(310) 305-9503 ✦ 13837 Fiji Way, Marina del Rey, CA 90292 ✦ beaches.lacounty.gov

Caring for Your Coast

Gary Jones
Acting Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

SMALL CRAFT HARBOR COMMISSION
AGENDA
February 12, 2014
10:00 A.M.

BURTON W. CHACE PARK COMMUNITY ROOM
13650 MINDANAO WAY
MARINA DEL REY, CA 90292

Audio

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

2. **APPROVAL OF MINUTES**

Small Craft Harbor Commission Meetings of October 30, 2013 and January 8, 2014

3. **COMMUNICATION FROM THE PUBLIC**

This is the opportunity for members of the public to address the Commission on items that are not on the posted agenda, provided that the subject matter is within the jurisdiction of the Commission. Speakers are reminded of the three-minute time limitation.

4. **COMMUNICATION WITH THE COMMISSIONERS**

This is the opportunity for members of the Commission to provide notification to the public regarding any communication received by the Commissioners from the public, lessees, or other interested parties regarding business of Marina del Rey.

5. **REGULAR REPORTS**

a.	Marina Sheriff - Crime Statistics - Enforcement of Seaworthy & Liveaboard - Sections of the Harbor Ordinance with Liveaboard Permit Percentages	(DISCUSS REPORTS)
b.	Marina del Rey and Beach Special Events	(DISCUSS REPORT)
c.	Marina Boating Section Report	(PRESENTATION)
d.	Marina del Rey Convention and Visitors Bureau	(PRESENTATION)

6. **OLD BUSINESS**

a.	Update to the Marina del Rey Toxics Total Maximum Daily Load	(PRESENTATION)

7. **NEW BUSINESS**

a. Election of Commission Officers (ACTION REQUIRED)

8. **STAFF REPORTS**

Ongoing Activities (DISCUSS REPORTS)

- Board Actions on Items Relating to Marina del Rey
- Regional Planning Commission's Calendar
- California Coastal Commission Calendar
- Venice Pumping Plant Dual Force Main Project Update
- Redevelopment Project Status Report
- Design Control Board Minutes
- Marina Slip Report
- Coastal Commission Slip Report
- Department of Regional Planning Visioning Process
- Fisherman's Village (Parcel 56)
- Marina West Shopping Center (Parcel 95)

9. **ADJOURNMENT**

PLEASE NOTE

1. The Los Angeles County Board of Supervisors adopted Chapter 2.160 of the Los Angeles Code (Ord. 93-0031 ~ 2 (part), 1993, relating to lobbyists. Any person who seeks support or endorsement from the Small Craft Harbor Commission on any official action must certify that he/she is familiar with the requirements of this ordinance. A copy of the ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.

2. The agenda will be posted on the internet and displayed at the following locations at least 72 Hours preceding the meeting date:

   Department of Beaches and Harbors Website Address: http://marinadelrey.lacounty.gov

   Department of Beaches and Harbors
   Administration Building
   13837 Fiji Way
   Marina del Rey, CA 90292

   MdR Visitors & Information Center
   4701 Admiralty Way
   Marina del Rey, CA 90292

   Burton Chace Park Community Room
   13650 Mindanao Way
   Marina del Rey, CA 90292

   Lloyd Taber-Marina del Rey Library
   4533 Admiralty Way
   Marina del Rey, CA 90292

3. The entire agenda package and any meeting related writings or documents provided to a Majority of the Commissioners (Board members) after distribution of the agenda package, unless exempt from disclosure Pursuant to California Law, are available at the Department of Beaches and Harbors and at http://marinadelrey.lacounty.gov

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DESIGN CONTROL BOARD AND
SMALL CRAFT HARBOR COMMISSION
JOINT MEETING MINUTES
***SPECIAL MEETING**

October 30, 2013

Design Control Board Members Present: Peter Phinney, AIA, Chair (Fourth District); Helena Jubany, Vice Chair (First District); Simon Pastucha, Member (Third District); Tony Wong, P.E, Member (Fifth District)

Small Craft Harbor Commission Members Present: David Lumian, Vice Chair (Second District); Vanessa Delgado, Commissioner (First District); Russ Lesser, Commissioner (Fourth District); Dennis Alfieri, Commissioner (Fifth District)

Members Absent: Allyn Rifkin, Chair (Third District)

Department of Beaches and Harbors Staff Present: Gary Jones, Acting Director; Charlotte Miyamoto, Planning Division Chief; Michael Tripp, Planning Specialist; Ismael Lopez, Planner; Yeni Maddox, Secretary for the Design Control Board

County Staff Present: Anita Gutierrez, Department of Regional Planning; Amy Caves, County Counsel

Guests Testifying: Gina Natoli, Department of Regional Planning; Kevin Finkel, Department of Regional Planning.

1. **Call to Order and Pledge of Allegiance**
   Chair Phinney called the meeting to order at 6:36 PM.

   Simon Pastucha led the Pledge of Allegiance.

2. **<u>Public Comment</u>**
   Nancy Vernon Marino expressed her disappointment with the current road projects in the Marina.

   Dan Gottlieb stated that the Lessees should contribute more revenue to the County.

   Lynne Shapiro spoke about a park on Parcel FF, marina views, and not allowing hotels in residential areas.

   Jon Nahhas spoke about more recreational programs for County residents and notifying citizens about development in the Marina.

   Douglas Fay expressed disappointment regarding the senior citizen facility proposed for Parcel OT and the clean-up of Marina Beach.

   Kimra Bendle expressed disappointment with the traffic congestion in the Marina.

   Robert Bruce spoke about the lack of pedestrian access in the Marina and a nature walk on Fiji Way.

   Rick Kaplan spoke about the duty of Board members and Commissioners to manage the Marina.

Ernest Cowell expressed disappointment with the new construction and related traffic issues in the Marina.

3. New Business

A. Briefing on the status of the Marina del Rey visioning process and a discussion with Commissioners and Board members to identify their issues, areas of concern, and ideas that should be considered in the Marina del Rey visioning and Local Coastal Program update process.

Kevin Finkel presented the project staff report.

Gina Natoli welcomed questions, public input, and discussion about ideas and concerns for the future development of Marina del Rey.

Vice Chair Lumian asked if the visioning process report will be specific or if it will contain general principles.

Mr. Finkel replied that the Vision Statement presented to the community will include the ideas from the community, the County's position on specific matters, and other areas of input.
Vice Chair Lumian asked how detailed the report will be.

Mr. Finkel replied that the Vision Statement will be composed of broad principles about the direction that the community and County would like to see the Marina take for the next 15 to 20 years.

Ms. Natoli added that they anticipate the Vision Statement would be used to help guide the update of the Marina del Rey Local Coastal Program (LCP). She further stated that the document could be used by the Design Control Board (DCB) and the Small Craft Harbor Commission (SCHC) for projects as they come forward, such as lease negotiations and design perimeters.

