaters for projects intended for the general welfare of the county. Cost-recovery pricing policies, accurate boating facility inventories, protections for existing levels of facilities and active encouragement of new boating facilities are all policies that would assure compliance with the Coastal Act and once again make MdR the preferred harbor for LA County boaters
page 2-6 changes "need for parking" to "demand for parking" facilities; eliminates "large volume of traffic"	erasing the words on paper won't make the traffic any lighter on the roads; demand sounds optional; need indicates imperative to provide it;	restore to 1996 LCP language; update number of residential units to include Esprit I, Admiralty Apts and any other added units since 1996
page 2-6 Parking facilities in the area provide sufficient capacity	unsubstantiated; no discussion of increased traffic/need for parking when proposed development is built; and if planned development is truly as attractive as the county predicts, there will be a proportionate increase in the demand; as there is no policy to increase the alternative transportation network beyond the seasonal weekend service to lure people out of their cars, the need for parking will only increase. If that parking is not	Restore all of the public parking lots; Develop additional recreational uses to bring the visitors to the Marina who will fill those parking lots (and other businesses); restore transportation network to year-round, daily service goals—including Venice Beach and Playa del Rey beaches in the service area Restore 1996 language requiring visitor-serving uses to fund their operation

	provided, visitors to the Marina will become discouraged and will not return.	
page 2-6, 2-7 "right-size" parking section	the county would not propose to take over "underutilized" parking lots on county beaches, it should protect these lots in the same way.	restore 1996 language; protect all public parking lots from conversion to private uses;
page 2-7 reduces existing "inventory "of spaces, proposes eventual elimination of all but 1,200 parking spaces	together with down-sizing circulation networks, these policies are about as hostile to visitors as could be; violates several Coastal Act policies; how does the County reconcile this with the finding about the deficit of parking during peak periods	a new study is needed that takes actual counts of parking spaces used, both on public lots and overflow parking accommodated by enterprising nearby lessees, during recreational events such as rowing regattas, Boy Scout jamborees, movie and television show shoots, company picnics, etc., and then establishes parking needs based on maximum spaces occupied, not a formula that extrapolates from an ordinary off-season weekday to determine maximum "need"
page 2-7 waterbus and shuttle re-defined as seasonal, weekend only services	violates Coastal Act policies to reduce service area and goals, eliminate private funding sources (another gift to the private developers!) and	
top of page 2-8: seems to contradict the LCPA's shared use provision, but the word "additional" is the key	reaffirms new policy that private leaseholds can share public parking facilities	restore 1996 language
page 2-8 county supports use of the Marina for special events for the visiting public	these events are not defined; once again the language is hostile to the local public	quantify the special events, remove "visiting" to include everyone
page 2-8 (bottom) parking study, expansion of parking on GR will accommodate more parking at Mothers Beach	this is a false statement; it will not compensate for the combined loss of parking on NR and OT; long term parking demand does not account for the dearth of visitor parking at all private-use residential buildings when they are at full occupancy or for the additional parking needs for the increase in shared-ownership/use boating; or the desire of local residents to have guests join them for the 4th of July and Christmas Boat parades and other special events.	

Page 2-16 Waterfront Promenade is not on Map #5		add promenade to map

10. Land Use Plan Definitions

Proposed LCP Changes	Issues	Corrective Actions
Mole refers to a structure or fill set up in the water such as for a breakwater, pier or man-made peninsula. A mole is not a portion of land adjacent to the water, and connected to other land, whether raised by dredge spoil or otherwise, which does not form a peninsula. (pg vii)	One what basis is this change made? Has mole been redefined? If so why? If not, where is this definition supported on the record?	Await clarification, the respond.
Sensitive Biological Resources (SBR) means those natural plant or animal resources which require conservation and management in order to protect and perpetuate their presence in Marina del Rey. Sensitive biological resources are not "Environmentally sensitive areas" with the meaning of California Public Resources Code Sections 30107.5 or 30240. (pg vii)	There is no definition of Sensitive Biological Resources in the Coastal Act.	Delete definition and Chapter 5, Sensitive Biological Resources.

C. DETAILED LIP COMMENTS

The proposed changes to the Marina del Rey Local Implementation Program (LIP), otherwise known as the Marina del Rey Specific Plan, go well beyond changes required for the pipeline projects, circulation, parking, environmental and open space enhancements that were deemed the purposes of the LCP Amendment.

Our table includes proposed changes and our issues/concerns with them. The Key to amendment purposes is as follows:

C= Circulation PP = Pipeline Project E = Environmental
O= Open Space PK = Parking V = Visioning or other purpose

Proposed LIP Changes	Issues	Corrective Actions
22.46.1000 Purpose ~~Transportation Improvement Program. This section establishes a mechanism for funding necessary transportation improvements and ensuring their timely completion.~~ (pg 2)	**Amendment purpose: C** See traffic and circulation comments above.	Reinstate this purpose to the LIP.
22.46.1020 paragraph C (pg 2)	Missing reference to 2001 and 2006 LCP amendments	Add reference to 2001 and 2006 LCP amendments
22.46.1030 paragraph A. (pg 2)	When the Specific Plan is in conflict with the Land Use Plan, which shall prevail?	Insert answer to this question into LIP
22.36.1040 Urban Design Concept.	Is modified bowl concept is still being applied? Thought it was terminated. No mention of views from the water to the mountains.	Eliminate modified bowl concept along with building heights over 140ft. See comments on Visual Coastal Resources and Land Use changes above Add protection policy for views from the water to the mountains.
22.36.1040 Urban Design Concept. Increased view corridors are called for when basic height standards are exceeded. (pg 3)	**Amendment purpose: V** This sentence adds an increased height bias. This statement presumes that basic height standards **will be** exceeded. This pre-empts a future visioning process.	Remove or reword this sentence to remove height bias.
22.46.1060 Communitywide Design Guidelines C.2. Added: in the off peak hours. (pg 5)	**Amendment purpose: PK** Regional Planning staff indicated off-peak hours statement was added to provide flexibility in case there is insufficient public parking	Any changes to parking policies in the Marina should only be made after a community based visioning process. All parking needs should be reviewed including

	around the Marina. If there may be insufficient parking, then why are so many public parking lots being eliminated?	office/commercial, residential and public parking.
22.46.1060 Communitywide Design Guidelines E.2 to E.5	Per our comments in the Coastal Visual Resources and Land Use Plan sections above, the view corridor and height standards need to be reviewed during a visioning process.	Remove option to increase building heights to 225 ft. and building heights of 225 ft. The visioning process should revisit building heights in the Marina and new recreational uses that provide enhanced visual experience of the Marina. The height limit category of 225 feet should be eliminated with a maximum height of 140ft throughout the Marina for new development or redevelopment.
22.46.1080 -- Seniors Facilities: a) Senior Accommodations: A specialized use for persons over age 62 who may or may not be retired. (pg 9)	**Amendment purpose: PP** See comments in Pipeline Projects above regarding adding a Seniors Accommodations land use category.	Remove Seniors Accommodations land use category .
22.46.1080 b) Congregate Care (pg 9)	**Amendment purpose: V** What is definition of congregate care?	Clarify what congregate care means
22.46.1080 -- Waterfront Overlay Zone: An overlay category applied to ~~most~~ all waterfront parcels in addition to the site's primary land use category. Encourages coastal-oriented and coastal dependent uses on the waterfront, permits the combination of Hotel, Visitor-Serving Convenience/ Commercial/Retail, Marine Commercial and the site's primary land use, as well as mixing of uses within a structure. (pg 10)	**Amendment purpose: V** Why is the WOZ status being added to all parcels? Why is retail added to the WOZ definition of permitted uses? Retail is not necessarily visitor serving and opens up development to a new level. These changes are not related to the stated purposes of the LCP Amendment and pre-empt the future community based visioning process.	Reverse changes pending a community based visioning process.
22.46.1090 C.1. 1. Development Monitoring. Additional development is limited to the buildout	**Amendment purpose: C** See comments in Traffic and Circulation above.	Re-evaluate current traffic conditions and re-run LOS calculations.

identified in Table 1 for each of the three Major Development Zones (MDZ).~~development zone. Development shall not be approved that will exceed the capacity of the regional, local or development zone street system.~~ The total potential for additional units and amount of commercial and residential development allocated under this LCP will generate ~~a~~ traffic ~~impact within the Marina del Rey that can be mitigated within the Marina by~~ which can be accommodated by the improvements listed in the Revised Set of Intersection Improvement Projects. ~~traffic improvements plan which is part of the Local Implementation Program. Monitoring will be based on the type and density of development.~~ (pg 10-11)	The Traffic Study does not prove that implementation of the Revised Set of Intersection Improvement Projects will enable the circulation system to accommodate the full build-out of the LCP.	An analysis of what is required to improve traffic capacity such that all intersections operate at a LOS of D or better with full LCP build-out with ambient growth and cumulative projects. An analysis and list of mitigation measures for the regional transportation system for the future LCP build-out. This should take into account that the Marina is a public recreational asset for the entire Los Angeles County and thus LA County has a responsibility for traffic generated outside the county borders.
22.46.1090 C.2. Existing boat storage, public access, public parking and boating support uses in residentially zoned areas in the WOZ zone shall be preserved. With the exception of existing facilities located on Parcels 1, 54, 55 and 56, as part of the application, these uses may be relocated on the same parcel or to another parcel within the Marina, as long as the size, efficiency and capacity of the facility remains the same and such relocations occur prior to any dislocating development, and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action. The trips generated by such a use shall not be	**Amendment purpose: V** These added sentences on economic viability represent a stealth method to potentially decrease existing boat storage, public access, public parking and boating support uses. It enables the developer/lessee/applicant and the County to use profitability as criteria for continuing these services. Simply submit a study that shows boating facilities are not economically feasible and then they are off the hook. Given Marina del Rey was created as a low-cost public recreational area, this emphasis away from public stewardship toward private businesses is a serious concern. Therefore, economic viability should not be used as a litmus test for these uses.	Remove and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action here and in all other locations of the specific plan.

considered as additional development when calculating allowable new trips in the WOZ zone (pg 11)	These two sentences appear on pages: pg 38 (Residential III), pg55 (Marine Commercial) and pg62 Parking.	
22.46.1090 C.3 C.4 (pg 11-12)	**Amendment purpose: C & V** C.3 changes remove the requirement for developers to fully mitigate significant traffic impacts of their projects. Instead trip fees will be collected for internal and external mitigations. C.4 changes remove the requirement that projects must demonstrate adequate traffic capacity to accommodate the traffic generated by the project. C.4 a) changes remove the requirement to construct necessary internal Marina del Rey traffic improvements prior to occupying the project and only require a traffic impact fee payment based on PM peak-hour trips. C.4 b) changes removes the 50% cap on new development and requirements that traffic on approach roads to the Marina are made and can mitigate trips over 50% of LCP build-out.	Overall, the Traffic Study has not shown that the Marina circulation system, even with the Revised Set of Traffic Improvement Projects, will have the capacity to handle the full LCP build-out by year 2020. Additionally, these major changes to mitigation of traffic trips in the circulation system pre-empt the future community based visioning process. Therefore, changes proposed to the circulation system need to be reversed and the old system in place.
Footnote page 13	What does this footnote reference? Phase II includes projects that have been built and exist and development potential.	Phase II definition and references need to be updated consistently throughout this document.
22.46.1100 B.2.d d. The bicycle system should maximize access without compromising safety. Separate right-of-way, minimizing driveways that interfere with the route and compatible intersection design are ~~all necessary for ensuring a safe~~ desirable in a bicycle system.	**Amendment purpose: V** Why is this change being made to public safety? This change pre-empts the community based visioning process and endangers the safety of bicyclists.	Remove change
22.46.1100 Section C These improvements are expected to provide sufficient capacity within Marina del	**Amendment purpose: V & C** See comments in Traffic and Circulation above.	Re-evaluate current traffic conditions and re-run LOS calculations.

Rey to accommodate future development in the Marina as envisioned by this Specific Plan. 1. The Revised Set of Intersection Improvement Projects within the Marina that would provide sufficient capacity for the Pipeline Projects, and for the Marina build-out, are as follow:	The Traffic Study does not prove that implementation of the Revised Set of Intersection Improvement Projects will enable the circulation system to accommodate the full build-out of the LCP.	An analysis of what is required to improve traffic capacity such that all intersections operate at a LOS of D or better with full LCP build-out with ambient growth and cumulative projects. An analysis and list of mitigation measures for the regional transportation system for the future LCP build-out. This should take into account that the Marina is a public recreational asset for the entire Los Angeles County and thus LA County has a responsibility for traffic generated outside the county borders.
22.46.1100 Section C.2 Changes to shuttle services including removing requirement for shuttle stops to be incorporated into new development.	**Amendment purpose: V** Have any studies been taken on the demand for a year round shuttle service? How was it determined that there was not sufficient year round ridership demand? This change pre-empts the community based visioning process.	The changes should be removed and upon a future community based visioning process, determine whether a year round shuttle is desired.
22.46.1180 A.9 to A.10	**Amendment purpose: C& V** A.9 Removes phasing requirement of new development and in its place requires developers to pay trip fees for internal and external improvements. Removes requirement to mitigate traffic impacts of the project prior to occupancy. A.10.a. Allows the developer, based on the approval of the Dept of Public works, to avoid having to prepare a traffic study by paying trips fees. How is this determined? A.10.b. conflicts with 22.46.1090 4 and 4a which requires a traffic study, not a traffic analysis report. What is the difference? These changes remove traffic	Re-evaluate current traffic conditions and re-run LOS calculations. An analysis of what is required to improve traffic capacity such that all intersections operate at a LOS of D or better with full LCP build-out with ambient growth and cumulative projects. An analysis and list of mitigation measures for the regional transportation system for the future LCP build-out. This should take into account that the Marina is a public recreational asset for the entire Los Angeles County and thus LA County has a responsibility for traffic generated outside the county borders.

	analysis outside of the Marina circulation system. A10.f..Allows developers to pay for mitigation measures and no longer have to actually mitigate traffic from their projects. There is nothing to show that paying a "fair share" of the costs of traffic improvements will actually do anything to mitigate the lack of capacity for increased traffic. Projects cannot be approved based on unknown future "improvements" simply because there is a fund being collected. County must demonstrate that physical adverse impacts will actually be mitigated as a result of the traffic trip funds. **The Traffic Study does not prove that implementation of the Revised Set of Intersection Improvement Projects will enable the circulation system to accommodate the full build-out of the LCP.**	
22.46.1190 A.3. to A.15.	**Amendment purpose: C& V** Removes phasing requirement of new development and in its place requires developers to pay trip fees for internal and external improvements. Removes requirement to mitigate traffic impacts of the project prior to occupancy. Allows developers to pay for mitigation measures and no longer have to actually mitigate traffic from their projects. Removes the requirement to construct necessary internal Marina del Rey traffic improvements prior to occupying the project and only require a traffic impact fee payment based on PM peak-hour trips. **The Traffic Study does not prove that implementation of the Revised Set of**	Re-evaluate current traffic conditions and re-run LOS calculations. An analysis of what is required to improve traffic capacity such that all intersections operate at a LOS of D or better with full LCP build-out with ambient growth and cumulative projects. An analysis and list of mitigation measures for the regional transportation system for the future LCP build-out. This should take into account that the Marina is a public recreational asset for the entire Los Angeles County and thus LA County has a responsibility for traffic generated outside the county borders.

	Intersection Improvement Projects will enable the circulation system to accommodate the full build-out of the LCP.	
22.46.1240 Residential III Addition of Congregate care facilities as a permitted use. (pg 37)	**Amendment purpose: V** Why is congregate care added here? This change pre-empts the community based visioning process.	Take out congregate care as a permitted use.
22.46.1240 Residential III -- The County shall encourage alternative forms of transportation in new or remodeled residential projects by considering the use of Zip Cars, and other similar non-personal automobile strategies when evaluating requests for parking permits. (pg 38)	**Amendment purpose: V** This change pre-empts the community based visioning process.	Remove this addition
22.46.1240 Residential III With the exception of existing facilities located on Parcels 1, 54, 55 and 56, as part of the application, these uses may be relocated on the same parcel or to another parcel within the Marina, as long as the size, efficiency and capacity of the facility remains the same and such relocations occur prior to any dislocating development, and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action.	**Amendment purpose: V** These added sentences on economic viability represent a stealth method to decrease Existing boat storage, public access, public parking and boating support uses. It enables the developer/lessee/applicant and the County to use profitability as criteria for continuing these services. Given Marina del Rey was created as a low-cost public recreational facility, economic viability should not be used for these uses.	Remove and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action here and in all other locations of the specific plan.
22.46.1280 Residential IV Addition of Congregate care facilities as a permitted use. (pg 39)	**Amendment purpose: V** Why is congregate care added here? This change pre-empts the community based visioning process.	Take out congregate care as a permitted use.
22.46.1240 Residential III	**Amendment purpose: V**	Remove this addition

-- The County shall encourage alternative forms of transportation in new or remodeled residential projects by considering the use of Zip Cars, and other similar non-personal automobile strategies when evaluating requests for parking permits. (pg 40)	This change pre-empts the community based visioning process.	
22.46.1320 Residential V Addition of Congregate care facilities as a permitted use. (pg 42)	**Amendment purpose: V** Why is congregate care added here? This change pre-empts the community based visioning process.	Take out congregate care as a permitted use.
22.46.1330 Residential V -- The County shall encourage alternative forms of transportation in new or remodeled residential projects by considering the use of Zip Cars, and other similar non-personal automobile strategies when evaluating requests for parking permits. (pg 43)	**Amendment purpose: V** This change pre-empts the community based visioning process.	Remove this addition
22.46.1335 Seniors Accommodations (pg 43-44)	**Amendment purpose: PP** We are opposed to this land use category. See comments under Pipeline Projects above. Also, this land use category definition should REQUIRE shuttle and limousine service since the variance to reduce parking requirements on this land use is based on providing shuttle and limousine services.	Remove Seniors Accommodations land use category.
22.46.1350 Hotel Permitted Uses. Adds Limited use overnight accommodations (pg 45)	**Amendment purpose: V** We are opposed to any form of Limited use overnight accommodations in Marina del Rey, which is public land for public recreation. See further comments under Pipeline Projects and Land Use	Remove Limited use overnight accommodations as a permitted use under Hotel land use category.

	Plan sections above. This change pre-empts the community based visioning process.	
22.46.1370 -- Hotels shall establish a shuttle program to and from Los Angeles International Airport for guests. Hotels shall also provide, on demand, transit passes for those employees requesting the use of public transportation. (pg 46)	**Amendment purpose: V** What is the point of this? The Marina is served by a number of airport shuttle companies and taxi services.	Remove this requirement.
22.46.1370 E.a. to E.l. Addition of limited use overnight accommodations in the hotel category PLUS Allowing up to 25% of all hotel rooms in the Marina to be limited use overnight accommodations (pg 47)	**Amendment purpose: V** This change pre-empts the community based visioning process with regard to adding limited use overnight accommodations including allowing 25% of all hotel rooms to be limited use overnight accommodations. This change also allows for taller buildings in the Marina following the example of the proposed Woodfin Hotel. We are opposed to any form of Limited use overnight accommodations in Marina del Rey, which is public land for public recreation. See further comments under Pipeline Projects and Land Use Plan sections above.	Remove Limited use overnight accommodations as a permitted use under Hotel land use category including allowing up to 25% of all hotel rooms to be limited use accommodations. Change height category limit from 225 ft to 140ft.
22.46.1410 A. The County may combine additional recreational boating uses on Parcel 54, 55 and 56 (pg 52)	**Amendment purpose: V** What does this mean? This change pre-empts the community based visioning process for Fisherman's Village	Clarify meaning of change and then determine appropriateness of change.
22.46.1410 E. and F. E. With respect to Parcel 49, any redevelopment which increases the visitor-serving area shall include urban open space. The amount of urban open space shall be	**Amendment purpose: PP & V** What is urban open space? The RFP for parcel 49 did not include moving the launch ramp. But this LIP change allows the	Remove 22.46.1410 E. and F.

based on whether the launch ramp remains at Parcel 49, or is moved to another location in the harbor. Should the launch ramp remain, at minimum one acre of urban open space shall be provided. If the launch ramp is moved, a minimum of 2 acres of urban open space must be provided. The urban open space may consist of hardscape and landscape, and may be above ground level to maximize views. Any project proposed on Parcel 49 shall demonstrate how such urban open space is to be used by the public, and such urban open space shall not be displaced by commercial uses, such as outdoor dining. F. With respect to the launch ramp on Parcel 49, if visitor-serving development is undertaken on that parcel, the launch facility must remain in operation or be transferred to another site. At no time may the launch ramp be closed down except in times of national emergency or to provide staging for a local emergency. (pg 53)	transfer of the boat launch ramp. This parcel must be redeveloped as a low-cost public recreational facility and not more commercial/retail space like restaurants and shopping. It needs a boating theme and a public theme. This change is a major change to the future Marina and pre-empts the community based visioning process. See comments in Pipeline Projects and Land Use Plan sections above.	
22.46.1450 A. With the exception of existing facilities located on Parcels 1, 54, 55 and 56, as part of the application, these uses may be relocated on the same parcel or to another parcel within the Marina, as long as the size, efficiency and capacity of the facility remains the same and such relocations occur prior to any dislocating development, and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's	**Amendment purpose: V** These added sentences on economic viability represent a stealth method to decrease Existing boat storage, public access, public parking and boating support uses. It enables the developer/lessee/applicant and the County to use profitability as criteria for continuing these services. Given Marina del Rey was created as a low-cost public recreational facility, economic viability should not be used for these uses.	Remove and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action here and in all other locations of the specific plan.

part to take further action. (pg 55)		
22.46.1570 A. With the exception of existing facilities located on Parcels 1, 54, 55 and 56, as part of the application, these uses may be relocated on the same parcel or to another parcel within the Marina, as long as the size, efficiency and capacity of the facility remains the same and such relocations occur prior to any dislocating development, and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action. (pg 62)	**Amendment purpose: V** These added sentences on economic viability represent a stealth method to decrease Existing boat storage, public access, public parking and boating support uses. It enables the developer/lessee/applicant and the County to use profitability as criteria for continuing these services. Given Marina del Rey was created as a low-cost public recreational facility, economic viability should not be used for these uses.	Remove and so long as the use is economically viable. If no commercial operator wishes to operate a use, there shall be no obligation on the County's part to take further action here and in all other locations of the specific plan.
22.46.1620 Open Space The Open Space category is intended to provide urban, passive and active recreational opportunities. (pg 64)	**Amendment purpose: O & V** What are urban recreational opportunities? Is this classification used in the Los Angeles County General Plan? Since urban is separate from active, it is not active. This change pre-empts the community based visioning process.	Comments to be made based on further clarification. There is a shortage of active open space in Marina del Rey. A community-based future visioning process should occur before any major open space changes and enhancements are established.
22.46.1620 A -- Public parks, public plazas and picnic areas. (pg 64)	**Amendment purpose: O & V** What is the definition of a public plaza? Is it active, urban or passive open space? This change pre-empts the community based visioning process.	There is a shortage of active open space in Marina del Rey. A community-based future visioning process should occur before any major open space changes and enhancements are established.
22.46.1680 A --Boat launching facilities; (pg 67)	**Amendment purpose: V** Why was this added to water use? Is this for a potential transfer of the boat launch ramp on parcel 49 to another water parcel in the Marina?	Comments to be made based on further clarification.
22.46.1690 -- Building height is limited to	**Amendment purpose: PP**	See comments on dry stack storage parcel 52/GG in

a maximum of 15 feet;, except that dry stack storage facilities, connected to a land side structure, shall be allowed at the heights permitted by the land use category on the land side of the parcel; (pg 67)	See comments on dry stack storage parcel 52/GG in Pipeline Projects section above.	
22.46.1789 Table of Development Zones and Associated Development Potential. (pg 72)	**Amendment purpose: C, O, PK, PP, V** See comments in Land Use Plan section above regarding inconsistencies in development potential. Eg, the development potential allowed in 1996 LCP does not reconcile to the proposed development potential in the Land Use Plan and the Local Implementation Plan.	Revise table based on clarifications from Dept of Regional Planning on lack of reconciliation between 1996 and proposed 2010 development potential.
22.46.1800 Waterfront Overlay Zone added to Parcel 1 (pg 73)	**Amendment purpose: V** Why was a WOZ designation added to Parcel 1?	Comments to be made based on further clarification.
22.46.1820 Residential III and V added to Parcel 10 (pg 76)	**Amendment purpose: PP** See comments in Pipeline Projects section above regarding Neptune Apartments project (Parcels 10/FF)	Reinstate original land use category
22.46.1820 --Parcel 14 Categories: Residential V- (for the 1.38-acre "non-mole" portion of the parcel) and "Residential III- (for the 0.67-acre "mole" portion of the parcel Waterfront Overlay (pg 76)	**Amendment purpose: PP** See comments in Pipeline Projects section above regarding Neptune Apartments project (Parcels 10/FF)	Reinstate original land use category
22.46.1820 Waterfront Overlay Zone added to Parcel 13 (pg 76)	**Amendment purpose: V** Why was a WOZ designation added to Parcel 13?	Comments to be made based on further clarification.
22.46.1820 Special Development Considerations (pg 77)	**Amendment purpose: PP** See comments in Pipeline Projects section above regarding Neptune Apartments project (Parcels 10/FF)	Reinstate original Development Considerations
22.46.1820 -- Parcel 15, --Height category 3: Building height not to exceed 45 feet, unless an expanded view corridor is provided in accordance with	**Amendment purpose: V** The original Special development considerations are shown crossed-out to the left. It was replaced by the underlined sentence to the left.	Adjust and move Parcel 15, 18 Height category sentence to Panay Area and include reference to mole road portions.

Section 22.46.1060 in which case the height shall not exceed a maximum of 75 feet. ~~Parcel 15, Parcel 18 (western portion along mole), Parcel 20, Parcel 21 Height category 3: Building height not to exceed 45 feet, unless an expanded view corridor is provided in accordance with Section 22.46.1060 in which case the height shall not exceed a maximum of 75 feet.~~ (pg 79)	Why was Parcel 18 removed from these considerations? Why was the western portion along mole road removed? This now allowed Parcel 15 to be up to 75 feet on the whole parcel. Also, the Parcel 15 paragraph underlined to the left was included in the Marquesas area instead of the Panay Area.	
22.46.1830 Panay Area ~~Development on Parcel 22 shall provide shadow studies indicating the proposed development will not shadow the public beach on Parcel H between the hours of 9:00 a.m. and 5:00 p.m. after April 15th and before September 15th.~~ (pg 79)	**Amendment purpose: V** Why was this requirement for Parcel 22 taken out? This provision is very important to protect shadows on mother beach.	Reinstate this requirement under the Palawan/Beach area.
22.46.1840 Palawan Area Parcel 33 land use changes (pg 81)	**Amendment purpose: PP** See comments in Pipeline Projects section above regarding proposed project on (Parcels 33/NR)	Reinstate original land use designation
22.46.1840 Palawan Area Parcel IR land use (pg 82)	**Amendment purpose: O** Why is a public parking designation used on 33 and GR but not IR? See comments in Open Space section above regarding land use changes on Parcel IR	Apply Public Parking designation to Parcel IR Retain Parcel IR for public parking only until a community-based visioning process is completed.
22.46.1840 Palawan Area Waterfront Overlay Zone added to Parcel 91(pg 81)	**Amendment purpose: V** Why was a WOZ designation added to Parcel 91?	Comments to be made based on further clarification.
22.46.1840 Palawan Area Parcel N land use change (pg 82)	**Amendment purpose: PP/PK** See comments in Pipeline Projects section above regarding proposed project on (Parcels 33/NR)	Reinstate original land use designation
22.46.1840 Palawan Area Special Development Considerations Parcel 33 Height category additions	**Amendment purpose: PP/PK** See comments in Pipeline Projects section above regarding proposed project on	Reinstate original Development Considerations

(pg 82)	(Parcels 33/NR)	
22.46.1850 Oxford Area Changes to Parcel OT/147 including land use changes to Seniors accommodation, height limits and removal of need to replace public parking on OT (pg 83-84)	**Amendment purpose: PP/PK** See comments in Pipeline Projects section above regarding proposed project on (Parcels OT now referred to as Parcel 147) Removing the requirement to replace lost parking on Parcel OT may allow the developer of the project to change their plans and not transfer public parking spaces to parcel 21 as proposed.	Reinstate original land use designations, Development Considerations and parking replacement requirements.
22.46.1860 Admiralty Area Parcel 40 split into Parcel 40T and 40W (pg 85)	**Amendment purpose: V** Why was this parcel split into two parcels?	Comments to be made based on further clarification.
22.46.1880 Mindanao Area Land use changes to parcels 49M (adding public facilities, WOZ designation), 49R (adding visitor serving commercial and WOZ designation), 49S (WOZ designation) and 77 (changing from boat storage to open space/public facilities, and adding WOZ designation). (pgs 88-90)	**Amendment purpose: PP/PK** See comments in Pipeline Projects section above regarding proposed project on (Parcels 49 and 77) Also see comments regarding proposed LIP changes that would not require a developer to replace boating uses on a site if they are not economically viable. There is concern here that existing boating uses on Parcels 49M/S/R and 77 will not ultimately be maintained onsite or replaced elsewhere. We also feel these parcels are not suitable for the department of beaches and harbors administration building. Additionally, this change pre-empts the community based visioning process because the proposed project on Parcels 49/77 is for all intents and purposes not far along in the regulatory or proprietary process.	Restore existing land use categories and development considerations. Include these parcels in the community based visioning process.

22.46.1880 Mindanao Area --Parcels 49M, 49R, 49S and 77 may be developed as a unit, with blending of uses within the parcels and between the parcels. The launch ramp must be incorporated into any proposed project for these parcels or must be relocated prior to development of the parcels. Any proposal which add Visitor-Serving/Convenience Commercial uses to these parcels must also add urban open space as required by Section 22.46.1410.E. (pgs 89)	**Amendment purpose: PP/PK** See comments in Pipeline Projects and Land Use Plan sections above regarding proposed project on (Parcels 49 and 77) Also see comments regarding proposed LIP changes that would not require a developer to replace boating uses on a site if they are not economically viable. There is concern here that existing boating uses on Parcels 49M/S/R and 77 will not ultimately be maintained onsite or replaced elsewhere. We also feel these parcels are not suitable for the department of beaches and harbors administration building. Additionally, this change pre-empts the community based visioning process because the proposed project on Parcels 49/77 is for all intents and purposes not far along in the regulatory or proprietary process. The RFP for parcel 49 did not include moving the launch ramp. But this LIP change allows the transfer of the boat launch ramp.	Restore existing development considerations. Include these parcels in the community based visioning process.
22.46.1880 Mindanao Area Land use change on Parcel 47 from Marine Commercial to Open Space (pg 88)	**Amendment purpose: O** What will be placed on this open space parcel? What will happen to the existing boating facilities on this parcel?	Comments to be made based on further clarification.
22.46.1950 Section B removal of Parcel FF as a 2-acre park and change from new local park space to open space. (pg 94)	**Amendment purpose: PP** See comments in Pipeline Projects, Parking, Open Space and Land Use Sections above. This change decreases the chance of having green/active park space in the Marina which is needed. Funds in the amount of $100,000 were collected to	Remove changes made to this section B.

	create a park on Parcel FF. Cannot mitigate a mitigation, especially with a lesser value mitigation.	
22.46.1950 Additionally, the County intends to add 7.1 acres to Chace Park, bring the total added acreage to 17.8 acres (pg 94)	**Amendment purpose: O/V/PP** See comments in Open Space section above. County has not really added 17.8 acres of open space and public amenities. Cannot mitigate a mitigation, especially with a lesser value mitigation.	Remove changes made to this section B.

Appendix 1

To enrich lives through effective and caring service

May 28, 2009

Los Angeles County Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

Peter M. Douglas, Executive Director
California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

Attn. Jack Ainsworth, Deputy Director

Dear Mr. Douglas:

TRANSMITTAL OF PROPOSED ROADMAP FOR UPDATES TO THE MARINA DEL REY LOCAL COASTAL PROGRAM

Thank you for your patience while the County of Los Angeles (County) considered the proposals regarding Marina del Rey made in our meeting on November 14, 2008, as well as our discussion at the April Coastal Commission meeting, and our meeting on May 6, 2009. Based on these discussions, we have developed the attached "roadmap" for undertaking an evaluation of the Marina del Rey Local Coastal Program (LCP) within the context of what can reasonably be accomplished given both of our entities' staffing and budget constraints.

It is important to recognize that the County has already invested approximately 10 years in negotiations for projects pursuant to the 1996 certified LCP, which was carefully considered and approved by the Coastal Commission (CCC) with extensive findings. While some of these projects require amendments to the LCP, they do not represent a wholesale change in land use entitlements or total development potential allocated in the LCP. To the contrary, they are amendments, for example, to move dwelling units from one Development Zone to another, to establish more coastal dependent uses, and to increase the amount of visitor-serving uses in Marina del Rey. These are all objectives not only permitted, but encouraged by the LCP. The County does not consider these amendments major departures from our previous mutual commitments in the LCP.

In addition, like every other public agency in California, the County is laboring under very severe budget constraints. The CCC's recommendation in the Periodic Review that the County undertake an "overhaul" of the LCP simply cannot be funded at this time. Some of these projects, which we refer to as the "pipeline projects", are already making their way through our entitlement process. We agree that a single, aggregate amendment to the LCP could resolve any issues that these pipeline projects pose relative to the current LCP. This amendment would be to both the maps and text of the LCP, and would be accompanied by a cumulative impact assessment of all of the development to be proposed in Marina del Rey.

Although such an assessment is included in the EIR for each project, the separate study and aggregate amendment would allow the CCC and its staff to evaluate these impacts at a very early stage in the entitlement process. This effort represents considerable cost to the County, but will be considered a good investment if it can be addressed in a timely manner.

The Periodic Review recommendations document was transmitted to the County on April 30, 2009. The County had already commenced a public input program which will complement the County's response to the Periodic Review. We regard the Periodic Review response effort as separate from the pipeline projects and the aggregate amendment discussed above, but we also understand that the County's response to the Periodic Review recommendations will in all likelihood precede the point at which a hearing on the aggregate amendment for pipeline projects is possible.

Finally, once the Periodic Review and the pipeline projects have been addressed, the County would complete the visioning for Marina del Rey for Phase 3 development, which would focus on the redevelopment of leaseholds that are terminating in the next 15-20 years. This is a long term effort that would begin within five years after the transmittal of the Periodic Review of the recommendation.

The County sees many opportunities in this three step approach. The County realizes that it is entitled to present amendments one at a time, up to three per year. However, so long as the process is able to move in an efficient fashion given budget constraints, the County is willing to prepare and process the aggregate amendment to address minor adjustments necessary for the pipeline projects and similar projects, and to address other areas of concern of the CCC, such as:

Public Parking
Sensitive Biological Resources
Recreational Boating
Advancement of Visitor-Serving Uses
Enhancement of Trails and Public Access

It is important to note that we have already completed many of the necessary studies of the concerns listed above, which is evidence of the County's commitment to move forward. The following studies are now available and being reviewed by the public as we write this:

1. Right Sizing Public Parking Study
2. Right Sizing Boat Slip Study
3. Slip Pricing and Vacancy Study
4. Oxford Basin Rehabilitation Study

In addition, we are about to undertake a major study of sensitive biological resources in Marina del Rey, with provisions for their enhancement and where necessary, mitigation.

Finally, we are soliciting proposals for increasing the visitor-serving uses in Marina del Rey without increasing the peak hour trip budget originally approved for Phase 2 development in the 1996 LCP. Many of these steps are responsive to recommendations in the LCP Periodic Review recommendations.

We regard this approach as optimal given budget constraints. However, timing is a consideration. Our attached roadmap lays out the timeframe we believe the County can achieve, and suggests a target date for hearing that we believe may be achievable at the CCC. The extent to which these schedules can be committed to will go a long way towards encouraging an ongoing County work effort in Marina del Rey.

We appreciate your thought-provoking ideas and your initiative in approaching us in a consensus-building manner. We look forward to working with your agency and your Commission on this effort. Please do not hesitate to call the undersigned if we can answer any questions (Santos Kreimann-(310) 305-9522 and Jon Sanabria-(213) 974-6401). In the meantime, we respectfully request that this matter be taken up with your Commission so that we can add certainty to our process.

Very truly yours,

Santos H. Kreimann, Director
Department of Beaches and Harbors

Jon Sanabria, Acting Director
Department of Regional Planning

SHK:JS:cm
c: Each Supervisor
William T Fujioka

Attachment

ATTACHMENT

A ROADMAP FOR UPDATES TO THE MARINA DEL REY LOCAL COASTAL PROGRAM

The County of Los Angeles anticipates a number of projects to be ready for development within the next several years in Marina del Rey. Many of these projects will need review by the California Coastal Commission ("CCC"), and approval of amendments to the Marina del Rey Local Coastal Program ("LCP"). In order to move timely on these projects and avoid a "piecemeal" approach to their review, taking into consideration staffing and fiscal constraints of both the County and the CCC, the following represents a proposed roadmap to best achieve the interests of both agencies.

Overview

The County proposes to:

1. Process one LCP amendment ("LCPA") that would resolve issues for several pending projects. In addition, this LCPA would address issues of interest to the CCC, such as sensitive biological resources, public parking and open space enhancements. The LCPA would be accompanied by a Cumulative Impact Assessment;
2. Respond to the Periodic Review within one year of the April 30, 2009, formal transmittal of the CCC's Periodic Review Recommendations; and
3. Undertake a visioning process for other future development within five years of the transmittal of the Periodic Review recommendations.

Discussion

Step 1

Local Coastal Program Amendment for Pipeline Projects. The LCPA would improve flexibility of certain kinds of development within the overall Marina-wide parameters of the current LCP. The County is already engaged in processing LCP amendments for certain projects proposed after the 1996 certification of the LCP. These proposed projects, collectively referred to as the "Pipeline Projects", involve minor alterations in land use entitlements and reallocation of development potential, and in at least two cases involve advancement of visitor-serving or recreational boating uses. The Pipeline Projects are the six projects noted in Attachment A to this Roadmap. The LCPA will also include provisions necessary to carry out overall parking relocation and enhancement, the expansion of open space in Chace Park and improvements to Marina Beach offering low-cost and no-cost visitor serving opportunities, and will address slip sizes and the advancement of coastal-dependent uses.

The scope and intent of the LCPA does not depart significantly from policies of the 1996 LCP as certified. Rather, the proposed LCPA presents issues of "fine-tuning" or dealing with previously overlooked opportunities to advance Coastal Act interests.

Issues presented by the LCPA are expected to fall into the following areas:

1. Density reallocation (without further increase);
2. Traffic reallocation (without further increase);
3. Update area traffic through a traffic study and examine the continued need for a peak hour trip "cap" tied to development of regional traffic improvements;
4. Relationship of slip sizing and supply both in the water and on land;

5. Open space increases and reallocations; and
6. "Right-sizing" public parking and reallocation of public parking lots.

Consistent with Public Resources Code sections 21080.5 and 21080.9, the County proposes preparing a Cumulative Impact Assessment (CIA) to be included with the LCPA. The CIA would analyze the cumulative environmental impacts of the projects included in the LCPA, public parking, open-space enhancement, and waterside proposals as well as other projects which do not require LCP amendments and which may contribute to cumulative effects. EIRs specific to the individual projects would proceed independently and concurrently, however, the County could not issue land use entitlements for the respective LCPA projects until the LCPA was fully and finally approved.

The County also proposes to focus on significant issues of interest to the CCC as a result of the Periodic Review, including tree pruning policies with respect to habitats, and a program for sensitive biological resources.

This process, once commenced, is estimated to take 12 months from processing at the County to CCC submittal. The County would, in turn, request an aggressive schedule for the LCPA from the date of submittal to the first CCC hearing. Since all of these projects have been known to the CCC staff and the CCC since the time of the Periodic Review, and since the County has worked closely with CCC staff throughout this process, the County believes that CCC staff and the CCC already have most of the information on these projects. Therefore, we would hope for an expedited review process during which County staff would be made available to assist and respond to CCC staff. The County urges a 6-month process for the Coastal Commission review from the date of submittal to the CCC hearing.

The LCPA approach recognizes the certified status of the current LCP. The LCPA approach also recognizes that many of the pending projects have been in process for years in reliance on the current LCP, and seeks to address the concerns of the CCC for a comprehensive approach.
This approach is also seen as more efficient for both the County and the CCC. By dealing only with the policy and regulatory issues of the LCP, as opposed to project details at the site plan level, policy interests are resolved without a major investment in engineering and design review. This is, in fact, the way that the CCC addressed the amendments to the LCP in 1996.

Additionally, there are areas of interpretation in the LCP with respect to certain pending projects. The County has determined that these projects are consistent with the LCP. However, in the interests of efficient administration, and if the processing schedule is held, the County would include these clarifications in the LCPA.

Step 2

Respond to Periodic Review. The County is entitled to take up to one year to respond to the Periodic Review after receiving the formal transmittal of the recommendations from the CCC. Due to the large number and far reaching nature of the CCC recommendations, the formulation of the County response may require a full year. Prior to receiving the Periodic Review Recommendations, the County initiated public meetings and working groups to solicit input in forming the official County response. The Periodic Review Recommendations will be carefully considered by the County. The County will endeavor to be responsive in the LCPA to certain CCC concerns raised in the Periodic Review Recommendations as outlined here, even though the projects within the LCPA do not raise those issues. However, in the normal course of review, it is highly likely that the County's response to the Periodic Review will be submitted to the CCC before any hearing would be set for the LCPA at the CCC.

Step 3

Visioning/Comprehensive Update. A comprehensive update to the LCP would be a natural outgrowth of the community and CCC dialogue with the County generated by the Periodic Review which would guide Phase 3 development in Marina del Rey for the next 20 years. This effort is warranted since leaseholds in Marina del Rey that have not been subject to Phase 2 development will be approaching the end of their lease terms in 20 years or less, and will present new opportunities for redevelopment. It is anticipated that this effort will be a multi-year project on both the County's and the CCC's part as those entities seek consensus on the program for Phase 3 development of Marina del Rey. This consensus should be built upon a balance of economics and the interests of the Coastal Act, together with public input. This effort would not likely be undertaken before late 2011, but the County would endeavor to initiate it not later than five years after the transmittal of the Periodic Review Recommendations.

ATTACHMENT A

LCPA Projects

Parcels 52/GG – 345-space dry stack boat storage building, plus outdoor mast-up storage spaces

Parcels 49/77 – The County has released a Request for Qualifications soliciting responses from parties interested in developing a high quality water-oriented commercial and visitor-serving (including restaurants) or mixed-use project with associated parking, replacement boating and launching facilities, public parking, an option to build residential units, and/or the Department of Beaches and Harbors' new administration building

Parcels 9/10/FF
Parcel 9 - 19-story, 288-room hotel (152 hotel rooms and 136 timeshare suites) with a wetland park on the southern half of the parcel

Parcels 10/FF - 526 apartment units and anchorage replacement, plus public parking relocation (FF conversion contemplated in 1996 LCP-relocation of open space to Parcel 9 for wetland park)

Parcels 33/NR – The latest proposal is for a mixed use project with apartments, restaurants and retail which will increase visitor-serving uses. Public parking spaces will be replaced and the residential component supports commercial use during non-visitor periods

Parcel OT – 114-unit senior retirement facility with on-site replacement public parking spaces. (Conversion and replacement of public parking for senior use contemplated in 1996 LCP)

Parcel IR – 147-room Marriott Residence Inn, a lower cost hotel, with replacement of public parking both on and off-site at Marina Beach

We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

October 7, 2010

Appendix 2

Mr. Michael Tripp
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Lack of maximum public opportunities to date in relation to the Local Coastal Program (LCP) Major Amendment - Project No. R2009-02277-(4)

Dear Mr. Tripp,

California Coastal Act (Coastal Act) Section 30503 and California Code of Regulations Section 13515 provide that members of the public shall be provided maximum opportunities to participate in the preparation of an LCP amendment.