Vice Chair Lumian asked if Regional Planning had produced similar documents for other entities that can serve as an example.

Ms. Natoli replied that there has not been anything done at this level anywhere else in the County.

Commissioner Delgado asked about the community outreach efforts that had occurred thus far.

Mr. Finkel replied that Regional Planning and DBH have hosted a series of outreach opportunities for the public, such as a community outreach meeting in April, and a walking tour and mobility workshop conducted in June. There was also a community focus group on mobility conducted in July, and a Mind Mixer website, which he described as a virtual town hall.

Chair Phinney stated that he had personally submitted an idea to the Mind Mixer website.

Member Wong asked Regional Planning staff if the visioning process will include traffic and quality of life considerations.

Ms. Natoli replied that they are focusing on improving mobility in the Marina. She further stated that she is not concentrating on traffic, but it is part of her analysis.

Member Wong asked for specifics about what Regional Planning is proposing to improve mobility. He then inquired if a people mover or buses would be included as part of the plan.

Ms. Natoli responded that she would like to hear from the Board Members and Commissioners about their ideas on improving mobility.

Public Comment

Alex Balian expressed disappointment with the visioning process, asked about the plan and spoke about the Fisherman's Village project delays.

Willie Jorth spoke about Fisherman's Village and stated that the redevelopment process should continue.

Patricia Younis requested that the Fisherman's Village parcel be excluded from the visioning process.

Jon Nahhas gave a brief presentation on his concerns with the visioning process.

Nancy Vernon Marino spoke about her disappointment with the roadmap approach and its impact on the Marina's land use.

Lynne Shapiro spoke about the promenade and about development, traffic, and environmental issues.

Rachel Horning expressed the LAX Coastal Chamber of Commerce's support of redevelopment of the Marina.

Dan Gottlieb spoke about his concerns regarding the traffic consultant's studies, which were done as part of the 2012 LCP Amendment.

Rick Kaplan spoke about traffic in the Marina and the lack of its consideration in the visioning process.

Heather Lee presented diagrams of a proposed redevelopment of Parcel 33R and Parcel NR.

Keith Lambert spoke about the public's access to the Santa Monica Bay and installing a public temporary dock in front of the Library.

Jessica Kurland expressed concerns regarding the project mentioned on Parcels 33R and NR and traffic congestion.

Patricia Raye spoke about the anchorage.

Patricia KD spoke about the visioning process delaying redevelopment of Fisherman's Village.

Douglas Fay spoke about a land use advisory committee for the Marina and the existing traffic problem.

Fred Weinhart spoke about the visioning process and implementation plans.

Michael Pashaie spoke about the Fisherman's Village redevelopment project.

Aaron Clark spoke about the proposed Fisherman's Village redevelopment.

Board Comment

Ms. Natoli stated that she would be happy to take questions from the Board and Commission, but she would really like to hear their input on what they would like to see in the Vision Plan

Commissioner Alfieri asked Regional Planning staff for clarification about the timing of the visioning process.

Ms. Natoli answered that a Vision Plan should be ready by the middle of December and stated that it may lead to revisions that will be proposed as amendments to the LCP. The proposed amendments would be presented to the Regional Planning Commission by summer 2014 and then to the Board of Supervisors by September 2014.

Commissioner Alfieri asked if all recommendations need to be submitted to DRP by the middle of December.

Ms. Natoli replied that the creation of the Vision Plan does not stop the public's input from being received and that any proposed changes to the LCP would go through a public hearing process at the Regional Planning Commission, the Board of Supervisors and the Coastal Commission. She further stated that the public is welcomed to provide comments via e-mails, phone calls, and faxes, until the LCP amendments are certified with the California Coastal Commission.

Commissioner Lesser stated that the marina needs redevelopment but that it does not mean expansion, more building, more people, or more residents and mentioned his confusion about the Visioning Statement and the time frame it will cover. He also stated that he's unsure of what to expect in December.

Ms. Natoli replied that the visioning process plans the next 15 to 20 years for the Marina, without looking at a parcel to parcel basis. She added that Regional Planning will be looking at what the community wants, what the county's goals are, and what the other interested parties such as the lessees, the residents, and the neighbors would like to see happen. Ms. Natoli further stated that visioning meant finding the right mix of uses in the right places, to make the kind of sustainable community that we are hearing people want.

Chair Phinney stated that he was confused and asked for clarification about the inclusion and exclusion of certain parcels in the visioning process.

Ms. Natoli replied that there is no moratorium on development in Marina del Rey. She also stated that there are some projects that were so far along the development process, that they were continuing to move forward.

Commissioner Lesser stated that at the last SCHC meeting there was a unanimous feeling that the Fisherman's Village redevelopment is a key project for the Marina and the developer should be encouraged to continue with their progress on their project.

Vice Chair Lumian spoke about his concern that the visioning process has created some uncertainty within the business community, particularly with the lessees of Fisherman's Village. He further stated that it is important to keep Fisherman's Village as a tourism and visitor-serving location and the process should be expedited.

Commissioner Delgado stated that typically when a Vision Plan is presented, because of the California Environmental Quality Act (CEQA) and Environmental Impact Reports (EIRs), there's a comment period right after the document is released. She asked if there would be a comment period for this plan.

Ms. Natoli replied by saying that the visioning process isn't a project under CEQA, but it will be presented to the public and open for public comment. She stated that the comment period will not stop until the Coastal Commission certifies any amendments.

Commissioner Delgado stated that she believes that the retail in the Marina should be regional-serving and focused on the visitors. She also suggested a large public use such as Long Beach's Aquarium and mentioned the benefit of having the input from the lessees on what they would like to see on their own parcels. She believes that the marina should cater to the County as a whole so the feedback provided by the residents should also be balanced out and consideration be provided to opening up the marina to the public.

Ms. Natoli asked Commissioner Delgado for her specific ideas on the regional-serving retail.

Commissioner Delgado answered by stating that she isn't recommending any particular use, just mentioning the type of use such as larger department stores, movie theatres, bowling alleys, and large restaurants. She also offered her assistance with the background information on how retail scale and size are looked at in the industry.

Commissioner Lesser stated that he's not in agreement with Commissioner Delgado, then added that he would like to see more boating services and businesses. He also mentioned his approval of the dry-stacked boat storage project.

Commissioner Delgado clarified that she was not suggesting adding retail, only suggesting regional-retail if the opportunities presented themselves.

Vice Chair Lumian stated that he would like recreational boating to be the center of Marina del Rey and suggested having a State-sponsored Boating center. He also suggested a boating center at Chace Park and Marina Beach and mentioned the need for the support of yacht clubs.