The Coastal Act section 30503 states:

> "During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, **shall be provided maximum opportunities to participate.**" (emphasis added).

CCR 13515 states:

> "Each local government and governing authority shall meet the requirements of Public Resources Code, Sections 30503 and 30504 by establishing procedures providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the LCP or LRDP."

Since the first notice for the two community meetings and the start of 6-week Draft LCP amendment availability and comment period, there have been numerous issues and events that have denied members of the public its maximum opportunities to participate in the preparation of Los Angeles County's LCP major amendment. These issues are outlined below.

In order for the draft LCP amendment to satisfy the requirements of CCR 13515 and Coastal Act Section 30503, we expect the Department of Regional Planning to re-start the process by:

1) Providing a copy of the "established procedures" adopted by LA County in compliance with CCR section 13515; 2) reissuing the notice of community meetings/re-starting the 6-week availability notice and comment period; 3) holding at least one additional community meeting; and 4) continuing the November 3 Regional Planning Commission hearing until numbers 1 and 2 above are completed satisfactorily and holding said meeting (and subsequent meetings) in Marina del Rey at night.

Lack of Participation in Preparation of LCP Amendment
As required by Coastal Act section 30503, members of the public were not provided any opportunity, let alone maximum opportunity, to participate in the preparation of the LCP amendment. The public was handed a full draft amendment and had no opportunity to participate in its initial contents. The public did not have a say in land use changes, in circulation changes, in development zone changes to name a few areas.

Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Change in Project Description
I have received the Department of Regional Planning's Notice of Public Hearing on Project Number R2009-02277, RADV200900014, the major amendment to the Marina del Rey Local Coastal Program.

The project description included on the above referenced notice sent by your department in September 2010 has materially changed from the description used in the notice of community meetings/start of the six-week draft LCP amendment availability and comment time period that was sent by your department in August 2010.

The "Description" used in Notice of Community Meetings and Draft LCP amendment availability from August 2010 read as follows:

> "As part of the "roadmap approach" approved by the Board of Supervisors on September 1, 2009, a draft major amendment to the Marina del Rey Local Coastal Program has been prepared aggregating proposed amendments, including the "pipeline" projects, into one major map and text amendment."

The "Description" used in Notice of Public Hearing for the LCP amendment reads as follows:

> "The major amendment to the Marina del Rey Local Coastal Program will re-designate the land use categories of several parcels, provide enhancements to open space, adopt policies to address sensitive biological resources, right size public parking, update to the circulation plan and combine development zones. In addition several minor changes to update the document are also proposed."

The original description was misleading, confusing and lacked the clarity and specificity used in the second notice. This confusion was raised during the community hearings. Residents we talked to thought that the County was undertaking public works projects related to roads and pipelines. This description discouraged participation and this notice was mailed to over 16,000 residents, boat owners and businesses according to your department!

Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Timing of Meetings and Lack of Sufficient Venue Seating Capacity
As stated above, over 16,000 first notices were mailed by your department, yet there were less than 100 seats available at Burton Chase Park where the community meeting was held. At the August 24, 2010 meeting, many members of the public had to sit outside with no adequate sound system in place.

Additionally, the two meetings were held in the summer month of August, when most people are on holidays. The first meeting was held on a Saturday morning in summer.

If your department expected maximum opportunity for members of the public at these hearings, a larger room would have been utilized and the meetings would have been held in September when more residents would be available to attend. Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Location of Regional Planning Commission hearing of November 3, 2010
The Notice of Public Hearing states the November 3, 2010 hearing by the Regional Planning Commissioners will be held in downtown Los Angeles, over twenty miles from Marina del Rey. CCR 13515 (d) states:

> Notice of the local government's or governing authority's hearings on LCP or LRDP documents shall be given general publication and shall be transmitted to all interested persons and public agencies not less than ten (10) working days before the hearing. The hearing required by Public Resources Code Section 30510(a) should be set for a time certain. Where the local government or governing authority determines that it is legal, practical, and would increase public participation, the hearing **should be held in the coastal zone** or in a place easily accessible to residents of the coastal zone. (emphasis added).

While this section does not require this hearing to be held in Marina del Rey, this section states the County should hold the meeting in Marina del Rey if it determines it to be legal, practical and would increase public participation. Since the Regional Planning Commission has held legal regulatory meetings in Marina del Rey in the recent past in which there was standing room only public participation, your department SHOULD hold the hearing in Marina del Rey.

The California Coastal Commission has held meetings at the Marina del Rey Hotel, which is a suitable location for all of LA County's LCP amendment hearings.

Otherwise, members of the public will be denied maximum opportunities to participate in the preparation of the LCP amendment.

Community Meetings Insufficient, Inconsistent and Lacked Disclosure of Key Proposed Land Use Changes
The first community meeting held on August 21, 2010 included a limited ten minute presentation of the proposed LCP amendment. It lacked detail, it did not include the disclosure of numerous land use and policy changes relating to the five alleged "pipeline projects," and it did not disclose

other major land use and policy changes that are unrelated to the "pipeline projects" or whose scope reaches far beyond just those projects. These changes include, but are not limited to:

- 32 acres added to private leasehold rights
- 6 public parking lots are eliminated from the inventory of public facilities in Marina del Rey
- Marina inventory of public parking spaces is reduced by 787 spaces (not correlated to elimination of the 6 lots mentioned above)
- Inventory of public facilities on the public launch ramp is reduced
  - total number of public parking spaces is reduced by 108
  - 227 boater parking spaces are eliminated
- overhaul of public parking pricing policy
- overhaul of public/private shared use parking policy
- overhaul of alternate transportation network (primarily shuttle and waterbus) policies
- elimination of prior replacement policy
- elimination of policy requiring on-site provision of all required parking for privately-developed parcels and
- elimination of boater facility retention/replacement policy for many parcels

Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Bias against Members of the Public Opposed to LCP Amendment/In Favor of Proponents
During the community hearings held on August 21 and 24, 2010, members of the general public were cut off when their three minute speaking time ran out. And if someone continued past their three minutes, a staff member of the Department of Regional Planning attempted to reduce the three-minute time limit of the next member of the public. Unfortunately, members of the public that identified themselves as involved in the development of Marina del Rey, either as lessees/developers or as consultants and lawyers to lessees/developers, were allowed to speak past the three-minute mark.

The Department of Regional Planning staff member in charge of speaker cards and keeping time was found to be re-organizing the speaker cards and segregating opponents of the amendment and proponents of the amendment, changing the order from when a card was submitted. This allowed them to carry out the reduction of time listed in the preceding paragraph. The official timer would start 2nd and 3rd opponent's time before he/she had an opportunity to begin, either because previous speaker had not concluded their thought or audience applause prevented that speaker from being heard (i.e. opponent was punished for conditions outside his/her control).

The Department of Regional Planning allowed most LCP amendment proponents to use the bulk of their speaking time to address issues not pertinent to the amendment. Officials emphasized, and reiterated, that the amendment would not, in itself, constitute approvals for any project, as they were not the subject of the amendment but would be considered independently. Yet, proponent

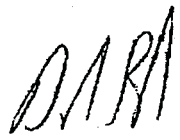
after proponent spent most of their time giving what amounted to sales pitches for their (or their client's) project. The Department of Regional Planning knowingly allowed them to continue off-topic, which severely reduced the amount of time available after the public comment time to address the questions and issues raised by members of the community. Total proponent speaking time at the 2nd community meeting was 33 minutes (not including overtime allowances).

Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Conclusion

We ARE Marina del Rey, on behalf of member of the public demand that the Department of Regional Planning to re-start the process by: 1) reissuing the notice of community meetings/re-starting the 6-week availability notice and comment period; 2) holding at least one additional community meeting; and 3) continuing the November 3 Regional Planning Commission hearing until numbers 1 and 2 above are completed satisfactorily and holding said meeting (and subsequent meetings) in Marina del Rey at night.

Sincerely,



David Barish
Co-Director

CC:
Los Angeles County Board of Supervisors
Richard Bruckner, Director, Department of Regional Planning
Santos Kreimann - Director, Department of Beaches and Harbors
Lawrence L. Hafetz - Principal Deputy County Counsel
California Coastal Commission Staff and Commissioners

Appendix 3

To enrich lives through effective and caring service

Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

July 13, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

REJECTION OF THE PROPOSAL RECEIVED FOR DEVELOPMENT OF A WATER-ORIENTED COMMERCIAL OR MIXED-USE PROJECT WITH ENHANCED BOATER SERVING FACILITIES ON ADMIRALTY WAY (Parcels 49 and 77) - MARINA DEL REY (4th DISTRICT) – (3 VOTES)

SUBJECT

The requested action authorizes the rejection of the sole proposal submitted from a developer interested in developing a high-quality water-oriented commercial and visitor-serving or mixed-use project with enhanced boating amenities on all or a portion of Parcels 49 and 77 in Marina del Rey.

JOINT RECOMMENDATION WITH THE CHIEF EXECUTIVE OFFICER THAT YOUR BOARD:

Authorize the Chief Executive Officer and the Director of the Department of Beaches and Harbors to reject the proposal received from Goldrich and Kest, Inc. for development on Parcels 49 and 77 in Marina del Rey.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Chief Executive Office (CEO) and the Department of Beaches and Harbors (Department) agreed to explore the possibility of developing a high-quality project on Parcels 49 and 77 on Admiralty Way between Mindanao and Fiji Ways in Marina del Rey. The purpose was to: a) use the location as a focal point to enhance the position of Marina del Rey as a major regional destination; and b) generate additional revenue for the County from development.

On May 12, 2009, your Board adopted a resolution authorizing the release of a Request for Qualifications (RFQ) to be followed by a Request for Proposals (RFP) to bidders that qualified through the RFQ process to carry out the County's purposes. The RFQ was issued in May 2009 and responses were due July 6, 2009. As a result of the RFQ

process, Caruso Affiliated and Goldrich and Kest, Inc. (G&K) were invited to respond to the RFP. Only one submission, from G&K, was received prior to the November 17, 2009 deadline for review by the Evaluation Committee.

The Evaluation Committee met to confirm a scoring methodology to be used in the evaluation of the RFP. Following each evaluator's independent review of the written proposal, the group conducted an interview with G&K. Following the interview, the Evaluation Committee compiled its final report. The Evaluation Committee's report (Attachment A) recommended that the County proceed to negotiations with the proposer. However, upon review of the Evaluation Committee's report and as a result of a variety of factors, including subsequent discussions with California Coastal Commission (CCC) staff and community input received at a series of public information sessions held subsequent to the release of the RFQ, as discussed in more detail below, the Department and the CEO have determined that it is in the best interests of the County to reject the proposal.

Specifically, in the period following the issuance of the RFP, the Department held a series of meetings with CCC staff regarding development in Marina del Rey. The purpose of the meetings was to provide clarity to the County on the CCC's position regarding development within Marina del Rey in order to assist with the County's drafting of an amendment to Marina del Rey's Local Coastal Program. In these meetings, CCC staff clearly conveyed its strong preference for new visitor-serving uses at this location, which could be used by both visitors and boaters.

Because the proposed project contains a multi-family residential component in an area that is currently used for commercial and boating purposes, the Department and CEO conclude that the project is unlikely to secure CCC approval, and, thus, it is not prudent to expend the considerable resources likely to be necessary to implement the project. The Department and CEO believe that both the County and G&K could invest several years of time and effort, as well as commit large sums of capital, in seeking approval of a project that did not have CCC support from the outset.

Additionally, the Department held two public information meetings regarding the RFP on August 11 and 25, 2009. At those meetings, public input was received regarding the potential scale of the project and the impacts to boating, and strong opposition was registered to any development that could negatively impact the activities of the existing mast-up storage and public launch ramp facilities. While the project replaces those uses in a one-for-one ratio, resulting in no net loss of storage spaces and parking, the Department feels the change in configuration, as suggested in the proposed site plan and described by G&K during a presentation to the Department Director (Director), requires an improbable adjustment to the existing boating operations.

Therefore, the Department and CEO's final conclusion is that the development of the

parcel as put forth by G&K is not appropriate at this time, and rejection of the proposal is the best recommended course of action. A letter informing G&K of the recommendation to be delivered to the Board of Supervisors was sent on May 27, 2010, as required in item 4.10 of the RFP. Prior to the delivery of that letter, G&K representatives were informed in person during a meeting held April 29, 2010 at the offices of the Department of the recommendation to be forwarded to the Board of Supervisors. Additionally, the Director held a second meeting on May 20, 2010 with G&K and its architectural and marketing teams to discuss the RFP.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended action will allow the County to continue its effort towards the best practices redevelopment of the parcel, which will result in fulfillment of Strategic Plan Goal No. 1, "Operational Effectiveness", Strategy No. 1, "Fiscal Sustainability", and Goal No. 3, "Community and Municipal Services", Strategy No. 1, "Cultural and Recreational Enrichment".

FISCAL IMPACT/FINANCING

There is no fiscal impact associated with the recommended action. The costs of consultants involved in evaluating the qualifications of responsive proposers were funded by existing County resources.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Board's May 12, 2009 resolution afforded the County the unqualified right in its sole and absolute discretion to choose or reject any or all proposals received in response to the RFP and to withdraw the RFP with no recourse for any proposer, as outlined in Section 4.1 of the RFP.

In the event that the proposer is in disagreement with the recommendation intended to be forwarded to the Board of Supervisors, the proposer is afforded the opportunity to request a review by a County review panel of the recommendation per items 4.10 and 4.11 of the RFP.

ENVIRONMENTAL DOCUMENTATION

Approval of the recommended action is not subject to the California Environmental Quality Act (CEQA).

CONTRACTING PROCESS

In accordance with your Board's May 2009 action, the County solicited responses to an RFQ, appointed an Evaluation Committee to both evaluate those responses and recommend a short list for receipt of an RFP, issued an RFP, and evaluated the one proposal received. The Evaluation Committee provided a score of 89/100 per the attached report. Although it was anticipated that the CEO and the Director would jointly make a recommendation for authority to enter into exclusive negotiations with a proposer, rejection of the proposal was an option expressly included in the May 2009 Board action.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is no impact on other current services or projects.

CONCLUSION

It is requested that the Executive Officer, Board of Supervisors send two copies of an adopted Board letter to the Department of Beaches and Harbors.

Respectfully submitted,

William T Fujioka
Chief Executive Officer

Santos H. Kreimann
Director of Beaches and Harbors

WTF:SHK;mk
Attachments (1)

c: County Counsel
Executive Officer, Board of Supervisors

Appendix 4

David Barish - Bakpak Guide

From: "David B - We ARE Marina del Rey" <davidb@wearemdr.com>
To: "Michael Tripp" <mtripp@planning.lacounty.gov>
Cc: "David Barish - We ARE MdR" <davidb@wearemdr.com>; "Daniel Henry Gottlieb" <daniel.gottlieb@gmail.com>
Sent: Monday, November 01, 2010 10:36 AM
Subject: questions follow up

Good morning Michael,

I hope you can get me the info today on the high rise locations 4 on the periphery and 2 on the water.

In addition, I was reviewing the LCP buildout numbers and they dont add up for me. hopefully you can help me sort it out. I have excluded Bar harbor and Del Rey shores from these calculations since they are unbuilt and put back in your totals.

1) Residential units -

2420 Dwelling units allowed per 1996 LCP
(120) Parcel 112 dwelling units
(317) Parcel 12 dwelling units
(68) Parcel 18 dwelling units
(99) Parcel 20 dwelling units
(108) Parcel 141 dwelling units
1708 dwelling units remaining
2044 per proposed LCP Amendment
336 units over stated

How do I reconcile this difference?

2) Hotel units -

1070 hotel units per 1996 LCP
(69) Jamaica Bay
(114) to seniors housing
887 hotel units remaining
505 per proposed LCP Amendment
-382 hotel units eliminated from Bali DZ

is this correct?

3) Restaurant Seats

1875 hotel units per 1996 LCP
(288) 95/LLS
1587 rest. seats remaining
1323 per proposed LCP Amendment
-264 rest seats eliminated

500 reduced from Bali Zone and 288 increase from 95/LLS less 52 for for Parcel 52/GG. Is this correct?

4) Visitor Serving Commercial

206,500 square feet per 1996 LCP
(7,660) Parcel 50
(4940) Parcel 29

(3600) Parcel 12
(11,400) 95/LLS
178,900 sq ft remaining
273,741 per proposed LCP Amendment
94,841 sq feet added

is this correct?

thanks Michael,

David

Appendix 5

Preliminary Analysis: Sensitive Biological Resources Conservation Management Plan Study

Marina del Rey Local Coastal Program Proposed Amendments County of Los Angeles

Report prepared for
We Are Marina del Rey

By
Marcia Hanscom
environmental policy analyst
for public interest groups

November 2, 2010

Executive Summary:

This report is an analysis of the proposals the County of Los Angeles is considering to submit to the California Coastal Commission related to Local Coastal Program (LCP) amendments for the Marina del Rey section of the California coast.

Conclusions include:

1. The County is suggesting a new category of protection for habitat. i.e., "Sensitive Biological Resources." While the County is to be applauded for recognizing the fact that such habitats and species do exist within the Marina del Rey LCP area, this new category is not recognized in the Coastal Act or the Public Resources Code and, therefore, must be rejected and these resources must be designated, as the California Coastal Commission and its ecologist have recommended, as Environmentally Sensitive Habitat Areas (ESHA.)

   §30116 of the Public Resources Code, which is quoted by the County in its staff report in order to justify this such a new category of classification, clearly was meant by the writers of this law to be a broad category for overall coastal planning, not one meant to describe biological resources alone, as the definition includes visitor destination areas and areas suitable for low income housing.

   Section 30116 Sensitive coastal resource areas
   "Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:
   (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
   (b) Areas possessing significant recreational value.
   (c) Highly scenic areas.
   (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
   (e) Special communities or neighborhoods which are significant visitor destination areas.
   (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate- income persons.
   (g) Areas where divisions of land could substantially impair or restrict coastal access.

That said, the Coastal Act provides for strong protection of such environmentally sensitive habitat areas. The Bolsa Chica appellate decision clarified that ESHAs can not be moved and must be protected, and even ESHA-adjacent areas must be protected in order to preserve the ESHA. So that private property rights are properly balanced with this part of the law the Coastal Commission has developed and approved developments adjacent to ESHA and in small parts of ESHA where there is no other alternative for development. Still, while this ESHA designation may seem challenging for the County to work with, the ESHAs on the Los Angeles coast in Marina del Rey are no less important to protect than ESHAs in other parts of the state.

An ESHA designation is the only guaranteed manner in which to categorize resources such as the wetlands and related habitat at Oxford Lagoon (deemed by the County as Oxford Retention Basin), wetlands and related habitat at Parcel 9U and avian rookeries and roosting colonies identified by Ballona Institute in previous communications to the Coastal Commission.

2. Removing Area A of the Ballona Wetlands Ecological Reserve from the Marina del Rey Specific Plan area does not make total sense, as this area is vitally connected to habitat areas and stormwater flows in the marina. More consideration of the implications of this removal is warranted.

3. The Conservation & Management Plan is deficient, in data collection, data analysis and conclusions. Some examples are included in this analysis.

4. Policy re-writes needed are significant in Section 5 of the LUP (Land Use Plan) and will be addressed at a later time. At this time the emphasis needs to be on properly designating ESHA and wetlands for the areas which have been identified as such.

Sensitive Biological Resources vs. ESHA

ESHA protection is one of the strongest policies in the California Coastal Act, and arguably it is what the public expected of its leadership when voting to pass Proposition 20 in 1972, the voter initiative responsible for the enactment of what is now the law that the Coastal Commission and others, such as the County of Los Angeles, are required to uphold.

ESHA Policy Framework

One of the primary objectives of the California Coastal Act is to preserve, protect, and enhance environmentally sensitive habitat areas (ESHA). Section 30107.5 of the Coastal Act defines an "Environmen-tally sensitive area" as:

Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The central provisions of Chapter 3 of the Coastal Act aimed at protecting ESHA include Sections 30240, 30230, 30231, and 30250a:

- Section 30240 prohibits any significant disruption of habitat values, and limits development within ESHA to uses that are dependent on the resources. It also requires that development adjacent to ESHA to be sited and designed to prevent significant degradation, and be compatible with the continuance of the habitat.

- Section 30230 applies to marine habitats, and calls for the maintenance, enhancement and restoration (where feasible) of marine resources, with special emphasis on areas and species of special biological or economic significance. Pursuant to this section, all uses of the marine environment must sustain the biological productivity of coastal waters, and maintain healthy populations of all marine organisms.

- Section 30231 provides that the biological productivity of coastal waters, streams, wetlands, estuaries, and lakes must be maintained and, where feasible, restored. This is to be achieved by, among other means: minimizing adverse effects of wastewater discharges and entrainment; controlling runoff; preventing

depletion of groundwater supplies and substantial interference with surface water flow; encouraging wastewater reclamation; maintaining natural buffer areas that protect riparian habitats; and minimizing alteration of natural streams.

- Section 30250a directs new residential, commercial, or industrial development to existing developed areas. Where developed areas can not accommodate new development, is to be located in other areas where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Environmentally Sensitive Habitat Areas. Coastal Act § 30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas . . . shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat . . . areas.

Protecting Marine Resources. Coastal Act § 30230
Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance.

Environmentally sensitive habitat areas ("ESHAs") are afforded heightened protection. First, section 30240(a) of the Coastal Act prohibits any significant disruption of the ESHA's habitat values. Second, section 30240(b) of the Coastal Act requires that development outside but adjacent to ESHAs be sited and designed to prevent impacts that would significantly degrade those areas. Finally, section 30230 affords extra protection to areas and species with special biological significance. These protections are vitally important to the resources which are, especially in increasingly urbanized areas of the California coast, "rare or especially valuable" according to the ESHA definition.

While it may be accurate to state that a previous Coastal Commission, in 1996, removed any ESHA designations from the Marina del Rey LCP, there remained in the approved LCP a definition for ESHA, as well as there remains a definition in the Coastal Act, which all LCPs must comply with, and, therefore, which provides the basis for re-assessing the situation on the ground. In practice and as a matter of acknowledgement of the changes nature is capable of, the on-the-ground situation is what guides the Coastal Commission and other entities responsible for upholding this important tenet of the California Coastal Act for determination of ESHA.

The Coastal Commission's ecologist, Dr. Jonna Engel, completed such an assessment and reported to the Commission, recommending that all rookeries and roosting colonies for Great Blue Heron *Ardea herodias*, Green Heron *Butorides virescens*, Great Egret *Ardea alba*, Snowy Egret *Egretta thula,* Double-crested Cormorant *Phalacrocorax auritus,* and Black-crowned Night Heron *Nycticorax nycticorax* be designated as ESHA. While Planning staff initially did not recommend such ESHA designation, the Coastal Commission heard and considered further evidence from the public at the January, 2008 hearing in Marina del Rey and unanimously recommended to the County that such areas, as well as wetland areas at Oxford Lagoon and Parcel 9-U be designated as ESHA.

ESHA designation for these areas is the only legally allowable choice for the County in order to comply with the California Coastal Act.

Conservation & Management Plan: August, 2010

We appreciate the effort the County went to hire consultants to compile a rather lengthy document summarizing the County's consultants' (Robb Hamilton & Dan Cooper) position on the roosting colonies and rookeries of the Egret, Cormorant and Heron populations in Marina del Rey. The photos, maps and field notes are all greatly appreciated in order to properly review this plan. In future hearing opportunities and decision-making points there will be more opportunity to comment in greater detail, given the volume of work within this plan.

While this report does fill a gap of some information needed to make an informed decision related to efforts to protect these birds and their essential and critical habitat, this report is deficient in both its data collection, as well as its conclusions.

For instance, while Dr. Engle's report of 12.19.06 was prompted by reports from Los Angeles Audubon leaders of significant disruption of bird habitat by the way of "tree trimming" at the end of Bora Bora Way, there is little mention of this area as a large roosting colony for Snowy Egret and Black-crowned Night Heron.

One significant report missing from the citations in this new plan is a report compiled by wildlife biologist (qualified as such by the United States Interior Department and California Dept. of Fish & Game) Robert van de Hoek and submitted to both the California Coastal Commission and California Department of Fish & Game (DFG) in 2001 after the first public conflict over Heron nesting trees at Villa Venetia in December, 2000. This report is

significant, as it documents important information about previous Great Blue Heron nesting activities in the nearby Ballona Wetlands area, as well as being the first publication to acknowledge and document that DFG nesting period estimates are far off from reality in more subtropical climates like Los Angeles. Despite previous repeated efforts by Dr. David De Lange, van de Hoek and others to insure this report is included as part of official documentation of information about Heron nesting, the County and its consultants continue to ignore it.

There are also flaws in conclusionary statements that are not backed up by any evidence, such as the statement that "All of Marina del Rey's landscape trees, including those used by nesting birds, require occasional pruning, or in some cases, removal."

In addition, there are suggestions and recommendations made which could clearly be violative of either California state law and/or federal law. Here is an example:

> (2) amending the policy to include review and approval by a biologist before any waterbird nest could be removed or rendered unusable as a result of non-emergency pruning deemed necessary by an arborist or other landscape specialist.

There are concerns among those in the bird protection community that nests of bird species considered philopatric should not ever be removed, as such removal interferes with nesting behavior, disrupting opportunities which otherwise would enable more than one nest per season per bird parent pair. Such interference with nesting behavior is unlawful under the California Fish & Game code.

Additionally, this plan includes significant amounts of information from Jeffrey Froke, even though, as a County consultant, his methods and information on colonial nesting waterbirds previously were thoroughly discredited by testimony presented at the Marina Design Control Board by Dr. David De Lange, Past President of Los Angeles Audubon. The Chair of the Design Control Board subsequently voiced her opinion as impeachment of Dr. Froke's testimony.

The authors of this plan go to great lengths to discredit the idea that any of the colonial waterbirds mentioned in the plan ever nested in the area. While their theory is based on assumptions and lack of data, the conclusion is irrelevant. The birds are currently nesting and roosting in colonies significant enough that the Coastal Commission and its ecologist have stated these areas qualify as ESHA. It is that current habitat status that is important in designating these areas as ESHA and providing subsequent protection.

The public overwhelmingly supports ESHA designation, and subsequent guaranteed protection, for these areas, as well. The authors go so far as to disparage these birds, suggesting they know which birds would be preferable to the presence of the Herons, Egrets and Cormorants. Perhaps they've forgotten or never saw the Los Angeles Times' editorial when, in August, 2001, it was perceived that state officials and developers were close to an acquisition deal to preserve hundreds of acres of land at the Ballona Wetlands, adjacent to and once part of the coastal marsh lands now known as Marina del Rey.

The Herons' Park Forever was the headline. It was just over two years later, with political changes in the wind and even more land placed in the acquisition deal that finally more than 600 acres of land at Ballona was placed in state ownership, all but the 26-acres freshwater marsh now being part of an Ecological Reserve. The Herons referred to in that editorial were born in Marina del Rey, and the interconnection of the Marina del Rey with the lands just to the south and east, where Herons gather their nesting materials and forage for small mammals, especially when juveniles, can not be ignored. Clearly, the Times editors acknowledged the importance of the Great Blue Heron, and now that Double-crested Cormorant, Great Egret and Snowy Egret have joined the Black-crowned Night Heron, Green Heron and Great Blue Heron in raising families at Marina del Rey in the Ballona Valley, these birds' status must be honored, not disparaged.

Marina del Rey's place as a part of the Ballona Valley, indeed a part of the Greater Ballona Wetlands Ecosystem, must be understood from a geographical standpoint, as well as a biological standpoint. When considering these factors, it becomes clear why ESHA status for the colonial nesting sites and roosting colonies, as well as wetlands at Oxford Lagoon and Parcel 9-U makes sense. In this context, no longer are these bird roost and rookeries simply dismissed as "nests of birds that somehow began accidentally taking up residence in landscape trees in an urban marina."

In fact, background information in the Hamilton/Cooper plan support and demonstrate how Marina del Rey is simply part of a larger coastal ecosystem. It is their conclusion that the birds' presence is not wanted or important to the ecosystem that is flawed.

Parcel 9-U is improperly characterized, as the majority of this parcel includes various types of seasonal wetlands. Noticeably absent from the plants listed in the background for this plan is Seaside Heliotrope *Heliotropium curassivicum*. This obligate wetland species grows in large areas of the northern and central part of this parcel, but may not have been noticeable during the times of year when it looks like it dies back, but in fact remains alive underground in its roots. Including proper buffers and wetland transition areas, and given photographic evidence

in the record with the Coastal Commission of this site being used extensively as foraging grounds for various bird species, this entire parcel needs to be classified as ESHA.

In addition, the Coastal Act does not allow for a change from one type of wetland to another. Why seasonally-functioning wetlands of the types currently found on Parcel 9-U would need to be altered to a tidal wetland, especially when historically this area was not likely tidally influenced in any significant manner, is puzzling and unacceptable, as well as being dishonoring of the ESHA habitat currently functioning there. Removal of nonnative plants (by hand) and planting additional natives, combined with completion of a perimeter trail and some minimal educational signage is all that is needed and all that should be allowed at Parcel 9-U, given the constraints and characteristics of the site.

It is good to see acknowledgement of County-owned lands on the perimeter of the Ballona Wetlands Ecological Reserve along Fiji Way. No other public forum has been willing to open this topic for discussion, so it is appreciated that the authors of this plan invited such discussion. Extensive talks involving all stakeholders should be convened for this purpose.

Oxford Lagoon is indeed a wetland, as evidenced by the wetland vegetation present. While the plan authors suggest a need for food sources for birds there, it is clear from regular observation that birds already find abundant food in this location. A transparent and inclusive process with stakeholders is important for the County to convene in order to determine the management regime that will be decided upon. Still, the physical and biological characteristics of the site define it as a wetland and ESHA.

POLICIES in the LUP (Land Use Plan) that need REWRITES:

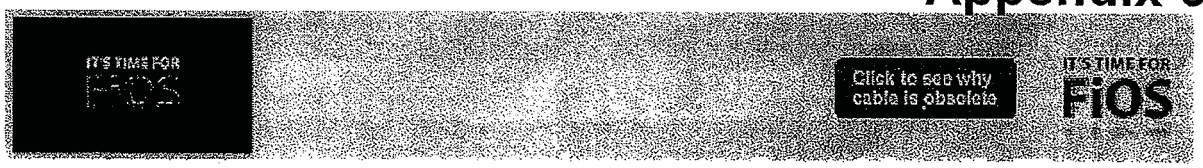
Obviously, due to the ESHA discrepancies discussed above, the policy at 5-1 in the Draft LUP (Land Use Plan) needs to be re-written to reflect that there are, indeed, areas which rise to the level of ESHA. Various environmental organizations, including Ballona Institute, Natural Resources Defense Council (NRDC), Los Angeles Audubon, CLEAN, Sierra Club and others, as well as the Coastal Commission (unanimously) and its Ecologist, Dr. Jonna Engel, have all determined that the wetlands at Oxford Lagoon and Parcel 9-U, as well as colonial waterbird rookeries and roosting colonies qualify as ESHA.

This statement - "Marina del Rey is a highly urbanized area that is dominated by human activities" - is not accurate from the point of view of the amazing amount of marine life in the marina waters, which also must be classified as ESHA and protected to the greatest extent that

the law allows. Of course, the reason for so characterizing the marina appears to justify the claimed non-existence of ESHA, which the evidence overwhelmingly refutes.

There exist numerous additional re-writes necessary from page 5-1 through 5-18 and those re-writes will be suggested in future comments, but until the ESHA and wetland designations are determined properly all of the other suggestions for protection are window-dressings on a policy that does not sufficiently protect these important coastal habitats.

Appendix 6



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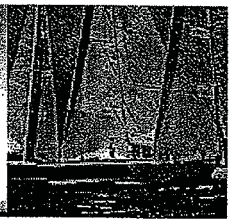

Print Page

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Looking back on how the Marina was created: Part XXVIII — Conclusion

BY HELGA GENDELL

Part XXVIII is the conclusion of the Marina del Rey history series, with a follow-up of reported legal ramifications at the time for then state Sen. Alan Robbins and Mark Nathanson, a real estate developer and former member of a state and county commission.

An interview with James A. Fawcett, Ph.D., the former chief of planning for the Los Angeles County Department of Beaches and Harbors (DBH) from April 1993 to July 2000, details the origin of the Marina del Rey Long Term Asset Management Strategy (LTAMS).

Part XXVII of the series covered the news reports of the legal ramifications at the time for then state Sens. Joseph B. Montoya and Robbins, and the investigation of Nathanson, a former member of the California Coastal Commission and the county Small Craft Harbor Commission, by the FBI for the alleged extortion of a San Diego businessman.

Robbins resigned his Senate seat in November 1991 and was sentenced to five years for political corruption, entering federal prison in June 1992.

Nathanson was sentenced in August 1993 to four years and nine months for using his office to extort payments, entering federal prison in December 1993.

Fawcett is the director of the Marine Science & Policy Outreach Sea Grant Program at the Wrigley Institute for Environmental Studies, and adjunct professor of Public Policy at the School of Public Policy, Planning and Development, University of Southern California.

The Asset Management Strategy is online at the Beaches and Harbors Web site under Marina del Rey redevelopment and is described as a "proactive strategy" designed to accomplish three objectives:

Provide a framework within which to make short-term Marina del Rey leasing and development decisions so that they remain consistent with redevelopment goals when Marina leases expire, largely between 2020 and 2030;

Provide programs to encourage redevelopment and refurbishment while ensuring quality maintenance of leasehold facilities during remaining lease terms; and

Effect a strategy for the Marina's second generation development that better integrates recreational and commercial/residential areas, recognizing the need to establish Marina del Rey as an exciting and user-friendly attraction to both Southern California residents and tourists alike.

Fawcett told The Argonaut, "The bottom line is that after the 1995 LCP (Local Coastal Program) was amended, DBH missed a great opportunity by not going back to the drawing board to continue the planning process started in 1994.

"The mission should have been to involve the public as well as the lessees, crafting a future vision for the Marina that reflected the needs of the entire community. If Stan (Wisniewski, former director of DBH) had been sincere about that kind of effort, he and the county could have probably avoided much of the distrust and rancor that has characterized the relationship between DBH and the community over the past decade and a half. But, it would have taken a commitment to act like planning mattered to the Marina instead of treating the mission as one merely of property management. In the end, vision counts," said Fawcett.

Fawcett recalled his tenure with the Department of Beaches and Harbors:

"When I arrived at the Department of Beaches and Harbors in April of 1993, one of the first things I noted was how difficult it was to read and interpret the Local Coastal Program for Marina del Rey," he said.

"Moreover, it lacked any real sense of being a master plan. Oh, sure, it indicated the allowable uses on each parcel as well as the density allowed, but it didn't really offer any vision of what the Marina could or wanted to be in the future.

"To an urbanist whose extensive graduate research had been focused on implementation of the Coastal Act of 1976, this was a golden opportunity to take the planning memorialized in the existing LCP and grow it into a vision for Marina del Rey," he continued.

Over the months, Fawcett said he talked with the county's planning consultants at Gruen Associates and the planner with primary responsibility for Marina del Rey, John Stutsman. After Fawcett had "really gotten my feet wet evaluating the existing LCP document and with the good counsel of Stutsman," they approached Wisniewski, proposing that "we work together and develop an effective long-range plan for the Marina."

"Stan, never one to hold much faith in planning to begin with, was reluctant to allow us to move on this path, and in fact, would not permit such an effort," Fawcett claimed.

At the same time, as leases were expiring and coming up for renegotiation, and with the input of the department's economic consultant, Fawcett said, "It became apparent to Stan that he really didn't have good tools to decide where redevelopment would be most financially productive for the department and the county.

"In the end, economic considerations made it apparent to him that he needed a tool to evaluate how the Marina would evolve. While the objective of our proposed planning effort was more focused on design and land uses, (Wisniewski) was always more focused on real estate and revenue streams to the county," said Fawcett.

Early in 1995, Wisniewski gave Gruen and the DBH planning staff the green light to move forward with what was originally called the "Long Term Management Study" for Marina del Rey, since even the planners' and consultants' approach would provide him with some of the tools that he found necessary, Fawcett explained.

Gruen and senior DBH planning officials conceived of the study as a series of "charrettes" that would bring together various parties with an interest in the future of Marina del Rey, providing information for Gruen to develop a kind of first-draft consensus plan that could then be used in public meetings to gather input and ideas from other stakeholders in the process, Fawcett continued.

"In the first instance — in the charrettes, however, the team would be limited to about 15 people consisting of Beaches and Harbors planning and asset management staff, Gruen design staff, 'consultants with specific experience in Marina del Rey, and other real estate professionals with varied backgrounds to discuss the challenges and opportunities facing the county with regard to the future of Marina del Rey up to the year 2025.' The objective was to provide 'concepts for consideration' rather than a finished plan," stated Fawcett.

[Two comments in the above paragraph by Fawcett refer to the Sedway, Kotin, Mouchley Group and Gruen Associates; 1995, Marina del Rey Long Term Asset Management Strategy,Workshop Briefing Book].

The original idea was for the LTMS to be vetted with the public and evolve into a full-fledged land use planning effort for the Marina, and the results of the charrettes would produce a "good starting point for that process," he said.

"As Stutsman and I explained many times to director Wisniewski, the result of the charrettes would be a 'plan for a plan, not a finished plan,' meaning that there remained a great deal of work to be done both with residents of the Marina as well as with other stakeholders with an interest in what Marina del Rey might become because they were the real constituents of the plan.

"We wanted to ensure that Stan knew that this work would result in a draft, not a finished plan," Fawcett explained.

Fawcett continued, "Unfortunately, all of this occurred as the Los Angeles County Department of Regional Planning worked with the Department of Beaches and Harbors to prepare a major amendment to the existing LCP. That effort had been underway for a couple of years and was in its final stages in 1995 before being reviewed and ratified by the Los Angeles Regional Planning Commission and the county Board of Supervisors before being submitted for approval by the California Coastal Commission.

"Fearing that the Coastal Commission would reject the amendment to the existing LCP if they discovered the county was operating on a parallel path to prepare a similar long-range plan — however different the two would be — Wisniewski ordered the name and direction of the planning effort to be redirected into what would become known as the 'Long Term Asset Management Strategy,'" Fawcett said.

"Although the work had been conceived fundamentally as a planning project, it now would appear to the Coastal Commission and others that in fact the county was merely looking after its real estate assets in the Marina and that the work was truly independent of the LCP amendment.

"To the planners involved both from the DBH and Gruen, the approach was acceptable because we felt that once the LCP amendment was approved, we could return to looking at this as a long-term planning effort. We were either na've or misguided in that belief by a director and perhaps others who did not want long-range planning to proceed outside the boundaries set by the state's LCP process," said Fawcett.

The need for planning was evident in the introduction to the LTAMS. Under the heading of "objectives," he points out that the report states, "Without a pro-active (sic) asset management position, the current downward trend of the Marina in terms of the quality of improvements and its competitive position as a high-end residential and recreational area, will continue and result in a deteriorated revenue flow to the County." (3) LTAMS, p.1-2.

Fawcett then said, "But the following paragraph revealed the more compelling objective-revenue generation for the county, rather than effective land use planning. It reads, 'The objective of the LTAMS workshop is to produce one or more potential long-term development concepts for the Marina that will assist in maintaining and enhancing the quality of the Marina into the future.

"'This process assumes that by developing a vision that pursues quality investment and repositioning of the Marina in the marketplace, greater future revenues for the county will be generated. It is hoped that the results of this workshop and the accompanying revenue projections will be compelling enough at a financial level to persuade the county Board of Supervisors to allow county asset management staff to pursue the preparation of an implementable LTAMS, and/or interim development guidelines.'

"Thus, the original objective of long-term planning to help the Marina meet the needs of the public was turned on its head into a real estate-based effort to derive more revenue from the existing leases," said Fawcett.

The Regional Planning Commission and later the Board of Supervisors approved the amendment in 1995, and the Coastal Commission approved the major amendment to the LCP in early 1996, he said.

"For those of us who believed that the long-term planning effort should resume, focused on a long-term plan for the Marina rather than a short-term asset management strategy, the train had left the station. The LTAMS no more resembled the original objective of the planning team and instead was larded primarily with financial data, giving the department's asset managers better

information with which to renegotiate leases with the existing lessees," Fawcett noted.

"Ironically, in a 1994 conversation, one of the county's consultants proposed to the director and the planning staff a future option of collapsing all property ownership on each mole road into a single leasehold permitting creative land use strategies, and even perhaps moving the roadway location on the mole conducive to development of unified design and perhaps creating unique environments on each mole," he continued.

"Notions such as that inspired the planners both at Beaches and Harbors and its consultants to propose the original LTMS. The irony is that the same economics consultant was equally active in supporting its conversion into the strictly real estate document that ultimately emerged," said Fawcett.

Fawcett continues, "In the end, the public never really had the chance to help the county rethink what Marina del Rey might be since the LTAMS ultimately was an internal asset management document, a tool for the county's asset managers to use in negotiating with lessees.

"As the 1995 LCP major amendment went to its final hearing before the Coastal Commission, one of the commissioners, a supervisor in San Diego County, resignedly noted when considering the amendment, 'Well, this isn't the way we would do things in San Diego, but I guess if you folks in L.A. County are happy with this plan, I won't stand in your way.' Of course, he was referring to the vast public spaces provided in Mission Bay and comparing it to the real estate-driven approach to development in Marina del Rey," Fawcett said.

Fawcett said that as far as he is aware, the LTAMS continues to be used by Department of Beaches and Harbors asset managers and no real long-range planning has been either proposed or attempted since the mid-1990s.

"Around the middle of the 21st century, all of the Marina's leases will expire and the citizens of the county will once again have the opportunity to reconsider whether Marina del Rey is fundamentally a recreational resource for the citizens of the county or a cash cow for the Board of Supervisors. Rethinking land use in Marina del Rey will be an interesting exercise; it's just too bad that the public had so little opportunity this time to be a part of that process," Fawcett said.

HAMILTON BIOLOGICAL

November 12, 2010

ATTACHMENT 3

MEMORANDUM

FROM: Robert Hamilton and Dan Cooper
TO: Andi Culbertson, Culbertson & Adams LLP

SUBJECT: RESPONSE TO COMMENTS OF MARCIA HANSCOM ON THE MARINA DEL REY CONSERVATION & MANAGEMENT PLAN

Dan Cooper and I have reviewed Marcia Hanscom's November 2, 2010, "preliminary analysis" of our Conservation and Management Plan (Plan), prepared on behalf of a group called "We Are Marina del Rey." Our responses to Ms. Hanscom's comments are presented in this memorandum.

Ms. Hanscom's overarching assertion is that, despite providing some worthwhile baseline information on biological resources, the Plan does not properly treat wetlands or Environmentally Sensitive Habitat Areas (ESHA). Although her analysis is lengthy, it does not include any observational data or other factual evidence demonstrating putative flaws in our study methods or in the Plan's conclusions. The analysis contains many comments and assertions, some of which address technical, non-biological aspects of the California Coastal Act. In this response, we address only the material that directly concerns biological resources and our Plan, beginning on Page 4 of Ms. Hanscom's analysis.

Pages 4 to 6: ESHA Issues

This part of the analysis (1) describes the Coastal Act's "ESHA Policy Framework" by quoting extensively from the Act, (2) acknowledges that designated ESHA are absent from the Marina del Rey LCP, (3) notes that the Coastal Commission has recommended designating all waterbird nesting colonies in Marina del Rey as ESHA based upon a memorandum dated December 19, 2006, from staff biologist Dr. Jonna Engel, and (4) asserts that "ESHA designation for these areas is the only legally allowable choice for the County in order to comply with the California Coastal Act." Points 1, 2, and 4 do not represent critiques of the Plan, but the Plan does explicitly evaluate whether waterbird colonies in Marina del Rey satisfy ESHA criteria as defined in Section 30107.5 of the Coastal Act, and therefore we will respond to Point 3.

It is our belief that Dr. Engel recommended an ESHA designation for all trees used for nesting by colonial waterbirds relying upon insufficient information on (a) the population status of these birds in Marina del Rey and elsewhere in the region, and (b) the capacity of urban waterbird colonies to habituate to routine human activities near their nesting trees.

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The driving force behind development of this plan was to address these data deficiencies so that the final determination of ESHA or non-ESHA in Marina del Rey may be based upon a foundation of solid scientific information. This is why the Plan provides such detailed discussions of such topics as (a) the historical and current population status of colonial waterbirds in Marina del Rey and the wider region, (b) the capacity of colonial waterbirds to habituate to nearby human activities in urban vs. rural settings, and (c) documentation of herons predating the chicks of California Least Terns and other bird species. This information has been thoroughly reviewed by biologists from the California Department of Fish and Game, Los Angeles Audubon Society, and the Natural History Museum of Los Angeles County, and we have incorporated their comments and critiques into the current plan.

Rather than evaluating the validity or relevance of the new information we have provided, Ms. Hanscom simply declares that the issue was settled by Dr. Engel's memorandum, prepared years before our study was completed. As such, her "analysis" is not so much a legitimate critique as a plea for others to ignore our work and our conclusions. Although we believe that the Plan itself provides ample evidence demonstrating that the resources in question fail to rise to the level of ESHA, we will take the opportunity to address this critically important topic in this forum. Please note that the Plan provides a much greater level of detail for the topics discussed below.

An area may be designated as ESHA if it satisfies Section 30107.5 of the California Coastal Act, which defines an "environmentally sensitive area" as follows:

> . . . any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

As noted previously, Jonna Engel prepared a 2006 memorandum recommending ESHA designation for all non-native tree stands supporting waterbird nesting colonies in Marina del Rey. After receiving input from the public, the Commission adopted Dr. Engel's recommendation in last year's "Adopted Revised Findings to Support the Commission's January 9, 2008 Approval of the Los Angeles County's Marina del Rey Periodic LCP Review Staff Report and Recommendations." Nobody is questioning whether colonial waterbirds warrant high levels of protection, whether in Marina del Rey or elsewhere. The question is whether the non-native landscaping trees that support waterbird colonies in Marina del Rey satisfy the ESHA criteria spelled out in Section 30107.5 of the Coastal Act.

The first part of Section 30107.5 indicates that ESHA may apply to "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem." This is a subjective criterion open to various interpretations. Herons, egrets, and cormorants are charismatic birds of great interest to the public, and all play integral ecological roles in southern California's coastal wetland ecosystems. The species in question are not, however, designated as rare, threatened, endangered, fully protected, or species of special concern by any governmental agency. To the contrary, during the past two decades these species have demonstrated remarkable capacities to expand their populations by colonizing human-altered environments. See, for example, Harry

Carter et al.'s 1995 *Population Size, Trends, and Conservation Problems of the Double-crested Cormorant on the Pacific Coast of North America* (Colonial Waterbirds 18, Special Publication No. 1, pp. 189–215); Philip Unitt's 2004 *San Diego Bird Atlas* (Proceedings of the San Diego Society of Natural History No. 39.); and John Kelly et al.'s 2006 *Annotated Atlas and Implications for the Conservation of Heron and Egret Nesting Colonies in the San Francisco Bay Area.* These references, and others, document general expansion of colonial waterbird nesting colonies across large and disparate parts of California, mainly through colonization of non-native landscape trees and artificial platforms in urban/suburban areas and at reservoirs.

In further support of this conclusion, we point to a letter dated September 23, 2010, from Edmund Pert, South Coast Regional Manager for the California Department of Fish and Game, to Dr. Engel, commenting on our Plan:

> As discussed in the Plan, various colonial waterbird species have substantially expanded their local and regional breeding populations in recent decades, largely by colonizing urban coastal areas like Marina del Rey. Such areas formerly appeared to be too disturbed or otherwise compromised by human activities to support substantial nesting colonies, but starting in the 1990s the birds have rapidly adapted to urban conditions and we see no signs of this trend diminishing.

We see little evidence to suggest that existing laws and policies are failing to provide a high level of protection for colonial-nesting waterbirds or their habitats at Marina del Rey. To the contrary, it is evident to us (and apparently to Ms. Hanscom and everyone else) that colonies of herons, egrets, and cormorants are thriving at Marina del Rey. We attribute this mainly to protections afforded under existing state and federal laws, and under the County Department of Beaches and Harbor's Policy No. 23 ("Tree Pruning in Marina del Rey and on County Beaches in Accordance with Native Bird Breeding Cycles"). As discussed in our plan, we have recommended strengthening Policy No. 23 by requiring the review and approval of a biologist before any non-emergency pruning that would impact a waterbird nest (i.e., during the non-breeding season). We do not believe that designating nesting trees as ESHA would represent an effective means of improving upon the already-high level of protection afforded to these species in the existing condition.

The second part of the ESHA criterion requires that the resource "could be easily disturbed or degraded by human activities and developments." Dr. Engel attempted to demonstrate satisfaction of this ESHA requirement on Page 6 of her 2006 memorandum:

> Herons and egrets are normally shy and retiring birds that are sensitive to human disturbance. The fact that they have established roosting and nesting sites in areas of high human density and disturbance suggests that suitable roosting and nesting areas are scarce and they have miraculously adapted in spite of human disturbance. Herons do habituate to non-threatening repeated activities, which explains the location of Southern California heronries in highly disturbed areas. Even so, most studies recommend a minimum 984 feet buffer zone from the periphery of a colony in which no human activity should take place during courtship and nesting season[1].

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[1]Butler, R. W. 1992. Great Blue Heron. *In* The Birds of North America, No. 25 (A. Poole, P. Stettenheim, and F. Gill, Eds.).

The first sentence in Dr. Engel's explanation states that herons and egrets are "normally shy and retiring" and "sensitive to human disturbance." None of the biologists who have studied urban heronries colonies in southern California has suggested that the birds are easily disturbed or degraded by human activities or developments. More typical are the characterizations provided by Philip Unitt in his 2004 *San Diego Bird Atlas*:

> . . . the Great Blue Heron has become thoroughly integrated into the domesticated environment. Many colonies are directly over places heavily trafficked by people, the nesting birds being indifferent to human activity below.

Or, regarding the Black-crowned Night-Heron:

> All the major colonies are in planted trees in areas heavily used by people [and] the night-herons are surprisingly indifferent to people, especially while they are foraging at night.

The second sentence in Dr. Engel's explanation asserts, "The fact that they have established roosting and nesting sites in areas of high human density and disturbance suggests that suitable roosting and nesting areas are scarce." This pattern of successful colonization of urban settings up and down the state indicates to us that the birds have discovered that places like Marina del Rey satisfy all of their habitat needs, including ample prey, water, and large numbers of tall trees for nesting. As discussed previously, strict local, state, and federal resource protection laws keep the vast majority of people from inflicting damage to nesting waterbirds, and so the birds readily habituate to humans in these settings.

The third sentence in Dr. Engel's explanation states, "Herons do habituate to non-threatening repeated activities, which explains the location of Southern California heronries in highly disturbed areas." But in order to qualify as ESHA, it is required that the resource in question "could be easily disturbed or degraded by human activities and developments." This admission that the birds are known to colonize "highly disturbed" settings, where they readily habituate to human activities, undercuts the argument that the urban-adapted birds of Marina del Rey qualify for ESHA protection.

The final sentence in Dr. Engel's explanation states, "Even so, most studies recommend a minimum 984 feet buffer zone from the periphery of a colony in which no human activity should take place during courtship and nesting season." This is because most studies of colonial waterbirds take place in natural areas, where the birds may not be able to effectively habituate to human intrusions. As discussed at length in our Conservation and Management Plan, the very act of limiting non-threatening human presence around urban colonies (through establishment of buffer zones) could have the unintended consequence of causing the birds to react more strongly to the occasional—and inevitable—human intrusion than they currently do when such intrusions are routine and the birds become habituated to them.

Philadelphia: The Academy of Natural Sciences; Washington, DC: The American Ornithologists' Union.

In summary, there is no reason to suspect that the routine, non-threatening activities of people going about their business represent significant sources of disturbance to birds that choose to establish nesting colonies in Marina del Rey or other urban areas in southern California. The fact that the birds are thriving in this area without ESHA designations or the establishment of buffer zones indicates that existing management of the marina is doing an excellent job of creating the conditions necessary for maintaining healthy populations of these birds moving forward.

Pages 6 to 10: Other Issues

On Page 6, Ms. Hanscom suggests that the Plan makes "little mention" of the "large roosting colony" of Snowy Egrets and Black-crowned Night-Herons at the end of Bora Bora Way. In fact, the Plan makes extensive mention of this site, but focuses on the area's roles as a nesting colony for Great Blue Herons and Great Egrets, and as an important foraging area for several species (at the fuel-bait dock); see Sections 3.1, 3.4, 3.4.3, 3.5, Table 3–2, and Figure 3–19.

On Page 6, Ms. Hanscom complains that the Plan fails to incorporate data from an unpublished 2001 report by Roy van de Hoek regarding historical heron nesting in Marina del Rey. In fact, we made repeated attempts to glean any such information from Mr. van de Hoek and other local observers; this included e-mails to Mr. van de Hoek and/or David De Lange on July 17, 2009, October 21, 2009, and December 6, 2009. Our efforts at reaching out to these individuals are referenced in a footnote on Page 2.3 of the Plan. We were not aware of the existence of the report Ms. Hanscom refers to, and a search on Google does not locate it.

On Page 7, Ms. Hanscom claims there are "flaws in conclusionary [*sic*] statements that are not backed up by any evidence, such as the statement that 'All of Marina del Rey's landscape trees, including those used by nesting birds, require occasional pruning, or in some cases, removal.'" We made a sincere effort to cite sources for all our conclusions. In some cases in a long report such as this, statements that are obvious on their face do not require such citations to be credible. It would be tedious and pointless to cite a source that supports the idea that trees installed for landscaping, or street trees, eventually need to be pruned, or, if they pose a danger to human life, removed altogether.

On Page 7, Ms. Hanscom claims that the Plan's suggestions and recommendations for pruning/tree management are "violative" of the California Fish and Game Code. In reality, the Plan's recommendations *expand* existing protection of nesting trees (both State and federal laws allow nest trees to be legally be removed during the non-breeding season, without any review by a biologist). Indeed, Page 5–4 of the Plan explicitly states that pruning/removal "must be done in accordance with State and federal law. With regard to these activities, the colonial waterbirds that nest in Marina del Rey enjoy the same legal protections afforded to nearly all other native bird species (i.e., active nests may not be disturbed)."

On Page 7, Ms. Hanscom asserts:

> There are concerns among those in the bird protection community that nests of bird species considered philopatric should not ever be removed, as such removal interferes with nesting behavior, disrupting opportunities which otherwise would enable more than one nest per season per bird parent pair [*sic*].

As stated above, the Plan does allow for nesting trees with *inactive nests* (i.e., outside the nesting season and not in current use by birds) to be removed *only after review and approval by a qualified biologist*, and in circumstances in which the nesting tree poses a threat to life or property at Marina del Rey. The Plan allows for pruning only when deemed necessary by a qualified arborist to maintain the health of a tree, *in accordance with State and federal laws*. At the same time, the Plan strongly recommends annual nesting bird surveys throughout Marina del Rey to identify key nesting areas and to ensure that nesting herons and egrets are not falling below population sizes that would jeopardize their continued presence as nesting species, such that disturbance around a nesting tree, even an inactive one, might impact the continued presence of a given species.

Regarding the term "philopatric," if Ms. Hanscom is claiming that colonial waterbirds remain in the same (natal) location as their birthplace, she is correct only in the short-term. In fact, our colonially nesting waterbirds show great flexibility in establishing nesting sites in novel habitats (unlike, for example, many raptors, which may show great fidelity to a single site). Our research (as summarized in the Plan) shows that the local waterbirds in question tend to nest in a tree or group of trees for several years, *and then move on to another nesting location nearby*. The model at work in the marina is more like "nomadism" than philopatry (see Frederick and Ogden 1997, *Contrasting long-term movement behavior and population dynamics of White Ibises and Wood Storks*, Colonial Waterbirds 20:316-323). An important implication of this nomadism, reflected in the Plan's policy recommendations, is that habitat management should employ a "blanket approach" under which all trees are treated as having potential for supporting a nesting colony, rather than focusing on just those trees currently occupied. There is no other clear way of conserving nesting colonial waterbirds in Marina del Rey, short of designating every grove of tall trees as ESHA.

As an added note, throughout the two-year process of developing our plan we made a concerted effort to solicit comments from Audubon chapters, local conservationists, and others. At no point did anybody suggest anything along the lines of what Ms. Hanscom asserts here about philopatry. In fact, reviewers agreed with our characterization of these birds being rather nomadic in their preferences, nesting in one area for a few year and then moving on.

On Page 7, Ms. Hanscom claims that the Plan "incorporates significant amounts of information from Jeffrey Froke" and asserts that Dr. Froke's work has been "thoroughly discredited," implying that his data should not be used at all. Leaving aside the question of whether this is a fair summation of Dr. Froke's work and reputation, we note that the Plan relies very little on Dr. Froke's work. His studies are mentioned in the context of our effort to incorporate and represent the full spectrum of information available on birdlife in Mari-

na del Rey. To completely ignore his years of professional research on herons/egret colonies in Marina del Rey and elsewhere in California would be far less responsible than including his findings in our discussion, if not his specific recommendations for any given site.

On Page 8, Ms. Hanscom asserts that we have gone "to great lengths to discredit the idea that any of the colonial waterbirds mentioned in the plan ever nested in the area." As explained in the Plan, we took it as part of our responsibility to objectively and thoroughly evaluate the seemingly widespread belief that herons and egrets are "recolonizing" historical breeding grounds in the Venice/Ballona marshes that were lost when Marina del Rey was built. Although we agree with Ms. Hanscom that the birds' current status is what is important now, there is also value in carefully reviewing all of the available evidence obtained through a complete reading of the scientific record, including published works and museum records. If any of the available sources of information gave any suggestion that these birds historically nested in the Ballona/Venice area, we would have readily incorporated this information into our Plan (and we still will if any such information becomes known to us). Had we made a lesser effort and/or devoted less space to discussing our historical findings, we expect the response would have been that our research was inadequate and lacking in detail.

On Page 8, Ms. Hanscom asserts that the Plan (a) "disparages" colonial waterbirds, (b) dismisses their rookeries as "nests of birds that somehow began accidentally taking up residence in landscape trees in an urban marina," and (c) concludes that the herons' presence is "not wanted or important to the ecosystem." These unfounded statements do not reflect the content of the Plan in any way, and are quite unlike the comments we have received from any of the Plan's other reviewers. Conserving and maintaining Marina del Rey's existing colonial waterbird populations at self-sustaining and ecologically appropriate levels is one of the Plan's primary stated objectives, but a responsible approach to conservation and management must also consider adverse effects that ever-growing waterbird colonies could have on other species. For example, the Plan acknowledges published reports of herons predating various other birds, including endangered California Least Terns, and addresses potential management implications *if* one or more herons at Marina del Rey were found to be preying upon tern chicks at nearby Venice Beach or elsewhere. (The Plan also identifies American Crows as a much larger ongoing problem for the Venice tern colony, and includes recommendations for controlling crow numbers, but not heron numbers, through changes in how the marina environment is managed). And the Plan discusses various bird species native to the Ballona/Venice area that have suffered steep declines and even extirpation, in contrast to the herons and egrets that have successfully adapted to the exotic landscaping of Marina del Rey and are now becoming rather common. In a document that largely focuses on managing and conserving Marina del Rey's expanding heron, egret, and cormorant colonies, we have advocated against completely ignoring species widely known to be in serious decline. Ms. Hanscom has twisted this into, "The authors go so far as to disparage these birds, suggesting they know which birds would be preferable to the presence of the Herons, Egrets, and Cormorants." We believe it would be irresponsible to pretend that actions taken to benefit one group of species could not have unintended

adverse effects upon other groups of species, yet this seems to be what Ms. Hanscom is advocating — "honoring" herons, egrets, and cormorants while leaving all other species to fend for themselves.

On Pages 8 and 9, Ms. Hanscom claims that our characterization of Parcel 9-U is improper, that the presence of seaside heliotrope, *Heliotropium curassivicum*, was not listed "in the background for this plan," and that seaside heliotrope is an "obligate wetland species." Her implication that the presence of seaside heliotrope makes the entire parcel a jurisdictional wetland under the Coastal Commission's one-parameter method (based upon this species' "Obligate" indicator status) is clearly flawed. It is widely recognized that seaside heliotrope grows in alkaline and semi-alkaline soils throughout the state, including in wetlands, actively and inactively cultivated land, riparian zones, and coastal plains. For example, Munz's 1973 *A Flora of Southern California* describes it as "Common in saline or alkaline soils, below 7000 ft.; many Plant Communities; throughout California." The opinion of Coastal Commission staff ecologist John Dixon regarding this species' proper wetland indicator status was clearly stated on Page 11 of a staff report (Application No. 5-01-450) dated May 30, 2002:

> Dr. John Dixon, CCC staff ecologist, also believes that seaside heliotropium, *Heliotropium curassavicum*, is misclassified in the U.S. Fish & Wildlife Service National List of Plant Species That Occur in Wetlands, Region 0 – California. This belief is based on the observed common occurrence of this species in dry, upland settings in southern California and by the assertion of Mr. Wayne Ferren (U.C. Santa Barbara Herbarium) on November 21, 2001 at a symposium of the Southern California Wetland Recovery Project that *H. curassavicum* is misclassified and should be designated FAC (plants with similar likelihood of occurring in both wetlands and nonwetlands).

The Plan did not include a plant list for Parcel 9-U, nor have we proposed a formal restoration plan for the site in the Plan. We have simply drawn attention to it as a location to be investigated for future conservation, restoration, and enhancement. The Plan's clear recommendation is that any design for Parcel 9-U would need to be undertaken by a competent ecological restoration firm.

Ms. Hanscom's claim that Parcel 9-U is "used extensively as foraging grounds for various bird species" and that, therefore, "the entire parcel needs to be classified as ESHA," fails to demonstrate how the site's resources satisfy the criteria in Section 30107.5 of the Coastal Act. From our own observations and the studies of others, we understand that birds of various species generally make limited use of this small parcel. We have seen no evidence to suggest that this is an area "in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem," and we assume the site was already "disturbed and degraded by human activities and developments" at the time the Coastal Act became established. Since we have not seen evidence that persuades us that Parcel 9-U qualifies as ESHA, either from Ms. Hanscom or others, we are unable to properly evaluate her claim at this time.

The agencies charged with management of Oxford Basin refer to it by this name, and the Plan does, as well. Contrary to Ms. Hanscom's assertion on Page 9, we fully acknowledge

that the Basin supports wetland habitat, and valuable wetland habitat at that. However, based on fish-seining evidence (to be released in a later, separate plan for the site), we know that the food supply is extremely depauperate and dominated by non-native mosquitofish (*Gambusia* sp.). Nevertheless, the Plan demonstrates that this location remains an important foraging area for locally-nesting herons, egrets, and other fish-eating species in the local area; therefore, we agree with Ms. Hanscom that habitats within the basin should be restored to the extent feasible, given flood-control requirements. Her objection seems to be that we did not identify the site as ESHA, which again, must be supported by an evaluation of whether the area meets the requirements set out in Section 30107.5 of the Coastal Act.

Oxford Basin is a heavily-impacted site, with very little of its natural habitat left, save a narrow band at the waterline. Based on our (ongoing) studies, its benthic fauna has been decimated (assuming it was once part of the historic Venice marshes), and its terrestrial and wetland bird fauna has declined considerably, particularly the shorebirds, gulls and terns that frequented the site at least through the 1970s. The Basin is also actively used as a flood-control feature, requiring artificial manipulation of its tidal function, and regular dredging. Its banks have been planted entirely with non-native flora; the native plant species found there are confined, almost entirely, to the hyper-saline waterline. Therefore, while we fully acknowledge the local importance of the site, and are currently working toward its restoration, we have not concluded that this area satisfies the Coastal Act's ESHA criteria. Our opinion is based partly on its degraded ecological state, and also on its status as an actively managed flood-control facility. It is our understanding that the Coastal Commission seldom, if ever, designates ESHA at such facilities, out of recognition that proper management of these facilities to manage flood risks may occasionally require taking actions that would not be allowable in ESHA.

On Pages 9 and 10, Ms. Hanscom takes issue with the Plan's characterization of Marina del Rey as a "highly urbanized area" and points to the diversity of marine life there. Our plan did not review marine resources of Marina del Rey, so we cannot comment on this issue here. Perhaps marine resources could be addressed in future planning documents. It should be noted that "highly urbanized areas" can still support abundant and important wildlife, and we have prepared this Plan with this important goal in mind.

ATTACHMENT 4

RESPONSE TO LETTER DATED NOVEMBER 8, 2010 FROM THE MARINA DEL REY COMMUNITY BOATING COUNCIL (UNSIGNED)

The County offers this response to the Boating Council letter of the above date.

Before beginning the specific response, the County wishes to reiterate the methodology used for the parking study and explain the results and what they stand for.

When the County began the study of the parking lots in MDR, the County was aware the kayakers and rowers would require parking and our objective is to provide parking for those uses. The County recognized that any observations of NR and its parking occupation would under-report the parking needed to support non-motorized boating activities. The County had already been advised by its designer for Marina Beach that 69 spaces in the new project on Parcel 33/NR would be adequate, given the large amount of parking at Marina Beach for larger events. However, the County went further – and conducted observations of users who were not parking in the lot at Parcel NR, but were nonetheless obviously users of the non-motorized crafts. This allowed the County to insure that as many users as possible were counted. Under no circumstances is the County attempting to limit non-motorized watercraft. The County paid extra consulting fees to count these users in a good faith attempt to ascertain what was necessary, and knowing that the public review process for the Pipeline Projects amendment would help shape the actual need. Both the observations of the consultant and those of the Boating Council can be characterized as anecdotal, with the important difference that the presence of the consultant was unknown to the users when the observations were made.

The fact that the observations of the County's consultant, the County and the designer for Marina Beach calculated a need less than what the Boating Council suggests. That is not to say that the Boating Council is incorrect; simply that the observations do not completely coincide with those of the Boating Council. The Boating Council seems to recognize this disparity by suggesting that although it believes that 69 spaces is not adequate, it is the anticipated growth of non-motorized boating which will cause increased need for parking. The County also acknowledges the popularity of non-motorized boating, and has programmed increases *itself* into these activities. Therefore, the issue is to ascertain what the proper amount of parking should be, taking all of these factors into consideration. The Cumulative Impact Assessment has provided threshold data, and an October 26, 2010 response to the initial concerns of the Boating Council.

With respect to the parking study's suggestion that parking opportunities in other lots are too far away (claimed to be 1500 feet), the County makes the following response. First, Parcels IR and GR are 589 feet and 1009 feet respectively from the non-motorized boating area. When the sites were available, boaters parked at the Casa Escobar restaurant and the Organic Pacificio restaurant lots, even though these are leasehold uses and not designed to park the recreational use. Once these sites were no longer available, and despite the fact that it is over 1018 feet away, users now park on Washington Boulevard rather than pay for parking readily and conveniently available at Parcel NR. This suggests two things; that the

distance is not a major factor, and that paying for parking appears to be so objectionable that users will walk a long distance to avoid the charge.

Nonetheless, the County has no desire to limit parking for non-motorized boating, and towards that end will work with the Boating Council to ascertain the correct number of parking spaces thought to serve the needs, now and in the future. In addition, the County will undertake a new approach to parking lot pricing to help ease the resistance to parking in Lot NR in consultation with the Boating Council. However, even with these measures, it is anticipated that some users will still not use Parcel NR for parking to avoid paying the parking fee.

Based on this response, the County believes that the Cumulative Impact Assessment is adequate. The County fully intends to study each project as it is presented and there are no guarantees to any project as a result of receiving a LCP designation for development. Clearly, the County places the needs of non-motorized and low cost boating high in priority. The question is to determine how much parking is actually needed proximate to the facility, and that should be arrived at by consensus.

A separate response from Raju Associates providing responses to prior comments of the Boating Council is attached to this response.

MDR OUTRIGGER CANOE CLUB
LOS ANGELES ROWING CLUB
KAYAKS4KIDZ
ROW-LA
SANTA MONICA PADDLERS
BOYS & GIRLS CLUB, VENICE
UNITED MARINA ROWING ASSOC.
FAIRWINDS YACHT CLUB

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November 8, 2010

REGIONAL PLANNING COMMISSION
Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez
Leslie G. Bellamy
Harold V. Helsley

Re: Cumulative Impact Assessment

The "Pipeline" process was supposedly meant to ensure that the cumulative impact of all these projects be examined as a whole. Although a worthy goal, it is apparent that individual impacts have not been thoroughly assessed. Although the Commission has stated their desire that individual projects not be addressed in this process, it must be noted that the County has stated that the LCP Amendments constitute CEQA compliance, and once these Amendments have been approved, individual projects do not need to appear before the Coastal Commission. Individual impacts should be examined to ensure that sufficient data has been collected, rigorous analysis of impacts have been conducted, and proper planning achieved. Unfortunately, none of these things have been done as it relates to Mother's Beach.

The MDR Community Boating Council ("the Council") reiterates that the proposed Amendments to Local Coastal Plan, especially as it relates to the parking around Mother's Beach (Marina Beach) show a lack of understanding of the use patterns of Mothers Beach, and its unique role as an access point for low cost recreational boating in Los Angeles County. The Amendments threaten access for recreational boaters.

The Cumulative Impact Assessment (CIA) prepared by Culbertson, Adams & Assoc. (Oct 2010) for the LCP Amendments presents flawed analysis when addressing the parking situation at Mother's Beach. (pp. 18-25).

Flawed Assumption in Parking Study:
The primary flaw is the grouping of the 4 parking lots at Mother's Beach as one "Activity Area". Mother's beach is over a 1600' long, and the use patterns of the beach need to be examined. All the recreational boating activity happens on the north end of the beach. Lot NR is the only lot that is adjacent to the recreational boating activity and should be studied individually. Parking spaces in the other 3 lots do not substitute for this lot. This flawed assumption has been addressed extensively in previous letters by the Council and will not be repeated here. The previous letter submitted by the Council has been attached.

The CIA on p.21 addresses a letter from the MDR Community Boating Council dated July 22, 2009 regarding the inadequacy of the Draft Parking Study done by Raju and Associates. The main concern of that letter was that the Parking Study only counted entries to the public lot to measure demand, and did not count the parking which was taking place on adjacent lots.

The CIA makes moralistic statements about beach users avoiding the public parking lot. **This is irrelevant since the study is supposed to measure parking demand.** The adjacent lot in question is proposed to be redeveloped, so all the parking will be concentrated on Lot NR in the future, therefore all parking on adjacent lots should be counted to measure true demand.

> *"With respect to the concerns of the Marina del Rey Boating Council, the data objectively taken from observations and revenue analysis shows that the lot at Parcel NR is sparsely used. This appears to be because patrons of the kayaking and small boat area park inappropriately at private uses to avoid paying the public parking fee, The Parcel 33/NR project is required to have 69 spaces incorporated for the public into its parking structure, without mixing these spaces with onsite uses. While this space allowance falls short of the numbers provided in the November 22 announced parking usage by the Boating Council members and supporters, it is well within the actual observed usage both at the parking lot and at the restaurant, including during the summer and in the early morning." (Cumulative Impact Assessment, p. 24)*

The informal count which the Council conducted was not meant to be scientific or definitive. It was meant to inform Beaches and Harbors that the Parking Study was missing a significant data point. In response to the letter from the Council, Raju and Associates went back to confirm or refute the informal count. Here is a comparison of the original count and the raw data from Raju and Associates (Appendix E of the CIA).

Sat. Nov 22, 2008 (MDRCBC)		Saturday July 11, 2009 (Raju)		Sunday July 12, 2009 (Raju)	
7:30 am	45	7:30am	61	730:am	74
8:15 am	71	8:15am	73	815:am	82
8:45 am	91	8:45 am	89	8:45 am	89
11:30 am	73	10:am	84	10 am	95
		11:30	77	11:30am	65

Note: The Raju count shown above adds the parking counted in Lots NR and 33. The restaurant is closed during the times that the count was done so the vehicles are all beach users.

Where is the data for the "actual observed usage" in the conclusion quoted above? Why does the CIA rely on anecdotal evidence? The CIA contends that "*there is a considerable difference between the unbiased observed data (i.e. observation unannounced, revenue stream data) and the data reported by the Boating Council.*" **THIS IS FALSE. Any sincere examination of the data will conclude that the data confirms the original informal observations.**

TABLE 4

SUMMARY OF MARINA BEACH PARKING SURVEY - SUMMER 2009

MARINA BEACH PARKING SURVEY - FRIDAY

SURVEY TIME	SURVEY DATE	PARCEL NR	PARCEL IR	PARCEL 33	CASA ESCOBAR	TOTALS
7:30am	7/10/2009	11	15	21	0	47
8:15am	7/10/2009	9	10	19	0	38
8:45am	7/10/2009	13	7	17	0	37
10:00am	7/10/2009	8	5	23	0	36
11:30am	7/10/2009	11	6	19	0	36

MARINA BEACH PARKING SURVEY - SATURDAY

SURVEY TIME	SURVEY DATE	PARCEL NR	PARCEL IR	PARCEL 33	CASA ESCOBAR	TOTALS
7:30am	7/11/2009	15	56	46	0	117
8:15am	7/11/2009	17	64	66	0	147
8:45am	7/11/2009	17	66	72	0	155
10:00am	7/11/2009	14	58	70	0	142
11:30am	7/11/2009	12	61	65	0	138

MARINA BEACH PARKING SURVEY - SUNDAY

SURVEY TIME	SURVEY DATE	PARCEL NR	PARCEL IR	PARCEL 33	CASA ESCOBAR	TOTALS
7:30am	7/12/2009	13	62	61	0	136
8:15am	7/12/2009	12	65	70	0	147
8:45am	7/12/2009	16	71	73	0	160
10:00am	7/12/2009	17	60	78	0	155
11:30am	7/12/2009	11	69	54	0	134

Parking Demand Projections:

As a result of the letter from the Council, in the Final Parking Study(dated June 2010), Raju and Associates adjusted their estimate of parking demand for Lot NR. It has the following projection of parking demand for Lot NR. Although it was shown that the original data only counted 20% of true demand, the recommendation (allowing reduction from 186 to 69 spaces) did not change, although it is obvious that the proposed 69 spaces is grossly inadequate. How is that possible? It was done by shifting that added demand to the other lot 1500' away- a study that showed the use patterns of the beach would have immediately rejected that conclusion.

APPENDIX C-2

FUTURE ANTICIPATED CONDITIONS PUBLIC PARKING DEMAND ANALYSIS BY DAY AND LOT

#	Activity Area	Lot Number - Parcel	Supply	Anticipated Future Public Parking Demand & Utilization Profiles																			
			Proposed Number of Spaces	Occupied Spaces on Weekdays						Occupied Spaces on Weekend Days													
				Day 1	Day 2	Day 3	Day 4	Day 5	Day 6 (Typical)	Day 7	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14	Day 15	Day 16	Day 17 (Typical)	Day 18	Day 19	Day 20
1	Mother's Beach	8 - OT	92	8	110	67	68	6	5	65	3	35	9	58	17	6	44	51	49	59	20	25	43
		9 - NR	69	59	75	61	67	84	62	64	120	112	122	125	130	124	120	122	127	151	101	142	131
		10 - IR	169	2	25	6	10	12	74	79	80	97	75	177	123	182	62	86	46	115	27	140	242
		11 - GR	382	45	63	68	36	34	34	53	17	17	15	22	22	18	22	17	24	17	14	15	17

Future Growth Factors not factored in Raju Study:

Raju & Associates claims to factor in future growth in their projections:

> *"The potential future public parking demand estimates also take into account the ambient growth due to population increase in the region as well as potential induced public parking demand, if any, due to the "pipeline projects" in Marina Del Rey. Additionally, these future estimates also account for the increased demand due to expansion of existing public amenities and/or provision of new amenities in various Activity Areas including Mother's Beach and Chace Park Areas." (CIA, Appendix E, p. 10)*

What was not factored was the following information. A recent presentation by Captain Mark Rizzo, (Chief, USCG, CG-542, Office of Auxiliary &Boating Safety) at the 2010 Conference of the National Association of State Boating Law Administrators (NASBLA) showed **kayaking to grow from 7.4 million to 13.5 million users by 2020**. In addition, the last few years has seen an explosion of growth for standup paddleboarding, which went from a non-sport, to the fastest growing sector of the surf industry- this is evident in the increased use of Mother's Beach by the standup paddleboarders. The parking supply must factor in room for growth and not lock in a number at the present, especially parking which is central to recreational boating. which cannot be substituted at another location.

Amendment Change Circumvents Coastal Act: Study incomplete

The Waterfront Project on parcel 33/NR has not yet submitted an application yet the project was added to the "Pipeline" LCP Amendment process without a true examination of the project's impacts. The approval of the proposed Amendment would function as CEQA compliance. This clearance would be achieved before any true examination of the impacts of the project. A recreational boating study of Mothers Beach would show the patterns of use and affirm the importance of the parking in Lot NR. A needs assessment of recreational boating users should be pursued.

CONCLUSION

It is ironic but alarming that the Cumulative Impact Assessment does not account for localized impacts. The Assessment makes flawed assumptions which mask true impacts. As a planning board, it is imperative that the Regional Planning Commission address these flaws, especially as the advocate for the public interest.

1. Parking demand for Lot NR should be determined independently from the other lots on Mother's Beach, due to it unique location, adjacent to the recreational boating activity. Including it in a larger "Activity Area" allows demand from this lot to be funneled to other lots 1500' away from actual activity area.
2. Analyzing the data for parking demand for Lot NR shows that the existing lot is "Right sized" and the proposed reduction from 186 to 69 is grossly insufficient.
3. It is important to maintain key lots for future growth, and not lock it in to existing conditions.
4. Lack of planning and the weight of the data shows the proposed Amendment for Lot NR does not merit , and MUST BE REJECTED.

With Respect,

Marina Del Rey Community Boating Council

and its respective members.

Attachments: Letter from MDR Community Boating Council for RPC hearing, dated Nov. 3rd 2010

ATTACHMENT 5

RESPONSE TO LETTER FROM HARBOR REAL ESTATE GROUP DATED November 2, 2010

The County offers a response to the above referenced letter.

The commenter suggests that no marina reconstruction take place until the dry stack facility on Parcel 52 and a dry stack facility on Parcel 44 are built and operational. As of the date of this writing, no proposal for Parcel 44 has yet been filed with the County.

The County does not believe that such a restriction is necessary for several reasons. First, there are very high vacancy rates in smaller slips at the present time, and the trend has been for those vacancies to increase. Second, the County has imposed on itself the same restriction on putting small slips out of service that was imposed on Channel Islands Harbor – that no more than 2% of the slips in sizes below 38 feet may be out of service at any time. Third, the County has developed a transition policy, whereby any boat under 38 feet which is displaced by a reduction in slips below 38 feet and cannot find accommodation in MDR shall be offered a larger slip at the same rate that the smaller slip would have charged, until a slip of the appropriate size becomes available. Finally, dry storage areas in MDR are also experiencing high vacancy rates.

In past major marina renovations where large numbers of small slips have been removed, no eligible boat was displaced against its will. Therefore, although the dry stack storage projects will certainly provide attractive opportunities to the small boater, and that transitions should be monitored carefully, it is premature to impose such a restriction in light of the precautions that the County has imposed.

Harbor Real Estate Group

Gregory F. Schem
President

November 2, 2010

Mr. Michael Tripp
Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, CA 90012

RE: **Marina del Rey Land Use Plan Major Amendment ("Map and Text Amendment")**

Dear Mr. Tripp:

In connection with the above referenced Land Use Amendment, I would like to offer the following public testimony to the record on this matter. As and avid boater and owner of two boating related leaseholds within Marina del Rey I am particularly interested in being assured that no changes to any existing slips and boat storage uses be made or implemented until the dry stack storage facilities planned for parcels 52 & GG and parcel 44 are completed and operating to serve the public. Since these dry stack facilities were specifically designed to provide alternate boat storage as a replacement for those small boat slips contemplated for elimination on other parcels, it only makes sense to require that these facilities are in place and operating prior to the removal of any other small boat slips within Marina del Rey.

This position is supported by the existing LCP and LUP and is necessary to safeguard against the removal of small boat slips prior to their replacement within a dry stack facility. In addition, the conclusions contained within the "Marina del Rey Slip Pricing and Vacancy Study" produced by ADK&A as well as in the "Marina del Rey Slip Sizing Study" prepared by Noble Consultants and the Department of Beaches and Harbors rely on the assumption that the dry stack facilities will be built prior to the reconfiguration of any other slips. I specifically reference page 38 of the Noble study which states "This [the dry stack developments] will accommodate the loss of smaller wet berth slips during the reconfiguration and replacement of marinas".

Thanks you for your acceptance of my testimony. Please call if you have any questions.

Sincerely,

Gregory F. Schem

13555 Fiji Way, Marina del Rey, CA 90292 P: (310) 821-5900 F: (310) 821-0569

ATTACHMENT 6

RESPONSE TO COMMENTS BY THE BOATING COALITION (JON NAHHAS) IN REFERENCE TO REGIONAL PLANNING COMMISSION HEARING ON MARINA DEL REY LOCAL COASTAL PLAN AMENDMENT.

RESPONSE BY LOS ANGELES COUNTY DEPARTMENT OF BEACHES & HARBORS HIGHLIGHTED BELOW IN BOLD ITALICIZED TYPE.

1. There is no indication in the RPC Package of the loss of recreational boating and access to the water for the citizens of Los Angeles County. (Coastal Act Conflicts)

The significant details of the continued change of the intent for the public harbor (recreational boating) in Marina del Rey is covered extensively in the Cumulative Impacts Report but not the summarized RPC package. Coastal Act §30224 "providing additional berthing space in existing harbors" is not addressed with the 1,668 total berths projected to be displaced. This is by far the largest loss of public boating resources in any harbor on the west coast!

The Marina del Rey Land Use Plan (LCP) "Working Draft", dated August 2010, contains numerous references to changes (both increases and decreases in the size of boat facilities). In Chapter 3, Recreational Boating on page 3-2 a maximum of 4,255 wet slips (in rental slip anchorages) and up to 1,088 dry storage spaces are planned for Marina del Rey. This combined total changes the previous figure of 5,923 total berths in the harbor. Increases are planned for other boating facilities, as specified in Chapter 3, such as the lineal feet of transient, guest and public docks. The maintenance and expansion of affordable recreational boating is supported by the LCP amendment for a fee to support lower-cost boating programs such as the County's Water Awareness, Training, Education and Recreation (W.A.T.E.R.) Youth Program.

2. Los Angeles recreational boating needs are the most underserved on the California Coast.

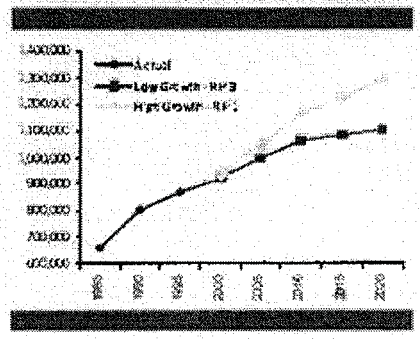
City	Population Size	No. of Marinas	Total Boat Slips
San Diego	3,000,000	26	8,000+*
San Francisco	8,000,000	40	11,000+*
Los Angeles	13,000,000	21	4,255*v

*These figures are for central area harbors and do not include those on the outskirts of the cities

v Los Angeles recreational boat slips have continued to decline since 1992

Marina del Rey was planned to accommodate 8,000 berths. In 1990, it housed 6,000 berths. The projections from DBW's Boating Study in 2000 indicates a steady increase in boating until 2020. The Rivers & Harbors Act (as cited by County Counsel) requires that "provide adequate berthing and other facilities for small craft" in exchange for $6.1 Million - federal taxpayer's money.

Exhibit ES.2
California Boat Projections, Through 2020



The above table contains inconsistent references and incorrect data. DBH received confirmation by the South Harbor planners in San Francisco that the geographic area corresponding to a population of 8,000,000 covers 9 counties and over 90 miles of shoreline in the San Francisco Bay. (11,000 slips are contained in all of Alamita-Oakland Estuary, Berkeley-Emeryville, Richmond, San Francisco and South San Francisco harbors.)

Los Angeles County (not City), on the other hand, contains a population of 9,900,000. Within this one-county geographic area, no less than 12,000 total boat slips are available (including the proposed reduction of Marina del Rey to 4,255 slips). (In addition to Marina del Rey, the 12,000-slip figure consists of slips contained in the Port of Los Angeles, Port of Long Beach and Redondo Beach harbors.) The level of service by recreational boating facilities in Los Angeles is, therefore, equivalent to that of San Francisco.

3. From Cumulative Impacts Report: *"The fact that there has been very little fluctuation in the vacancy rates of larger slips over 36 feet in length during the recession indicates a strong constant demand for this size of slip.*

This statement is MISLEADING. Most harbors have a small number (<20%) of boat slips over 36 ft. (bigger yachts) and these slips will always be in demand because of their limited supply and greater external pressures (marina operators, yacht brokers, etc.) trying to fill these slips for their more affluent boating clients with the larger boats.