Ms. Natoli asked Vice Chair Lumian for his opinion on what makes the other marinas in California successful.

Vice Chair Lumian responded that he measures the success of a marina based on the access that the public has to the boating facilities. He mentioned that he is impressed with the following boating facilities that he has visited in California: the Leeway Sailing Center in Long Beach, the Orange Coast College Sailing Center and Aquatic Center in Newport Beach, the Mission Bay Aquatic Center in San Diego and the Cal State Northridge aquatic center at Lake Castaic. He also mentioned that the public isn't aware of their access to the UCLA aquatic center.

Ms. Natoli asked Vice Chair Lumian what he thought would make a more stable environment for boating.

Vice Chair Lumian stated that most of the businesses, such as the sailing schools and yacht brokers, in the Marina aren't sure of their future next year or the year after due to short-term lease extensions.

Commissioner Alfieri stated that he would like the Fisherman's Village redevelopment to move forward quickly and would like to see more recreational parks and recreational boating. He believes

that there's plenty of development in the marina and he doesn't believe more development is needed because there is no infrastructure to support it. He also said that Marina Beach needs redevelopment to become a working beach and a dry stack storage facility is needed.

Member Pastucha stated that the circulation plan for the Marina needs to look at how pedestrians, boaters, and motorists get around and interact. He further mentioned the importance of the waterbus for getting people out of their cars, and the need for a storm water plan into the visioning process. He stated that the Marina was a regional resource, and needed a better regional public transportation system and better connections with the City of L.A.'s bikeways. Lastly, he stressed the importance of implementing the Vision Plan, and the need for the plan to be continually evolving.

Chair Phinney spoke about the importance of evaluating the traffic problems in the Marina and the need to make it easier for the 10 million County residents who own the Marina to get into the Marina. He stated that the Marina is a great recreational resource, but most people in the County don't know about it. He suggested hiring a firm to create an application that would provide visitors information about the Marina, while advertising local businesses. He stated that the waterbus should run 24 hours a day 365 days a year, and should have a landside jitney service incorporated into it. He further stated that developers should be required to include waterbus stops as part of the projects, and that the stops should be easily identifiable from the land. Lastly, he spoke about importance of including the wildlife in the visioning process and reiterated the need to find a better way to get people into and out of the Marina.

Member Jubany stated that many people don't see the Marina as a destination point, because they consider it outdated. She said that we need to examine how the Marina is accessed regionally, and consider multi-modal forms of transportation and connectivity. She further stated that the master plan should take into consideration the experience of boaters and pedestrians.

Member Wong emphasized the importance of including the mobility aspect into the visioning process. He also mentioned his background as a traffic engineer and offered his services free of charge to help mitigate the traffic situation. He described the City of Los Angeles' Dash system, and Disneyworld's public transportation system, and asked why we don't have something similar to shuttle people into and around the Marina. Member Wong closed by reiterating that the traffic problems in the Marina could be mitigated in five years' time, and again offered his services to help solve the problem.

Chair Phinney closed by describing what he thought the visioning process was. He stated that it was his understanding that we would be looking at the Marina as a whole, and not excluding any sites. He further stated that we would be looking at big ideas, and then using them to form an implementation plan.

4. <u>Adjournment</u>
Chair Phinney adjourned the meeting at 9:12 PM.

Respectfully Submitted,

Secretary for the Design Control Board
Yeni Maddox

SMALL CRAFT HARBOR COMMISSION MINUTES
January 8, 2014 - 10:06 a.m.

Commissioners: Allyn Rifkin, Chair; David Lumian, Vice Chair; Russ Lesser, Commissioner (excused absence); Dennis Alfieri, Commissioner; Vanessa Delgado, Commissioner (excused absence)

Department of Beaches and Harbors: Gary Jones, Acting Director; Steve Penn, Chief, Asset Management Division; Alexandra Nguyen-Rivera, Real Property Agent II, Asset Management Division; Charlotte Miyamoto, Chief, Planning Division; Carol Baker, Chief, Community and Marketing Services Division; Debra Talbot, Manager, Community and Marketing Services Division.

County: Amy Caves, Senior Deputy County Counsel; Deputy Bryan White, Sheriff's Department; Lieutenant Chris Perez, Sheriff's Department; Deputy Nova Simone, Sheriff's Department.

Chair Rifkin called the meeting to order at 10:06 a.m. followed by the Pledge of Allegiance and read the Commission's policy on public comments.

Approval of Minutes:

Jon Nahhas commented on the October 30, 2013 DCB/SCHC Joint Meeting minutes.

Chair Rifkin asked that the approval of the minutes be taken in two parts: 1) minutes of the October 30th meeting and 2) minutes of the December 11th meeting.

Chair Rifkin stated he would like to hold the approval until the next meeting when Commissioner Lesser is present because Commissioner Lesser is not available to review the minutes and because the October 30th meeting was important.

Commissioner Alfieri agreed.

Commissioner Lumian stated that the minutes are not a transcript and does not have a problem with the minutes. He does not see the need to hold up the approval.

Motion to continue the approval of October 30th meeting minutes to February by Chair Rifkin, seconded by Commissioner Lumian, unanimously approved.
Ayes: 3 – Chair Rifkin, Mr. Lumian and Mr. Alfieri

There were no comments from the public or the Commissioners about the December 11th minutes.

Motion to approve by Commissioner Alfieri, second by Commissioner Lumian, unanimously approved.
Ayes: 3 – Chair Rifkin, Mr. Lumian and Mr. Alfieri

Item 3 – Communication from the Public:

William Vreszk spoke on the eviction practice at Bar Harbor.

Jon Nahhas commented on the displacement plan.

Commissioner Lumian asked about the eviction notification situation at Bar Harbor.

Mr. Jones responded that the tenants, both apartments and boat slips, were given a 6-month notice by the lessee on December 14th. He added the project was approved under a CDP from years back, having different conditions than the ones that are now in place.

Commissioner Lumian commented on the difficulty of the boat tenants' moving to a new marina due to standards and restrictions and asked if County-managed marinas have standards.

Mr. Jones responded that like all other anchorage operators there are certain standards, however the County does facilitate relocation of an existing slip tenant if that tenant is unable to find an alternative slip as long as the standards are achieved.

Commissioner Lumian commented on boat abandonment and asked if there has been collaboration with the State Vessel Turn-in program (VTIP).

Mr. Jones responded that the Sheriff or Harbor Master will be able to provide that update.

Commissioner Alfieri suggested sending a letter from the Department to boaters that the Department is willing to assist with a temporary location.

Mr. Jones stated he would like to first understand the Lessee's construction schedule before proceeding.

Commissioner Alfieri requested to review a copy of the displacement plan.

Mr. Jones responded the displacement plan that is required under the Master CDP will be provided.