Table A2.2
Owner's Age and Household Income by Type of Boat

NEW SLIPS

	Boat Length						Total
	<16' ft	<16' Other	16' - 19'11"	20' - 25'11"	26' - 39'11"	40' +	
Average (N=3,985)	42.7	57.3	57.8	53.1	57.9	60.0	53.9
Household Income (N=3,043)							
Under $25,000	1.0%	10.0%	6.5%	1.7%	3.6%	4.0%	6.6%
$25,000 - $50,000	19.8%	27.0%	25.2%	18.6%	17.3%	7.0%	24.0%
$50,000 - $100,000	50.7%	42.8%	44.9%	48.6%	37.1%	32.0%	44.6%
$100,000 - $200,000	19.1%	14.5%	19.3%	25.5%	32.4%	25.0%	19.5%
Over $200,000	9.4%	5.9%	4.2%	5.4%	9.6%	32.0%	5.3%
Total	100%	100%	100%	100%	100%	100%	100%

Source: 2001 PSI California Boat Owner Survey

The continued addition of more affluent slips gives 5% of the population which earn over $200,000 per year 20% greater access to public resources. Conversely, the general population "greater good" will lose 20% access to the public harbor with the influx of more affluent (larger) boats.

The #3 statement above does not appear in the Cumulative Impact Assessment. It is taken from the 1996 Land Use Plan (certified by the Coastal Commission), and, therefore, is not an amendment to the Local Coastal Plan.

Table A2.2 presented here is taken from Volume III of the California Boating Facilities Assessment. From the data in this table, it can be seen that over half of the "large" boats between 26 feet and 40 feet (in California) are owned by boaters who make less than $100,000. The highest level of boat ownership in the 40'+ category of boats is actually by households in California with an income of less than $100,000

4. From Cumulative Impacts Report: *"The most pronounced vacancy rates are experienced in the slips falling below 36 feet, especially slips below 25 feet. In studying this phenomenon, it is important to note that boats have changed in design over the past 30 years."*

There is no "phenomenon". The private sector is manufacturing vacancies. Why?

Los Angeles Times July, 2006. "Various yacht brokers and harbor designers and developers are cheerleading for supersized boats costing millions of dollars, all of which eliminate marina space and boat slips for smaller, lower-cost ocean recreation craft for the general public. All of these cheerleaders profit from the conversion of public marinas to luxury playgrounds."

Vacancy data for Marina del Rey is derived monthly from Vacancy Reports provided to DBH by marina-operators. These operators consistently decry the effects of vacancies on the overall economics of the marina operations. Further, marina operators consistently report that a small slip vacancy over a prolonged period has a greater negative effect compared with the vacancy of a large boat slip. There is no advantage to the private sector marina-operator of creating vacancies.

5. **This LCPA is being heard prior to the completion Marina del Rey LCP Periodic Review.**
   "While technically it is not against the law, it is highly irregular and the local jurisdiction should be concerned about any repercussions of the Commission's final actions."
   - Coastal Commission Legal Counsel

The LCPA is now being heard by the Los Angeles County Regional Planning Commission (RPC) at this time. Both the RPC and the County Board of Supervisors have previously reviewed and approved the LCP Periodic Review in 2010.

The Boating Coalition

11-3-10 - RPC
R2009-02274 (4)
MTRPP/PRM2

November 3, 2010

To: Regional Planning Commission, Los Angeles County
Re: Marina del Rey Local Coastal Plan Major Amendment

Response to RPC Package:

1. There is **no** indication in the RPC Package of the loss of recreational boating and access to the water for the citizens of Los Angeles County. (Coastal Act Conflicts)

The significant details of the continued change of the intent for the public harbor (recreational boating) in Marina del Rey is covered extensively in the Cumulative Impacts Report but not the summarized RPC package. Coastal Act §30224 "providing additional berthing space in existing harbors" is not addressed with the 1,668 total berths projected to be displaced. This is by far the largest loss of public boating resources in any harbor on the west coast!

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Los Angeles	*13,000,000*	*21*	*4,255*ᵛ*

**These figures are for central area harbors and do not include those on the outskirts of the cities*

ᵛ Los Angeles recreational boat slips have continued to decline since 1992

Marina del Rey was planned to accommodate 8,000 berths. In 1990, it housed 6,000 berths. The projections from DBW's Boating Study in 2000 indicates a steady increase in boating until 2020. The Rivers & Harbors Act (as cited by County Counsel) requires that "provide adequate berthing and other facilities for small craft" in exchange for $6.1 Million - federal taxpayer's money.

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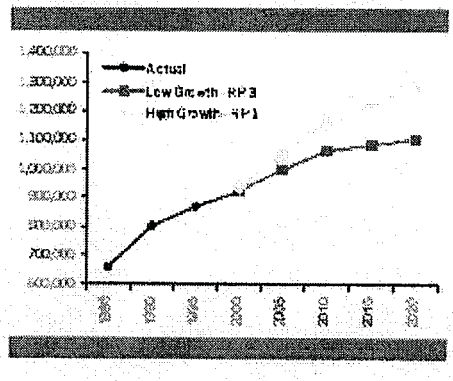

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This statement is MISLEADING. Most harbors have a small number (<20%) of boat slips over 36 ft. (bigger yachts) and these slips will always be in demand because of their limited supply and greater external pressures (marina operators, yacht brokers, etc.) trying to fill these slips for their more affluent boating clients with the larger boats.

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Owner's Age and Household Income by Type of Boat

NEW SLIPS

	Boat Length						
	<16', Jet	<16', Other	16' - 19'11"	20' - 25'11"	26' - 39'11"	40' +	Total
Mean age (N=3,985)	47.7	57.3	52.8	53.1	57.9	60.0	53.9
Household Income (N=3,943)							
Under $25,000	1.0%	10.9%	6.5%	1.7%	3.6%	4.0%	6.6%
$25,000 - $50,000	19.8%	27.9%	25.2%	18.8%	17.8%	4.0%	24.0%
$50,000 - $100,000	50.7%	42.8%	44.9%	48.6%	37.1%	12.0%	44.6%
$100,000 - $200,000	19.1%	14.5%	19.1%	25.5%	32.0%	32.0%	19.5%
Over $200,000	9.4%	3.9%	4.3%	5.4%	9.6%	48.0%	5.3%
Total	100%	100%	100%	100%	100%	100%	100%

Source: 2001 PSI California Boat Owner Survey

The continued addition of more affluent slips gives 5% of the population which earn over $200,000 per year 20% greater access to public resources. Conversely, the general population "greater good" will lose 20% access to the public harbor with the influx of more affluent (larger) boats.

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There is no "phenomenon". The private sector is manufacturing vacancies. Why?

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- Coastal Commission Legal Counsel

ATTACHMENT 7

RESPONSE TO LETTER FROM DANIEL GOTTLIEB DATED OCTOBER 21, 2010
December 1, 2010

Page 1, *The Raju Study fails to mention an important intersection, which contains much pedestrian and vehicle traffic.*
Response: The Raju Study included all 19 intersections analyzed in the 1991/1994 DKS Traffic Study, and it analyzed the 20th intersection of Washington Boulevard and Palawan Way. The Raju Study and the 1991/1994 DKS Study analyzed all key intersections within the Marina. There is no intersection of Dell Al and Panay Way. Dell Al is a private access driveway that forms the westerly extension of Panay Way west of Via Marina. The intersection of Panay Way and Via Marina is one of the intersections analyzed in both the DKS and Raju traffic studies.

The map on Page 5 points to a "missing intersection", which appears to be the intersection of Via Dolce and Dell Al. A map on the following page circles the intersection of Dell Al and Dell Al. Dell Al, the westerly extension of Panay Way and Dell Al where it intersects Via Dolce are private driveways that have the characteristics of an alley. Both these locations are non-signalized, non-key intersections that simply provide local access and circulation. Neither location needs to be analyzed in the DKS or Raju traffic studies.

Pages 1 and 2, *The Raju study is deceptive.*
Response: The Raju traffic study (Table 1) compared 2009 peak-hour traffic counts with the traffic counts taken for the 191/1994 DKS traffic study at all of the 19 intersections analyzed. It showed that averaging in the traffic volumes at all the intersections, AM traffic volumes decreased by 5% and PM traffic volumes decreased by 8%. Traffic counts taken by the County Department of Public Works and the California Department of Transportation (Caltrans) also show that in recent years traffic volumes have decreased inside and outside the Marina. Data from the Metropolitan Transportation Authority's (Metro) Congestion Management Program similarly also shows that traffic volumes has decreased in recent years.

The Intersection Level Of Service (LOS) Definitions shown in Figure 9 on Page 11-8 of the Marina Del Rey LUP and in Table 2 on Page 25 of the Raju traffic study are accepted descriptions of LOS. The nationally-accepted Transportation Research Circular No. 212, Interim Materials on Highway Capacity, Transportation Research Board, 1980 is the source of the descriptions shown in the Raju traffic study.

Page 2, *There is no Trip Generation map, so how are the future LOSs estimated?*
Response: Pages 43 through 45 describe the trip distribution and assignment used in the Raju traffic study. The trip distribution defined the percentages of the trips to and from each of the areas with Marina del Rey to the boundaries of the study area along the various roadways in the network. The Raju traffic study utilized regional origin/destination information for the trips using the latest Southern California Association of Governments (SCAG's) Regional Transportation Plan (RTP) 2008 Travel Demand Model. Using this method, the traffic generation of each land use was distributed onto the road system. Appendix F-1 of the Raju traffic study shows the traffic generated by the Pipeline Projects and the ambient growth is shown at all 20 intersections analyzed.

Page 2, *Ad hoc adjustments are given attributed to automated signals*:
Response: The use of ATSAC and ATCS to provide state-of-the-art traffic signal synchronization is well documented to enhance the capacity of signalized intersections. As such, the County of Los Angeles, the City of Los Angeles, Culver City and many other jurisdictions allow capacity increases if these traffic signal improvements are implemented. The benefit of the ATSAC system, as well as acknowledgement of the multi-jurisdiction collaboration for the Lincoln Corridor/Washington Boulevard/Marina del Rey area can be found in the February 2009 audit completed by the City of Los Angeles' Controller. Therefore, the Raju Traffic Study correctly utilized the ATSAC / ATCS adjustments in the various intersections' capacity calculations and did

not make any ad hoc adjustments attributable to automated signals, but rather applied the regionally accepted capacity benefits derived from these advanced devices.

Page 2, *The ambient growth is changed from 2% to 0.5% without explanation. The decreased volumes 5% to 8% were based on only one day's study, May 28, 2009*:
Response: The ambient growth factor of 0.5% per year was derived by examining the travel forecasts for base year (2003) and future year (2035) within and in the vicinity of the study area projected by SCAG's RTP 2008 travel demand model, assessing the growth for the entire time period and dividing the same by the number of years of growth. Future increases in background traffic volumes due to regional growth and development are expected to continue at these rates. With the assumed completion date of 2020, the existing 2009 traffic volumes were adjusted upward by a factor of 6.6% for intersections entirely within the Marina and by 5.5% for all other external intersections.

The traffic counts for the Raju traffic study were taken on Tuesday, May 26, 2009 and on Thursday, May 28, 2009, according to the criteria established by the County Department of Public Works.

Page 3, *An alternative way to calculate LOS using ASD is probably more stable because it measures the delay a driver encounters at a signal in terms of seconds*:
Response: The Raju traffic study utilized the "Critical Movement Analysis (CMA) – Planning (Transportation Research Board, 1980) method of intersection capacity analysis to determine the intersection volume to capacity (V/C) ratio and corresponding level of service at the signalized intersections. All of the intersections analyzed are under the jurisdiction of the City of Los Angeles and County of Los Angeles. Both the City of Los Angeles and County of Los Angeles accept the CMA method.

Page 7, *Fiji Way was demoted by cross out from a mole road to an ordinary road*:
The public roads in the Marina are maintained by the County Department of Public Works. The mole roads are under the jurisdiction of the Department of Beaches and Harbors. All of Fiji Way, from Lincoln Boulevard to its westerly terminus is a public road maintained by the Department of Public Works. Fiji Way has never been a mole road.

RPC-11-3/10
R 2009-02274-4
M Trypp/RRW

Professor Emeritus Daniel H. Gottlieb
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Marina del Rey
CA 90292
dhg7@mac.com
http://www.math.purdue.edu/~gottlieb/

Mathematics Consultant

Marina del Rey LCP Amendment Traffic Report Critique

Thursday, October 21, 2010

The Traffic Amendment is fatally flawed

The Raju study fails to mention an important intersection, which contains much pedestrian and vehicle traffic. This continues the misinformation in the DKS and all the Crains and Associates studies. I live right by this intersection and I use it both in my present home, and when I lived in a nearby apartment building. This intersection is 1 of 7 useful exits and entrances to the unincorporated Marina del Rey. That is 14% of the useful exits and entrances is not mentioned, much less studied. (I was going to lay this blunder at the feet of the consultants. But when I looked at Google Maps to check the number of intersections exiting MdR, I found that the names of the roads of which I am speaking had been changed on Google maps. So someone had to call Google and give them absurd information. My guess is that it was the Department of Beaches and Harbors).

The Raju study is deceptive.
The Raju study bases itself on the fact that "traffic volumes V decreased 5% to 8%" during peak hours from the projected traffic volumes of the original DKS study at the sampled intersections in 2009. But there are two ways that V can decrease. Firstly, because of less traffic (as should be true in 2009 on via Marina because of massive evictions of tenants and boaters to make way for Esprit II), and secondly because of too much traffic (on Admiralty Way queues frequently extend from Fiji Way to Bali Way, while popular perception is that Lincoln and Washington traffic is worse). That V decreases in very heavy traffic is admitted in the following quote:

Admission quote from Page 11-8 of the 1996 LCP
Note:Volume to Capacity Ratio (V/C) - is a traffic measurement that defines the relationship between the volume of traffic using a given traffic facility and the design capacity of that facility, where 1.0 (or 100%) represents the facility at maximum capacity. Ratios greater than 1.0 indicate forced flow operation such that the **flow of traffic may drop to zero** for short periods of time. (my **emphasis**)

This quote is altered in the proposed amendment and then stricken out. Comparing the original LCP note with the crossed out Amendment version reveals that they are **not the same.** Additional crossed out and underlined ~~**words**~~ confuses the Note with meaningless jibberish and pushes the punch line, **drop to zero,** onto a different page.
Now in the proposed amendment, at pages 11-13 and 11-14, this clearly written Note is crossed out, either slated to be Deep Sixed, or Goal Sixed (moved and scattered to less obvious places in the amendment). Goal 6 was a County Strategic Plan goal which promised to improve the quality of life for the residents of unincorporated Marina del Rey. Goal 6 was **evicted** from the County's Strategic plan to some unrelated County website, just as the **evicted** MdR residents' quality of life deteriorated.

There is no Trip Generation map, so how are the future LOSs estimated? A Trip generation map consist of a map of the area, with observed current percentages of turns and though traffic marked at each intersection. Then when the new development is on line, the additional traffic at each intersection is multiplied by those percentages to predict the volumes for the LOS calculation. Most studies and manuals stress the centrality of trip generation maps.

Ad hoc adjustments are given attributed to automated signals. Computerized traffic signals, ATAC and ATSAC, were given an unexplained unjustified V/C adjustment stemming from a **capacity increase of 0.1.** It seems to me the the capacity C, in the volume/capacity ratio V/C, should only depend upon the geometry of the intersection. So this unexplained adjustment can change the LOS scores significantly. Yet there is no explanation for the adustment.

The ambient growth is changed from 2% to .5% without explanation. The decresed volumes 5% to 8% were based on only one day's study, May 28, 2009. This day is very unrepresentative, being so close to Memorial day. Also, statistical methods would be impacted by changes in the automatic phasing of the signals on different days and the randomness of the observations could be compromised.

An alternative way to calculate LOS using ASD is probably more stable because it measures the delay a driver encounters at a signal in terms of seconds. one can calculate the Average Stopped Delay (ASD). I include some pages obtained from the internet which gives the delay time. Thus an LOS of F is given if the ASD is greater than 60 seconds. This allows the public to comment more accurately on the traffic. For example, on Wednesday 10/20/2010 at about 9:30 AM my Stopped Delay was 2 min 17 sec at Washington and Lincoln Eastbound straight through. This result, statistically speaking, is not much worse than basing a whole traffic study on one particular day as Raju did.

The top table show the Level Of Service in terms of the Avereage Stopped Delay per vehicle.

This is taken from a PhD dissertation at UC Davis in 1998 by Yu Meng.

Table 3.2 LOS Criteria for Signalized Intersection (35)

Level of Service	ASD Per Vehicle (Sec.)
A	< = 5.0
B	> 5.0 and < = 15.0
C	> 15.0 and < = 25.0
D	> 25.0 and < = 40.0
E	> 40.0 and < = 60.0
F	> 60.0

This part shows the page from which the table was taken.

Table 3.2 LOS Criteria for Signalized Intersection (35)

Level of Service	ASD Per Vehicle (Sec.)
A	= 5.0
B	5.0 and = 15.0
C	15.0 and = 25.0
D	25.0 and = 40.0
E	40.0 and = 60.0
F	60.0

In the modeling of [CO] in CAL3QHCR, a *link* is defined as a group of lanes having a constant width and emission source strength (10). This may differ slightly from the *lane group* concept used by HCM, which is defined as a group of lanes having a common stop line and capacity shared by all vehicles (35). For the purpose of this study, we will consider links and lane groups as interchangeable. In the LOS module of HCM (1994), the ASD per vehicle is estimated for each lane group (link) and averaged first for approaches and then for the intersection as a whole. For example, in the intersection depicted in Figure 4.1 there are nine links. EB left (link 1), EB through (thru) (link 2), EB right (link 3), WB left (link 4), WB through and right (link 5), NB left (link 6), NB through and right (link 7), SB left (link 8), and SB through and right (link 9).

The ASD per vehicle for a given lane group is given by Equation 3.1 (35):

$$d = d_1 \times DF + d_2 \qquad (3.1)$$

$$d_1 = 0.38C[1-(g/C)]^2/[1-(g/C)[\mathrm{Min}(X,1.0)]]$$

$$d_2 = 173X^2[(X-1)+[(X-1)^2+mX/c]^{1/2}]$$

where,

d = the ASD per vehicle
d_1 = uniform delay, an estimate of delay assuming perfectly uniform arrivals and stable flow
d_2 = incremental delay, an estimate of the incremental delay due to non - uniform arrivals
DF = delay adjustment factor, accounts for the impact of control type and signal progression on delay
X = volume to capacity ratio (v/c) for lane group
C = cycle length
c = capacity of lane group
g = effective green time for lane group
m = an incremental delay calibration term representing the effect of arrival type and degree of platooning

Here is the equation of the Delay in seconds given in terms of X = V/C.

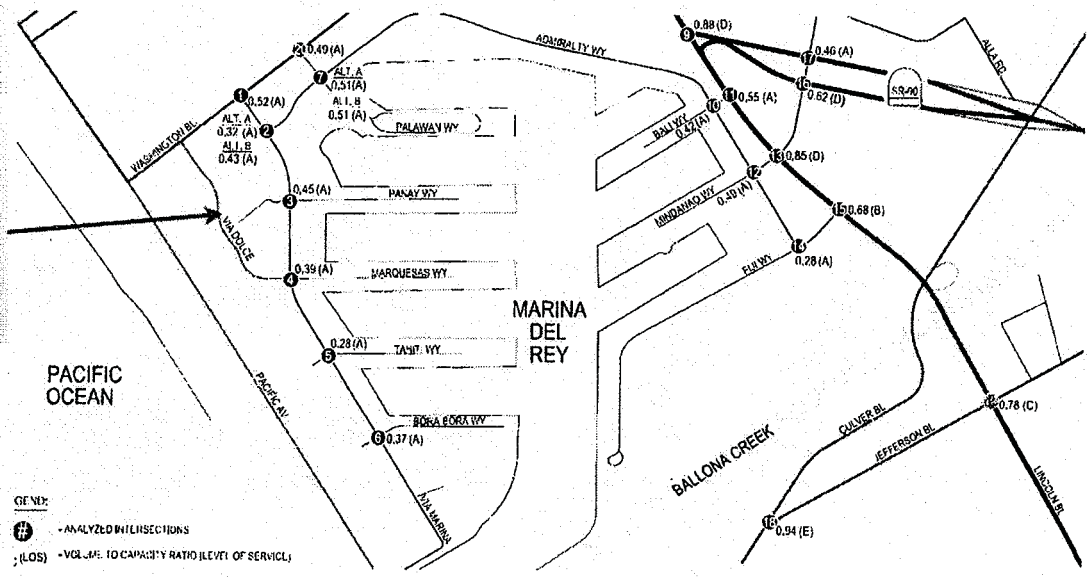
3.2 Algorithm for Estimating Queue Length

Micro-scale [CO] analysis is conducted using CAL3QHCR. The model combines the 'CALINE3' line source dispersion model and a traffic algorithm for estimating vehicle queue length at signalized intersections (10). In this section, the traffic algorithm for estimating queue length is presented. The inputs required for estimating queue length in CAL3QHCR include:

- traffic volume (vehicle arrival rate),
- intersection geometry,
- saturation flow rate, and
- signalization data.

Estimating the queue length in CAL3QHCR does not require *right turns on red*.

Part of the one of the maps showing the missing intersection mentioned above

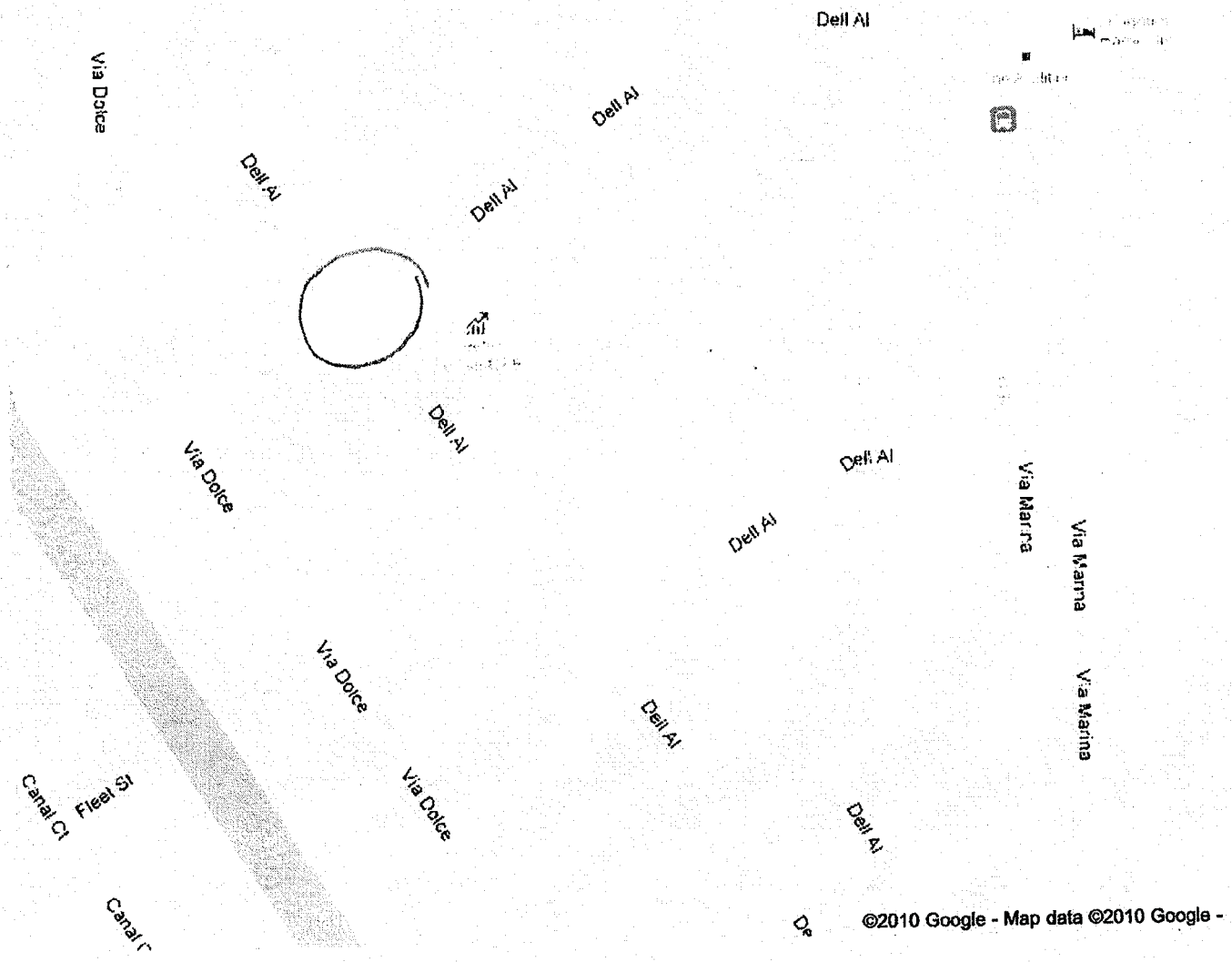


The arrow point to the missing intersection. This intersection should be Dell Al. and Panay Way.

Google maps

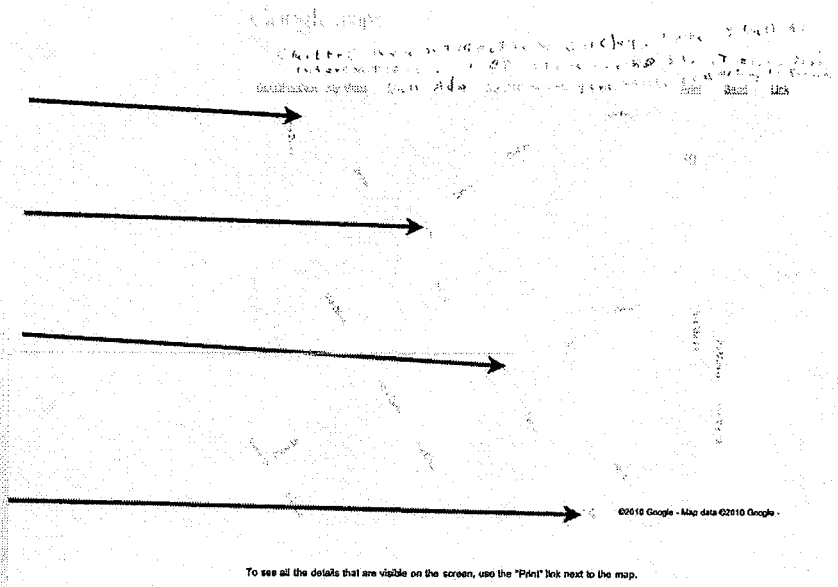
Omitted key intersection circled. Note 3 Dell Al. intersections on map. There are NO Street signs at Dell Ave, so someone gave Google confusing info.

Get Directions My Maps Print Send Link



To see all the details that are visible on the screen, use the "Print" link next to the map.

Google map showing the true intersection with the confusing Dell Al. street names.



The top arrow shows via Dolce and Dell Al. intersection.

The other three arrows point to 3 different intersections marked as Dell Al. and Dell Al.

The Second to the top arrow points to the intersection in front of my condo. The traffic should increase in proportion to the additional units from the Shores project and additional units along Panay Way.

Fiji Way was demoted by cross out from a mole road to an ordinary road. This occurs in the first paragraph on page 11-4 of the **August** version of the LCP Amendment. (I understand there a new version of the LCP Amendment just appeared at the website just two days ago. So all our references could now be innaccurate vis a vis the newer version.) The surreptitious removal of Fiji Way from Mole road status will mean that higher buildings will be zoned for Fiji Way.

Summary.

The flaws we pointed out appear to be intentional. A fraud on public participation, a fraud on the RPC, a fraud on the BOS, a fraud on the CCC. A fraud on the EIRs. Intentionally false and misleading information is written into public documents. The latest version of the Amendment cannot mitigate this. The late Amendment itself is evidence of an intentional attempt to confuse and mislead those who must decide on the best uses of the Marina. These tricks are easy to spot, once you have seen enough of them. Also, there must be tons of revealing emails which will ring a **Bell** on the deception. This is a complicated process with the actors in widely separated places. Who and why was Fiji Way crossed out? Why weren't the ~~words~~ in the Note spotted. Who put them in? Vote against this deceptive document and help save America from third world status!

ATTACHMENT 8

November 30, 2010

RESPONSE TO COMMENTS BY DANIEL HENRY GOTTLIEB IN REFERENCE TO REGIONAL PLANNING COMMISSION HEARING ON MARINA DEL REY LOCAL COASTAL PLAN AMENDMENT.

RESPONSE BY LOS ANGELES COUNTY DEPARTMENT OF BEACHES & HARBORS HIGHLIGHTED BELOW IN BOLD ITALICIZED TYPE.

C

The headline is that **C** is totally wrong in a deeply logical way. They divided everything by the same number and tried to hide it by ambiguous column captions. And despite numerous occasion where the failure was brought to the County's attention, no public repudiation of the Special Report was made by the DBH:

1. There is no explanation in complete sentences of the precise meaning of the numbers entered into the two tables, and of the method of calculation given in the two tables of C.
2. The heading of the columns are imprecise, so that the reader must guess at the precise methods of calculation. In the first Table, the heading '**Total Slips Available**' captions a column of 4708's. So what does Available mean? Does it mean the total number of slips in the MdR ? Or is Parcel 12 subtracted from it as is footnoted for the caption of the Total Vacancies column? We have seen several versions of the number of total slips in the Coastal Commission staff report of which **C** is exhibit 9. I think there were 5 different totals of slips in the CCC report. This difficulty with the basic numbers should have been clearly expressed in a careful professional study.
3. The last column of the first Table is captioned **% Vacant**. We guess that % Vacant means %Vacant = 100X(Total vacancies)/(Total slips Available). This seems to be correct up to rounding up or down to a nearby integer.
4. In the first paragraph, it is noted that **% Vacant** is stable through the winter and summer of 2008 and then increases through the Fall and in the winter of 2009. The stability of **% Vacant** contradicts the discussion of the seasonal change of vacancies in **B**, the ADK&A Study. It also contradicts the last paragraph of **C** which speaks of the "approaching summer boating season". Apparently, it never approached in 2008!
5. Similar sentences involving "stable" and "increase" appear in both study **A** and **B**. In all three cases the data being described does not seem to justify the words, and the commented upon data is somewhat tangential to the main point.

Based on Mr. Gottlieb's written comments (11/2/10), the bold letter "C" above refers to "A DBH special report to the Small Craft Harbor Commission, May 7, 2009." There was no meeting held on May 7, 2009 and no special report was made to the SCHC.

It bears noting that a study of boat slips in Marina del Rey Harbor was commissioned by the Department of Beaches & Harbors and completed by Noble Consultants, Inc. in 2009. The study, entitled MARINA DEL REY SLIP SIZING STUDY, MARINA DEL REY, CALIFORNIA, dated March 11, 2009, is available for viewing at http://beaches.lacounty.gov.

The Noble Study substantiates a total number of boat slips in Marina del Rey harbor of 4,731 (not including end- or side-ties) as of 2008. There are going to be disparate figures for total slip count in Marina del Rey depending on factors such as inclusion or exclusion of end-ties/side-ties. This is explained precisely in the study on pages 5, 6 and 7 of 69.

6. The second table in **C** appears to be more precise. The key to the whole study is contained in the two columns captioned by **As % of total slips available for rent** . But what does it mean? Does it mean
   a)100X(Vacancies for 36' feet & Over)/(total 36' or over slips available for rent), or does it mean
   b)100X(Vacancies for 36' & Over)/(Total Slips Available)?
7. We know what **b)** means. From the first Table it's 100X(Vacancies for 36' & Over)/(4708). But **a)** seems to be implied by the sentence: "As illustrated in the table below, vacancies are now occurring in the larger slips, but these vacancies never exceed 1% of the total slips available **for rent**." Note: The boldface is my emphasis. Also note that Total Slips Available is not capitalized in the sentence or in the second Table's captions.

A study by Allan D. Kotin & Associates that was prepared for the Los Angeles County Department of Beaches and Harbors in March 2009 addresses boat slip vacancies by slip size category. This study is entitled MARINA DEL REY SLIP PRICING AND VACANCY STUDY, and Exhibit 9: Vacancy Trends for Independently Priced MDR Slips (on page 15 of 20) of this report looks at vacancies in each of four slip size categories for a group of marinas that are independently priced operations. The calculations of percentage vacancy in each category were determined based on the number of vacant slips divided by the total number of slips within that respective category. This study is available on the Department of Beaches & Harbors website.

8. By solving a simple equation, we find that all the vacancies are divided by the same number, approximately 4708. This does not give an informative statistic. If there were a million slips, and the thousand big slips were totally empty, then the percentage of vacancies available for rent would be 0.1%. On the other hand if all the slips were available for rent for a big boat, and for a small boat as well, this implies that the available slips for a small boat are equal to the available slips for a large boat. So **b)** leads to no useful information and **a)** leads to an absurdity.

There are no special studies by the Department of Beaches & Harbors where 4708 is used as a divisor to determine percentage vacancies. The determination of vacancies in the MARINA DEL REY SLIP PRICING AND VACANCY STUDY uses divisors that represent the total number of slips within a particular size category, therefore, the divisors vary by calculation and do not combine or overlap large and small boat slip sizes.

A

The Noble Study, **A**, stated most of their data came from DBH, (A, page 22/69). They don't seem to exhibit it. They represented it as a graph in Figure 3. Comparing the 2008 part of the graph, we see that the vacancy rates in **A** are higher than in **C**. In Figure 3, a new category of slips, Over 50', was added. No data was referred to. The new category did fit under the 1% line, but who knows what they divided by to get the percent.

The Noble Study specifies all of the slip length categories that are analyzed on page 22 of 69 of this study, including the category Over 50', in the introduction as well as in Figure 3.

B

In the ADK&A study, **B**, at page 5/20, the section **Overall Trends by Slip Size** gives an inaccurate picture of the data's trends. It is false when they say, "In terms of total inventory, the *largest size category* is 26 to 35 feet with about 26% of the total inventory and just under 1,100 slips." Since the inventory is 2,442, the percent should be 45%, not 26%. Also note the use of "largest size category" here which gives it a second meaning.

In the last paragraph of the same page it states " It is also important to note that during the period slip rates for the smaller sizes have increased and then decreased, while for the most part there was a pattern of generally continuous increase or flat periods for the larger slips." This is incorrect, there have been decreases in all size slips.

These points are well taken and duly noted. It is true that referencing the 26' to 35' size category as the "largest size category" could confuse the reader. The intent was to describe this category as having the greatest number. Further clarification by Mr. Gottlieb that 1,100 slips in this size represents 45% of the total 2,442 independently-operated marinas is noted for correction.

MdR Slippery Slip studies

by
Daniel Henry Gottlieb
Mathematics Professor Emeritus Purdue University
Tuesday, November 2, 2010

There is a drumbeat of assertions from The County Department of Beaches and Harbors which say that there are too few slips for large boats in Marina del Rey (MdR). This assertion comes from yacht salesmen, consultants and their clients the developers, and is supported by the Department of Beaches and Harbors (DBH). It is supported by studies made by the consultants and the County's DBH:

A. Noble, MdR Slip sizing Study
B. ADK&A, MdR Slip Pricing and Vacancy Study
C. A DBH special report to the Small Craft Harbor Commission, May 7, 2009.

C

The headline is that **C** is totally wrong in a deeply logical way. They divided everything by the same number and tried to hide it by ambiguous column captions. And despite numerous occasion where the failure was brought to the County's attention, no public repudiation of the Special Report was made by the DBH:

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3. The last column of the first Table is captioned **% Vacant**. We guess that % Vacant means %Vacant = 100X(Total vacancies)/(Total slips Available). This seems to be correct up to rounding up or down to a nearby integer.
4. In the first paragraph, it is noted that **% Vacant** is stable through the winter and summer of 2008 and then increases through the Fall and in the winter of 2009. The stability of **% Vacant** contradicts the discussion of the seasonal change of vacancies in **B**, the ADK&A Study. It also contradicts the last paragraph of **C** which speaks of the "approaching summer boating season". Apparently, it never approached in 2008!
5. Similar sentences involving "stable" and "increase" appear in both study **A** and **B**. In all three cases the data being described does not seem to justify the words, and the commented upon data is somewhat tangential to the main point.

category which had one boat in 1996 and another one in 2007; that would imply that the two boats in 2007 gave a 100% gain. So by the percent measure, the new category out- paces the Large boat category. This suggests we should look at another display of the numbers. The change in percent of 'Market Share' at 2007 was
T:S:M:L = -5.2%: 5.1%: 1.46%: 0.21%.
Thus it will take over 90 years for the Big Boats to catch up to the Teeny boats, assuming that the percentage change of market share is the same over each subsequent 11 year period.

B

In the ADK&A study, **B**, at page 5/20, the section **Overall Trends by Slip Size** gives an inaccurate picture of the data's trends. It is false when they say, "In terms of total inventory, the *largest size category* is 26 to 35 feet with about 26% of the total inventory and just under 1,100 slips." Since the inventory is 2,442, the percent should be 45%, not 26%. Also note the use of "largest size category" here which gives it a second meaning.

In the last paragraph of the same page it states " It is also important to note that during the period slip rates for the smaller sizes have increased and then decreased, while for the most part there was a pattern of generally continuous increase or flat periods for the larger slips." This is incorrect, there have been decreases in all size slips.

In the same paragraph, they claimed that the vacancy rate was correlated with the pricing rates, at least for small slips. We statistically corollated the rates with the Noble's vacancy data. We found no significant correlations.

EXHIBIT NO. 9
Application Number
5-09-084
County Vacancy Report MDR
California Coastal Commission

To enrich lives through effective and caring service

May 7, 2009

Kerry Silverstrom
Chief Deputy

TO: Small Craft Harbor Commission
Kerry Silverstrom for
FROM: Santos H. Kreimann, Director

SUBJECT: ITEM 5b – MARINA DEL REY SLIP VACANCIES: A SPECIAL REPORT

Due to the recent and frequent reporting in the media about the state of slip vacancies in Marina del Rey, we have analyzed the data and would like to provide you with this special report, so that you will have firsthand knowledge of the situation. As indicated in the table immediately below, overall slip vacancies started to rise in September 2008 from 3% to 4% and gradually increased until vacancies peaked at 9% in February 2009, with a descent to 7% occurring in March 2009.

	18'-25'	26'-35'	36' & Above	Total Vacancies[1]	Total Slips Available	% Vacant
Jan-08	85	38	5	128	4708	3%
Feb-08	94	30	9	133	4708	3%
Mar-08	108	39	10	157	4708	3%
Apr-08	108	51	19	178	4708	4%
May-08	103	50	5	158	4708	3%
Jun-08	102	48	6	156	4708	3%
Jul-08	89	47	9	145	4708	3%
Aug-08	86	65	12	163	4708	3%
Sep-08	104	61	32	197	4708	4%
Oct-08	150	100	42	292	4708	6%
Nov-08	118	101	38	257	4708	5%
Dec-08	194	127	43	364	4708	8%
Jan-09	184	135	45	364	4708	8%
Feb-09	219	173	33	425	4708	9%
Mar-09	149	136	42	327	4708	7%

In the past, even during the time periods when vacancies were in the stable 3% range, there was no shortage of slips for rent in the categories up to 35 feet in length. It was more difficult to find vacancies in the larger slip categories. As illustrated in the table

[1]All vacancy data throughout this report excludes vacancies from Parcel 12, Esprit, as that marina is in its lease-up period.

below, vacancies are now also occurring in the larger slips, but these vacancies never exceed 1% of the total slips available for rent. Vacancies in the smaller slips under 35 feet, on the other hand, rose from the 3% range (rounded) to over 6% and presently remain at this elevated level.

	18'-25'	26'-35'	Aggregate vacancies for 35' and under	As % of total slips available for rent	Vacancies for 36' & Over	As % of total slips available for rent
Jan-08	85	38	123	2.6%	5	0.1%
Feb-08	94	30	124	2.6%	9	0.2%
Mar-08	108	39	147	3.1%	10	0.2%
Apr-08	108	51	159	3.4%	19	0.4%
May-08	103	50	153	3.2%	5	0.1%
Jun-08	102	48	150	3.2%	6	0.1%
Jul-08	89	47	136	2.9%	9	0.2%
Aug-08	86	65	151	3.2%	12	0.3%
Sep-08	104	61	165	3.5%	32	0.7%
Oct-08	150	100	250	5.3%	42	0.9%
Nov-08	118	101	219	4.7%	38	0.8%
Dec-08	194	127	321	6.8%	43	0.9%
Jan-09	184	135	319	6.8%	45	1.0%
Feb-09	219	173	392	8.3%	33	0.7%
Mar-09	149	136	285	6.1%	42	0.9%

Based on the drop in vacancies from the February peak, and given the approaching summer boating season, we are not anticipating future vacancies will be higher than what we have already experienced.

Please let me know if you have any questions.

SHK:ks

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

October 28, 2010

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: AGENDA ITEM NO. 6
Project No. R2009-02277 - (4)

The following attachments are comments received by staff regarding the above-referenced item:

1. A letter from a member of the public (D.G. Franklin) in opposition to the item.
2. Two emails from a member of the public (Lynne Shapiro) in opposition to the item.
3. An email from a member of the public (Cory Simon) suggesting potential traffic improvements for the Marina.
4. A letter from We are Marina del Rey in opposition to the item.
5. A letter from the Marina del Rey Boating Council in opposition to the item.

If you need further information, please call Michael Tripp of my staff at (213) 974-4813. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

SD:MRT:mrt

Attachments

31 August 2010

Michael Tripp Regional Planning Director LA County

Having attended both meetings (Sat. 21 Aug and Tues. 24 Aug) of which you hosted along with your staff, B&H, Dept of Public Works, and the CCC. I would now like to express comments that I did not make at the Tuesday meeting. I have faith and trust in the Calif. Coastal Commission to protect and promote MDR as a Small Craft Harbor with Recreational facilities as stated in our '96 LCP.

Was it the L.A.Board of Supervisors, or under them ... the Department of Beaches and Harbors/Regional Planning or under them ... the Small Craft Harbor Commission that is our chain of command to running and maintaining MDR, that makes the decisions about the future of MDR? (Definitely not the Design Control Board that was stripped of their authority by the above) In the 26 August Argonaut Mr. Peter Phinney and Susan Cloke (DCB Chair and retired Chair respectfully) both stated that the CCC rules and regulations were being disregarded by those in charge of running and maintaining MDR to its full potential. When MDR was established recreational development was mandated; at that time it was not anticipated that a residential dictatorship would be imposed in our Marina by the lessee's. The county has not acknowledged that a lot of the changes they choose to make are not sanctioned by our LCP. We have to rely on the CCC to maintain the integrity of MDR.

The county was told by the CCC that only 3 amendments would be permitted within a year, so to get around that .... the county has bundled all but one (the proposed hotel on Mothers' Beach) of the 19 projects they wish to push through the system. The Land Use Policy as well as the Public Trust Doctrine has been overlooked, which is the foundation that supports everything in MDR. The Agencies involved are the stewards of the Public Land and cannot arbitrarily just change the land usage! The CCC has the LCP ruling that is the final decree for what happens in MDR.

Perhaps a question that came up at the Tues. evening meeting (of which there was standing room only with additional outside seats to accommodate the very interested public/residents) should be answered by those hosting the meeting. Question was WHO DECIDES WHAT PROPERTIES ARE TO BE PROPOSED AND WHERE TO PLACE THEM? Does the answer come from the Supervisors downtown, Don Knabe? From Dept. of B&H, Mr. Kriemann? Does the decision come from developers who envision their property developments on various land areas in MDR? County has been pushing their development agendas upward through the ranks, resurrecting old proposals that have gone by the wayside, and in your two recent public meetings, presenting their extremely confusing information on stand up boards at the back of the room for the public to scrutinize. Just look at what the financial greed and corruption has done to our Marina; Views of the mountains, sunsets, and open spaces have been cut off. The height of construction interferes with the air flow for sailboats (especially Esprit I) as well as the end of mole streets on the main channel. The residential side of the Marina is threatened by the projection of a 19 storey hotel with 'timeshares' on the top few floors (NOT ALLOWED ON PUBLICLY OWNED LAND).

Just where does the financial greed and corruption come from? Why do the LA County officials keep trying to change the intent of the mandate of the Harbors and Rivers Act, the Coastal Zone Management

Act and California Coastal Act? Our slips have been reduced to 4,255 from a potential of almost 7,000 original slips. We as residents, boat and business owners need to stand up to those who manage MDR (yes manage because MDR is owned by the people/residents of LA County) and demand boating focus groups, boating community meetings and require public involvement in the development process for the future of MDR!!! LA County officials have been changing the focus of our Marina from recreational boating by revising our laws for residential and commercial development. They seem to have the process backwards; B&H along with developers propose development, seek amendments (now bundled into 3 areas) and finally present their projects to the public as they pass them on to the LA County Supervisors downtown, who rubber stamp them and send them upwards to the CCC, who may or may not be aware or the process with minimal public content or approval.

The County's intent to violate Federal Law and undermine the voters in the Harbors and Rivers Act of 1954 is proven by their recent actions to change the basic intention of MDR. There are 32 acres of land in question in the 3 bundled particles/amendments that County intends to submit to the CCC with the intent to change the usage of our parking lots. The LCP states that only parking or parks are permitted on our parking lots. That's it!

An excerpt from a letter I wrote 18 Nov. 2009 to the Argonaut follows;

The Marina was established for the expressed purpose of providing a Small Craft Harbor as well as free and low cost public recreation that would be open to all (p. 19 of House Document 389 originally creating Marina del Rey). We need to give recreation a voice in Marina del Rey, to establish a public body to regulate the use and development of the Marina facilities that shall be open to all. This goal has been overlooked in recent years and proposed developments in the Marina have been encouraged instead.

The Los Angeles County Board of Supervisors has a very ambitious plan of hotel, office and residential development, and has not considered the possibility of recreational development in MDR. (Due to be eliminated under the County Asset Management Plan are the picnic table grilles of Mother's Beach, Mother's Beach parking lot, boaters' parking lot for the rowers organization, a significant number of small slips used by recreational sailing craft and perhaps a strip of Admiralty Way Park to allow for widening of Admiralty Way (a park widely used by bikers).

We have suggested to the California Coastal Commission, which is the ultimate arbiter of what happens in the Marina, that an organization comprised of recreational bodies make recommendations for a recreational plan in MDR. If an overall Marina Recreational Council was set up, it would encourage the development of many recreational facilities as well as organized usage of our parking lots that could be staged for multiple recreational usage. The recreation could be suspended when the parking lots are full to overflowing for the Christmas Boat Parade, 4th.of July, etc.

The Marina can be an area for recreational pursuits that would include sailing, rowing, picnicking, kayaking, running, recreational walking, bicycling, physical exercising, volleyball, fishing and additional interests ... that might include a kiddies' wading pool, basketball courts, shuffle board and bowls courts, tennis courts, skateboarding, remote-control car clubs as well as a park and ride in designated areas.

If the Marina del Rey Recreational Council were to draw one representative from each of the major recreational activities; sailing, rowing, bicycling, running, athletics, kayaking and volleyball, the council member could be elected, or appointed by their various memberships, as

their bylaws permit. A committee of the elected/appointed representatives could hold meetings in the Marina monthly or bi-monthly to follow recreational developments, meet with County representatives to make suggestions and generally push the recreational agenda. All organizations or clubs should be not-for-profit with a recreational purpose and must conduct recreational activities in Marina del Rey. The Council should emphasize that promoting recreational activities increases the vitality of this unique recreational area, and makes it a much more valuable asset when working with the County. One of its first tasks would be to draw up a Recreational Master Plan for the Marina. The committee's proposals could also be submitted to the California Coastal Commission.

I ask that you share my letter with all staff who attended the two meetings, which I do thank each of you for, and of course the California Coastal Commission.

In conclusion I ask that you consider using your Regional Planning authority in a way to promote and preserve the essence of MDR by going back to the original intention of a Small Craft Harbor with public recreation that would be open to all (p. 19 of House Document 389). Recreation should be paramount in Marina del Rey and I would certainly appreciate your support for the preservation and future of our Marina. You could be our primary savior on a local level, with the use of your planning authority.

Respectfully,

D.G. Franklin

Boat owner/resident since 1983
Past President PMSA (Professional Marine Services Association)
On the first Arbitration Board (representing boaters)
On the MDR Task Force per Don Knabe (Keith Gurney project (boating representative))

P.S. Jenny Oropeza, whose Senate resolution on Coastal Development is the proper direction for our MDR community, is definitely worth wholeheartedly supporting to protect and save our Marina.

Cc MDR Argonaut

Tripp, Michael

From: Lynne Shapiro [liro2323@gmail.com]
Sent: Tuesday, October 26, 2010 7:53 AM
To: Tripp, Michael
Subject: LCP Amendment

To Mr. Tripp and the Regional Planning Commissioners:

I wish to go on record in opposition to the Major Amendment to the Marina del Rey LCP.

The amendment was drawn up without input from the community. There should have been a Master Plan to consider the impact of all of the proposed developments
on the residential community and on recreation. There are thousands of residents in Marina del Rey west, and all of us contribute to the County coffers. Homeowners
and condominium owners pay large amounts of property tax, post Prop. 13. Apartment dwellers are paying high rental prices. All of us settled here to enjoy
peaceful surroundings. The developments which will be permitted by the Amendment will bring a great increase in traffic to Via Marina, our main thoroughfare,
and to the mole streets adjacent to the 19 story hotel and the 526 Neptune-Legacy apartments. Neither of these projects is suitable to this community by
virture of their height, density and incongruous styles. The Woodfin will loom over the water, detrimental to boating, and over the adjacent properties, including
the Silver Strand homes behind Marina Strand Colony I. The Neptune apartments are unconscionably dense. All our views of the water will be blocked.
Heavy water use and hazardous waste will impact the environment.

Those of us who live here contributed to the development and profitability of the Marina when we bought property here. We continue to do so through high
property tax and high rents. We do not deserve a 19 story hotel/time share, constant in and out traffic and noise, a heliport and service vehicles, and an
additional 700-1000 cars at Neptune Legacy. This is a residential and recreational community and should not be plundered for profit by our County
Commissioners and Supervisors. The projects that this Amendment will permit are over the top and will deter access to Marina recreation by boaters
and bikers. In addition, the amendment permits the County to take the very parking lots that provide the access and instead of giving us some green
parkland in place of parking as the LCP proposes, you give us more and more traffic to contend with.

This amendment is contrary to the spirit and purpose of the Local Coastal Plan for Marina del Rey.

Yours truly,

Lynne Shapiro
5100 Via Dolce #312
Marina del Rey CA 90292

Tripp, Michael

From: Lynne Shapiro
Sent: Wednesday, October 27, 2010 4:50 AM
To: Tripp, Michael
Subject: Regional Planning Commission

Addendum to previous e-mail stating objection to LCP Amendment:

In a previous statement I voiced objection to the development of Parcel 9 as a nineteen story hotel. After rereading the Cumulative Assessment Impact statement, I realize that the hotel project has been disingenuously removed from the "pipeline" despite its proximity to the enormous Neptune Legacy project. The traffic impact study is bogus. The new apartments on the mole streets have already increased traffic beyond these numbers. Saturday and Sunday traffic is heavy, as all of us who live here can attest. The two most objectionable projects are 33, The Waterfront, and Neptune-Legacy. "Reallocating" and massing buildings on these two sites is counter to the open air, recreational ambience of Marina del Rey and will cause huge traffic back ups along Admiralty and Via Marina.

Lynne Shapiro
5100 Via Dolce #312
Marina del Rey CA 90292

You replied on 10/4/2010 2:53 PM.

Planner, Marina

From: Cory Simon
Sent: Mon 10/4/2010 11:26 AM
To: Planner, Marina
Cc:
Subject: Suggestions for traffic improvement in Marina del Rey
Attachments:

Dear Marina Planner,

I hope you welcome these suggestions and that you will help me and the community by having them addressed at the public hearing on 11/3/10. Thank you for your anticipated help.

1) At South East corner of Via Marina and Admiralty Way, please post a sign saying, "No need to stop except for pedestrians."

2) At North East corner of Tahiti Way and Via Marina, please post a 'right turn only from right lane' sign. People going straight can do so from the middle lane. They invariably block traffic turning right when they go straight from the right lane. *It's a long light and a long and wasteful wait.*

3) To help relieve traffic back-up at Admiralty Way turning east onto Mindanao Way, lengthen the left turn lane going South on Admiralty Way and directly synchronize the lights at this intersection with the light on Lincoln and Mindanao Way.

Thank you.

Cory Simon
Marina del Rey, CA

We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

October 7, 2010

Mr. Michael Tripp
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Lack of maximum public opportunities to date in relation to the Local Coastal Program (LCP) Major Amendment - Project No. R2009-02277-(4)

Dear Mr. Tripp,

California Coastal Act (Coastal Act) Section 30503 and California Code of Regulations Section 13515 provide that members of the public shall be provided maximum opportunities to participate in the preparation of an LCP amendment.

The Coastal Act section 30503 states:

> "During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, **shall be provided maximum opportunities to participate**." (emphasis added).

CCR 13515 states:

> "Each local government and governing authority shall meet the requirements of Public Resources Code, Sections 30503 and 30504 by establishing procedures providing maximum opportunities for the participation of the public and all affected governmental agencies in the preparation of the LCP or LRDP."

Since the first notice for the two community meetings and the start of 6-week Draft LCP amendment availability and comment period, there have been numerous issues and events that have denied members of the public its maximum opportunities to participate in the preparation of Los Angeles County's LCP major amendment. These issues are outlined below.

In order for the draft LCP amendment to satisfy the requirements of CCR 13515 and Coastal Act Section 30503, we expect the Department of Regional Planning to re-start the process by:

1) Providing a copy of the "established procedures" adopted by LA County in compliance with CCR section 13515; 2) reissuing the notice of community meetings/re-starting the 6-week availability notice and comment period; 3) holding at least one additional community meeting; and 4) continuing the November 3 Regional Planning Commission hearing until numbers 1 and 2 above are completed satisfactorily and holding said meeting (and subsequent meetings) in Marina del Rey at night.

Lack of Participation in Preparation of LCP Amendment
As required by Coastal Act section 30503, members of the public were not provided any opportunity, let alone maximum opportunity, to participate in the preparation of the LCP amendment. The public was handed a full draft amendment and had no opportunity to participate in its initial contents. The public did not have a say in land use changes, in circulation changes, in development zone changes to name a few areas.

Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Change in Project Description
I have received the Department of Regional Planning's Notice of Public Hearing on Project Number R2009-02277, RADV200900014, the major amendment to the Marina del Rey Local Coastal Program.

The project description included on the above referenced notice sent by your department in September 2010 has materially changed from the description used in the notice of community meetings/start of the six-week draft LCP amendment availability and comment time period that was sent by your department in August 2010.

The "Description" used in Notice of Community Meetings and Draft LCP amendment availability from August 2010 read as follows:

> "As part of the "roadmap approach" approved by the Board of Supervisors on September 1, 2009, a draft major amendment to the Marina del Rey Local Coastal Program has been prepared aggregating proposed amendments, including the "pipeline" projects, into one major map and text amendment."

The "Description" used in Notice of Public Hearing for the LCP amendment reads as follows:

> "The major amendment to the Marina del Rey Local Coastal Program will re-designate the land use categories of several parcels, provide enhancements to open space, adopt policies to address sensitive biological resources, right size public parking, update to the circulation plan and combine development zones. In addition several minor changes to update the document are also proposed."

The original description was misleading, confusing and lacked the clarity and specificity used in the second notice. This confusion was raised during the community hearings. Residents we talked to thought that the County was undertaking public works projects related to roads and pipelines. This description discouraged participation and this notice was mailed to over 16,000 residents, boat owners and businesses according to your department!

Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Timing of Meetings and Lack of Sufficient Venue Seating Capacity
As stated above, over 16,000 first notices were mailed by your department, yet there were less than 100 seats available at Burton Chase Park where the community meeting was held. At the August 24, 2010 meeting, many members of the public had to sit outside with no adequate sound system in place.

Additionally, the two meetings were held in the summer month of August, when most people are on holidays. The first meeting was held on a Saturday morning in summer.

If your department expected maximum opportunity for members of the public at these hearings, a larger room would have been utilized and the meetings would have been held in September when more residents would be available to attend. Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Location of Regional Planning Commission hearing of November 3, 2010
The Notice of Public Hearing states the November 3, 2010 hearing by the Regional Planning Commissioners will be held in downtown Los Angeles, over twenty miles from Marina del Rey. CCR 13515 (d) states:

> Notice of the local government's or governing authority's hearings on LCP or LRDP documents shall be given general publication and shall be transmitted to all interested persons and public agencies not less than ten (10) working days before the hearing. The hearing required by Public Resources Code Section 30510(a) should be set for a time certain. Where the local government or governing authority determines that it is legal, practical, and would increase public participation, the hearing **should be held in the coastal zone** or in a place easily accessible to residents of the coastal zone. (emphasis added).

While this section does not require this hearing to be held in Marina del Rey, this section states the County should hold the meeting in Marina del Rey if it determines it to be legal, practical and would increase public participation. Since the Regional Planning Commission has held legal regulatory meetings in Marina del Rey in the recent past in which there was standing room only public participation, your department SHOULD hold the hearing in Marina del Rey.

The California Coastal Commission has held meetings at the Marina del Rey Hotel, which is a suitable location for all of LA County's LCP amendment hearings.

Otherwise, members of the public will be denied maximum opportunities to participate in the preparation of the LCP amendment.

Community Meetings Insufficient, Inconsistent and Lacked Disclosure of Key Proposed Land Use Changes
The first community meeting held on August 21, 2010 included a limited ten minute presentation of the proposed LCP amendment. It lacked detail, it did not include the disclosure of numerous land use and policy changes relating to the five alleged "pipeline projects," and it did not disclose

other major land use and policy changes that are unrelated to the "pipeline projects" or whose scope reaches far beyond just those projects. These changes include, but are not limited to:

- 32 acres added to private leasehold rights
- 6 public parking lots are eliminated from the inventory of public facilities in Marina del Rey
- Marina inventory of public parking spaces is reduced by 787 spaces (not correlated to elimination of the 6 lots mentioned above)
- Inventory of public facilities on the public launch ramp is reduced
  - total number of public parking spaces is reduced by 108
  - 227 boater parking spaces are eliminated
- overhaul of public parking pricing policy
- overhaul of public/private shared use parking policy
- overhaul of alternate transportation network (primarily shuttle and waterbus) policies
- elimination of prior replacement policy
- elimination of policy requiring on-site provision of all required parking for privately-developed parcels and
- elimination of boater facility retention/replacement policy for many parcels

Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Bias against Members of the Public Opposed to LCP Amendment/In Favor of Proponents
During the community hearings held on August 21 and 24, 2010, members of the general public were cut off when their three minute speaking time ran out. And if someone continued past their three minutes, a staff member of the Department of Regional Planning attempted to reduce the three-minute time limit of the next member of the public. Unfortunately, members of the public that identified themselves as involved in the development of Marina del Rey, either as lessees/developers or as consultants and lawyers to lessees/developers, were allowed to speak past the three-minute mark.

The Department of Regional Planning staff member in charge of speaker cards and keeping time was found to be re-organizing the speaker cards and segregating opponents of the amendment and proponents of the amendment, changing the order from when a card was submitted. This allowed them to carry out the reduction of time listed in the preceding paragraph. The official timer would start 2nd and 3rd opponent's time before he/she had an opportunity to begin, either because previous speaker had not concluded their thought or audience applause prevented that speaker from being heard (i.e. opponent was punished for conditions outside his/her control).

The Department of Regional Planning allowed most LCP amendment proponents to use the bulk of their speaking time to address issues not pertinent to the amendment. Officials emphasized, and reiterated, that the amendment would not, in itself, constitute approvals for any project, as they were not the subject of the amendment but would be considered independently. Yet, proponent

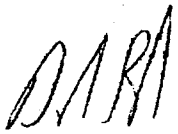
after proponent spent most of their time giving what amounted to sales pitches for their (or their client's) project. The Department of Regional Planning knowingly allowed them to continue off-topic, which severely reduced the amount of time available after the public comment time to address the questions and issues raised by members of the community. Total proponent speaking time at the 2nd community meeting was 33 minutes (not including overtime allowances).

Therefore, members of the public were denied maximum opportunities to participate in the preparation of the LCP amendment.

Conclusion

We ARE Marina del Rey, on behalf of member of the public demand that the Department of Regional Planning to re-start the process by: 1) reissuing the notice of community meetings/re-starting the 6-week availability notice and comment period; 2) holding at least one additional community meeting; and 3) continuing the November 3 Regional Planning Commission hearing until numbers 1 and 2 above are completed satisfactorily and holding said meeting (and subsequent meetings) in Marina del Rey at night.

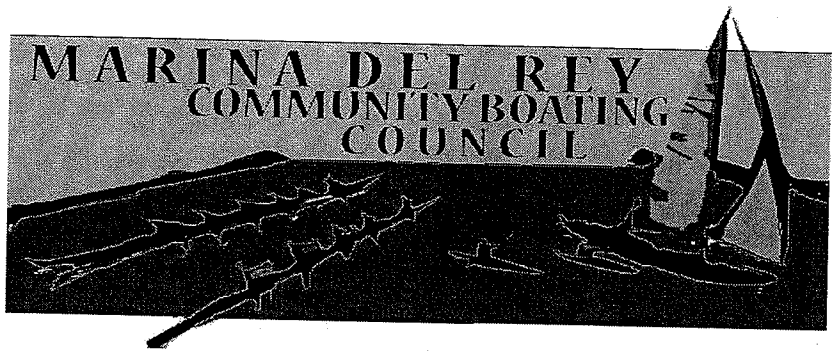
Sincerely,



David Barish
Co-Director

CC:
Los Angeles County Board of Supervisors
Richard Bruckner, Director, Department of Regional Planning
Santos Kreimann - Director, Department of Beaches and Harbors
Lawrence L. Hafetz - Principal Deputy County Counsel
California Coastal Commission Staff and Commissioners

MDR OUTRIGGER CANOE CLUB
LOS ANGELES ROWING CLUB
KAYAKS4KIDZ
FAIRWINDS YACHT CLUB
ROW-LA
SANTA MONICA PADDLERS
BOYS & GIRLS CLUB, VENICE
UNITED MARINA ROWING ASSOC.



LCP Major Amendments November 3rd, 2010

The respective member groups of the MDR Community Boating Council vigorously dispute many of the major amendments to the MDR Local Coastal Plan, especially as it relates to the developments around Mother's Beach (Marina Beach). The amendments show a lack of understanding of the use patterns of Mothers Beach, and its unique role as an access point for low cost recreational boating in Los Angeles County.

The major amendments violate the Coastal Act and threaten access for recreational boaters to Mother's Beach. Parking is a focal point for access. The parking study commissioned did not fully capture the concentrated parking demand in the recreational boating area of Mothers Beach. The proposed developments take away parking in the areas that requires the most, and shift it to areas that are unnecessary.

Based on the time lines of the projects, it is apparent that many of the decisions were already made prior to any studies showing impacts from major changes to the Land Use Plan. The Pipeline projects constitute a major redesign of Marina del Rey, and the push for these amendments prior to compliance to CEQA constitute an end run around the Coastal Act, possibly illegal based on recent court cases.

Mothers Beach and Recreational Boating

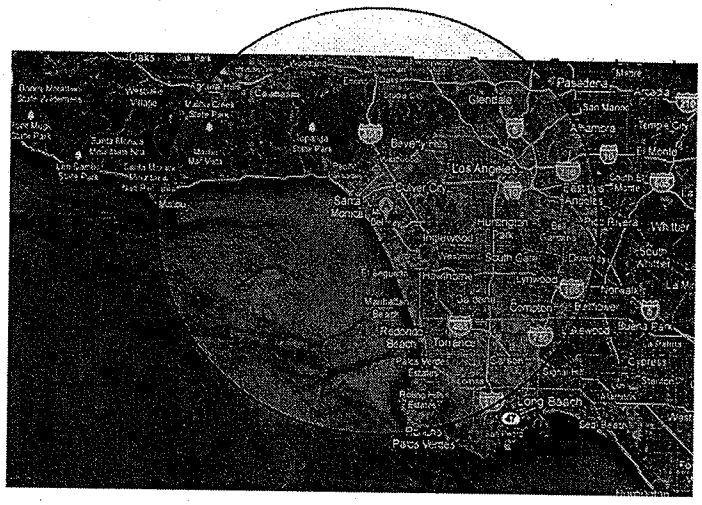
It can't be reiterated enough that recreational boating is a primary use of Marina del Rey, per the Coastal Act. The proposed Land Use Plan acknowledges this by excerpted sections 30224, 30234, 30255 in the preface of the Recreational Boating section.

- *Uniqueness of Mother's Beach as community resource for recreational boating*

As a recreational boating resource, Mother's Beach is used by multiple community recreational boating groups, and countless individual users. Rowers, canoe paddlers, kayakers, standup paddlers, sailing groups, paddleboarders, and many others come to launch their craft.

Groups such as the MDR Outrigger Canoe Club, LA Rowing Club, Fairwinds Yacht Club, RowLA, Boys and Girls Club of Venice, Kayaks4Kids, and Boys Scouts use Mothers Beach as the primary launch point. These groups have been active participants in the Marina since its creation.

The stakeholders of Mothers Beach are a cross section of all the elements that the Local Coastal Plan seeks to encourage: C***ommunity. Low cost. Recreational boating. Youth programs. Disadvantaged youths.***



As a calm, easy access location for small recreational boats, there is nothing similar to Mothers Beach between Ventura and San Pedro. It is a unique resource that needs to be protected.

- *Recreational Boating Study Necessary*

A needs assessments and use patterns of Mothers Beach is necessary before making major Land Use changes, especially with the change from PARKING to RESIDENTIAL.

1. Which recreational boaters and beach goers access the beach?
2. Which area of the beach is critical for recreational boating, or other uses
3. What parking lots are critical for access.
4. How do they use the beach? Where?
5. What are their needs?
6. When do they use the area?
7. How will changes effect the future use and access of the beach?
8. How will changes affect the future growth of recreational boating?

Any study done would show that the beach has distinct zones of activity, and that the north portion of the beach is CRITICAL for recreational boating. It would have shown that the parking lot NR is the ONLY lot that was proximate to this use, and irreplaceable.

A recent presentation by the Captain Mark Rizzo, (Chief, USCG, CG-542, Office of Auxiliary &Boating Safety) at the 2010 Conference of the National Association of State Boating Law Administrators (NASBLA) showed that kayaking to grow from 7.4 million to 13.5 million users, basically doubling. It is imperative that any planning to account for this growth to accommodate recreational boaters and to provide facilities, parking and access.

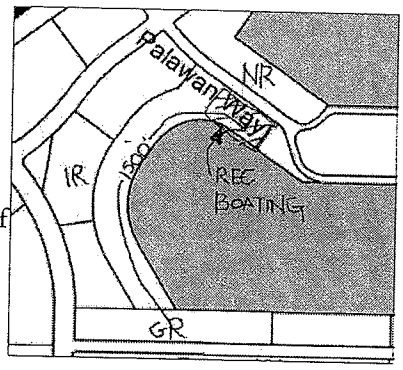
Parking

The finding in the new Land Use Plan (page 2-10) crossing out "Marina Beach....experience high demand periods when existing parking facilities may be overcrowded", and replacing it with "There are adequate parking facilities located throughout the Marina for the general public now and through the year 2030" is false because this general statement does not apply across the Marina.

- *Parking Study conclusions flawed- Assumptions made do not coincide with use patterns.*

Raju and Associates conducted a Right Sized Parking Study (June 2010). This parking study made a critical and flawed assumption- combining 4 lots around Mothers Beach as an "Activity Area", and assuming that parking for all 4 lots were interchangeable. The study also fails to adequately study the parking activity of Lot NR- this is important because NR is critical to recreational boating and is slated for a change of use.

By clumping 4 lots together as the "Mother's Beach Activity Area", the parking study masks the parking needs of the boating area (NR) by combining it with the relative under-use of lot GR (Cheesecake Factory lot). That skews the data, but more importantly, the Land Use plan uses the same assumption to shuffle around parking spaces as if they are interchangeable. All parking spaces in Mothers Beach are not equal. For purposes of recreational boating, lot GR is useless since it is 1500 feet away. Lot NR is unique and critical. Yet GR is being expanded and NR is being eliminated. What is the planning logic in that?



Based on feedback from recreational users to the draft study , Raju and Associates went back and conducted additional parking surveys. The methodology can be debated since the survey was done in a limited time period (which doesn't capture fluctuations of use), during a slow part of the season for many recreational boaters, and does not factor in future growth capacity or special event needs, but it still captured additional demand that was not shown in the original study.

- *Data shows change of use of Lot NR to be detrimental to access to recreational boating*

As flawed as the Parking Study is, it shows that the demand for parking in NR is projected to be 151 spaces in peak times, with 186 spaces currently existing. This precludes a change of zoning of the parcel since the parking lot has parking demand! If it's not broken, why fix it? The Parking Study is titled "Right Sized Parking Study". The NR lot is the right size. Appendix B-2 and C-2 both show that the the parking demand for NR far exceeds the proposed parking provided in the new development. The proposed number of spaces proposed for the new development (69 spaces) in NR is grossly insufficient.

**ATTACHED: Excerpts and analysis of Raju and Associates Parking Study (dated June 2010)*

All evidence points to the necessity of maintaining NR as a parking lot. The data of the recent study support this. At a minimum it requires further and incisive analysis of use patterns before making such a critical change of use. The county has failed to provide this. The fact that the requirements for the proposed development have not changed despite the new data showing parking demand prove that the County has already made decisions of use and development prior to any study being completed.

Recreational users of Mothers Beach require:

1. Quantity of spots to support current and future usage/growth of recreational boating programs, both for individual users and community boating groups.
2. Proximity of spots for access and loading/unloading of equipment.
3. Affordability given heavy use of the area.
4. Clearance for high clearance vehicles, since many boats are transported on large vehicles- an open air parking lot is required.

LCP Amendments, Developments and "Save Tara" ruling

The proposed massive, multistory commercial/residential Waterfront complex consuming the parking lot next to Mothers Beach will have significant adverse impacts on recreational use, parking, traffic, water quality, density, sailing wind, boat access, among other things. Despite these impacts and the fact that the Waterfront is advanced in programming and schematic design, there's never been any Environmental Impact Report (EIR) done per the California Environmental Quality Act (CEQA)

Recent case law such as the California Supreme Court ruling on the *Save Tara* case is one of many cases which have determined that "decisions" made prior to a formal approval require CEQA compliance prior to such "decisions." Negotiating of leases qualify as "decisions" that necessitate CEQA. There is specific mention that such "decisions" made early build up enough bureaucratic momentum that it is difficult or infeasible to reverse later. There is also a recent case involving the City of Bell which also related to leases and CEQA. These rulings have direct application to the County's action related to development in the Marina.

The impacts of the Waterfront project has not been explored or studied even though a major change is proposed- a change of use of a critical parking lot servicing recreational boating (a primary use) to residential (non priority use). From its inception with the RFP from the County, to the negotiating of leases, the zoning use change of parking lot to residential uses has been predetermined. The RFP and the leases presupposes the change of use without any study of whether such change is necessary, and its impacts. This is a clear violation of the *Save Tara* rulings.

Without any recreational resource or environmental impact assessment, the Department of Beaches and Harbors, solicited Request for Proposals (RFP) and negotiated leases with the developer without *Save Tara* mandated CEQA compliance. The very fact that the County is advocating for these Amendments show a tacit if not official approval of the scope, scale, and change of use, all without review or CEQA. It doesn't matter that a formal approval is pending (and that the project can theoretically still be denied). The question is: "Why change the law before the change is even studied and determined to be allowable?". These changes will be encased in law after the Amendments are approved, and difficult if not impossible to reverse.

When the County Design Control Board repeatedly raised serious questions about the Waterfront project, the DBH supported law amendments completely gutting the Design Control Boards' power; removing it from project consideration. When opposition to the Project was mounting, the Waterfront project was added to the other Pipeline projects, although it had not submitted any application up to that period and was not in the approval process.

The LCP Amendment approval would mean the Waterfront project won't have to specifically go before the Coastal Commission even though it is a major change of use of a critical parking lot serving recreational boating. This circumvents the Coastal Act. This Project and its details has not been submitted to the Dept of Regional Planning and has never gone through a single compliance of environmental due process required by CEQA. All the regulatory actions(and its inclusion in this LCP amendment process) show cooperation and tacit approval by the County.

Conclusion

The development around Mother's Beach shows a lack of planning, and analysis, and a subjugation to developer needs and interest placed before public interest. This is a conflict of interest that County faces in its position as both a lessor, and a guardian of the public welfare. So far the County has shown only to act as an expediter to Development interests and not adequately study the impact on public use.

The County, Beaches and Harbors, and Dept of Regional Planning need to study the area around Mothers Beach and do a thorough survey of recreational use prior to making a major Land Use change that would irretrievably impact recreational boating in Mother's Beach. The Land Use Plan and the LCP Amendments are inadequate and do not conform to the spirit or the law of the Coastal Plan, and the process violates recent legal rulings regarding approvals of such developments

Attached are supporting analysis and previous correspondence along with this submittal to show our trail of involvement in the process, and which show additional information related to these issues.

- Excerpts and analysis of Raju and Associates Final Parking Study (dated June 2010)
- Response to LCPA- Slide Presentation of MDRCBC to County Staff on Aug. 24, 2010

We would respectfully request a written response addressing each of the above areas.

Marina Del Rey Community Boating Council
and its respective members.

excerpt of Raju and Associates Right Size Parking Study (June 2010)

APPENDIX A3
Parking Survey for The Organic Panificio (Parcel 33)
Saturday, September 27, 2008

Time	Arriving			Departing			Parking Demand
	Kayak	Jogger	Walking	Kayak	Jogger	Walking	
5:30 AM	0	1	0	0	0	0	8
5:45 AM	0	0	0	0	0	0	8
6:00 AM	0	0	0	0	0	0	8
6:15 AM	0	0	0	0	0	0	8
6:30 AM	0	0	0	0	0	0	8
6:45 AM	0	0	0	0	0	0	8
7:00 AM	1	0	0	2	1	0	6
7:15 AM	4	0	0	0	0	0	10
7:30 AM	7	0	0	1	0	0	16
7:45 AM	20	0	0	0	0	0	36
8:00 AM	3	1	0	0	0	0	40
8:15 AM	1	1	0	0	0	0	42
8:30 AM	0	0	0	0	0	0	42
8:45 AM	1	0	0	0	0	0	**43**

Parking Survey for L.A. County Parking Lot NR
Saturday, September 27, 2008

Time	Arriving			Departing			Parking Demand
	Kayak	Jogger	Walking	Kayak	Jogger	Walking	
5:30 AM	0	0	0	0	0	0	11
5:45 AM	0	0	0	0	0	0	11
6:00 AM	0	0	0	0	0	0	11
6:15 AM	0	0	1	0	0	0	12
6:30 AM	0	0	0	0	0	1	11
6:45 AM	0	0	0	0	0	0	11
7:00 AM	2	0	0	0	1	0	12
7:15 AM	0	0	0	0	0	0	12
7:30 AM	2	0	0	0	0	0	14
7:45 AM	2	0	0	0	0	0	16
8:00 AM	1	0	0	0	0	0	17
8:15 AM	0	0	1	0	0	0	18
8:30 AM	0	0	0	0	0	0	18
8:45 AM	0	0	0	0	0	0	**18**

Total Public Parking Demand = 43+18 = 61

-Raju& Assoc.went back and added this after being informed by community recreational boaters, that their original count undercounted demand by not including parking taking place on the lot for Organic Panificio
-The 2 dates (the only one listed) are also in the offseason- a short downturn of activity in between seasons, and yet it still shows a significant increase of use (228%)
-As shown above, 43 additional spaces were found to be necessary. Yet the development total has not changed at all. 69 before study and 69 after.
-Data made to fit prior decision?

excerpt of Raju and Associates Right Size Parking Study (June 2010)

APPENDIX A3
Los Angeles County Lot GR
Thursday, October 09, 2008

Time	Recreational		Employees		Customers		Cheesecake Factory Parking Demand	Lot GR Public Parking Demand	Total
	In	Out	In	Out	In	Out			
9:00 AM	0	0	0	0	0	0	0	11	11
9:15 AM	0	0	0	0	0	0	0	11	11
9:30 AM	1	0	0	0	0	0	0	12	12
9:45 AM	0	0	0	0	0	0	0	12	12
10:00 AM	3	1	0	0	0	0	0	14	14
10:15 AM	0	0	0	0	0	0	0	14	14
10:30 AM	1	1	1	0	0	0	1	14	15
10:45 AM	0	0	0	0	0	0	1	14	15
11:00 AM	1	2	3	0	0	0	4	13	17
11:15 AM	1	1	3	0	0	0	7	13	20
11:30 AM	0	0	1	0	3	0	11	13	24
11:45 AM	0	0	7	0	0	0	18	13	31
12:00 PM	1	1	0	0	1	0	19	13	32
12:15 PM	1	1	0	0	0	0	19	13	32
12:30 PM	0	0	0	0	0	0	19	13	32
12:45 PM	0	0	0	0	1	0	20	13	33
1:00 PM	2	0	0	0	3	0	23	15	38
1:15 PM	0	0	0	0	8	0	31	15	46
1:30 PM	1	0	0	1	0	2	28	16	44
1:45 PM	0	2	1	0	1	0	30	14	44
2:00 PM	0	1	0	0	1	0	31	13	44
2:15 PM	0	1	0	1	1	2	29	12	41
2:30 PM	0	0	1	1	2	3	28	12	40
2:45 PM	1	1	0	0	0	7	21	12	33
3:00 PM	0	1	0	0	0	0	21	11	32
3:15 PM	0	0	0	1	0	1	19	11	30
3:30 PM	0	0	0	3	1	0	17	11	28
3:45 PM	0	0	0	2	0	1	14	11	25
4:00 PM	0	1	0	3	0	0	11	10	21
4:15 PM	0	1	3	0	0	0	14	9	23
4:30 PM	0	0	5	3	0	0	16	9	25
4:45 PM	0	0	6	1	0	0	21	9	30
5:00 PM	0	0	1	0	0	0	22	9	31
5:15 PM	0	0	3	1	0	1	23	9	32
5:30 PM	0	0	10	7	0	1	25	9	34
5:45 PM	0	0	4	2	3	0	30	9	39
6:00 PM	0	0	0	0	0	0	30	9	39
6:15 PM	0	0	2	0	1	1	32	9	41
6:30 PM	0	0	0	1	2	0	33	9	42
6:45 PM	0	0	2	0	8	0	43	9	52
Total	13	15	53	27	36	19			

LOT GR SHOWS ONLY 16 SPACES FOR PUBLIC DEMAND, WHY IS IT BEING ENGLARGED?

excerpt of Raju and Associates Right Size Parking Study (June 2010)

APPENDIX B-2
EXISTING CONDITIONS PUBLIC PARKING DEMAND ANALYSIS BY DAY AND LOT

#	Activity Area	Lot Number - Parcel	Supply	Public Demand & Utilization Profiles																											
			Existing Number of Spaces	Max (Peak) Occupied Spaces on Weekdays							Max (Peak) Occupied Spaces on Weekend Days														Max Occupied Spaces on Holidays (Peak) **							
				Fri 5/27/05	Fri 7/1/05	Fri 9/2/05	Fri 5/25/07	Fri 8/31/07	Thur 10/25/07	Fri 9/04/09	Sat 5/28/05	Sun 5/29/05	Sat 7/2/05	Sun 7/3/05	Sat 9/3/05	Sun 9/4/05	Sat 5/26/07	Sun 5/27/07	Sat 9/1/07	Sun 9/2/07	Sat 11/3/07	Sat 9/5/09	Sun 9/6/09	Sat 12/8/07	Mon 5/30/05	Mon 7/4/05	Mon 9/5/05	Mon 5/28/07	Wed 7/4/07	Mon 9/3/07	Mon 9/7/09
1	Mother's Beach	8 - OT	183	7	97	59	53	5	4	57	3	31	8	51	15	5	39	45	43	52	18	22	38	45	17	156	46	3	89	2	0
		9 - NR	186	34	48	35	41	56	36	28	77	69	79	82	87	81	77	79	84	108	58	99	88	22	27	187	48	44	186	45	67
		10 - IR	212	2	22	5	9	11	65	70	71	86	66	156	109	161	55	76	41	102	24	124	214	54	121	209	78	47	209	205	167
		11 - GR	262	40	56	60	32	30	30	47	15	15	13	19	19	16	19	15	21	15	12	13	15	173	127	263	146	111	263	112	122
2	Yvonne B. Burke Park***	5 - U	220	115	87	90	23	30	19	11	53	24	11	5	24	3	8	4	12	7	14	8	9	51	26	174	1	9	200	5	4
		7 - Q	120	6	6	3	15	21	11	13	9	13	9	118	16	10	15	107	18	102	91	36	31	120	7	120	9	9	120	15	35
3	Chace Park	2 - 49R	239	35	49	45	53	62	24	39	147	144	169	156	122	159	122	189	125	195	70	101	104	93	123	161	116	107	181	135	85
		4 - 49M	140	37	11	78	82	86	31	5	22	40	28	34	76	77	38	32	43	45	27	18	37	29	38	152	71	71	150	67	30
		EE	58	58	58	58	58	58	32	58	58	58	58	58	58	58	58	58	58	58	51	58	58	58	58	58	58	58	58	58	58
4	Fiji Way	Overflow Lots *	252	n/a	107	127	85	81	90	75	n/a	n/a	126	142	118	141	86	92	90	116	94	90	92	233	n/a	265	110	67	250	69	58
		Fisherman's Village (1) - W	502	n/a	18	22	28	26	11	20	n/a	n/a	28	42	41	51	51	52	52	56	36	55	63	422	n/a	439	284	340	439	238	365
		Dock 52 - 52	236	n/a	54	34	28	26	29	34	n/a	n/a	70	88	68	95	71	86	73	97	48	69	91	207	n/a	239	221	179	238	216	229
5	North Channel	13 - 3S	140	16	20	26	16	19	15	35	23	58	48	88	41	68	52	69	59	88	32	89	126	137	82	138	60	39	134	113	135

NOTES:

* Overflow Lots owned by US Dept. of Fish & Game, not by county; as such, they are not included in the computation of demand and availability of supply in the report.

** Holiday parking demands include non-public use parking demands.

*** Formerly known as Admiralty Park

UNDERCOUNTED - does not include parking in adjacent lots

excerpt of Raju and Associates Right Size Parking Study (June 2010)

APPENDIX C-2

FUTURE ANTICIPATED CONDITIONS PUBLIC PARKING DEMAND ANALYSIS BY DAY AND LOT

#	Activity Area	Lot Number - Parcel	Supply	Anticipated Future Public Parking Demand & Utilization Profiles																			
			Proposed Number of Spaces	Occupied Spaces on Weekdays											Occupied Spaces on Weekend Days								
				Day 1	Day 2	Day 3	Day 4	Day 5	Day 6 (Typical)	Day 7	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14	Day 15	Day 16	Day 17 (Typical)	Day 18	Day 19	Day 20
1	Mother's Beach	8 - OT	92	8	110	67	60	6	5	65	3	35	9	58	17	6	44	51	49	59	20	25	43
		9 - NR	69	59	75	61	67	84	62	64	120	112	122	125	130	124	120	122	127	151	101	142	131
		10 - IR	109	2	25	6	10	12	74	79	80	97	75	177	123	182	62	86	46	115	27	140	242
		11 - GR	382	45	63	68	36	34	34	53	17	17	15	22	22	18	22	17	24	17	14	15	17
2	Yvonne B. Burke Park***	5 - U	222	130	98	102	26	34	22	12	60	27	12	6	27	3	9	5	14	8	16	9	10
		7 - Q	120	7	7	3	17	24	12	15	10	15	10	134	18	11	17	121	20	115	103	41	35
3	Chace Park	2 - 49R	234	44	62	57	67	78	30	49	185	181	212	196	153	200	153	238	157	245	88	127	131
		4 - 49M	450	47	14	98	103	108	39	6	28	50	35	43	96	97	48	40	54	57	34	23	47
		EE		58	58	58	58	58	32	58	58	58	58	58	58	58	58	58	58	51	58	58	58
4	Fiji Way	Overflow Lots*	314	n/a	121	144	96	92	102	85	n/a	n/a	143	161	134	160	97	104	102	131	106	102	104
		Fisherman's Village (1) - W	1,012**	n/a	20	25	32	29	12	23	n/a	n/a	32	48	46	58	58	59	59	63	41	62	71
		Dock 52 - 52	0	n/a	61	38	32	29	33	38	n/a	n/a	79	100	77	108	80	97	83	110	54	78	103
5	North Channel	13 - 3S	138	18	23	29	18	22	17	40	26	66	54	100	46	77	59	78	67	100	36	101	143

YEARLY GROWTH	0.6

NOTES:

* Overflow Lots owned by US Dept. of Fish & Game, not by county; as such, they are not included in the computation of demand and availability of supply in the report.