Chair Rifkin asked that Bar Harbor and the displacement plan be placed on the agenda.

Commissioner Lumian asked for the Lessee's attendance for a presentation at the next meeting.

Mr. Jones stated that it would depend on the time of close of escrow. And he will invite them to the next meeting if the escrow has closed by then.

Commissioner Alfieri asked if escrow has closed.

Mr. Jones replied not to his knowledge.

Item 4 – Communication with the Commissioners
Chair Rifkin reported that he signed a letter to the U.S. Coast Guard regarding navigational lights and testified at the BOS meeting regarding TDML's.

Item 5a – Marina Sheriff
Deputy White presented the Liveaboard report and elaborated on the VTIP.

Sargent Eastern presented the Crime Stats report and spoke about the shooting on December 30th.

Jon Nahhas commented on security concerns in the Marina and asked if abandoned boats can be used elsewhere or auctioned off.

Commissioner Alfieri asked if there is a foundation out there to help with abandoned boats.

Deputy White commented that most abandoned vessels have outlived their useful life and once boat owners are unable to do anything with them, they turn them over to the Sherriff's Dept.

Commissioner Lumian stated that he has received hundreds of calls from people that want to donate, give, or pay people to take their boats however most boats have out lived their usefulness. He asked how much would be needed in order to fully meet the demand in MdR.

Deputy White responded that based on the current list and inquiries, he estimates $50,000 just for Los Angeles County with the first priority in the water, in MdR.

Commissioner Lumian asked for a report that he can take to the next State meeting at Boating and Waterways outlining the current situation as described by the Sheriffs.

Chair Allyn asked for a written report for the next meeting.

Item 5b – Marina del Rey and Beach Special Events
Ms. Baker commented on the success of the Winter Camp and continuation of the Senior Program, the Walking Club, and the Fitness Program. Changes are also anticipated to the Summer Concerts series. Lastly, the Department is planning on the celebration of Marina's 50th Anniversary in 2015.

Item 5c – Marina Boating Section Report
Ms. Talbot reported the following:

- A successful 51st Annual MdR Holiday Boat Parade with attendance estimated at 30,000 people
- 2014 Progressive Insurance Los Angeles Boat Show scheduled for February 6th thru 9th
- TMDL public comment period ending January 15, 2014
- Burton Chace Park Dock Replacement and Marina City Club Anchorage Replacement Projects are on-going
- New 4-hour dock located at the northern most section of the public launch ramp
- Free public pump-out at the new E-2800 at Marina City Club, D-2100 at Panay Way Marina, and the Public Launch Ramp
- Update on the Strategic Boating Plan will be presented at a future meeting

Jon Nahhas commented that Esprit I promenade was closed to the public for a private event and that the Boat Show did not have small boats in the show.

Commissioner Alfieri stated that he reviewed the space that was supposedly closed to the public and there was ample room for the public so he doesn't see an issue. He also asked if the dimensions were twelve feet.

Mr. Jones responded that he can't remember the exact footage but that it does require a temporary use permit (TUP) with the exact dimensions outlined.

Jon Nahhas asked for a copy of the TUP and the standards associated with it.

Commissioner Alfieri stated on the day he was there, he measured the area (against the water) and there was still a large space for the public to walk through.

Jon Nahhas asked if it was closed for the parade.

Commissioner Alfieri replied that Esprit I closed it for a private event during the 4th of July.

Mr. Jones also responded that it's closed twice a year: the Boat Parade and the 4th of July.

Commissioner Alfieri asked Mr. Jones if he received any complaints from the Boat Parade.

Mr. Jones responded not to his knowledge.

Commissioner Lumian stated that he would like to respond to Debbie Talbot's discussion on the TMDL issue and would ask her to come up during Item 7B.

Item 6a – Old Business
None.

Item 7a– Review of Draft Mitigated Negative Declaration and approval of Option to Amend Lease Agreement to Facilitate Redevelopment at Parcel 13 (Villa del Mar Marina)
Don Geisinger provided the staff report.

Mr. Jones added that the public comment period ends January 20, 2014.

Jon Nahhas commented that the public has a right to know what's happening.

Commissioner Alfieri asked about the construction of the building and if it's being built to LEED specification or is energy efficient.

Kelly King responded to the best of his knowledge, it will be LEED Silver.

Mr. Jones added that the design and the project were reviewed and approved by the DCB last year and LEED certification was discussed. He can provide information to the Commission.

Commissioner Alfieri asked if there will be any impact to the public parking from the renovations.

Kelly King responded no.

Commissioner Alfieri asked if there will be any impacts or improvements to the public promenade.

Kelly King replied yes.

Anita Gutierrez of Regional Planning added that there are improvements proposed however the existing promenade will not be widened.

Commission Alfieri asked if the proposed agreement enhances the public promenade.

Mr. Jones responded that consistent with other similar renovations, there will be with respect to amenities, lighting, paving etc. however, the dock replacement will take place at a later date.

Commissioner Alfieri asked if there is a displacement plan for the tenants.

Mr. Jones responded that the Lessee has agreed to abide by any conditions that are imposed by the CDP at a future point in time when the dock reconstruction takes place.

Kelly King added that a letter was sent to all apartment residents offering a refund of security deposits, two weeks rent, or a moving fee. Furthermore, residents are being offered a discount on a new unit.

Commissioner Alfieri requested a copy of the letter and asked if the obligation of updating the slips in 2029 will be consistent with the boating size targets that are established.

Mr. Jones responded yes and the transaction contemplates an in-kind replacement of the existing slips.

Motion to move by Chairman Rifkin seconded by Commissioner Lumian; unanimously approved.
Ayes: 3 – Chair Rifkin, Mr. Lumian and Mr. Alfieri

Item 7b– Update to and Approval of Resolution Regarding Marina del Rey Toxics Total Maximum Daily Load
Michael Tripp provided the staff report.

Mr. Jones stated that a letter reflecting the discussion and resolution of the Commission from the last meeting was prepared and needs to be finalized for submission prior to the January 14th deadline.

Jon Nahhas commented that alternatives need to be outlined.

Simon Lance reported that he has reached out to customers and dock tenants and received plenty of responses, asked for the comment period postponed for 6 months, and presently there are few replacement products for boats.

Capt. Alex Bailan commented that there are no paints alternatives.

Tim Riley thanked Chairman Rifkin for testifying in support of Supervisor Knabe motion opposing the TMDL regulation and encouraged attendance at the February 6th hearing of the Regional Water Board.

Ms. Talbot commented there are no other biocides and most boaters do not know what to use.

Chairman Rifkin asked if there have been communication with the other marinas.

Mr. Jones replied primary contact with other marinas include San Diego's Shamrock Island, which has a more lenient timeframe to switch to copper paint, but staff at San Diego still do not have a realistic idea on how to achieve the target.