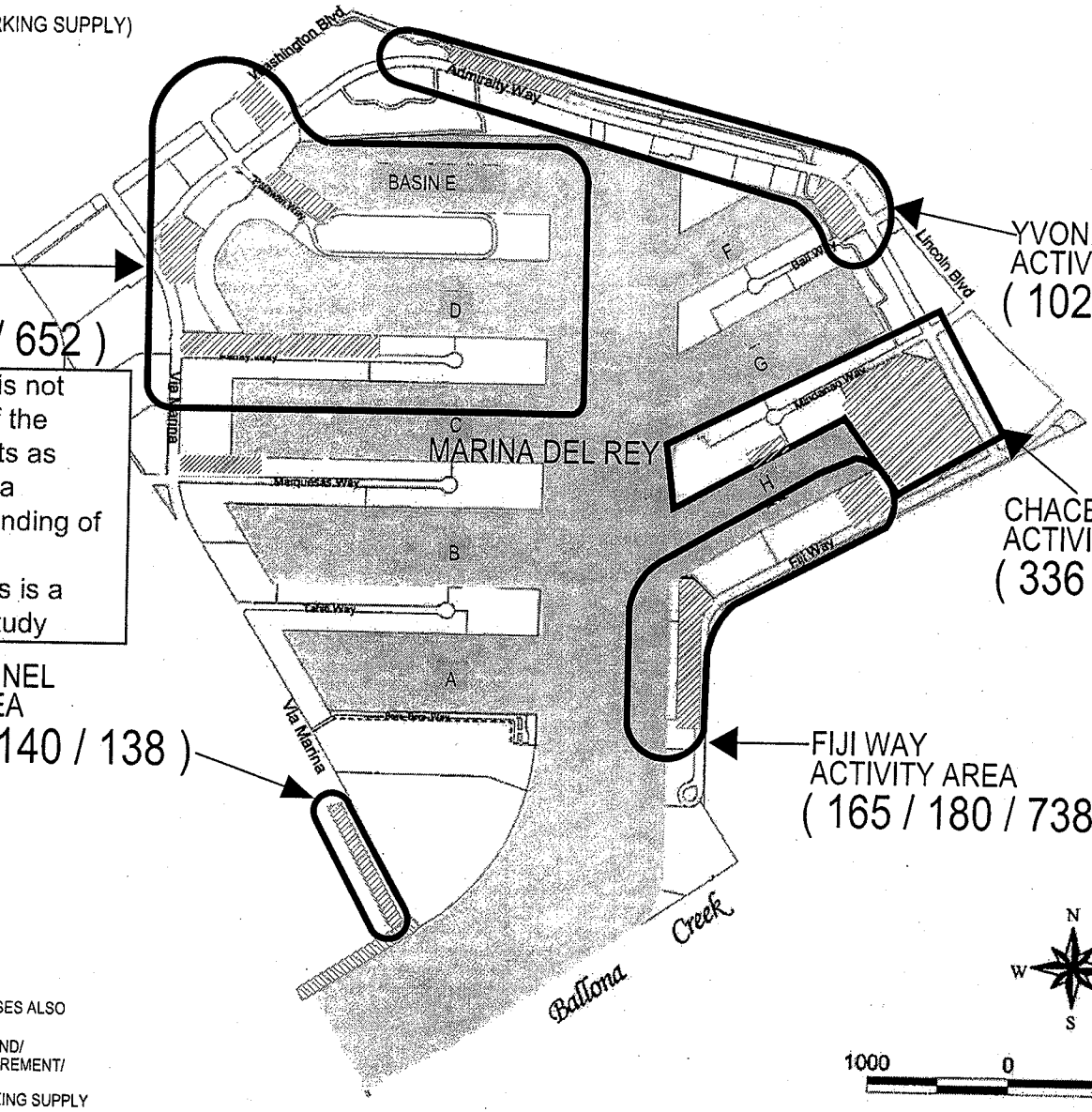
** Includes parking supply for Fisherman's Village Development. Shared Parking is contemplated at this location.

*** Formerly known as Admiralty Park

As flawed as the Parking Study is, it still shows that Parcel NR has a parking demand that far exceeds the proposed number of spaces in the new development. Since NR is the only proximate parking lot to the recreational boating users, it highlights the lack of planning and analysis that was done prior to the lot being designated to be rezoned from parking to residential.

excerpt of Raju and Associates Right Size Parking Study (June 2010)

(90TH PERCENTILE FUTURE DEMAND/
MINIMUM PUBLIC PARKING REQUIREMENT/
EXISTING PARKING SUPPLY/
FUTURE POTENTIAL PUBLIC PARKING SUPPLY)



MOTHER'S BEACH
ACTIVITY AREA
(360 / 400 / 843 / 652)

This is a grouping which is not based on actual usage of the beach. Equating the 4 lots as equivalent demonstrates a fundamental misunderstanding of the use of the beach.
The clumping of these lots is a fatal flaw to the parking study

NORTH CHANNEL
ACTIVITY AREA
(100 / 110 / 140 / 138)

YVONNE B. BURKE PARK
ACTIVITY AREA
(102 / 115 / 340 / 342)

CHACE PARK
ACTIVITY AREA
(336 / 370 / 437 / 684)

FIJI WAY
ACTIVITY AREA
(165 / 180 / 738* / 1,012*)

LEGEND:

- PUBLIC PARKING LOT LOCATION
- ACTIVITY AREAS
- * - USED BY OTHER COMMERCIAL USES ALSO
- (360/400/843/652) - 90TH PERCENTILE FUTURE DEMAND/ MINIMUM PUBLIC PARKING REQUIREMENT/ EXISTING PARKING SUPPLY/ FUTURE POTENTIAL PUBLIC PARKING SUPPLY

N W E S

1000 0 1000 2000 Feet

SOURCE: LOS ANGELES COUNTY DEPT OF BEACHES AND HARBORS. PLANNING DIVISION.

APPENDIX F
PARKING CONDITIONS EVALUATION SUMMARY

RAJU Associates, Inc.

Marina Del Rey Community Boating Council

LCP Major Amendment Community Meeting

Dept. of Regional Planning

August 24, 2010

Who We Are

MARINA DEL REY
COMMUNITY BOATING
COUNCIL

The Los Angeles Rowing Club

Fairwind Yacht Club
2006 and 2007 SCYA Yacht Club of the Year

Marina Del Rey
OUTRIGGER CANOE CLUB
est. 1968

UNITED MARINA ROWING ASSOC.

Marina/Mothers Beach

Endangered resource for Los Angeles and Environs

Only protected beach launch access for personal watercraft in Los Angeles proper serving approximately 100 miles of coastline and inland communities

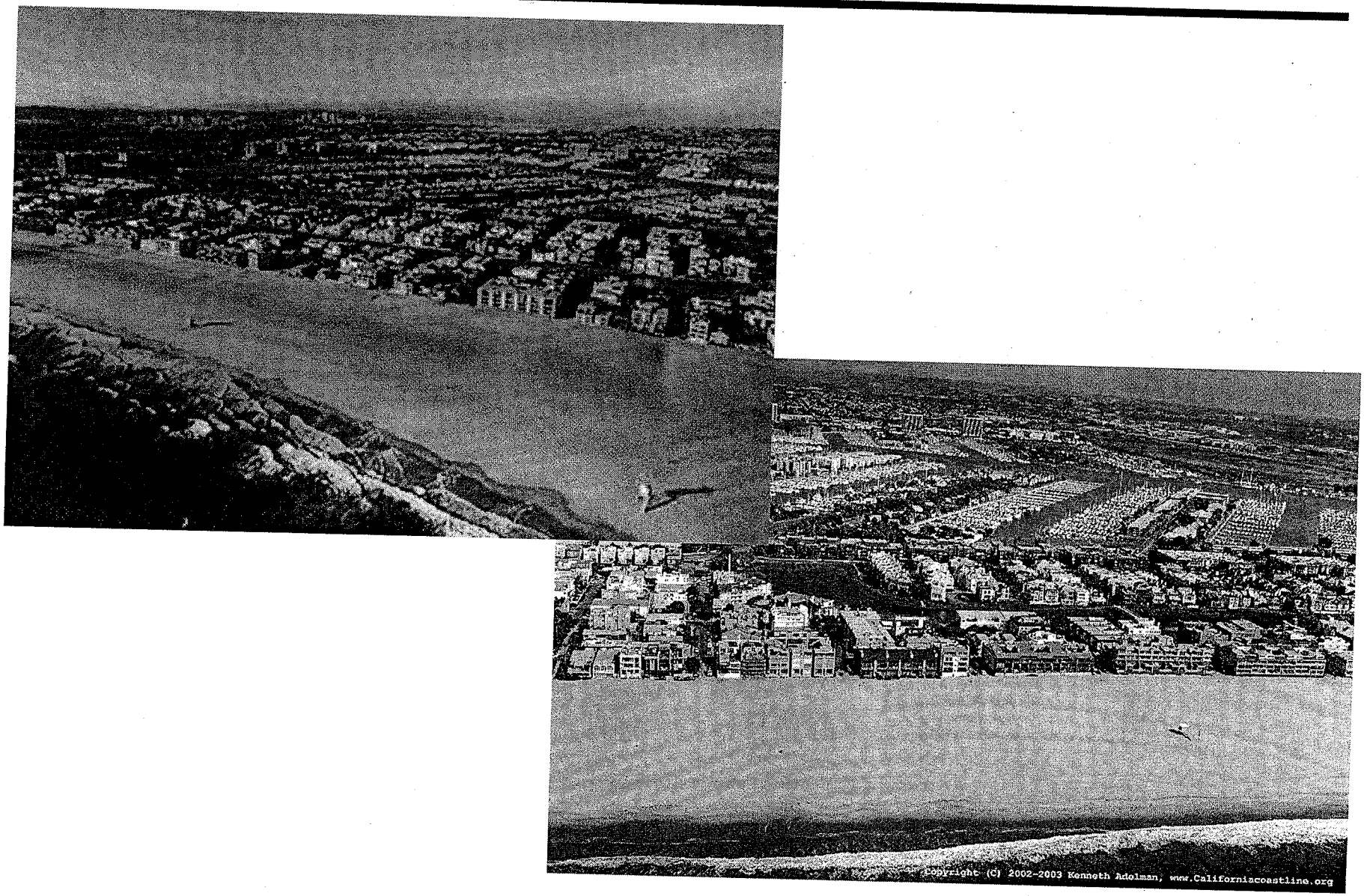
The Premise

- Marina Del Rey is predicated upon providing low cost, recreational boating for the citizens of Los Angeles.

- Public parking for recreational boating use is protected in the LCP.

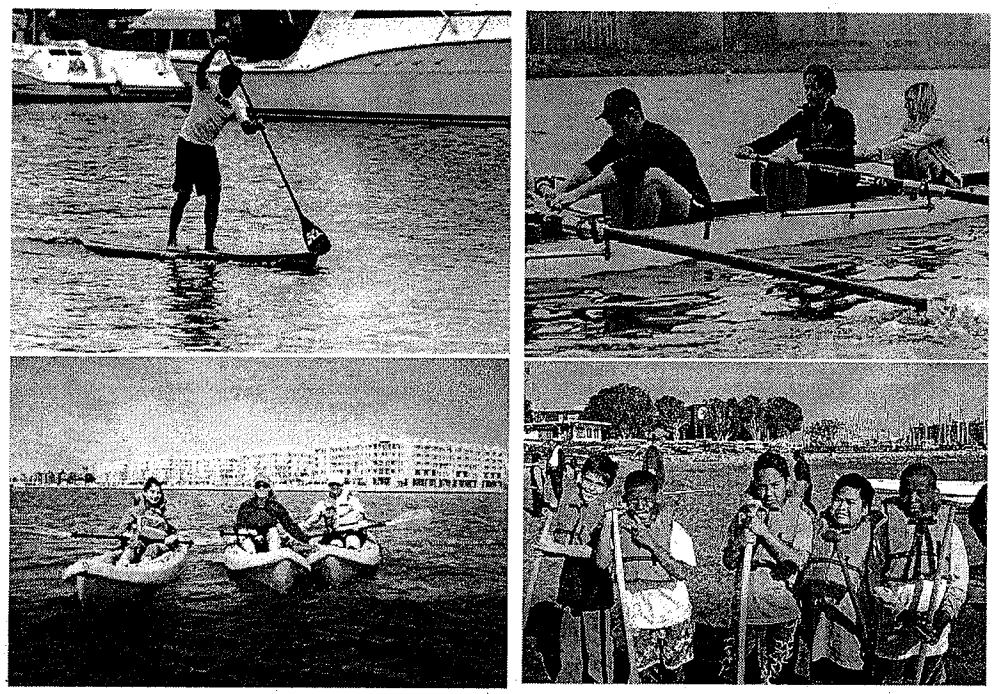
- Access to recreational boating is a priority use in the Coastal Plan.

Lack of Parking = Lack of Use

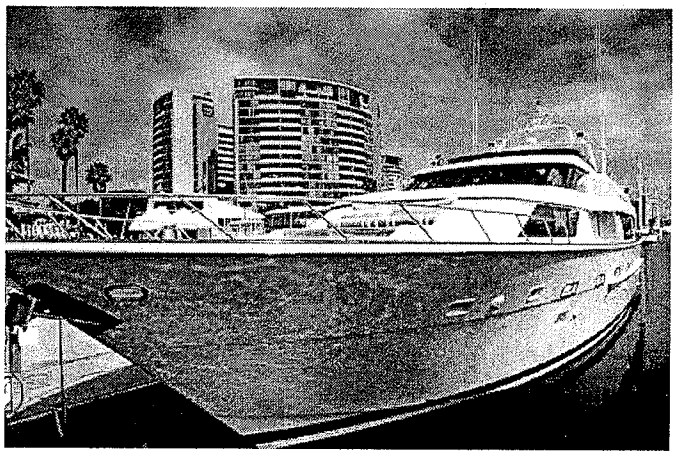


Low Cost Recreational Boating

Marina Beach access offers low cost of entry to experience the Marina



VS



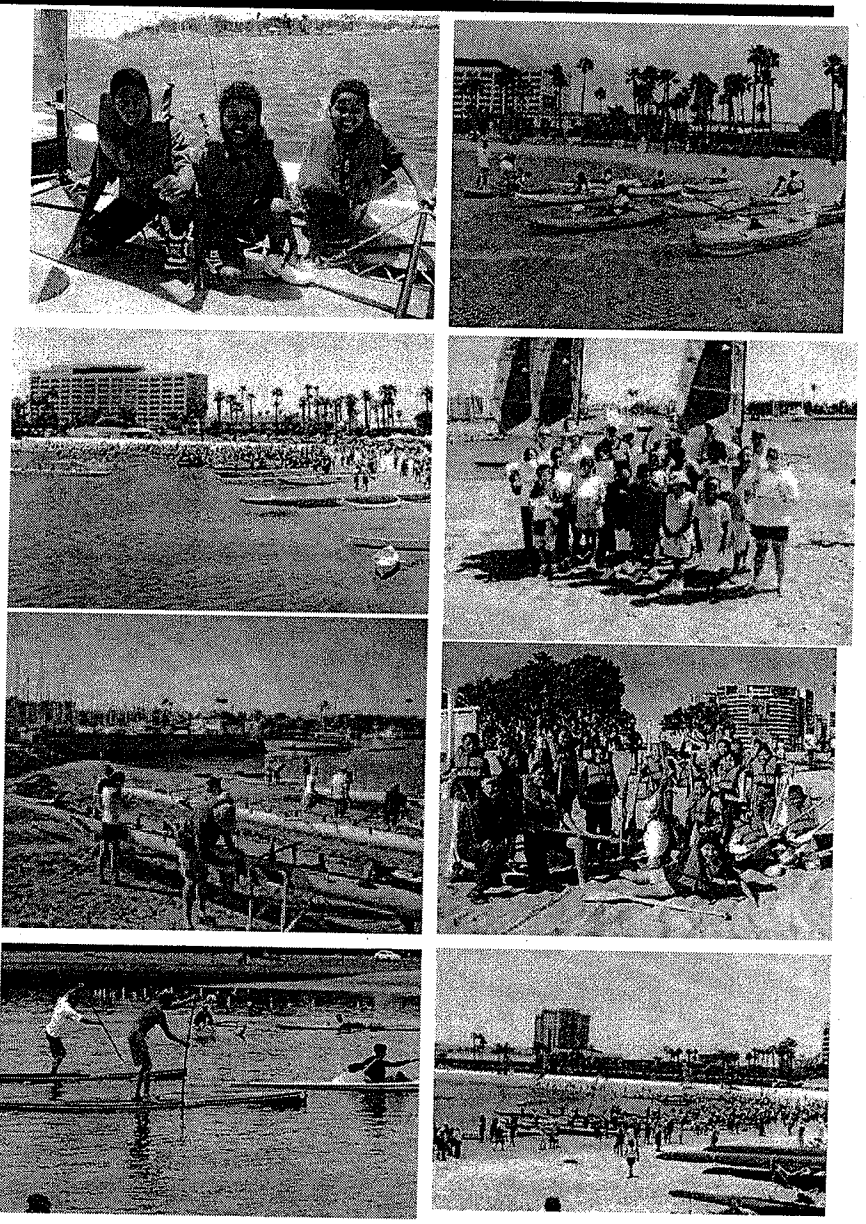
Kids Programs- Free or Subsidized

Membership Based Organizations

Low Cost Personal Watercraft

Users - Impact

- **Families**
  - Picnics, Day Use, Gatherings
- **Kids Programs**
  - Boys & Girls Club, Row LA, MDROCC Keiki, Kayaks for Kids, LAPD Explorers, SM Police Activities League
- **Individuals**
  - Kayakers, Stand-Up Paddlers, Paddleboarders, Outriggers, Rowers, Swimmers, Small Sail Boats, Volleyball Players
- **Events**
  - Learn To Row, Kahanamoku Klassik, Rowing Regattas, Malibu to Marina Paddle Championships
- **Organizations**
  - LA Rowing Club, Fairwind, Marina Del Rey Outrigger Canoe Club, United Rowing
- **Business Owners**
  - Local Restaurants, Markets, Equipment Supply, REI, Action Water Sports



Considerations

A needs assessments and use patterns of Mothers Beach is necessary before making major Land Use changes, especially with the change from PARKING to RESIDENTIAL

1. Which recreational boaters and beachgoers access the beach?
2. Which area of the beach is critical for recreational boating or other uses?
3. What parking lots are critical for access?
4. How do they use and access the beach? Where?
5. What are their needs?
6. When do they use the area?
7. How will changes in the area effect the future use and access of the beach?
8. How will changes effect the future growth of recreational boating?

What are the Needs of Marina Beach Users?*

- **Parking Proximity**
  - Time
  - Gear
- **Parking Affordability**
  - Frequency
- **Beach Access**
  - Safety
  - Ease of Launching
  - Loading/Unloading
  - Family friendly
- **Vehicle Accommodations**
  - Height/Length/Racks/Trailers
- **Storage**
  - Personal Water Craft

* Partial listing / further research and study needed by County to understand user needs

What Won't Work..*

- **Loss of Current Parking**
- **Underground garages**
  - Elevators
  - Vehicle/PWC height issues
- **Remote Parking/Water Taxis/Buses/Shuttles**
  - Gear transfer
  - Time to get to/from beach
- **No unloading areas**
- **Lessees/Tenants**
  - Upset with noise/congestions/parking issues

* Partial listing / further research and study needed by County to understand user needs

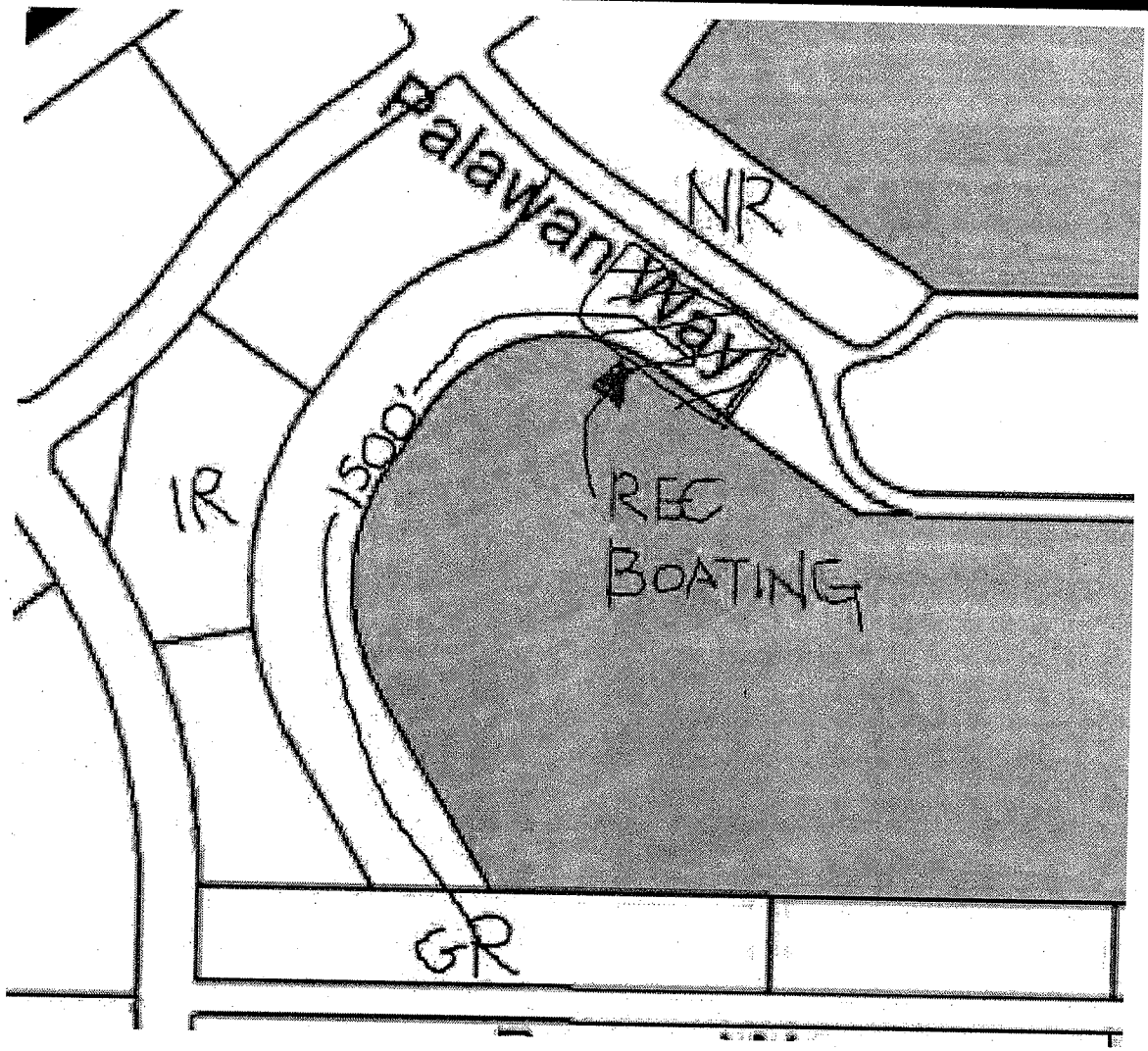
For The Record...

- **Correspondence from Marina Del Rey Community Boating Council members relating to Marina Beach sent to:**
  - **Design Control Board**
    - August 28, 2008
    - December 17, 2008
    - July 22, 2009
  - **Regional Planning**
    - April 2009 (as part of Community Working Groups)
  - **Coastal Commission**
    - April 8, 2009
  - **Beaches & Harbors**
    - April 3, 2010 (as part of Marina Beach Community Workshop)

All Parking Spaces Are Not Equal

- Raju Associates Study flawed- combines 4 lots in M.B. Area
- Lot GR does not serve Marina Beach-1500 ft away
- Lot OT does not serve recreation boating- overflow only
- Lot IR serves picnic area- recreation
- Lot NR only serves recreational boating! Yet it is being rezoned residential.

Uses Are Not Adjacent



Look at the Data! Flawed

- County notified of draft report undercount- Raju went back out recounted
- Same parking count for NR (69 spaces)- HOW? (Appendix A3)
- Lot GR shows 15 public users max- why grow?
- Lot NR shows max use, Lot IR also.
- Where is county data from staff observation?

APPENDIX C-2
FUTURE ANTICIPATED CONDITIONS PUBLIC PARKING DEMAND ANALYSIS BY DAY AND LOT

#	Activity Area	Lot Number - Parcel	Supply	Anticipated Future Public Parking Demand & Utilization Profiles																			
			Proposed Number of Spaces	Occupied Spaces on Weekdays											Occupied Spaces on Weekend Days								
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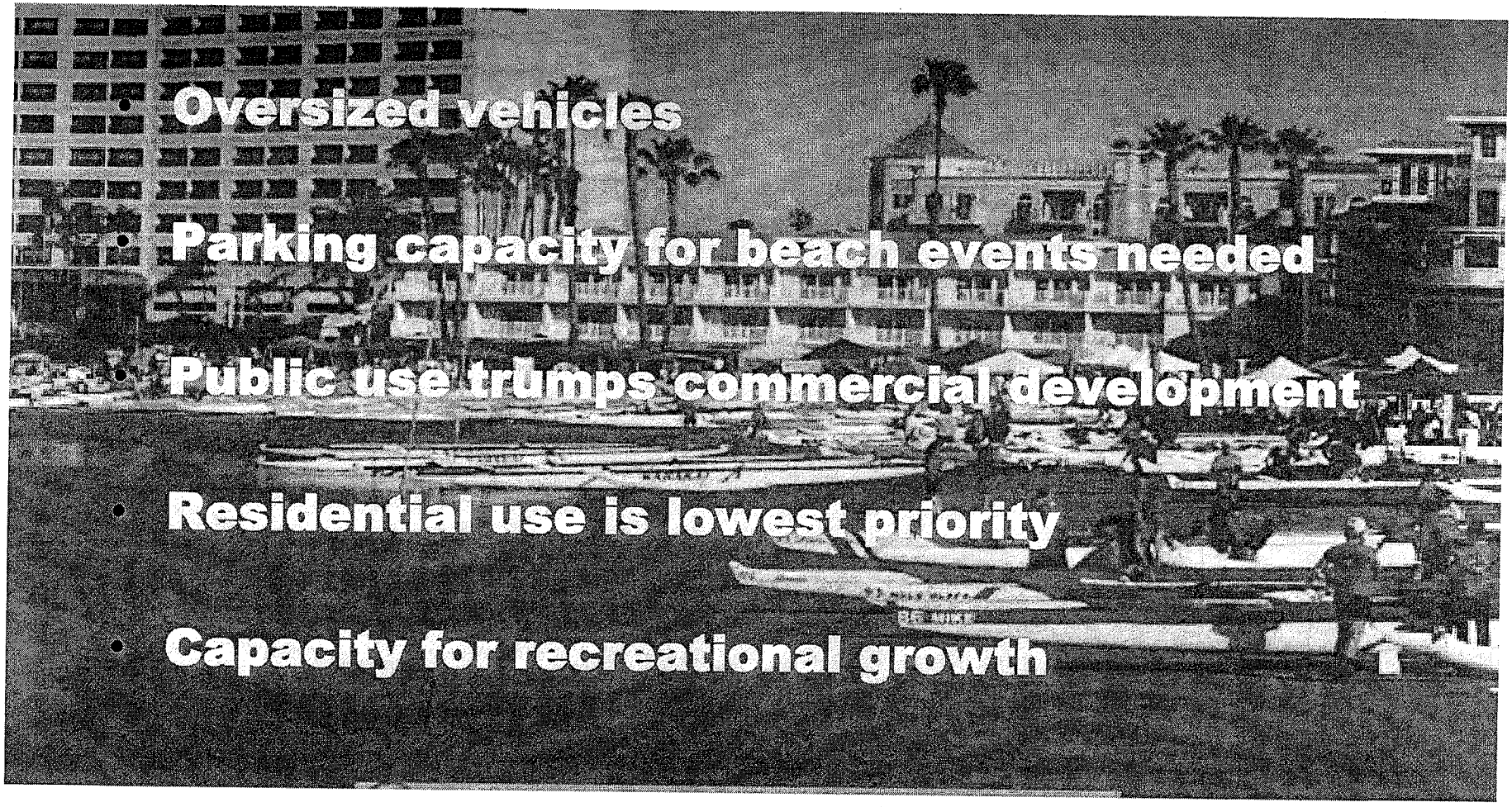
1	Mother's Beach	8 - OT	92	8	110	67	60	6	8	65	3	35	9	38	17	6	44	51	49	39	20	25	43
		9 - NR	69	59	35	61	67	84	62	64	120	112	122	125	130	124	120	122	121	351	101	142	131
		10 - IR	109	2	25	6	10	12	34	79	80	97	75	177	123	182	62	86	46	115	27	140	242
		11 - GR	382	45	63	68	36	34	34	53	17	17	15	22	22	18	22	17	24	17	14	15	17

Boating Needs Can't Be Served In a Residential Zoned Lot



Parking=Access,
No Parking=No Access

- Recreational boating primary use
- Examine how beach is used
- Recreational boating survey needed
- Marina Beach is not single entity
- DO PLANNING!
- Decision made prior to data?

CEQA Required for Decisions

- Save Tara lawsuit. City of Bell lawsuit
- County leases were negotiated prior to LCP amendments or Studies
- County RFP's outlines project- predetermines scope and makeup of project, and change of use
- By definition, a decision was made regardless of permit status
- Decision requires CEQA

Pipeline Projects Redesign Marina

- Scope of overall change should require CEQA.

- 6 significant projects redesign Marina. Each require individual CEQA also, but with LCP Amendment approval will be expedited. CEQA circumvented.

- Decisions such as rezoning of parking lots to residential already done

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

November 24, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice-Chair
Esther Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Samuel Dea
Section Head, Special Projects

SUBJECT: Materials for Discussion Item
Project Number: R2009-02277-(4)
Case: RADV200900014
RPC Meeting: December 2, 2009
Agenda Item: 8

This status report has been prepared in response to the Regional Planning Commission's inquiry regarding current and future projects which may impact public parking lots in the unincorporated area of Marina del Rey in the County of Los Angeles. The intent of this report is to identify which public parking lots in the Marina may be impacted by development projects that are a part of the proposed Local Coastal Program, ("LCP") Compound Amendment process and to provide an update for the Commission on the current and future public parking needs that have been analyzed by the Department of Beaches and Harbors for the Marina del Rey area of the County of Los Angeles.

History

On September 1, 2009, the Board of Supervisors, ("Board") approved a motion introduced by Supervisor Don Knabe, directing the Department of Regional Planning to implement a three-prong approach for future development in Marina del Rey. The three prongs in the roadmap are as follows:

a. Submission of the County's response to the California Coastal Commission's Marina LCP Periodic Review findings and recommendations in April 2010 as statutorily required;

b. Presentation of a single aggregate LCP map and text amendment with respect to all Phase II Marina redevelopment projects requiring an LCP amendment. This is anticipated to be presented to the Board by February 2011, after being considered by the Regional Planning Commission; and,

c. Development of a vision for the future redevelopment of Marina Del Rey within five years, which will focus on the redevelopment of leaseholds terminating in the next 15 to 20 years.

Project Scope:
Work collaboratively with the Department of Beaches and Harbors and the Department of Public Works to analyze and process all Phase II Marina redevelopment projects requiring an LCP amendment.

Status:
There are currently six projects that make-up the "pipeline projects," that will comprise the compound plan amendment project. In addition to the requested plan amendments, each project is in a different phase of the development process, while some projects such as parcels OT/FF and parcels OT/21 are already before your Commission for consideration, others are just in the initial phases. The following development projects have been indentified to impact existing public parking lots in Marina del Rey.

1. Parcels 10/FF
   Proposal to construct 526 apartments apartment units on two lots. One of the lots, Parcel FF, is currently developed with 201 public parking spaces. The applicant is proposing to pay an in lieu of fee to replace 103 of the spaces off site at a later date as required by the LCP. This project was last heard by your Commission on October 14, 2009. The hearing has been continued to February 3, 2010.

2. Parcels OT/21
   Proposal to construct a 114 unit senior retirement facility on a public parking lot that is currently developed with 186 parking spaces. The applicant is proposing to maintain 92 public spaces on-site and to replace 94 public parking spaces at an off-site location. This project was last heard by your Commission on October 21, 2009. The hearing has been continued to December 16, 2009.

3. Parcels 33/NR
   Proposal to construct 292 apartments and retail/restaurant uses on a lot that is currently developed with 186 public parking spaces. The applicant is proposing to replace 69 public parking spaces on-site. Lease documents are in process with the Department of Beaches and Harbors. A submittal has not yet been made to the Department of Regional Planning.

4. Parcel IR
   Proposal to construct a 147 room hotel on a public parking lot with 212 parking spaces. The applicant is proposing to maintain 197 public parking spaces on-site and to move 20-89 public parking spaces to an off-site location. Lease documents approved by BOS October 2006.

5. Parcels 52/GG
   Proposal to a construct a 345 vessel dry stack storage facility on a public parking lot that is currently developed with 236 parking spaces. The applicant is proposing to replace the spaces at an off-site location in the Marina. The Draft Environmental Impact for this project is currently being reviewed by the Department of Regional Planning.

6. Parcels 49/77
   Development of commercial/retail, restaurant, parking and water-oriented uses, and potentially a waterfront promenade (depending on the use and layout of the Project), on a public parking lot that is currently developed with 379 parking spaces. Potential applicants for this project will have to retain or replace all of the present boating facilities, bicycle path, and parking spaces.

Parking
A comprehensive and detailed parking study has been performed by Raju and Associates to assess the public parking needs within the Marina del Rey area. Both current and future needs were assessed through the year 2030, including the right-sizing of public parking lots.

Attachments:
Memo from Beaches and Harbors (dated 11/24/09)
Project map (affected public parking lots & development parcels)
Right-Sizing Parking Study

SD:ag

To enrich lives through effective and caring service

November 24, 2009

Los Angeles County Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

Regional Planning Commission
150 Hall of Records
320 West Temple Street
Los Angeles, CA 90012

Dear Commissioners:

MARINA DEL REY REDEVELOPMENT AND PUBLIC PARKING LOTS

During the mid-1990s, the Department of Beaches and Harbors ("Department") began to examine the long term redevelopment strategies for the aging but valuable County asset, Marina del Rey. This resulted in the *Marina del Rey Asset Management Strategy,* which the Board of Supervisors approved in April 1997 and which provides essentially the business strategy for the second generation development of Marina del Rey. Part of this strategy involved the possible conversion of underutilized parking lots into other uses. Over the subsequent years, the Board of Supervisors has approved Requests for Proposals to develop a number of public parking lots, some of which are now in various stages of the entitlement process.

At the October 21, 2009 hearing, your Commission requested information on developments on public parking lots within Marina del Rey, including but not limited to the Oceana Retirement Facility on Parcel OT and the Neptune Marina Apartments on Parcel FF. Public parking spaces from both of these parcels are required by the Marina del Rey Local Coastal Program to be replaced on-site or elsewhere in the Marina if they are to be displaced by other proposed redevelopment, at a 1:2 basis with respect to Parcel FF.

In order to ensure that replacement public parking spaces would be built in locations most appropriate to serve the public and that replacement parking would be adequate to meet the Marina's future needs, Raju & Associates was hired by the Department to study suitable sites, as well as to suggest the optimum number of total public parking spaces in Marina del Rey. The consultant has prepared the draft *Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California*, which is being sent to you by the Regional Planning Department in your meeting mailout.

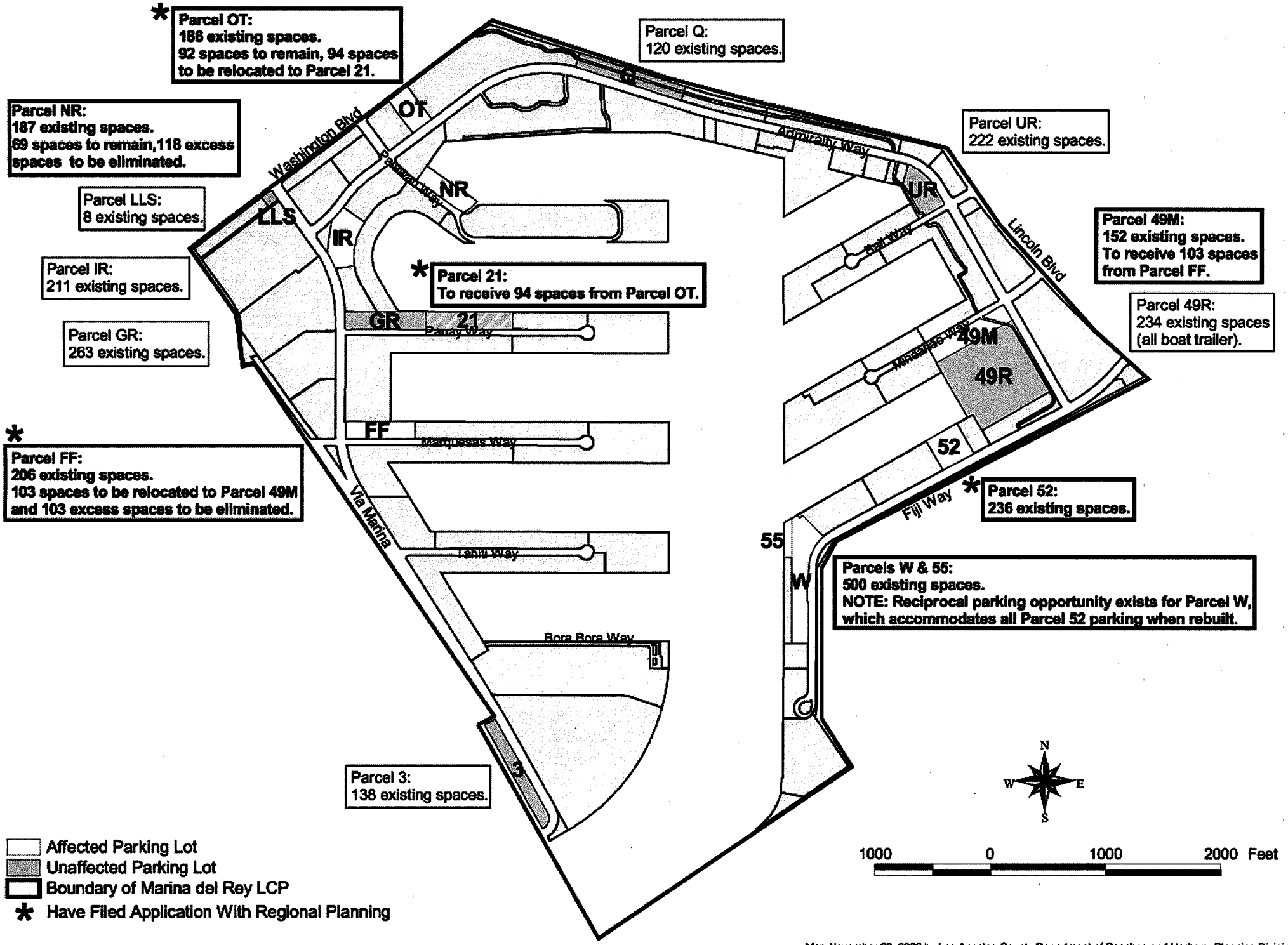
Representatives from the Department will make a presentation on the draft *Parking Study* at your Commission's December 2 meeting and they, as well as the consultant, Srinath Raju, will be available to answer any questions you may have.

Very truly yours,

for Santos H. Kreimann, Director

SHK:GJ:ks
c: Jon Sanabria, Acting Director
Regional Planning Department

MdR Public Parking Redistribution in Conjunction With Upcoming Redevelopment



Map November 23, 2009 by Los Angeles County Department of Beaches and Harbors, Planning Division.

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

November 19, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice-Chair
Esther Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Sam Dea
Section Head, Speacial Projects

SUBJECT: Materials for Disscussion Item
Project Number: R2009-02277-(4)
Case: RADV200900014
RPC Meeting: December 2, 2009
Agenda Item: 8

Materials for the disscussion item regarding the status report on the Local Coastal Plan Compund Plan Amendment project and the conversion of Marina del Rey public parking lots will be sent out to your Commmsion next week.

SD:ag

THE DEPARTMENT OF REGIONAL PLANNING
COUNTY OF LOS ANGELES

NOTICE OF PUBLIC HEARING

The Los Angeles County Planning Commission will conduct a public hearing on the following project. You will have an opportunity to testify and submit written comments.

Date and Time: Wednesday, November 3, 2010 at 9:00a.m.

Hearing Location: 320 West Temple Street, Room 150, Los Angeles, CA 90012

Permit: Project Number R2009-02277, RADV200900014

Project Location: The Marina del Rey Local Coastal Program covers all landside parcels in the Marina del Rey small craft harbor located in the unincorporated area of Los Angeles County.

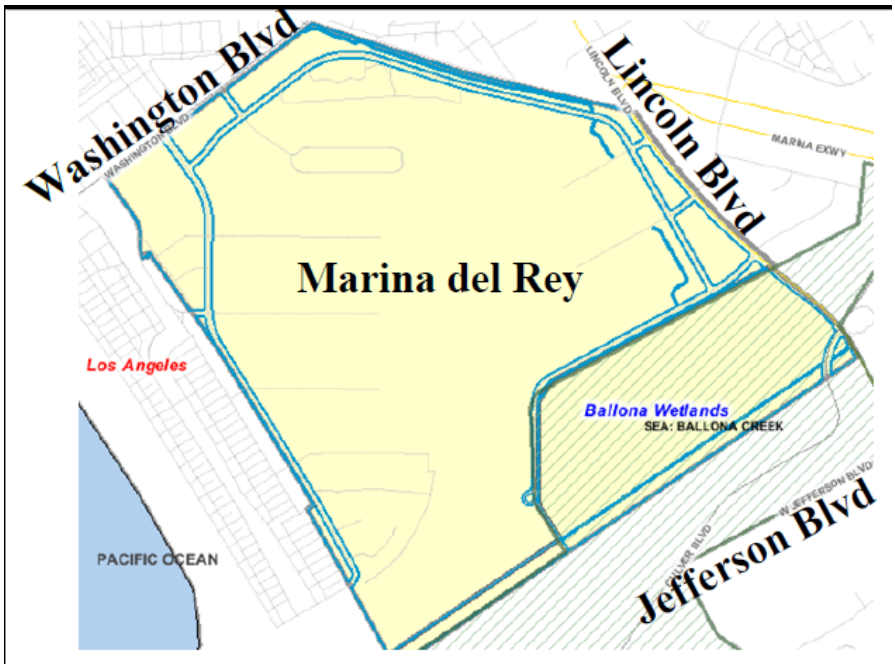
Description: The major amendment to the Marina del Rey Local Coastal Program will re-designate the land use categories of several parcels, provide enhancements to open space, adopt policies to address sensitive biological resources, right size public parking, update to the circulation plan and combine development zones. In addition several minor changes to update the document are also proposed.

Additional Info: Review case materials online at *http://planning.lacounty.gov*
Hall of Records
320 West Temple (Room 1362)
Los Angeles, CA 90012
OR
Lloyd Taber-Marina Library
4533 Admiralty Way
Marina del Rey, CA 90292

Contact: Department of Regional Planning, Special Projects Section, Michael Tripp, 213-974-4813 or marinaplanner@planning.lacounty.gov From 7:30 AM to 5:30 PM, Monday-Thursday closed on Fridays). 320 West Temple Street (Room 1362), Los Angeles, CA 90012

For reasonable accommodations or auxiliary aids, please contact the Americans with Disabilities Act (ADA) Coordinator at 213-974-6488 (Voice) or 213-617-2292 (TDD) with at least 3 business days' notice. *Si necesita más información por favor llame al 213-974-6466.*

Project Site



Proposed change to Title 22 definitions:

22.08.190 S.

……..

-- “Significant ecological area” means:
A. Significant ecological areas/habitat management areas designated on the special management areas map of the general plan.
B. Environmentally sensitive habitat areas, sensitive environmental resource areas and rare plant habitat areas, identified in the Santa Catalina Island ~~or Marina del Rey~~ Local Coastal Program~~s~~ depicting any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles CA 90012

NOTICE OF COMMUNITY MEETING

COMMUNITY MEETING FOR
DRAFT MAJOR AMENDMENT TO THE MARINA DEL REY LOCAL COASTAL PROGRAM

The Los Angeles County Department of Regional Planning will hold two community meetings to present information and solicit community input on the proposed Marina Del Rey **Local Coastal Program (LCP) Major Amendment.** You will have an opportunity to speak or submit written comments on:

Date and Time: **Saturday, August 21, 2010 9:00AM to 12:00PM** and **Tuesday , August 24, 2010 6:00PM to 9:00PM**

Location: Burton W. Chace Park, Community Building
13650 Mindanao Way
Marina del Rey, CA 90292

Description: As part of the "roadmap approach" approved by the Board of Supervisors on September 1, 2009, a draft major amendment to the Marina del Rey Local Coastal Program has been prepared aggregating proposed amendments, including the "pipeline" projects, into one major map and text amendment.