Chairman Rifkin asked the Commissioners if there were any comments to the proposed letter.

Commissioner Lumian stated his surprise for a $1,000 inspection fee and doesn't recall it being mentioned at the previous meeting.

Michael Tripp commented that the staff at the Regional Water Board had previously mentioned a permit fee, which led staff to review the Regional Water Board's website and finding the $1,097 basic waste discharge fee however, staff at the Regional Water Board have not yet been able to confirm the permit fee.

Commissioner Lumian responded that if the fee is indeed $1,000, it will make boating less successful than it already is. He also noted that if copper were a big problem, there wouldn't be that many marine animals but there appears to be plenty of marine life in the Marina.

Chairman Rifkin responded that after reviewing Item #4 in the proposed letter, if another sentence could be added about the wildlife impacts and changing "acceptable" to "unavailable".

Mr. Jones commented that the County has been advised against raising challenges based on science since it does not bolster the County's position or argument and asked that the Commission vote on the one change.

Chairman Rifkin acknowledged the position and agrees not to make the change but does suggest the change of the word "acceptable" to "available" on Item #1.

Moved by Commissioner Lumian; seconded by Commissioner Alfieri, unanimously approved.
Ayes: 3 – Chair Rifkin, Mr. Lumian and Mr. Alfieri

Item 8 – Staff Reports
Mr. Jones reported on the Board Actions, Regional Planning Visioning Plan, Fisherman's Village and Marina West Shopping Center

Jon Nahhas asked staff to inform the public of any events in the next 5 to 6 days after the meeting.

Captain Alex commented that Fisherman's Village has stalled once again and asked the Commission to "fast-track" the process.

Commissioner Alfieri asked if the delay was due to the developer and noted he would like a report about Fisherman's Village at the next meeting.

Mr. Jones stated that an invitation can be extended to the Lessee for the next Commission meeting but the Department currently does not have a proposal from the Lessee.

Commissioner Alfieri stated that the Department needs to take the initiative and report on the Lessee.

Mr. Jones stated that Lessee would likely say they are ready to proceed. However, the Department has not yet received any proposal.

Commissioner Lumian stated that from the Visioning meeting it was implied that the Visioning process was not tied in with any specific parcels and therefore Fisherman's Village could proceed.

Mr. Jones agreed and stated that it was more along the lines of thematic uses and best use for the future.

Commissioner Lumian commented that it appears Lessee is being held up by the Visioning Plan because Lessee can submit a proposal but there are sentiments being express to not submit one.

Mr. Jones responded that there is nothing ready for a proposal.

Commissioner Lumian asked the likelihood of an update to the Visioning Process by the next meeting.

Anita Gutierrez responded and noted a delay to the community but will be available within the next month or two for public comment.

Chairman Rifkin stated his confusion because the Commission signed a letter to "untie the two" but staff is more comfortable proceeding in a linear fashion with the Visioning process in front. He requested to agendize the item under old business for the next meeting.

Mr. Jones clarified that the Commission's stance is different from the Department in terms of the letter.

Chairman Rifkin stated the intention at the next meeting is to consider a further resolution from the Commission whether to restate its position or not.

Adjournment
Chairman Rifkin adjourned the meeting at 12:05 p.m.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
MARINA DEL REY STATION
PART I CRIMES JANUARY 2014

	West Marina 2760	East Marina 2761	Lost R.D. 2762	Marina Water 2763	Upper Ladera 2764	County Area 2765	Lower Ladera 2766	Windsor Hills 2767	View Park 2768	Parks 2791	**TOTALS**
Homicide											
Rape	1										1
Robbery: Weapon							1				1
Robbery: Strong-Arm	1										1
Aggravated Assault		1						1			2
Burglary: Residence	4						2	3	4		13
Burglary: Other Structure	1				1	1	1				4
Grand Theft	7	2				1		1			11
Grand Theft Auto	3	1			1		2	2	1		10
Arson									1		1
Boat Theft											0
Vehicle Burglary	3				1			1	6		11
Boat Burglary				1							1
Petty Theft	10						1	4	4		19
REPORTING DISTRICTS TOTALS	**30**	**4**	**0**	**1**	**3**	**2**	**7**	**12**	**16**	**0**	**75**

Note- The above numbers may change due to late reports and adjustments to previously reported crimes.

Source- LARCIS, **Date Prepared February 04, 2014**
CRIME INFORMATION REPORT - OPTION C

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART II CRIMES - JANUARY 2014

Community Advisory Committee	Upper Ladera 2764	Lower Ladera 2766
Homicide		
Rape		
Robbery: Weapon		1
Robbery: Strong-Arm		
Aggravated Assault		
Burglary: Residence		2
Burglary: Other Structure	1	1
Grand Theft		
Grand Theft Auto	1	2
Arson		
Boat Theft		
Vehicle Burglary	1	
Boat Burglary		
Petty Theft		1
Total	**3**	**7**

Note- The above numbers may change due to late reports and adjustments to previously reported crimes.

Source- LARCIS, **Date Prepared February 04, 2014**
CRIME INFORMATION REPORT - OPTION C

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

MARINA DEL REY STATION

PART III CRIMES- JANUARY 2014

Part I Crimes	MARINA AREA (RD'S 2760-2763)	EAST END (RD'S 2764-2768)
Homicide		
Rape	1	
Robbery: Weapon		1
Robbery: Strong-Arm	1	
Aggravated Assault	1	1
Burglary: Residence	4	9
Burglary: Other Structure	1	3
Grand Theft	9	2
Grand Theft Auto	4	6
Arson		1
Boat Theft		
Vehicle Burglary	3	8
Boat Burglary	1	
Petty Theft	10	9
Total	**35**	**40**

Note- The above numbers may change due to late reports and adjustments to previously reported crimes.

Source- LARCIS, **Date Prepared – February 04, 2014**
CRIME INFORMATION REPORT - OPTION C

Marina del Rey Harbor Liveaboard Compliance Report 2014

Liveaboard Permits Issued

	December 2013	January 2014
New permits Issued:	1	7
Renewal Issued:	11	17
Total:	12	24
Notices to Comply Issued:	1	16

Totals

	December	December
Liveaboard:	284	280
Current Permits:	243	229
Expired Permits:	29	37
No Permits:	12	14

Total reported vessels in Marina del Rey Harbor: 4190

Percentage of vessels that are registered liveaboards: 5.97%

Number of currently impounded vessel: 23

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Caring for Your Coast

Gary Jones
Acting Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

February 6, 2014

TO: Small Craft Harbor Commission

FROM: Gary Jones, Acting Director

SUBJECT: **AGENDA ITEM 5b - MARINA DEL REY SPECIAL EVENTS**

BURTON CHACE PARK WALKING CLUB

Burton Chace Park ♦ Lobby ♦ 13650 Mindanao Way ♦ Marina del Rey
Tuesdays & Thursdays
10:30 a.m. - 11:30 a.m.

The Department of Beaches and Harbors (Department) is sponsoring a FREE one-hour walking club. Get your exercise while taking in the beautiful view of the Marina del Rey harbor. Please RSVP by calling (310) 305-9595.

For more information call: (310) 305-9595

BURTON CHACE PARK FITNESS CLUB

Burton Chace Park ♦ Lobby ♦ 13650 Mindanao Way ♦ Marina del Rey
Wednesdays
11:30 a.m. – 12:30 p.m.

The Department is offering FREE outdoor group workout sessions. Come get in shape with an experienced instructor in beautiful Burton Chace Park. Ages 13 and up. Please RSVP by calling (310) 305-9595.

For more information call: (310) 305-9595

BURTON CHACE PARK SENIOR RECREATION PROGRAM

Burton Chace Park ♦ Lobby ♦ 13650 Mindanao Way ♦ Marina del Rey
2nd and 4th Wednesday of each month
10:00 a.m. – 12:00 p.m.

The Department is offering a new recreational program for senior citizens at Burton Chace Park. Come join fellow seniors for bingo, dancing, art projects, exercising and more.

For more information call: (310) 305-9595

MARINA DEL REY FARMERS' MARKET

Marina "Mother's" Beach ♦ 4101 Admiralty Way ♦ Marina del Rey
Thursdays
9:00 a.m. – 2:00 p.m.

The Department, in collaboration with Southland Farmers' Markets Association, is offering the Marina del Rey Farmers' Market on Thursdays. The Marina del Rey Farmers' Market offers fresh, locally-grown organic and conventionally grown fruits and veggies. Also available are prepared and packaged foods, hand-crafted products and much more! Paid parking is available at beach parking lot #10 for 25 cents for every 15 minutes.

For more information call: Marina del Rey Visitors Center at (310) 305-9545

FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES

Sponsored by Pacific Ocean Management, LLC
All concerts are from 12:00 p.m. - 3:00 p.m.

Saturday, February 8
Michael Haggins & Friends, playing R & B

Sunday, February 9
Upstream, playing Reggae

Saturday, February 15
Blue Breeze, playing R & B

Sunday, February 16
Brasil Brazil, playing Bossa Nova/Salsa

Saturday, February 22
Friends, playing R&B

Sunday, February 23
2 Azz 1, playing Jazz/Funk

For more information call: Pacific Ocean Management at (310) 822-6866

57th ANNUAL LOS ANGELES BOAT SHOW (IN THE WATER PORTION)
Burton Chace Park ♦ 13650 Mindanao Way ♦ Marina del Rey
February 6 – 7, 2014, 12:00 p.m. – 5:00 p.m.
February 8 – 9, 2014, 10:00 a.m. – 5:00 p.m.
Adults: $12 (16 & older)
Kids: Free (15 & younger)
Active Military: Free with Military ID

The Los Angeles Boat Show is the ultimate destination for boating and outdoor lifestyle enthusiasts, featuring sport fishing vessels, brokerage yachts, performance boats, sailboats, ski boats, cruisers, jet skis, pontoons, motorboats, catamarans, cabin cruisers, inflatables, canoes, kayaks, Stand Up Paddleboards and more. With the addition of the in-water portion of the show at Burton Chace Park in Marina del Rey, visitors can also find super-sized new and brokerage yachts — both power and sail — available for on-board tours and cruising "test drives." Complimentary round trip shuttle transportation will be available to and from the LA Convention Center and Marina del Rey.

2014 POLAR PLUNGE
Marina "Mother's" Beach ♦ 4101 Admiralty Way ♦ Marina del Rey
Saturday, February 22, 2014
10:00 a.m. – 12:00 p.m.

Participate in the Polar Plunge to benefit Special Olympics Southern California athletes. Brave men, women and children will take the plunge to raise money, win awards, and have a good time. Registration begins at 8:30 a.m.

For more information call: Brandon Tanner at (562) 502-1041, email at btanner@sosc.org, or visit sosc.org/laplunge

HOUSEHOLD HAZARDOUS WASTE AND E-WASTE ROUNDUP

Dock 52 Parking Lot ♦ 13483 Fiji Way ♦ Marina del Rey
Saturday, February 22, 2014
9:00 a.m. – 3:00 p.m.

The County of Los Angeles Department of Public Works and the Sanitation Districts of Los Angeles are sponsoring the annual Household Hazardous Waste and E-Waste Roundup for the proper disposal of environmentally harmful household substances and electronic waste.

For more information call: Los Angeles County Sanitation District at (800) 238-0172 or visit their website at www.lacsd.org.

GJ:CB:cml

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Caring for Your Coast

Gary Jones
Acting Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

February 6, 2014

TO: Small Craft Harbor Commission

FROM: for Gary Jones, Acting Director

SUBJECT: **ITEM 6a – REPORT ON THE PROCEEDING OF THE REGIONAL WATER QUALITY CONTROL BOARD'S MEETING ON FEBRUARY 6TH TO THE UPDATE REGARDING MARINA DEL REY TOXICS TOTAL MAXIMUM DAILY LOAD (TMDL)**

Department of Beaches and Harbors staff will provide a report on the proceedings of the Regional Water Quality Control Board's meeting on February 6, 2014 regarding the proposed changes to the Marina del Rey Toxics TMDL.

GJ:SP:MT:anr

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Caring for Your Coast

Gary Jones
Acting Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

February 6, 2014

TO: Small Craft Harbor Commission

FROM: Gary Jones, Acting Director

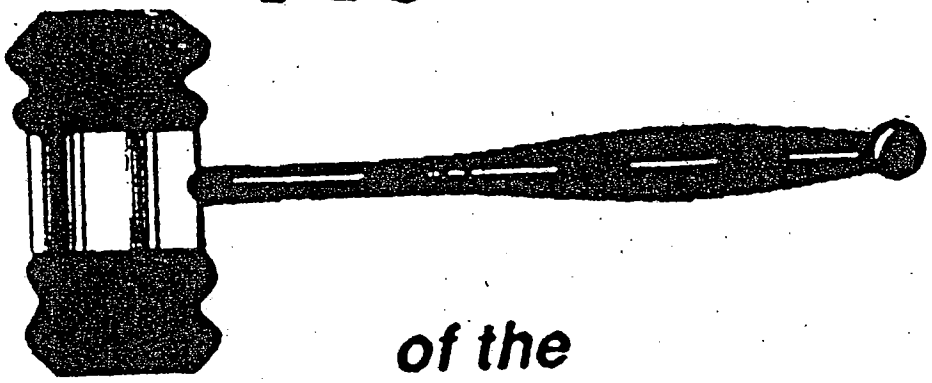
SUBJECT: **ITEM 7a – ELECTION OF COMMISSION OFFICERS**

The election of the Commission Chair and Vice-Chair is included as Item 7a on your agenda. A copy of the Small Craft Harbor Commission rules has been attached for your review and reference in relation to the election of officers.