Comment Period: The Draft LCP will be available for a six week public review starting 8/13/2010.

Additional Info: Project materials are available at: Hall of Records (Room 1362); Lloyd Taber-Marina Library (4533 Admiralty Way, Marina del Rey, CA 90292); and online at: **http://planning.lacounty.gov**

Contact: Department of Regional Planning, Special Projects Section, Michael Tripp
213-974-4813 or marinaplanner@planning.lacounty.gov
From 7:30 AM to 5:30 PM, Monday through Thursday (closed on Fridays)

For reasonable accommodations or auxiliary aids, please contact the Americans with Disabilities Act (ADA) Coordinator at 213-974-6488 (Voice) or 213-617-2292 (TDD) with at least 3 business days' notice.
Si necesita más información por favor llame al 213-974-6466.

Regional Planning Commission Transmittal Checklist

Hearing Date
November 3, 2010
Agenda Item No.
6

Project Number: R2009-02277-(4)
Case(s): ADV 20090014-(4)
Planner: Mr. Michael Tripp

☒ Staff Report

☒ Cumulative Impact Assessment

☒ Appendices

☒ CD of Companion Studies

☒ Draft Revisions to Marina del Rey Land Use Plan

☒ Draft Revisions to Marina del Rey Local Implementation Plan

Reviewed By: _____

STAFF REPORT
AMENDMENT TO
MARINA DEL REY LOCAL COASTAL PROGRAM

PROJECT NUMBER: R2009-02277-(4)
PLAN AMENDMENT CASE NUMBER: ADV 200900014-(4)

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AMENDMENT DESCRIPTION

ADV 200900014-(4)

This amendment to the Marina del Rey Local Coastal Program, consists of comprehensive revisions to**:**

a) The **Marina del Rey Land Use Plan;** and b) The **Marina del Rey Specific Plan,** amending Part 3 of Chapter 22.46 of the Los Angeles County Code, Title 22 (Planning and Zoning) – consisting of:

1) Open space enhancements;

2) Revisions to update the circulation element;

3) Collapsing of the current Development Zones from 14 to 3;

4) Right sizing of public parking lots;

5) Establishing a minimum number of boat slips and a plan to encourage low-cost boating;

6) A conservation and management strategy for Marina del Rey's sensitive biological resources;

7) The removal of the Ballona Wetlands Restoration Area (Area A) from the Marina del Rey Specific Plan area; and

8) Project driven amendments.

In addition to these proposed changes to the Local Coastal Program, staff is also recommending amending Title 22 to remove reference to Environmentally Sensitive Habitat Areas in Marina del Rey, in the "Definitions," section of code. Environmentally Sensitive Habitat Areas were removed from the Marina del Rey LCP in 1996.

LOCAL COASTAL PROGRAM HISTORY

The Marina del Rey Local Coastal Program (LCP) consists of a Land Use Plan (LUP) and a Local Implementation Program (LIP). The original LUP was adopted by the Board of Supervisors on September 13, 1984 and certified by the California Coastal Commission (CCC) on October 11, 1984. In 1985 the City of Los Angeles annexed 490 acres of land south of Ballona Creek and east of Lincoln Blvd, known as Areas B and C. Following the City's annexation, the CCC recertified the LUP on December 9, 1986. The LIP was adopted by the Board of Supervisors on November 6, 1990 and certified by the CCC on December 13, 1990.

A major amendment to the Marina del Rey Local Coastal Program was approved by the Board of Supervisors on November 3, 1994, and certified with suggested modifications by the CCC on May 10, 1995. The suggested modifications were approved by the Board on August 22, 1995 and effective certification by the Coastal Commission occurred on February 8, 1996.

Since the time of the last major amendment to the LCP, two minor amendments have also been approved. The first was certified by the CCC on January 2, 2002 (Local Coastal Program Amendment No. 01-01) to redesignate Marina del Rey Parcel 20's land use category from Marine Commercial to Residential IV. The amendment also allowed the transfer 97 dwelling units from Development Zone 1 to Development Zone 4. The second amendment (Local Coastal Program Amendment No. 01-07) was certified by the CCC on February 17, 2009. This amendment clarified the roles and responsibilities of the Marina del Rey Design Control Board (DCB) in its review of development proposals in the Coastal Development Permit process.

In 2003, the CCC and the County of Los Angeles (County) began work on a Periodic Review of the Marina del Rey LCP as a result of a settlement agreement in a lawsuit

brought against the CCC. Coastal Commission staff worked in cooperation with the County to conduct a lengthy review of the LCP pursuant to Coastal Act Section 30519.5. The Coastal Commission's staff report on the Periodic Review was published in December 2007 for a January 2008 hearing. At the January 2008 hearing, the CCC added numerous changes and recommendations, resulting in the Periodic Review finally being submitted to the County in April 2009. The County provided its response to the Coastal Commission in April 2010. At the time of this report, the response is pending with the Coastal Commission. It is expected that the CCC will consider the Periodic Review in late 2010 or early 2011.

This LCP amendment proposes changes to both the LUP and the LIP. The LUP changes include modifications of the text, maps and policies. The LIP changes amend the Marina del Rey Specific Plan (Part 3 of Chapter 22.46 of Title 22), and deletes Area A from the Marina del Rey Specific Plan area.

SITE DESCRIPTION

The Marina del Rey LCP area includes an unincorporated portion of Los Angeles County located north of Ballona Creek, west of Lincoln Blvd, south of Washington Blvd and east of Via Dolce. The 943-acre parcel consists of 804 acres of land owned by the County, the 139-acre Ballona Wetlands Restoration Area (Area A) which is owned by the California Department of Fish and Game. The LCP area also includes 360 acres of water which is owned by the County. Part of this amendment to the LCP will remove Area A from the Marina del Rey Specific Plan Area.

EXISTING DEVELOPMENT

Marina del Rey provides coastal-dependent and visitor-serving uses such as boat launching facilities, docks, parks, retail shops, restaurants, boat charter operations, hotels, marine commercial facilities and a beach as well as non-Coastal Act priority uses such as residences and office space. Five hotels and one motel provide Marina del Rey with 1,093 rooms available at various locations around the Marina. Thirty-four restaurants located throughout the Marina provide over 8,700 restaurant seats. The Marina also has two major shopping centers (Fisherman's Village and the Marina Waterside) and two smaller ones. Fisherman's Village, located near the terminus of Fiji Way, is a tourist attraction with 32,600 square feet of restaurant, retail and commercial office uses and a commercial anchorage which contains the berthing space for approximately 27 boats. The Marina Waterside is located on the northeast corner of Fiji Way and Admiralty Way and offers 132,487 square feet space which includes retail shops, restaurants, spas, a bank and a US Post Office.

Non-Coastal Act priority uses, including apartments, condominiums and office space are also found at various locations throughout the Marina. Residential developments vary in density from 35 to 75 dwelling units per acre and are located primarily on the west side of the Marina.

Marine commercial uses, including yacht clubs, are currently found on 9 parcels throughout the Marina. Boat repair facilities are primarily located along Fiji Way and the one remaining fuel dock can be found on the western portion of the channel near the terminus of Bora Bora Way.

The Marina is currently developed with 17 public parking lots supplying approximately 3,138 spaces. The majority of these public parking lots are underutilized for most of the year. The only two parcels in the Marina which have not been developed are the Ballona Wetlands Restoration Area (Area A) which now belongs to the California Department of Fish and Game and Parcel 9, which was the site of an abandoned hotel project in the 1980's.

SIGNIFICANT CHANGES TO THE CERTIFIED LCP

Changes have been made 12 of the 14 chapters in the Land Use Plan with only the, "Cultural Heritage Resources," chapter and the deleted, "Agriculture," chapter not being at all altered. The changes range from very minor edits made to the, "Public Works," chapter, to an extensive update to, "Circulation," chapter and the completely new addition of a, "Sensitive Biological Resources," chapter. These changes include changes to the maps, text and policies of the document. While it is not practical to list every change made to the document in this staff report, the areas of most significant change between the certified LCP and this amendment will be highlighted.

1. Land Use Changes

This amendment proposes three types of land use changes: A) Changes in the land use categories. B) Changes to parcel-specific land use designations which define the principal permitted uses on a given parcel, and C) Changes in the method of allocating development potential to parcels.

A) Land Use Category Changes

The following changes have been made to the land use categories, which control the primary permitted uses on a given parcel:

1) **Seniors Accommodations** land use category: This is a new proposed land use category created to address a type of housing that was not considered at the time when the original LCP was written. This is a specialized use for the housing of persons 62 or older that may or may not be retired. Units shall contain no more than two bedrooms and may not contain a kitchen. Communal dining facilities are provided on site to the residents at no additional cost. Mixed-use services provided on-site to the residents may include, but are not limited to one or more of the following: concierge, dry cleaners, laundry, hair and beauty salon, spa (excluding massage), recreation room, lounge, shuttle/limousine, travel, maid, linen, and other personal services. Units within a Senior Accommodations

facility are not considered residential uses for purposes of determining dwelling unit density, assessing affordable housing requirements, or assessing transient occupancy taxes and fees. As currently proposed, the land use category uses direct conversion of existing potential for hotel rooms to create the Senior Accommodations units. However, staff recommends the consideration of residential dwelling units rather than hotel units for conversion to senior accommodations units as they are a lower priority use in the Coastal Act. **A resolution recommending approval of an LCP amendment to create the Seniors Accommodations land use category (Project No. R2006-01510-(4))) was approved by the Regional Planning Commission on April 28, 2010.**

2) **Hotel** land use category: Changes are proposed to the, "Hotel," land use category to clarify under which circumstances a limited use overnight accommodations facility, including, but limited to, timeshares, fractional ownership, condo hotels, vacation clubs, and other similar arrangements may be permitted.

3) **Boat Storage** land use category: Changes are proposed to the, "Boat Storage," land use category to allow small convenience facilities not related to the boat storage use if said facilities are established to serve visitors to a park, promenade, and or transient dock located on the parcel.

4) **Water** land use category: Changes are proposed to the, "Water," land use category to allow dry stack storage facilities to extend out over the water at the up to the same height as would be permitted on the landside parcel.

B. Parcel Specific Land Use Designation Changes

The major amendment to the LUP proposes changes in land use designations to 12 parcels. In addition, the Waterfront Overlay Zone (WOZ) and Mixed Use Overlay Zone (MUZ) have been added to 8 parcels. Changes were also made to Parcel's 10 and 14 (Formerly FF) to allow their residential densities to be averaged over the parcels.

C. Changes in the Method of Allocating Development Potential

Under the current LCP, development is limited both on a parcel specific level and by the development zone in which a parcel is located. There are currently 14 developments zones that each allows a specific amount of development potential within their boundaries.

The Development Zone (DZ) concept was originally formulated in an attempt to encourage lessees to develop their parcels quickly as delaying development may result in all of the development potential in a particular DZ being used up by another lessee.

This concept did not lead to the desired outcome and has become a hindrance as development potential has now been trapped in DZ's where lessees have no intention to develop their properties. Currently, due to the constraints of the DZ concept, a plan amendment is required to shift development across the street or to adjacent parcels in many cases (Please see Exhibits 1 and 2).

The County is proposing to collapse the current 14 DZ's into 3 Major Development Zones (MDZs). A traffic study was performed to determine the optimum number of DZ's for the Marina and to ensure that collapsing the DZ's would not result in unacceptable traffic conditions within the Marina. The traffic study found that even if the 14 development zones were collapsed and the Marina was fully built out, intersections within the Marina would still be operating at acceptable levels.

2. Circulation Improvements

The amendment proposes a major update to the LUP's Circulation Chapter which includes proposals for intersection improvements at the following four intersections:

a) **Admiralty Way and Via Marina** - There are currently two proposed alternatives. The Triple Left-Turn alternative would add a third left-turn lane to westbound Admiralty Way, and the Continuous Loop alternative would reconfigure the intersection. Both alternatives would provide sufficient capacity to accommodate future traffic conditions, and would comply with the road improvements required in the MDR Local Coastal Program. The Continuous Loop alternative would improve pedestrian safety, and create an attractive "Gateway" entry to the Marina.

b) **Admiralty Way and Palawan Way** - Add a westbound through lane to Admiralty Way.

c) **Admiralty Way and Bali Way** - Add a second southbound left-turn lane to Admiralty Way.

d) **Admiralty Way and Mindanao Way** - Add a second southbound left-turn lane to Admiralty Way and add a third lane to the eastbound approach of Mindanao Way.

These improvements are further illustrated in Map 18 of the Land Use Plan (Also shown as Exhibit 3). If incorporated into the LCP, these improvements would add sufficient capacity to accommodate future traffic conditions and comply with the existing road improvements required in the MDR Local Coastal Program.

3. Sensitive Biological Resources

The County commissioned the preparation of a conservation and management plan for Marina del Rey in an attempt to evaluate and develop policies to protect the sensitive biological resources found in the Marina. This study was done in response to the

Recommendations 43-62 of the CCC's Periodic Review of the Marina del Rey LCP which addressed Biological Resources and Environmentally Sensitive Habitat Areas (ESHA).

Based on the results of the study, the County is proposing to add a, "Sensitive Biological Resources," chapter to the LUP. The LUP does not currently have a chapter that addresses sensitive resources. Following the annexation of Playa Vista Area B to the City of Los Angeles in 1986 and the removal of the Ballona Wetlands from County jurisdiction, the ESHA chapter of the LUP was removed in 1996 as policies involving preservation and restoration of wetlands were deemed no longer relevant to the developed Marina.

While no ESHA exist in the developed Marina, the Conservation and Management Plan (CMP) provided recommendations for improving habitat conditions in three specific areas, the Oxford Retention Basin, the proposed wetland park on the southern portion of Parcel 9U and the margin of the Ballona Wetlands. In addition, recommendations were provided to protect avian resources within the Marina. These recommendations have been incorporated into policies in the proposed major amendment to the LCP.

PIPELINE PROJECTS DRIVEN AMENDMENTS

In addition to the planning driven amendments found within this Major Local Coastal Program Amendment (LCPA), there are also amendments driven by what are collectively known as the, "Pipeline Projects." The Pipeline Projects are all of the currently contemplated developments that would by themselves require amendments to the LCP.

At the June 11, 1009 meeting of the Coastal Commission, Coastal Staff presented to their commission a "Road Map" for the County to follow for processing Marina del Rey Phase II development and its response to the Periodic Review. The CCC unanimously concurred with the "Road Map" approach which requires the County to batch all of the desired Phase II plan amendments into one compound amendment. The Board of Supervisors approved of this approach and on September 1, 2009, directed the Department of Regional Planning to prepare this map and text amendment. Following this direction, the Department of Regional Planning has batched the three LCP amendments already approved by the RPC with the amendments needed for two other "Pipeline Projects" projects into this Major Local Coastal Program Amendment. Below is a description of each of the Pipeline Projects:

1. Plan Amendment Case No. 200600013-(4) (Approved by the RPC on March 10, 2010)

The proposed project would demolish an existing 136 unit apartment complex and replace it with a 400 unit apartment complex, consisting of two 55 foot tall buildings and one 60 foot tall building, and a 28 foot wide pedestrian promenade on Marina del Rey Parcel 10R. The Coastal Development Permit, Conditional Use Permit, Variance and

Plan Amendment for this project were approved by the Regional Planning Commission on March 10, 2010.

To accommodate the proposed development on Marina del Rey **Parcel 10**, the applicant has requested the following amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan:

- To authorize the transfer of 261 residential development units from the adjoining Development Zone #2 (Tahiti Development Zone) into the subject Development Zone #3 (Marquesas Development Zone);

- To allow the averaging of the maximum residential densities over Parcel 10R. Currently, the Residential III portion of Parcel 10R allows a maximum density of 35 dwelling units per acre. The Residential V portion of Parcel 10R allows a maximum density of 75 dwelling units per acre. The proposed 400 dwelling units would not exceed the maximum permitted density of 408 dwelling units based on the current land use categories.

2. Plan Amendment Case No. 200600014-(4) (Approved by the RPC on March 10, 2010)

The proposed project would demolish an existing 206 space public parking lot and replace it with a 126 unit apartment complex, consisting of one 55 foot tall building, and a 28 foot wide pedestrian promenade on Marina del Rey Parcel FF. The Coastal Development Permit, Conditional Use Permit, Variance and Plan Amendment for this project were approved by the Regional Planning Commission on March 10, 2010.

To accommodate the proposed development on Marina del Rey **Parcel FF**, the applicant has requested the following amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan:

- To authorize the transfer of 14 development units from the abutting Development Zone #2 (Tahiti Development Zone) and 112 development units from the proximate Develop Zone #1 (Bora Bora Development Zone) into the subject Development Zone #3 (Marquesas Development Zone);

- To change Parcel FF's land use designation from Open Space to the Residential III and Residential V;

- To provide Open Space replacement on the lower portion of Parcel 9U;

- To change Parcel FF's height category from Category 1 to Category 3 to allow buildings ranging from 45 feet in height when a 20% view corridor is provided to 75 feet in height when a 40% view corridor is provided. Height Category 1 allows buildings to be a maximum 25 feet tall;

- To allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the maximum densities of Parcel FF's proposed Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum density of 35 dwelling units per acre and the Residential V's maximum density of 75 dwelling units per acre.

3. Plan Amendment Case No. 200600005-(4) (Approved by the RPC on April 28, 2010)

The proposed project would demolish an existing 186 space public parking lot and replace it with a 65' tall building which contains a 114 unit Senior Accommodations facility, 92 public parking spaces, and 3,500 square feet of Visitor-Serving/ Convenience Commercial space. The Coastal Development Permit, Conditional Use Permit, Parking Permit and Plan Amendment for this project were approved by the Regional Planning Commission on April 28, 2010.

To accommodate the proposed development on Marina del Rey **Parcel OT**, the applicant has requested the following amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan:

- To authorize the transfer development potential between Development Zones (114 hotel units from the Admiralty DZ #7 and 3,500 square feet of retail space from the Palawan/Beach DZ #5 to the Oxford DZ #6);

- To change Parcel OT's land use designation from "Parking" to the "Senior Accommodations Facility" designation with a Mixed Use Overlay Zone;

- To transfer 94 of the LCP required 186 public parking spaces on Parcel OT to Parcel 21;

- To create a Seniors Accommodations Land Use Category in the LCP and re-designate the subject parcel as Seniors Accommodations;

- To adjust the parcel boundary between Parcel OT (Currently designated as Parking in the LCP) and Parcel P (Currently designated as Open Space in the LCP), which would also necessitate adjustment to the land use categories of both parcels to the corresponding LCP maps. Parcel P currently has an area 10.72 acres and Parcel OT has an area 1.6 acres. If the proposed amendment to give 19,755 square feet of Parcel P to Parcel OT is approved, Parcel P will be reduced to 10.27 acres and Parcel OT will be increased to 2.10 acres.

4. Plan Amendment for Case No. 2008-00012-(4)

The proposed project would demolish an existing 245 space public parking lot, the Department of Beaches and Harbor's trailer complex and the Sheriff's Boatwright/Life

Guard facility and replace them with a 345 space dry stack boat storage facility. This facility would be unique in Marina del Rey in that it would project 97 feet over the Marina waters. A Draft Environmental Impact Report and development application have been submitted to the Department of Regional Planning for this project, but have not yet been brought before the Regional Planning Commission. Prior to beginning construction, this project would require approval of a Coastal Development Permit, Variance, and Conditional Use Permit and certification of an Environmental Impact Report by the Regional Planning Commission. In addition, a waterside Coastal Development approved by the Coastal Commission would also be required. The Draft EIR is for this project is expected to be released to County departments by the end of the year.

To accommodate the proposed development on Marina del Rey **Parcels 52 and GG**, the applicant has requested the following amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan:

- Add, "Dry stack storage connected to a landside structure," to the list of uses permitted in the, "Water," land use category;

- Change the maximum height of any structure in the, "Water," land use category from, "15 feet," to allow dry stack storage facilities to be permitted at the same height as would be permitted by land use category on the landside of the parcel;

- Permit the required public promenade to be constructed along the southern portion of parcels 52 and GG (near Fiji Way) rather than along the waterfront;

- Change Parcel 52 and GG's land use categories from, "Public Facilities," to, "Boat Storage" with a Waterfront Overlay Zone; and

- Clarify the public parking spaces in lots listed as, "Temporary Parking," in the LCP (such as Parcel 52), do not need to be replaced if the lot is converted to another use.

5. Plan Amendment for Proposed Mixed Use Facility on Parcels 33 and NR

The proposed project would demolish an existing restaurant on Parcel 33 and a 191 space public parking lot on Parcel NR and replace them with a mixed use facility. The facility would contain 292 dwelling units, 32,400 square feet of Visitor-Serving/Convenience Commercial uses, 323 restaurant streets and 69 public parking spaces. As planned, the facility would have one 61' tall building located on Parcel 33 and two 44' tall buildings located on Parcel NR.

This project has not yet been submitted to the Department of Regional Planning. The project itself, its associated permits and its Environmental Impact Report must still be reviewed by the Department of Regional Planning and approved by the RPC prior to construction. The following are amendments to the LCP that staff has determined would be necessary in order for the project to move forward:

- Change the land use designation of Parcel 33 from, "Visitor-Serving Convenience Commercial," to, "Residential V";

- Change the land use designation of Parcel NR from, "Parking," to, "Residential V" with a Waterfront Overlay Zone;

- Combine Parcels 33 and NR into one parcel;

- Change Parcel 33's Height Category from 2 (45' Max) to 3 (145' Max);

- Transfer 32,000 square feet of potential office space from Development 7 to Development Zone 5 and convert said development potential from office space to 219 Dwelling Units.

- Transfer 1 Dwelling Unit from DZ 12 into DZ 7; and

- Eliminate the LCP requirement that all public parking spaces be replaced prior to the development of any public parking lot. The applicant is proposing to replace 69 of the 191 existing public parking spaces.

6. Plan Amendment for a Mixed Use Facility on Parcels 49 and 77

The proposed project does not yet have a lessee who is actively pursuing it. A Request for Proposals (RFP) was released by the Board of Supervisors in October 2009. One proposal was received, but on July 13, 2010, the Board rejected that proposal citing a significant residential component in the proposed project. Despite the lack of a lessee currently pursuing the project, the County would like to go forward with the plan amendments necessary for a project similar to the one outlined in the RFP. The RFP asked for proposals to convert an existing public parking lot and boat storage area into one of the three following options:

A. Option 1 = A 135,000 square foot Visitor-Serving/Convenience Commercial center.

B. Option 2 = A 116,495 square foot Visitor-Serving/Convenience Commercial center with 255 dwelling units.

C. Option 3 = Either of the first two options with the addition of a 26,000 square foot Beaches and Harbors administration building.

This project has not yet been submitted to the Department of Regional Planning. The project itself, its associated permits and its Environmental Impact Report must still be reviewed by the Department of Regional Planning and approved by the RPC prior to construction. The following are amendments to the LCP that staff has determined would be necessary in order for the project to move forward:

- Change Parcel 49R's land use category from, "Boat Storage," to, "Boat Storage and Visitor-Serving/Convenience Commercial with a Waterfront Overlay Zone;

- Change Parcel 49M's land use category from, "Parking," to, "Parking/Public Facilities," with a Waterfront Overlay Zone;

- Change Parcel 77's land use category from, "Boat Storage," to, "Open Space/Public Facilities," with a Waterfront Overlay Zone;

- Transfer 255 Dwelling Units from Development Zone 11 to Development Zone 9; and

- Transfer 382 Hotel Rooms, 40,000 square feet of Conference space, 3,000 square feet of a Marine Science and 500 Restaurant Seats from Development Zone 8 to Development Zone 9 and convert all of said development potential to the 116,490 square feet of Visitor-Serving/Convenience Commercial space.

It should be noted that none of the amendments associated with the "Pipeline Projects" or with the LCPA will request an increase in the development potential permitted in the Local Coastal Program. A specific amount of development, based on P.M. peak hour trips, was granted by the Coastal Commission to Los Angeles County in 1996 and the County has no intention of requesting any additional potential. Rather, the amendments requested for the "Pipeline Projects" change land use categories of specific parcels and move development potential from one area of the Marina to the other. Furthermore, a traffic study was conducted to insure that the transfer of development potential from one area of the Marina to another would not result in unacceptable levels of traffic Marina.

MEASURES NECESSARY TO CARRY OUT THE AMENDMENT

This amendment to the Marina del Rey LCP includes changes to the Maps and Text of the LUP and corresponding changes to the Marina del Rey Specific Plan which would amend Part 3 of Chapter 22.46 of Title 22 of the Los Angeles County Code. The amendment includes modification to the LCP to remove the Ballona Wetlands (Area A) from the Specific Plan Area. In addition to the amendments initiated by the Department of Regional Planning, 12 individual amendments are also being considered which relate directly to the Pipeline Projects. These amendments are driven both buy developers' requests and the Asset Management Strategy (Adopted by the Board of Supervisors on April 15, 1997) for Marina del Rey.

In order for these amendments to be incorporated into the Marina del Rey LCP, they must be reviewed and approved by the Regional Planning Commission and the Board of Supervisors. Following this approval, the amendments would then be forwarded on to the California Coastal Commission for certification.

ENVIRONMENTAL DETERMINATION

Functional Equivalency

The California Environmental Quality Act (CEQA) and Sections 30500 through 30522 of the Public Resources Code provide that the process of preparing an LCP, and amendments thereto, is functionally equivalent to the preparation of an Environmental Impact Report (EIR).

Individual development projects are not functionally equivalent to, or exempt from CEQA requirements; development projects shall be required to undergo complete CEQA review which can and may include a full Environmental Impact Report. For more information, please see the Cumulative Impact Assessment (Appendix A).

STAFF ANALYSIS/CONSISTENCY WITH THE COASTAL ACT

The proposed amendment is consistent with Chapter 3 of the Coastal Act. The following discussion will highlight the Coastal Act objectives which are met with the LCPA.

The proposed Local Coastal Program Amendment meets the following priority objectives of Chapter 3 of the Coastal Act:

1. Minimization of adverse impacts from new development (Section 30253);

2. Locate new development in appropriate areas (Section 30250);

3. Make coastal dependent development a priority (Section 30255);

4. Enhance public access to the coastline (Section 30252);

5. Encourage recreational boating (Section 30224);

6. Promote visitor-serving facilities (Section 30213); and

7. Protect sensitive coastal resources (Section 30116);

1. Minimization of Adverse Impacts from New Development

Section 30253 of the Coastal Act states:

New development shall do all of the following:
(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any

way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
(d) Minimize energy consumption and vehicle miles traveled.
(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

In proposing this amendment, the County is enhancing this policy by not requesting any increase in development potential for the Marina. In 1996, the Coastal Commission placed a cap on the maximum development potential possible in the Marina based on P.M. peak-hour traffic trips, and the County is not proposing to increase this maximum development potential.

Furthermore, the County is minimizing energy consumption and vehicle miles traveled by the addition of a water taxi, and new policies to increase public promenades, and encourage Zip Cars, shuttles and other alternative forms of transportation.

As part of this amendment, the County will also protect and expand popular visitor destination points with plans to enhance Marina Beach and Chace Park.

2. Locate New Development in Appropriate Areas

Section 30250 of the Coastal Act States:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.
(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.
(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The development envisioned as part of this Local Coastal Program Amendment would be located in an existing developed area with adequate public services. A traffic study was conducted to fully analyze the potential impacts of the LCPA and the entire build-out of the Marina. The study concluded that by incorporating mitigation measures included in this amendment, significant impacts related to traffic could be minimized.

The two visitor-serving facilities that are contemplated in this amendment would be located near existing Marina visitor-serving hubs (Marina Beach and Chace Park). The proposed amendments would enhance the visitor-serving quality of the Marina by condensing visitor-serving uses and providing attractive, convenient destinations for people located outside of the Marina, rather than simply providing basic retail services for Marina residents.

3. Make Coastal Dependent Development a Priority

Section 30255 of the Coastal Act States:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

The dry stack boat storage facility proposed on Parcel's 52 and GG complies with this policy as it is a coastal-dependent use planned near the shoreline. In addition, policies are included as part of the amendment that ensure that if a dry stack storage facility is not built on the subject parcels, another must be constructed elsewhere in the Marina.

Policies have also been included that ensure that boater parking and the launch ramp will be protected regardless of any development which may occur as a result of the project planned for Parcels 49 and 77.

The proposed projects to expand Chace Park and Marina Beach will also bring coastal-development near the shoreline by providing additional opportunities for non-motorized boating in the Marina.

4. Enhance Public Access to the Coastline

Section 30252 of the Coastal Act States:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Several policies included in this Local Coastal Program Amendment would enhance the current LCP to help it meet this mandate. The revised LCP now includes language regarding the Marina del Rey water taxi and encourages the use of Zip Cars and shuttles. Furthermore, policies have been included to require new public promenades where feasible for projects that are simply remodels rather than complete tear downs. In the past, increased public access by way of a 28 foot wide pedestrian promenade was only required when properties were completely redeveloped. This policy was added in response to recent development projects in the Marina which have focused more on smaller scale remodel projects rather than larger projects.

Public access to the coast will further be enhanced by the proposed expansion of the Chace Park and Marina Beach areas as well as by planned improvements to the Oxford Basin.

5. Encourage Recreational Boating

Section 30224 of the Coastal Act States:

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

A dry stack boat storage facility is one of the Pipeline Projects and a key part of this LCPA. Recreational boating is further being enhanced by new policies that require a minimum number of slips in the Marina and that at least 50% of slips in new anchorage to be 38’ in length or less.

Low cost boating opportunities are also encouraged in the Marina by a new policy that requires that an in-lieu fee be paid for every 100 new slips that are built in excess of 32 feet. This fee, equivalent in value to the annual cost of one 30 foot slip will go towards scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities.

Low cost and non-motorized boating opportunities will also be enhanced by plans which include the expansion of Chace Park and Marina Beach.

6. Promote Visitor-Serving Facilities

Section 30213 of the Coastal Act States:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

As part of this LCPA, the County is concentrating low cost visitor and recreational opportunities near Chace Park and the Marina Beach areas. In addition, development potential currently reserved for office space, which is a low priority coastal use, is proposed to be converted into visitor-serving development potential. Low cost and visitor serving-uses are further being expanded by the previously mentioned policies requiring promenades for remodel projects, in-lieu fees for new anchorages, and by the expansion of Chace Park and the Marina Beach areas which will both include increased opportunities for non-motorized boaters.

Lastly the development standards for the Parcels 49 and 77 project require that urban open space be included in any plan that would develop the public parking lot adjacent to the launch ramp facility.

7. Protect Sensitive Coastal Resources

Section 30116 of the Coastal Act States:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:
(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
(b) Areas possessing significant recreational value.
(c) Highly scenic areas.
(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
(e) Special communities or neighborhoods which are significant visitor destination areas.
(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
(g) Areas where divisions of land could substantially impair or restrict coastal access.

The County has long recognized Sensitive Biological Resources (SBR) in Marina del Rey. Although the Environmentally Sensitive Habitat Areas (ESHA) policies were removed from the LCP in 1996 by the Coastal Commission when Area A was removed from the jurisdiction of the LCP, the County has given attention to these resources as

appropriate pursuant to CEQA, and has adopted other strategies, such as the Tree Pruning Policy, to address specific needs as they arise.

However, at the direction of the Board, the amendment to the LCP offers an opportunity to formalize the County's approach to Sensitive Biological Resources and provide for their long-term conservation and management. Therefore, the County commissioned a "Conservation and Management Plan" (CMP) to guide the County on policies concerning the bird species of conservation concern and their habitat in Marina del Rey.

The CMP not only evaluated the historic resources of the area, but proposed a series of management actions to both protect resources where they occur as well as enhance certain areas of Marina del Rey for wildlife. Such measures include but are not limited to recommendations for managing crows and other omnivores, expansion of the types of species (such as bats and owls) to be sought in a biological study, imposition of the County's tree pruning practices on individual leaseholds, recommendations for resolving land use conflicts, and both annual monitoring of Marina del Rey and periodic monitoring of the coastal slopes of the County provide a context for bird populations and behaviors.

It is noteworthy that the California Department of Fish and Game, on September 23, 2010, submitted a letter to the County indicating concurrence with the approaches, and observing that the approaches appear consistent with the Department's approach to the restoration and stewardship of natural open space, such as Area A.

A new chapter was introduced into the LCP Land Use Plan to give effect to these policies. Close coordination with Coastal Commission and resource agency staff has led to refinement of the original CMP, such that the current policies represent the current objectives of all agencies to date.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends approval of project number R2009-02277/ ADV 200900014-(4).

SUGGESTED APPROVAL MOTIONS

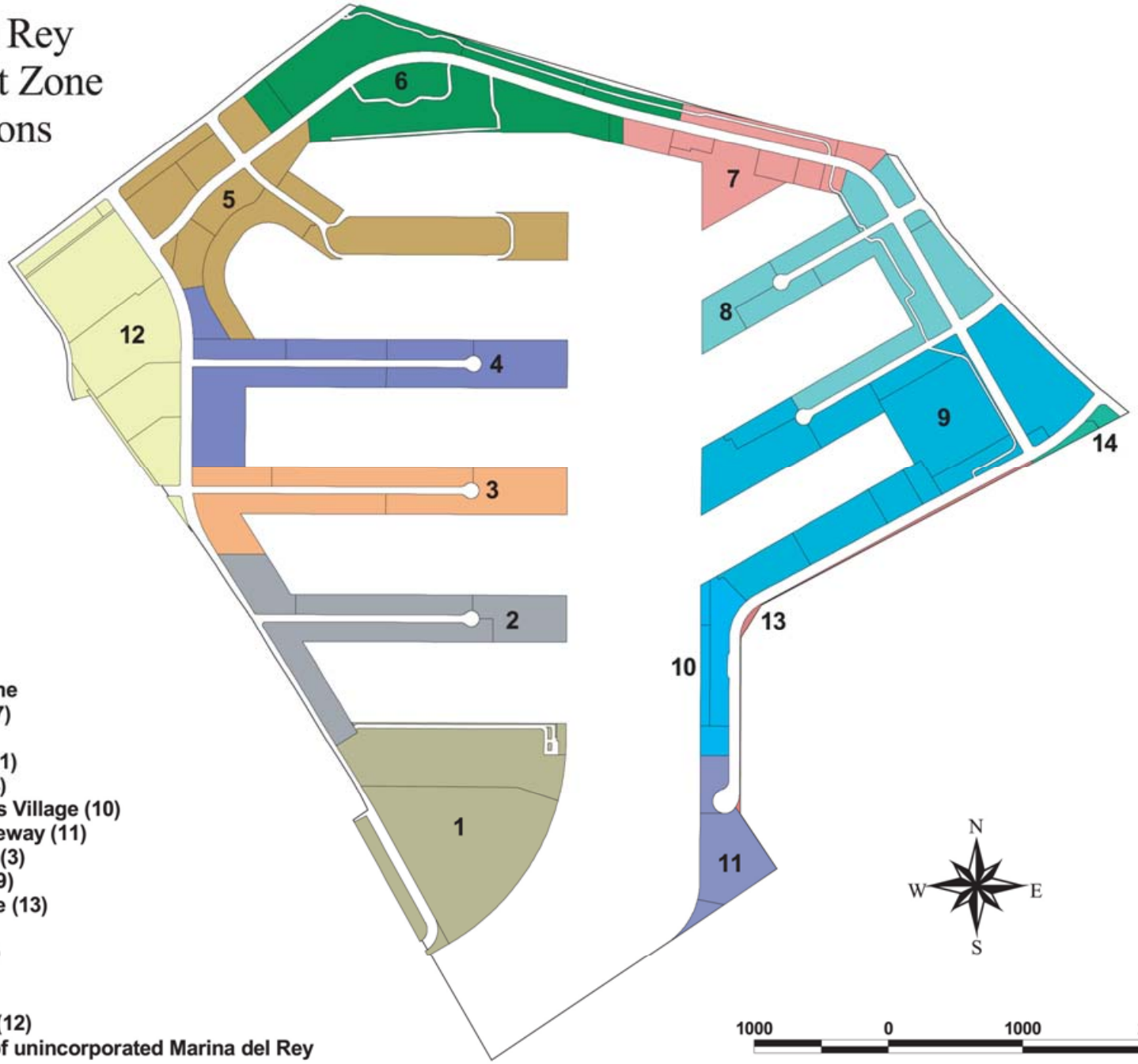
Suggested Motion: "I move that Regional Planning Commission continue this hearing to a date certain and instruct staff to prepare a summary of both oral and written testimony, and report back to the Commission with a list of significant issues raised at the hearing with responses and/or suggested modifications. I further move that the Regional Planning Commission direct staff to prepare a resolution which recommends that the Board of Supervisors consider and appove the proposed amendment to the Marina del Rey Local Coastal Program.

Prepared by Michael Tripp, Principal Regional Planning Assistant
Reviewed by Samuel Dea, Supervising Regional Planner,

Attachments:
Exhibits
Appendices
Proposed Amendments to the Marina del Rey Land Use Plan
Proposed Amendments to the Marina del Rey Local Implementation Plan
Correspondence Received from the Public

Exhibit 1
Current Development Zone Configuration

Marina del Rey Development Zone Designations

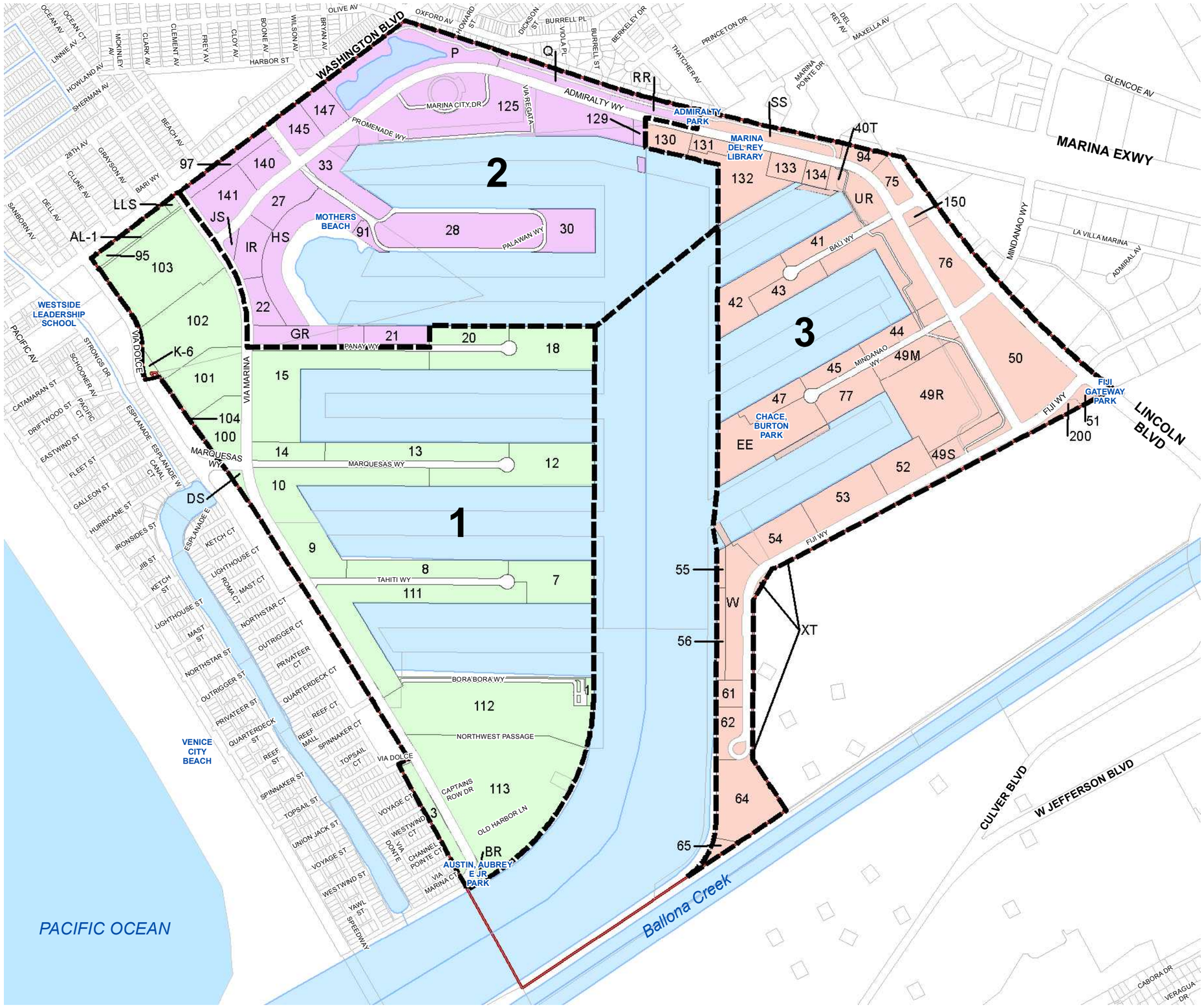


Development Zone

- Admiralty (7)
- Bali (8)
- Bora Bora (1)
- Fiji Way (14)
- Fisherman's Village (10)
- Harbor Gateway (11)
- Marquesas (3)
- Mindanao (9)
- North Shore (13)
- Oxford (6)
- Palawan (5)
- Panay (4)
- Tahiti (2)
- Via Marina (12)
- Boundary of unincorporated Marina del Rey

Map May 2009 by Chris Sellers, Los Angeles County Department of Beaches and Harbors, Planning Division.
Source: Marina del Rey Land Use Plan (Certified Feb 8, 1996).

Exhibit 2
Proposed Development Zone Configuration



MAP 10

Los Angeles County

MARINA DEL REY

Proposed Development Zones

LEGEND

- River, Stream or Channel
- Lease Parcels LCP
- Proposed Development Zones
- Marina Del Rey LCP Area
- Perennial Water Body
- Pacific Ocean

Zone

1. Parcels 1, 3, 7, 8, 9, 10, 12, 13, 14, 15, 18, 20, 95, 100, 101, 102, 103, 104, 111, 112, 113, AL-1, BR, DS, K-6, LLS.
2. Parcels 21, 22, 27, 28, 30, 33, 91, 97, 125, 128, 129, 140, 141, 145, 147, GR, HS, IR, JS, P, Q, RR.
3. Parcels 40T, 40W, 41, 42, 43, 44, 45, 47, 48, 49M, 49R, 49S, 50, 51, 52, 53, 54, 55, 56, 61, 62, 64, 65, 75, 76, 77, 94, 130, 131, 132, 133, 134, 150, 200, BB, EE, SS, UR, W, XT.