Please contact me at (310) 305-9522 if you have any questions or need additional information.

GJ:SP:anr

Rules



of the Los Angeles County Small Craft Harbor Commission

RULES OF THE SMALL CRAFT HARBOR COMMISSION
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RULES OF THE
SMALL CRAFT HARBOR COMMISSION

CHAPTER I
GENERAL PROVISIONS

Section 1. APPLICATION. These rules shall apply to the Small Craft Harbor Commission of the County of Los Angeles (the "COMMISSION").

Section 2. RULES OF ORDER. The proceedings of the Commission shall be governed by the Ralph M. Brown Act (the "Brown Act"), and such other laws of the State of California as may apply, and to the extent the Brown Act and other statutory laws of the State of California do not apply, by Robert's Rules of Order, newly revised, except as herein otherwise provided (collectively, the "Rules"). The foregoing notwithstanding, compliance with the Rules shall not be mandatory except to extent required by law. The County Counsel shall act as parliamentarian and, on request of the Chairman, shall give parliamentary advice.

CHAPTER II
COMMISSION MEETINGS

Section 3. REGULAR MEETINGS. The regular meetings of the Commission shall be held on the second Wednesday of each month, commencing at the hour of 9:30 a.m., in the Community Room of Los Angeles County's Department of Beaches and Harbors' Chace Park, at 13650 Mindanao Way, Marina del Rey, California or such other day, time, or place, as the Commission may decide for its next scheduled regular meeting. If any regular meeting day falls upon a holiday, the regular meeting of the Commission shall be held at the same place upon the first succeeding day which is not a holiday commencing at the same hour.

Section 4. SPECIAL MEETINGS. The Commission may elect to hold a special meeting on a day, at a time, or in a location other than that prescribed in Section 3 for regular meetings. All Rules pertaining to regular meetings of the Commission shall apply to special meetings to the extent they may be applicable to the special meeting to be conducted.

Section 5. PUBLIC HEARINGS. The Commission may hold public hearings and may appoint one of its members to be the hearing officer, with responsibility for reporting his findings and recommendations to the Commission. Guidelines for public participation at a public hearing are included in Exhibit 1.

Section 6. QUORUM. A majority of the Commission shall constitute a quorum, and a quorum must be present for the Commission to conduct its business.

Section 7. MAJORITY VOTE. No act of the Commission shall be valid or binding unless a majority of the Commission concurs. However, if there is less than a majority vote of the Commission on an item, the Commission may refer the item to the Board of Supervisors with a notation of the Commission's vote.

CHAPTER III
ELECTION, POWERS, AND DUTIES OF CHAIRMAN AND VICE-CHAIRMAN

Section 8. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN. At its January meeting, the Commission shall elect both a Chairman and a Vice-Chairman to serve until the next January regular meeting. No member of the Commission shall be elected to the same office for more than two consecutive terms of one year each.

Section 9. CHAIRMAN DUTIES AND POWERS. The Chairman shall possess the powers, and perform the duties prescribed, as follows:

a. Have general direction over the Commission Meeting Room;

b. Preserve order and decorum;

c. Assure that attendance of the public at meetings in the Meeting Room shall be limited to the number which can be accommodated by the seating facilities regularly maintained therein;

d. Allocate the length of time for public discussion of any matter in advance of such discussion, with the concurrence of the Commission;

e. Allocate equal time to opposing sides insofar as possible taking into account the number of persons requesting to be heard on any side;

f. Limit the amount of time that a person may address the Commission during a public discussion period in order to accommodate those persons desiring to speak and to facilitate the business of the Commission; and

g. Appoint hearing officers and set dates for public hearings.

In the event of the resignation, removal, or death of the Chairman, the Vice-Chairman shall serve as Chairman for the remainder of the term.

Section 10. VICE-CHAIRMAN DUTIES AND POWERS. The Vice-Chairman shall have all of the powers and duties of the Chairman during the absence of, or inability to act of, the Chairman.

In the event of the resignation, removal, or death of the Vice-Chairman, or the assumption of duties and powers of the Chairman by the Vice-Chairman as provided in Section 9, the Commission shall elect another member to serve as Vice-Chairman until the end of the term.

CHAPTER IV
CONDUCT OF MEETINGS

Section 11. PUBLIC MEETINGS. Meetings of the Small Craft Harbor Commission are open to the public.

1. The general public is invited to comment upon agenda items after introduction of the item by a member of the Commission or Department.

2. Individual speakers may be limited to specific time periods of not less than three minutes, and are requested to present information not already provided. Speakers will be recognized only once on a given item.

3. At the conclusion of the public comments the Commission will consider the item without any further comment or debate from the floor.

4. The "Communications From the Public" item on the agenda provides time for any party to address the Commission on any matters that are within the subject matter jurisdiction of the Commission. A person may make one presentation under this agenda item per Commission meeting. Individual speakers may be limited to specific time periods of not less than three minutes in length; the number of speakers under this item may be limited to five.

5. The Chairman, at his discretion, may alter or change the order in which agenda items are considered, depending upon his determination of the importance or urgency of an item.

6. The Chairman shall order removed from the Commission Meeting Room any person who commits the following acts with respect to a regular or special meeting of the Commission:

   a. Disorderly, contemptuous or insolent behavior toward the Commission or any member thereof, tending to interrupt the due and orderly course of said meeting;

   b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

   c. Disobedience of any lawful order of the Chairman, which shall include an order to be seated or to refrain from addressing the Commission;

   d. Any other unlawful interference with the due and orderly course of said meeting.

Any such removal shall be effected by a peace officer upon being directed by the Chairman.

Section 12. ORDER OF BUSINESS. The business of each regular meeting of the Commission shall be transacted as far as practicable in the following order:

1. Call to order and action on absences.

2. Action on minutes of prior meeting.

3. Posted agenda items, e.g., regular reports, old business, new business, staff reports.

4. Items not on the posted agenda to be discussed and (if requested) placed on the agenda for action at a future meeting of the Commission, or items requiring immediate action because of an emergency situation involving severe impairment to the public health or safety or where the need to take action arose subsequent to the posting of the agenda.