Current as of: August 2010

LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

Scale in Feet
0 800

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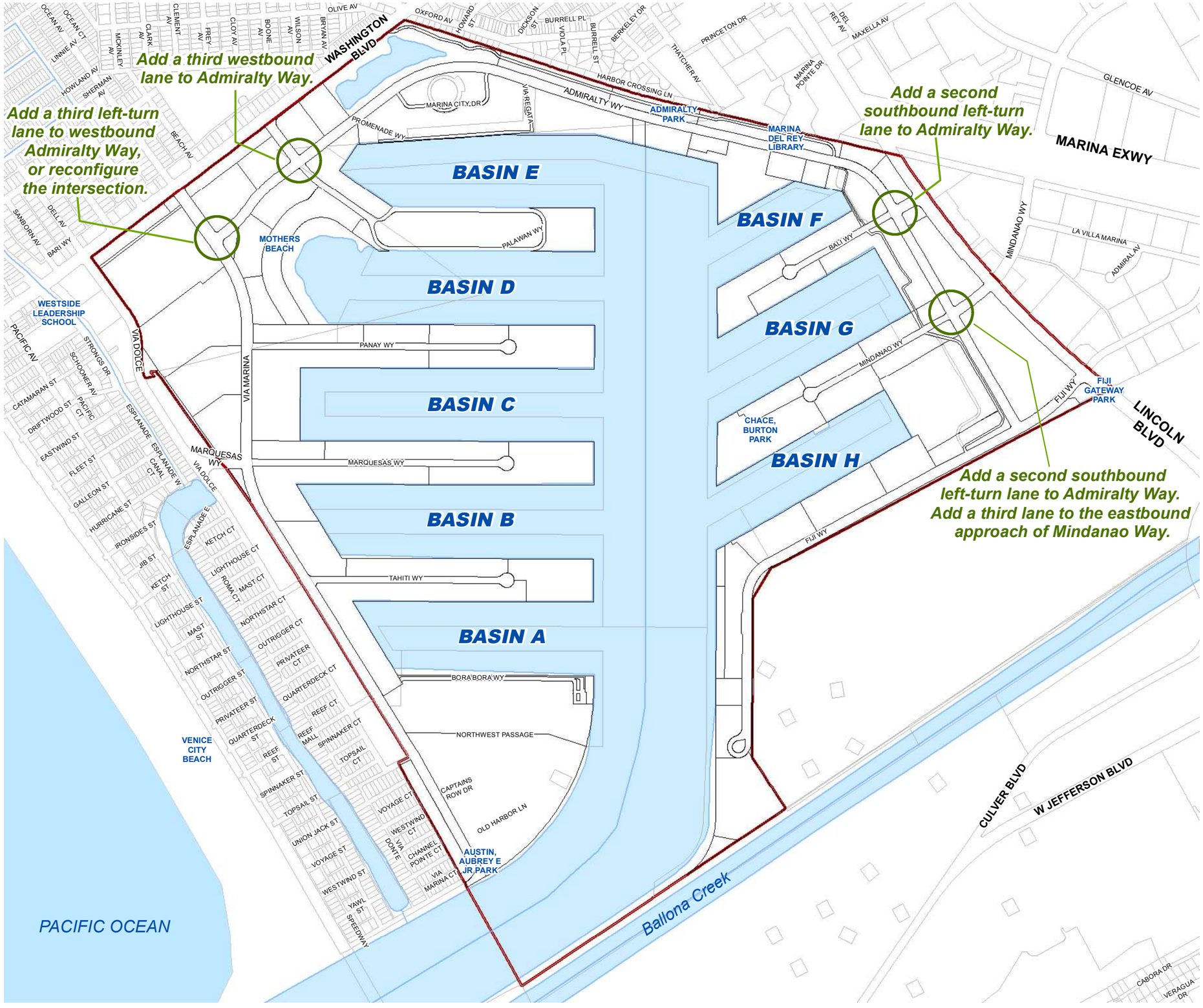
Exhibit 3
Proposed Circulation Improvements



MAP 18

Los Angeles County

MARINA DEL REY

Circulation System Improvements

LEGEND

- River, Stream or Channel
- Lease Parcels LCP
- Marina Del Rey LCP Area
- Perennial Water Body
- Pacific Ocean

NOTE:

EXISTING MARINA DEL REY - 804 Acres
(401 Land, 403 Water)

Current as of: August 2010

LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

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Scale in Feet
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Appendix A
Cumulative Impact Assessment

Department of Regional Planning
Response to Issues Raised during the August 21, 2010 Community Meeting

1. **Woodfin is the tallest building and will tower over buildings in the Marina, will the view be obscured?**
   The parcel where the Woodfin Hotel is proposed has a permitted height of 140 feet.The Local Coastal Program envisions some waterfront parcels, such as Parcel 9U, to have height flexibility if a view corridor is provided. In the case of the Woodfin Hotel, the project applicant is proposing a 40% view corridor. A 40% view corridor on this Parcel allows the hotel to achieve a maximum of 225 feet. There is no proposal to change the permitted height on Parcel 9U as part of the map and text amendment

2. **What SCE easements are around Marina and what is status of underground pipelines?**
   Staff Response: issue is addressed in letter August 9, 2010 from the Department of Beaches and Harbors. Letter attached.

3. **What is the status of oil well deterioration in Marina del Rey?**
   Staff Response: The Department of Beaches and Harbors continues to work with the lessee and Sempra Energy Company to determine the status of the wells.

4. **Regarding Mariner's Village complex, is there a well leaking gas underneath this parcel?**
   Staff Response: The Department of Beaches and Harbors continues to work with the lessee and Sempra Energy Company to determine the status of the well in the complex.

5. **What noticing was done for the Community meetings, were Neighborhood Councils in included?**
   Noticing for Community meetings on August 21 and 24, 2010
   Notices sent via U.S. Mail:
   16,338 community meeting notices were mailed on 8/2/10. This included all boaters, liveabaords and residents within Marina del Rey. Additionally, we included a 500 foot buffer around Marina del Rey that received notices as well. This list also included Neighborhood Councils and Lessee Associations. The breakdown is as follows:
   - Approximately 4,600 boaters
   - Approximately 9,000 residents
   - Approximately 2,200 within 500 foot buffer

   E-mail noticing
   An e-mail message was sent the week of 8/2/10 to all the members of the Small Craft Harbor Commission, Beach Commission, Design control Board and the Neighborhood Councils. Additionally, the community meetings were announced at the regularly schedule Design Control Board meetings.

   Web posting
   The Department of Regional Planning posted the Draft LCP documents on our website on 8/13/10 as well as the meeting notice and related documents were highlighted on our website to make it more visible to the public. The Department of Beaches and Harbors also posted the meeting notice on their main web page.

6. **What is the latest traffic study and latest environmental study?**
   Staff Response - The latest traffic study is dated April 29, 2010 and was prepared by Raju Associates Inc. and was reviewed by the Department of Public Works. The latest environmental study is the Cumulative Impact Report, dated October 2010 prepared by Culbertson, Adams and Associates, Inc. for the purpose of evaluating and addressing the environmental impacts resulting from the Amendment to the Marina del Rey Local Coastal Program.

7. **Marina was created under Harbors and Rivers Act – can't change intent from recreational boating**
   Staff Response: Issue addressed in letter dated July 14, 2003 from the Office of County Counsel to the Small Craft Harbor Commission. Letter attached.

8. **What are the emergency management plans for the community?**
   Staff Response: The Sheriff Department bases evacuation plans on the situation presented in the emergency. There are Tsunami safety signs posted throughout the Marina and there is a Tsunami Annex to the overall Operational Area Emergency Response Plan, which serves as a guideline that designates operational planning to the individual department's areas of expertise.

9. **Is Marina del Rey a designated Tide land?**
   Staff Response: The Marina does not contain tidelands or submerged lands which are subject to the California public trust doctrine or to the regulatory authority of the State Lands Commission. This is due to the historical chain of title leading to County ownership of the Marina. Notwithstanding the above, the Marina is subject to the regulatory authority of the California Coastal Commission under the California Coastal Act. The Marina del Rey Local Coastal Program lawfully regulates the land and water areas of the Marina and the County lawfully exercises coastal permit jurisdiction over the land areas of the Marina while the Coastal Commission retains coastal permit jurisdiction and federal consistency review authority over the water areas. Issue further discussed in July 14, 2003 letter from the Office of County Counsel to the Small Craft Harbor Commission.

10. **Why isn't the County seeking an amendment to for the time share project?**
    Staff Response: Changes are proposed to the, "Hotel," land use category to clarify under which circumstances a limited use overnight accommodations, including, but limited to, timeshares, fractional ownership, condo hotels, vacation clubs, and other similar arrangements. Clarification was requested in recommendation number eighteen of the California Coastal Commission's review of the Los Angeles County Periodic Review,

11. **Is there a table that compares total build out to potential build out and that also shows what was approved in 1996 and what it will be after this amendment?**
    Staff Response: The Draft Local Use Plan shows a table on page 8-21 titled Development Potential Summary by Development Zone. The table shows the total amount of development potential allowed by the LCP.

12. **Is there going to be a Master Plan for the Marina?**
    Staff Response: Per the motion approved by the Los Angeles County Board of Supervisors on September 1, 2009, the Department of Regional Planning was directed to begin the visioning

process for future redevelopment of Marina del Rey, involving members of the public and in consultation with the Board and the Department of Beaches and Harbors, to be completed within five years.

13. **What traffic mitigation is being done for the surrounding area around Marina del Rey?**
Staff Response: Traffic impacts will be analyzed for each project and traffic mitigation measures will be included to mitigate traffic effects of the project and its cumulative effects on a regional level. Additionally, the Circulation Chapter has been extensively revised to mitigate any potential traffic impacts.

14. **Concern regarding egrets being thrown out of their nest by trees being cut down.**
Staff Response: The nesting of Egrets and other birds in Marina del Rey is discussed extensively in the Conservation & Management Plan for Marina del Rey, dated August 19, 2010, prepared by Robert A. Hamilton & Daniel S. Cooper Hamilton Biological, Inc. and the proposed amendment includes appropriate polices to address even potential impacts.

15. **What improvements are being done at the intersection of Ocean and Pacific**
Staff response: regional improvements for traffic will be analyzed and implemented in project specific Environmental Impact Reports.

To enrich lives through effective and caring service
August 9, 2010

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

Mr. John Davis
P.O. 10152
Marina del Rey, CA 90295

Ms. Patricia McPherson, President
Grassroots Coalition
Patricia mcpherson1@verizon.net (via e-mail only)

Dear Mr. Davis and Ms. McPherson:

REQUEST FOR PUBLIC RECORDS

This is in response to your memo to the Small Craft Harbor Commission dated July 13, 2010, a copy of which is attached, requesting certain records and a response to certain questions directed at the Los Angeles County Department of Beaches and Harbors ("Department"). Your memo was received in our offices on July 13, 2010. Due to the extensive nature of your request for public records, and the need to consult with other agencies and search for and collect records from other offices, pursuant to Government Code section 6253(c), we sent you a letter on July 22, 2010 extending the time in which to respond to your request until August 6, 2010.

The Department has made a good faith effort to review and make available for inspection and copying all non-exempt records in the possession of the Department responsive to your request. However, the Department will not make available for inspection or copying records that are exempt from disclosure under the California Public Records Act (CPRA). Please also be advised, however, that the CPRA only requires the Department to make available for inspection or copying public records in its possession that are subject to disclosure pursuant to the CPRA. To the extent your request seeks responses to questions rather than the production of public records, the Department is not compelled to respond pursuant to the CPRA. We have, however, provided responses as a courtesy to the extent the information requested is within our ability to provide.

With regard to your specific questions and/or requests, the Department has found the following:

- Question 1 on page 1 of your request, the current lessee of Mariner's Village is the Marina Admiralty Company, a California Limited Partnership. There has been no change of ownership. A judgment ordering dissolution of the partnership was vacated on appeal in 2008, and the California Supreme Court declined to review the appellate decision. Thus, there is no order of dissolution and the partnership still exists and has not sold the leasehold to another entity.

- Regarding questions 1 through 3 on page 2 of your request, the Department has no records regarding the current status of Del Rey 1 and 2, nor does it have well records for Nos. 6, 7, and 8. The County has no records regarding any gas samplings performed on behalf of lessee.

- Regarding questions 4 through 6 on page 3 of your request, the Department has no records of any notification given by lessee regarding the situation as described on page 2 of the attachment, nor does the Department have any permits in its offices regarding the restorative work in its offices or gas samplings performed on behalf of lessee.

- Regarding question 1 at the bottom of page 3 of your request referring to what follow up actions were taken, the Department has searched its records and requested records from the Department of Public Works regarding the 2 pipelines in question. Neither our Department nor the Department of Public Works has been able to find any documents regarding the status of either pipeline. The Department of Public Works reported that the 4-inch pipeline was not abandoned and did not have any records in its files about the 6-inch pipeline.

- Regarding your requests lettered a-h on pages 3 and 4 of your request, the Department has the following responses:

  a. "Please provide documentation of the abandonment of the SOCALGAS oil pipeline."
  Response: The Department has no records of any abandonment.

  b. "What easement if any exists on any current County documents and for what Purpose would SOCALGAS have a current easement right surrounding the Marina?"
  Response: The Department has the following documents that are available for your review:
  1. Assignment from Union Oil of California to Southern California Gas. Co. dated October 2, 1959 and recorded in the Official Records of Los Angeles County, Book D672, Pages 138-149, of certain easements and rights of way. (12 pages)
  2. Quitclaim Deed from Union Oil Company of California to the County of Los Angeles dated January 9, 1959 and recorded in the Official Records of Los Angeles County, Book D356, Pages 958-960. (3 pages)
  3. Los Angeles County Assessor Map No. 88 (18 pages)
  4. Document entitled "Oil Wells, Oil Fields, and Landfill Sites." (one page)
  5. Document referred to as MdR Oil Wells. (one page)

c. "What is the current use of the SOCALGAS pressurized line that failed in 2004? Was the line abandoned and if so, how?"
Response: The Department has no knowledge of the current use of the pressurized pipeline referred to above. The Department has no records regarding the abandonment of the pipeline but, to the best of its knowledge, the pipeline was not abandoned.

d. "What is the current condition of both pipelines surrounding the Marina?"
Response: The Department has no records indicating the current condition of the pipelines referred to above.

e. "What is the current status and condition of the lines as they pass through Area A as shown on the e2003 NAVTEC map used for the 2004 Small Craft Harbor Commission Meeting?"
Response: The Department has no records that indicate the condition of the lines referred to above.

f. "What well is SOCALGAS referring to in the quote cited above and how the well relates to the pressurized gas line that failed?"
Response: The Department has no records that indicate which well is being referred to in the cited quote.

g. "What wells are used by SOCALGAS as gas/water-injection/withdrawal in the Marina-county owned property?"
Response: Please see the documents referred to in response to question b above. The Department has no other records that would respond to this question.

h. "Please explain the discrepancy with the easement line surrounding the Marina that is shown on the '04 Commission Meeting papers and the 1993 EIR Playa Vista document created by Camp Dresser & McGee (CDM) as SOCALGAS EASEMENTS. The CDM shows differing easements."
Response: The maps depict different things. Per the Ongoing Activities Report, the Navtech map shows the configuration of the 4-inch pipe system, which is generally depicted as within the street right of way in Marina del Rey, while the CDM map (which depicts almost entirely a different area) depicts Southern California Gas Company Easements on Parcel 113, under the Main Channel, and in Playa del Rey. It is unclear as to whether or not the CDM map is intended to be an all-inclusive depiction of Southern California Gas Company Easements or only those easements connected to or impacting Playa del Rey. The Department cannot at this time confirm what underlying data was used to create either map, and therefore, cannot attest to their accuracy. It should be noted that the CDM map was not created by or for the County.

We estimate that there are approximately 35 pages of documents responsive to your request; 17 standard size pages and 18 oversized pages. The County's standard charge for copying standard-sized documents is $.03 per page. We will let you know the cost of reproducing the 18 pages of the oversized Los Angeles County Assessor Map if you wish to have us reproduce it. The cost of reproducing all the documents except for the Los Angeles County Assessor Map is $0.51.

We will commence the retrieval and assembly process upon receipt of your initial check and will notify you when the documents are ready for inspection or copying, as you prefer. Please give us at least 24 hours advance notice before you wish to review or pick up the documents. The number of pages of documents may vary slightly and if there is a refund due you will be provided with same when you pick up the documents. If, however, there are more than the currently estimated number of pages of documents responsive to your request we will require the additional copying charge sums necessary to make up any difference.

Alternatively, we will make the documents available for your inspection during regular business hours provided an appointment time is made. You may request copies of any or all documents after your inspection and we will compute copying charges at that time.

If you wish to discuss further focusing of your request, please contact me at your convenience.

If you have any questions please call me at (310) 305-9506. Our offices are open Monday through Thursday, 7:00 a.m. to 6:00 p.m.

Very truly yours,

SANTOS H. KREIMANN, DIRECTOR

Don Geisinger

Don Geisinger, Senior Real Property Agent
Asset Management Division

Shk:GJ:dg
enclosure

c: Gary Jones
Charlotte Miyamoto
County Counsel

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LLOYD W. PELLMAN
County Counsel

July 14, 2003

TO: SMALL CRAFT HARBOR COMMISSION

FROM: RICHARD D. WEISS
Principal Deputy County Counsel
Public Works Division

RE: **Marina Ownership and Jurisdictional Issues**

Your Commission has asked our office to address issues raised by members of the public regarding the ownership of, and jurisdiction over, the land and water areas of Marina del Rey, particularly with respect to the interests of the federal government and the California Coastal Commission.

As indicated below, we have concluded that the County owns the fee interest in the land areas and virtually all of the water areas of Marina del Rey. The federal government owns two easements whose boundaries currently encompass the entrance and main channel areas of the Marina. Those easements provided for the initial construction of the entrance, jetties and main channel and give the federal government ongoing authority to maintain the easement areas as navigable waters of the United States. The federal easements do not deprive the County of any authority over the land or water areas of the Marina so long as that authority is not exercised so as to conflict with the above-identified federal rights. The federal government has also occupied a small portion of the land and water area of the Marina since the early 1960s through a lease granted by the County.

The Marina does not contain tidelands or submerged lands which are subject to the California public trust doctrine or to the regulatory authority of the State Lands Commission. This is due to the historical chain of title leading to County ownership of the Marina. Notwithstanding the above, the Marina is subject to the regulatory authority of the California Coastal Commission under the California Coastal Act. The Marina del Rey Local Coastal Program lawfully regulates the land and water areas of the Marina and the County lawfully exercises coastal permit jurisdiction over the land areas of the Marina while the Coastal Commission retains coastal permit jurisdiction and federal consistency review authority over the water areas.

Finally, the federal legislation adopted in the 1950's which led to the federal participation in the development of the Marina and ongoing maintenance authority did not provide absolute restrictions on the nature or intensity of landside or waterside development of the Marina or deprive the County of jurisdictional land use control over the Marina.

I.
The County Owns the Land and Water Areas of the Marina while the Federal Government Owns Easements Over the Entrance and Main Channel Areas

County Ownership

Representatives of the public have asserted that the County granted significant portions or all of its property rights and jurisdiction over the Marina to the federal government by virtue of a 1958 "perpetual right of way and easement." This is not correct. Although, the County has granted easement rights to the federal government, including the above-referenced 1958 easement, the rights conveyed to the federal government do not deprive the County of the ownership, control or jurisdictional rights that the County currently exercises in the Marina.

Title information and other records maintained by the County Department of Public Works, demonstrate that the County of Los Angeles owns the fee title to the land and water areas of Marina del Rey, except for a small portion of the main channel that is seaward of Ocean Front Walk (Ocean Front Walk is essentially parallel to the shore line at the seaward edge of the development on both sides of the entrance channel to the Marina). That particular water portion of the Marina is owned by the state, operated by the City of Los Angeles and was franchised to the County in 1957 to allow for the excavation of the Marina's main channel.

The County acquired its fee title to the Marina through various decrees of condemnation and deeds of record. The Marina is a manmade harbor that was predominantly dry land (with some portions of the area now known as Basin H being characterized as salt marsh with tidal channels) prior to the excavation project undertaken by the Army Corps of Engineers in the late 1950's to excavate the main channel and to commence the project that resulted in the development of the Marina.

Federal Property Rights in the Marina

The United States of America owns two permanent easements affecting the Marina and has also operated a coast guard facility in the Marina since approximately 1962 under a lease from the County. The two easements cover existing water areas of the Marina main channel and entrance and specifically indicate that their purpose is to allow for the federal government's construction and maintenance of the entrance and main channel facilities of the Marina to create and preserve their navigability. The easements did not transfer full ownership of the Marina to the federal government and do not presently affect the County's proprietary or regulatory authority over the water or land areas of the Marina beyond preserving the federal government's right to ensure that the entrance and main channel are preserved as navigable waters of the United States.

The 1957 Easement - The County granted the United States a permanent easement for constructing and maintaining the entrance channel, jetties and appurtenances for the Marina in a document recorded on October 1, 1957, in the Official Records of the County Recorder at Book 55733, page 92 (the "1957 Easement"). See Attachment "A" - "1957 Easement." The 1957 Easement covers an area near the very entrance of the main channel extending from the previously mentioned Ocean Front Walk, westerly to a point approximately 150 feet beyond the end of the rock jetties. The 1957 Easement authorized the federal government to enter upon, dig, or cut away and remove any or all of the involved property as may be required for the "Playa del Rey Inlet and Harbor" (the initial project name for Marina del Rey) and to maintain the portion cut away and removed as part of the navigable waters of the United States. The easement only authorizes the federal government to construct and maintain the entrance channel jetties and appurtenances within that easement area.

The 1958 Perpetual Right of Way and Easement - A second easement was granted by the County to the United States to provide for the construction and maintenance of the remainder of the main channel area of the Marina. This "Perpetual Right of Way and Easement" is dated November 18, 1958, and was recorded in the Official Records of the County Recorder on December 5, 1958, in Book D296, pager 840 (the "1958 Easement"). See Attachment "A" - "1958 Easement." That easement extends along what is now the main channel from the easterly edge of the 1957 Easement to approximately the bulkhead at the end of the main channel. The 1958 Easement does not cover the Marina moles or the Marina basins. The 1958 Easement grants to the federal government the perpetual right and easement to enter upon, dig, or cut away and

remove any or all portions of the easement area for the Playa del Rey Inlet and Harbor project as is required for the construction of the main channel and to maintain the portion cut away as part of the navigable waters of the Untied States.

Selected portions of the water areas of some Marina leaseholds along the main channel are within the outer boundaries of the 1958 Easement. However, to the extent those portions of the lease parcels contain any improvements, they contain docks and boat slips which are in furtherance of the Marina's use for small crafts and recreational boat use. Additionally, construction of improvements in such areas are subject to federal review to ensure that they do not conflict with the navigability of the harbor.

The 1958 Easement specifically reserves to the County all rights and privileges in the easement area as may be used and enjoyed without interfering with or abridging the rights and easements conveyed to the federal government.

As indicated, the two federal easements do not cover the moles or basins of the Marina. The easements specifically only cover the entrance, jetties and main channel area and do not otherwise directly affect any of the County's rights in its ownership or operation of the Marina, except as to having authorized the past federal construction of the entrance, jetties, and main channel and the ongoing maintenance of the entrance and main channel facilities to retain their navigability.

There is nothing in either easement that purports to transfer the fee ownership of the Marina from the County to the federal government, or to deprive the County of proprietary or regulatory authority over the land or water areas of the Marina, except to the extent that such activities would conflict with the federal rights identified above.

The Coast Guard has also leased facilities near the Department of Beaches and Harbors' administrative headquarters on Fiji Way for a number of years. The terms of that lease do not in any way affect the proprietary or regulatory authority of the County over any other land or water portion of the Marina. As a result of the Coast Guard lease, the federal government has had an ongoing presence in the Marina since its virtual inception.

In accordance with the 1957 and 1958 Easements, the federal government retains responsibility to dredge the entrance and main channel areas to preserve the navigability of those areas. Additionally, the Army Corps of

Engineers reviews waterside Marina development applications for impacts on the navigability of the Marina water areas. We are aware of no evidence that suggests that the federal government has ever alleged that the County is violating the United States' rights under the 1957 or 1958 Easements.

II.
The Marina Does Not Include Public Trust Tidelands or Submerged Lands

Representatives of the public have suggested that the Marina includes submerged lands or tidelands that are held in public trust under the laws of the State of California. This is not correct. The Marina contains no submerged lands or tidelands that are subject to the California public trust doctrine.

The California public trust doctrine applies to submerged lands and tidelands that were acquired by the state, in its sovereign capacity, when it was admitted to the United States. Under the public trust doctrine, title to such lands is held in trust by the state for "commerce, navigation and fishery," and any private owner holds such lands subject to the limitations imposed by that public trust. Such lands are sometimes referred to as sovereign lands of the state.

Ungranted public trust submerged lands or tidelands (those not transferred by the state to a city or county) are under the exclusive administration and control the State Lands Commission. Public trust tidelands that are granted to a city or county are subject to the terms of such grant and are still subject to the public trust purposes identified above.

In 1984, the United States Supreme Court determined that the tract of land which includes Marina del Rey was not California public trust tidelands and was not subject to any public trust easement on behalf of the state or other entity (*Summa Corp. v. California*, 466 U.S. 198). The Supreme Court's decision was based on the conclusion that the property comprising the Ballona Lagoon (which includes the Marina del Rey area) was once a portion of the Rancho Ballona.

According to property records traced by the Supreme Court, Rancho Ballona was originally deeded to the Machado and Talamantes families in 1839 by the Governor of the Californias, when this land was still part of Mexico. Following that grant, California was ceded to the United States by Mexico pursuant to the Treaty of Guadalupe Hidalgo. Pursuant to the Federal Act of 1851, the interests of the Machado and Talamantes families in Rancho Ballona was confirmed through federal patent proceedings. That patent proceeding failed

to recognize any public trust interest of the government in the Rancho Ballona. The Supreme Court concluded that this chain of events led to the conclusion that the State of California never obtained any public trust rights in the Rancho Ballona.

With the exception of that portion of the entrance area of the Marina seaward of the earlier referenced Ocean Front Walk and subject to the 1957 easement granted to the federal government, the County's title to Marina del Rey stems directly from successors in ownership to the Machado and Talamantes families and is likewise not subject to a public trust easement in favor of the State of California. Accordingly, with the exception of the portion of the entrance area of the Marina seaward of Ocean Front Walk, the Marina is not properly considered sovereign lands of the State of California, subject to a state public trust easement, or subject to the administration or control of the State Lands Commission.

III.
THE MARINA DEL REY LOCAL COASTAL PROGRAM IS VALID AND THE COUNTY RETAINS COASTAL DEVELOPMENT PERMIT JURISDICTION OVER THE LAND AREAS OF THE MARINA WHILE THE COASTAL COMMISSION RETAINS JURISDICTION OVER THE WATER AREAS

Members of the public have contended that the Marina del Rey Local Coastal Program ("LCP") is illegal in that the Marina is excluded from the Coastal Zone as federally owned property. They have also argued that the California Coastal Commission ("Coastal Commission") has exclusive jurisdiction over the consideration of development within the Marina and the County lacks authority to consider or issue coastal development permits for the Marina.

These contentions are not substantiated by the applicable law or by actions of the federal government or the Coastal Commission. A certified Marina LCP has been in effect for a number of years without any known objection by the federal government. That LCP recognizes the authority of the County to issue coastal development permits for all land areas within the Marina and for the Coastal Commission to issue such permits for the water area. Further, under federal law, projects undertaken by the federal government within the Marina LCP area are subject to review by the Coastal Commission for a determination of consistency with the goals and policies of the Coastal Act.

Coastal Commission vs. County Authority in the Coastal Zone

The California Coastal Act ("Coastal Act") was adopted in 1976 and is the successor statutory scheme to the Coastal Zone Conservation Act of 1972. The Coastal Act creates policies for the preservation and enhancement of the state's coastal zone resources. The boundaries of the state's coastal zone are established in official maps that were adopted as part of the 1975-1976 state legislative session. The California Coastal Commission ("Coastal Commission") was also required to prepare and file with the County Clerk of each Coastal County more detailed maps delineating the respective permit jurisdictions of the Coastal Commission and each coastal city and county.

The Coastal Act provides that upon certification by the Coastal Commission of a city or county's LCP, the city or county shall have jurisdiction to issue coastal development permits for development in the area covered by the LCP, essentially except for those portions that are tidelands, submerged lands or other public trust lands. In such areas the Coastal Commission retains the jurisdiction to consider and issue coastal development permits.

The Coastal Commission has certified an LCP for Marina del Rey and has prepared the maps required under state law that depict the respective permit jurisdictions of the County and the Coastal Commission for the areas within the Marina. The Coastal Commission has recognized that the Marina does not include public trust tideland areas subject to the jurisdiction of the State Lands Commission in light of the earlier referenced 1984 United States Supreme Court decision in *Summa Corp. v. California*. Accordingly, as depicted in the official coastal boundary maps prepared by the Coastal Commission, the Coastal Commission exercises original permit jurisdiction over the water areas of the Marina, while the County has permit jurisdiction over the land areas.

Federal Jurisdiction Over the Marina

The jurisdiction of California over its coastal areas is subject to the paramount authority of the federal government over the nation's coastal resources. The federal Coastal Zone Management Act of 1972 (" federal CZMA") provides that the coastal states may exercise regulatory authority over the nation's coastal areas only if the federal government has approved a coastal management program for that state.

The federal government approved the California Coastal Act as the major element of California's Coastal Management Program in 1978. As a result, the Coastal Act can be applied by California to the coastal zone areas of the state, and federal activities within California's coastal zone are subject to review for consistency with the goals and policies of the Coastal Act.

The federal CZMA provides that all lands the use of which is by law subject solely to the discretion of, or which is held in trust by, the federal government are excluded from the coastal zone. However, even for such lands, their exclusion does not exempt them for review under a state coastal management program, if it has been approved by the federal government. Since the federal government has approved the Coastal Act as part of a valid California coastal management program, federal lands excluded from the coastal zone must also be reviewed for consistency with the Coastal Act policies.

In 1974 the federal General Services Administration prepared a listing of real property owned by the United States which contains an entry for Marina del Rey. This document was provided to the Coastal Commission. In 1976, two years after the above-referenced list was provided, the United States Attorney General ruled that only lands actually owned by the federal government were to be considered excluded from the coastal zones of the coastal states under the federal CZMA.

As indicated earlier in this memorandum, the federal government does not own fee title to property in Marina del Rey. Rather, it has two easements for construction and maintenance of the entrance and main channel area of the Marina and has had a lease covering a small land and water portion of the Marina for use by the Coast Guard since approximately 1962. Consequently, the federal government could not assert any ownership interest in the land areas of the Marina over which the County has coastal permit jurisdiction.

The official maps prepared by the Coastal Commission depicting the coastal zone areas of Marina del Rey have never depicted the Marina as being excluded from the Coastal Zone. Staff from the Coastal Commission have informally indicated to us that they are not aware of any contention by the federal government that the Marina LCP is illegal or inappropriately vests jurisdiction over the land areas of the Marina to the County and the water areas to the Coastal Commission. We are likewise aware of no such contention by the federal government in that regard. As recently as 2001, the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration reviewed the Coastal Commission's administration of the Coastal Act as part of

California's approved Coastal Management Program and determined that it satisfactorily implemented federal law relating to coastal areas.

Furthermore, whether excluded or not from the coastal zone, federal activities within the main channel area of the Marina (the only area in which the federal government possesses easement rights) are subject to review by the Coastal Commission for consistency with Coastal Act policies as is specifically mandated by the federal CZMA. As an example, the dredging projects that the federal government has undertaken in the entrance and main channel areas of the Marina have properly been subjected to federal consistency review by the Coastal Commission under both state and federal law.

IV.
THE FEDERAL LEGISLATION AUTHORIZING FEDERAL FUNDING FOR AND PARTICIPATION IN THE CREATION OF MARINA DEL REY HAS NOT DEPRIVED THE COUNTY OF JURISDICTION OVER THE MARINA OR RENDERED EXISTING OR PROPOSED MARINA DEVELOPMENT ILLEGAL

Members of the public have suggested that the County's development and operation of Marina del Rey is in some manner prohibited by, or inconsistent with, the federal legislation adopted in the 1950's that authorized federal funding and participation in the creation of the Marina. We have found no basis for support of those contentions.

Congress first adopted H. R. 7481, dated January 25, 1954, which called for the improvement of a small boat harbor at Playa del Rey substantially in accordance with the recommendations of the Chief of Engineers of the Department of the Army in his report on the project dated August 8, 1952. That bill was referred to the Congressional Committee on Public Works.

Federal participation in the construction and funding of Marina del Rey was subsequently specifically authorized by Public Law 780 - 83d Congress, chapter 1264, also known as the River and Harbor Act of 1954. Such River and Harbor Acts have been adopted periodically by Congress to authorize Army Corps of Engineers civil works projects involving river and harbor facilities.

The River and Harbors Act of 1954 authorized the project then known as "Playa del Rey Inlet and Harbor" to be implemented in accordance with that certain "House Document Numbered 389" and further provided that federal participation in the provision of entrance jetties, the entrance channel, interior

channel and central basin was not to exceed 50 percent of the cost of such facilities.

House of Representatives Document No. 389, dated May 13, 1954, as referred to in the River and Harbors Act of 1954, primarily consists of a compilation of letters, comments and recommendations that had been prepared over the time period from 1948-1954 concerning the proposed Playa del Rey Inlet and Harbor project. Document No. 389 contains the August 8, 1952 report of the Chief of Engineers of the Department of the Army and the recommendations for the project prepared by the Board of Engineers for Rivers and Harbors. The recommendations contained in the August 8, 1952, specifically provide for provision of the proposed harbor project with an estimated cost to the United States of $6.1 million on the conditions, among others, that local interests:

- provide the necessary rights of way to the United States for the creation of the entrance jetties, entrance channel, and central basin;

- secure and hold in the public interest lands bordering the proposed harbor improvements to a width sufficient for proper functioning of the harbor;

- provide adequate berthing and other facilities for small craft;

- provide adequate parking areas, access roads, and landscaping of the piers; and

- maintain and operate the entire project except aids to navigation entrance jetties, and project depths in the entrance channel.

A subsequent revised plan of improvement for Marina del Rey was approved by the Chief of Engineers of the Department of the Army on June 29, 1956. That revised plan did not substantially change the obligations of the "local interests" with respect to the proposed Marina project and added provisions relating to the relocation of a sewer line and tide gates at the main Venice Canal, and requiring that the County bear the cost of dredging the side basins of the Marina.

We have found nothing in the August 8, 1952, report of the Chief of Engineers, the revised requirements contained in the plan revisions approved in 1956 by the Chief of Engineers or the other historical documents cited that purport to exclude any particular uses of the Marina, that purport to remove authority from the County of Los Angeles to determine appropriate uses on the

land areas of the Marina project, or that purport to transfer ownership or jurisdiction of the Marina to the federal government other than the stated requirements to provide the rights-of-way necessary to allow the federal government to create and maintain the jetties, entrance channel and central basin. In fact the requirement that local interests provide for and operate all portions of the project other than the portions subject to ongoing federal responsibility indicates that the federal government was not purporting to exercise exclusive control over such other portions of the overall project.

As indicated earlier in this memorandum, the federal government, through the Coast Guard, has had an ongoing presence in the Marina since approximately 1962. The federal government has also undertaken several maintenance dredging projects in the Marina since its initial construction and we are advised that representatives of the Army Corps of Engineers are frequent visitors in the Marina. Notwithstanding all of the above, we are unaware of any contention by the federal government that the County has violated the terms of the federal approvals rendered in the 1950s that led to federal participation in the development of the Marina.

We will be available to answer any questions you may have regarding the contents of this memorandum at your July 23, 2003, commission meeting.

RW/

Enclosure

Department of Regional Planning
Response to Issues Raised during the August 24, 2010 Community Meeting

1. **Is the Raju Associates, Inc. Right-Sizing Parking Study flawed because it assumes that all four parking lots next to mother's beach are equal and that individual parking could be subtracted from one parking lot and added to another?**
   Staff Response: The right-sizing parking study identified five activity areas, by which to analyze parking demand. Within each activity area, each specific lot was evaluated based on existing utilization patterns in terms of occupancy of the parking supply for both typical and peak holiday weekday and weekend days. The Mother's Beach Activity Area includes four parking lots: parking lot 8 on Parcel OT, parking lot 9 on Parcel NR, parking lot 10 on Parcel IR and parking lot 11 on Parcel GR. Appendix A2 of the right-sizing parking study depicts parking demand utilization surveys for each lot and this was the basis for determine the appropriate number of parking spaces needed.

2. **Will there be sufficient parking for paddlers, what changes are being made to the loading zone? Where would parking for kayakers be located?**
   Staff Response: An adequate parking supply for kayakers and paddlers will be taken into consideration for any redevelopment planned on parking lots adjacent to Marina Beach. The loading area that currently exists adjacent to Marina Beach on Palawan Way will remain. Parking for paddlers would be provided at Parcel IR (near the picnic shelters) or at NR (across Palawan).

3. **Boaters are most likely to go out with groups first thing in the morning or at dusk, how would those parking spaces be accessed? Would it be open at those early morning hours?**
   Staff Response: Public Parking in the Marina is and will continue to be open 24 hours accessible to all users.

4. **Paying for parking will create hardship for recreational boaters.**
   Staff Response: Paying for parking is not unique to the Marina.

5. **For Kayakers a 3 block walk would be a hardship.**
   Staff Response: Parking at Parcel IR (near the picnic shelters) or at NR (across Palawan) is closer than three blocks.

6. **Does the traffic study include all projects? And does it include weekend trips?**
   Staff Response: The Raju Associates, Inc. traffic study includes many sets of tests of the pipeline projects and overall build out of the marina with and without improvements, and comparisons of the projected performance of the analysis locations under these scenarios to comparable conditions estimated in the 1991/94 DKS study. The study does include weekend trips.

7. **Loss of parking at NR. That is the only lot that provides low cost access to the Marina.**
   Staff Response: There are other lots that provide low cost access to the Marina. Parking lots on IR and GR are contiguous to Marina Beach and those lots are remaining parking.

8. **Is this plan going to eliminate 32 public acres? How can this be considered public taking away 32 acres of public land and puts it under lessee control?**
   Staff Response: Although there are 32 acres proposed to change land use mentioned in the LUP, that number does not take into account the expansion of parking lot GR, the expansion of Chace Park or the proposed wetland park on Parcel 9U.

9. **What is the residential population of Marina today? What will the population total once projects are approved?**
   Staff Response: According to the United States 2000 Census, the unincorporated area of Marina del Rey has a population of 8,176 people. 2010 census data will be available in February 2011. No data is available for population forecast.

10. **What is current hotel workforce population? And if projects are approved what are the numbers?**
    Staff Response: The existing hotels in the Marina (including Jamaica Bay Inn) employ a current workforce of approximately 700 people. The proposed Amendment does not include any additional hotel uses.

11. **What is the daily tourist population? What will it be if projects are approved?**
    Staff Response: There is no formal no data on daily tourist population, Best estimates, indicate an average of 2,000 people per day, with a hotel occupancy of roughly 75% on 1,000 rooms, with roughly 1/3 of the occupied rooms having more than 1 person, so that would be roughly 1,000 people per day in the hotels, and another 1,000 in local restaurants, etc. No data is available for future tourist population.

12. **What are the daily pass through vehicle trips? Cars using admiralty to pass through? What to you anticipate it to be once playa del rey and other city projects are approved?**
    Staff Response: Through traffic is the portion of traffic that has no origin or destination in the Marina. In other words, it is the traffic that passes through the Marina without stopping. An analysis of through traffic in the Marina was conducted as part of the Marina Del Rey Traffic Study, dated January 1991, by DKS Associates. The traffic survey showed that through traffic in the evening peak constitutes about 8 to 9 percent of the peak period and peak hour traffic volumes on major segments of Admiralty Way. We have no additional data to indicate the percentage of through traffic has changed, or that the percentage of through traffic will change when additional development in the City of Los Angeles is completed.

13. **What are the total number of car trips per day and what are they anticipated to be once projects are completed?**
    Staff Response: Traffic Counts were taken as part of the Draft Traffic Study for the Marina Del Rey Local Coastal Program Amendment, dated April 29, 2010, by Raju Associates, Inc. This study, which is on the Department of Beaches and Harbors' website, contains traffic projections for the year 2020, with future build out traffic conditions.

    Traffic counts on public roads in Marina del Rey can also be found at the County Department of Public Works' (DPW) website. The following is a link to find traffic counts on DPW's website: http://dpw.lacounty.gov/tnl/trafficcounts/

Traffic counts on public roads maintained by Caltrans can be found on Caltrans' web site. The following is a link to find traffic counts on Caltrans' website: http://traffic-counts.dot.ca.gov/

14. **How many cars can the five exits in Marina handle in the event of an earthquake?**
Staff Response: A tsumani is a more likely reason to evacuate the coastal area than an earthquake. The Marina has good traffic circulation, with the several access points that can be used in case of an emergency evacuation. We cannot provide a number on the amount of cars that can exit the Marina in the event of an emergency, because it is dependent on several factors, including whether or not the traffic signals will be operational, how LADOT would operate the traffic signals if they are operational, and the amount of traffic congestion on Lincoln Boulevard and Washington Boulevard, which are outside the County's jurisdiction. In the event of an emergency the Sheriff and LAPD are in charge of evacuation procedures in the Marina area, and each type of emergency would be handled on a case-by-case basis.

15. **What is the current water usage in the Marina? What do you expect it to be with all projects completed?**
Staff Response: The current water usage in the Marina is approximately 1,300 acre-feet per year. Depending on the build out, the water usage would range from 2,400 to 3,600 acre-feet per year.

16. **What is the current waste water discharge in the Marina? What do you expect it to be with all the projects completed?**
Staff Response: For the four projects included in the sewer area study (Parcels 10/FF, OT, 33/NR, & 52/GG), the Department of Public Works estimates that the current wastewater discharge from those parcels is 43,000 gallons per day. The estimated discharge after redevelopment for the Marina is approximately 280,000 gallons per day.

17. **There are a significant number of changes other than pipeline projects, where does this power to make changes come?**
Staff Response: Local Coastal Programs (LCPs) are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. LCPs contain the ground rules for future development and protection of coastal resources in the 75 coastal cities and counties. The LCPs specify appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances). Prepared by local government, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements. Marina del Rey has a certified Local Coastal Program, which was certified in 1996.

After an LCP has been finally approved, the Commission's coastal permitting authority over most new development is transferred to the local government, which applies the requirements of the LCP in reviewing proposed new developments. The Commission reviews and approves any amendments to previously certified Local Coastal Programs.

The proposed changes to the Marina del Rey, Local Coastal Program were outlined in a motion approved by the Board of Supervisors on September 1, 2009, which directed the Department of Regional Planning to begin the amendment process.

18. **Currently Del Rey Shores has trees and birds and nature – the redevelopment of it will replace it with concrete and a high rise building.**
Staff Response: The Del Rey Shores project was approved by the Board of Supervisors on January 27, 2009 and its potential impacts have been analyzed and addressed in the projects certified Environmental Impact Report. This project is consistent with the current Local Coastal Program and is not part of the amendment which is currently being considered.

19. **A question was raised regarding language on Page 46 of the Marina del Rey Land Use Plan and whether the intent of Marina del Rey was being changed.**
Staff Response: To clarify the statement in question and it is stated as follows "Marina del Rey was originally planned as a small craft harbor. Now, many other recreational, residential, and commercial uses have been developed, making it a multi-use area. SHOULD THE FUTURE USE OF THE MARINA FOCUS ON RECREATIONAL BOATING AS THE PRIMARY USE OF THE AREA?" This is the original language as adopted in the 1996 LCP. At the time the style of the document was to pose issues that might be of interest in the form of a question. This statement has not been changed in the proposed Major Amendment and as written does not intent to change the intent of Marina del Rey as a small craft harbor for recreational boating.