5. Presentation of scrolls.

6. Comments by members of the public on matters that are within the subject matter jurisdiction of the Commission.

Section 13. AGENDAS AND POSTING REQUIREMENT. The Commission may set items for each agenda and Agendas will be posted at least 72 hours in advance of each meeting at the Administration building of the Department of Beaches and Harbors located at 13837 Fiji Way, Marina del Rey. The agenda will describe each agenda item to be considered, the proposed action, and the location and time of the meeting.

Section 14. MATTERS FOR CLOSED SESSIONS. The Brown Act allows the Commission to go into closed session to discuss the following matters:

1. The purchase, sale, or lease of real property with the agency's negotiator, or to instruct the negotiator.

2. Pending litigation.

3. National security, or the security of public buildings and/or threats to public access to public services and facilities.

4. The issuance of a license to a person with a criminal record.

5. The appointment, employment, performance, or dismissal of an employee, or to hear complaints or charges against an employee, unless the employee requests a public hearing.

6. Salaries, compensation, or fringe benefits for employees.

Section 15. CLOSED SESSIONS - PROCEDURES. In order to maintain compliance with the Brown Act, the intent of which is to insure that the public's business is conducted in open meetings, the following procedures will be followed whenever the Commission holds a closed session:

1. Prior to or after any closed session, the Commission must publicly state the general reason or reasons for the closed session. Specific statutory authority may be cited.

2. If the closed session is to discuss pending litigation which has been formally initiated before a court, an administrative body, a hearing officer, or an arbitrator, the title of the litigation must be cited in the public statement, unless it would jeopardize the County's ability to serve process on an unserved party or to conclude settlement negotiations, and a memorandum of reasons and authority for the closed

session shall be prepared by the County Counsel and filed with the minutes and records of the Commission.

3. In the closed session, the Commission may only discuss the matters covered in the public statement.

4. A minute book shall be kept of the topics discussed in the closed sessions and the decisions made. This book shall not be a public record and may only be viewed by members of the Commission, or court of general jurisdiction in the event of an alleged violation of the Brown Act.

CHAPTER V
MISCELLANEOUS PROVISIONS

Section 16. SECONDED MOTION. Each motion made by any member of the Commission shall require a second. Motions and seconds may be made by any member of the Commission, including the Chairman.

Section 17. ROLL CALL. The roll need not be called in voting upon a motion except where specifically required by law or requested by a member. If the roll is not called, in the absence of objection the Chairman may order the item unanimously approved. When the roll is called on any motion, any commissioner present who does not vote in an audible voice shall be recorded as "Aye."

Section 18. SIGNS. Except with prior authorization of the Chairman, no placards, signs or posters or packages, bundles, suitcases or other large objects shall be brought into the Meeting Room.

Section 19. DISRUPTIONS. All demonstrations, including cheering, yelling, whistling, hand clapping and foot stamping are prohibited.

Section 20. DISTRIBUTION OF LITERATURE. Except with prior authorization of the Chairman, the distribution of literature, of whatever nature or kind, is prohibited.

Section 21. SMOKING. Smoking is prohibited in the Commission Meeting Room.

Section 22. ADDRESSING THE COMMISSION. No person shall address the Commission until he or she has first been recognized by the Chairman. The decision of the Chairman to recognize or not recognize a person may be changed by order of the Commission. All persons addressing the Commission shall give their names for the purpose of the record and state whether they are addressing

the Commission on their own behalf or the behalf of someone else. The Chairman may, in the interest of facilitating the business of the Commission, limit the amount of time which a person may use in addressing the Commission.

Section 23. COUNTY LOBBYISTS. The Chairman may refuse permission to any person not registered as a "county lobbyist" in accordance with provisions of Chapter 2.160 of Los Angeles County code who is seeking to address the Commission in his/her capacity as a "county lobbyist" as that term is defined in Chapter 2.160 of the Los Angeles County code.

revised 10/02/92

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Caring for Your Coast

Gary Jones
Acting Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

February 6, 2014

TO: Small Craft Harbor Commission

FROM: for Gary Jones, Acting Director

SUBJECT: **ITEM 8 - ONGOING ACTIVITIES REPORT**

BOARD ACTIONS ON ITEMS RELATING TO MARINA DEL REY

On January 7, 2014, the Board of Supervisors approved the motion to oppose the Marina del Rey Harbor Toxic Pollutants Total Daily Maximum Load regulation as currently proposed by the Los Angeles Regional Water Quality Control Board (Regional Board), and direct the Director of Public Works, in collaboration with the Acting Director of Beaches and Harbors, County Counsel, and the Chief Executive Officer, to collectively provide written comments to the Regional Board by January 15, 2014.

REGIONAL PLANNING COMMISSION'S CALENDAR

On January 22, 2014, the Regional Planning Commission received a briefing on the status of the Marina del Rey visioning process and a discussion with the Commissioners was held seeking input on ideas and areas of concern for the future.

CALIFORNIA COASTAL COMMISSION CALENDAR

No items relating to Marina del Rey were heard by the California Coastal Commission during meetings for the month of January 2014.

VENICE PUMPING PLANT DUAL FORCE MAIN PROJECT UPDATE

At the December 16, 2013 trial court hearing on the case, the judge ruled in favor of the City of Los Angeles as to its option to build a new 54-inch sewer force main within the County's Via Marina rather than in the City's Pacific Avenue. Back on March 14, 2013, the Court of Appeal reversed the trial court's decision to bar the City from building the force main in Via Marina since a comparable route existed along Pacific Avenue.

REDEVELOPMENT PROJECT STATUS REPORT

The updated Marina del Rey Redevelopment Projects Descriptions and Status of Regulatory/Proprietary Approvals report is attached.

DESIGN CONTROL BOARD MINUTES

The October minutes have not yet been approved but the November minutes are attached.

MARINA DEL REY SLIP REPORT

The overall vacancy percentage across all anchorages in Marina del Rey stood at 18.8% in December 2013. Adjusted to remove out-of-service slips and 50% of available double slips, vacancy within Marina del Rey stood at 16.47%. Vacancies in the various size classifications are separated by anchorage and are provided in the document attached.

This month's figures are an increase from 18.1% (overall) and 15.87% (adjusted) last month. The 0.7% increase in overall vacancy during December is the result of smaller sized slips returning to market.

CALIFORNIA COASTAL COMMISSION SLIP REPORTS

Pursuant to certain conditions of the Coastal Development Permit (5-11-131) issued by the California Coastal Commission, the County is required to maintain certain minimum thresholds of slip sizes as a percentage of the entire Marina. The attached documents outline the percentage of each size category as a percentage of all available slips in the Marina.

DEPARTMENT OF REGIONAL PLANNING VISIONING PROCESS

Department of Regional Planning will present the Visioning Statement to the Marina del Rey community on February 15, 2014 from 10 a.m. to noon, and on February 18, 2014 from 6 p.m. to 8 p.m.

FISHERMAN'S VILLAGE (PARCEL 56)

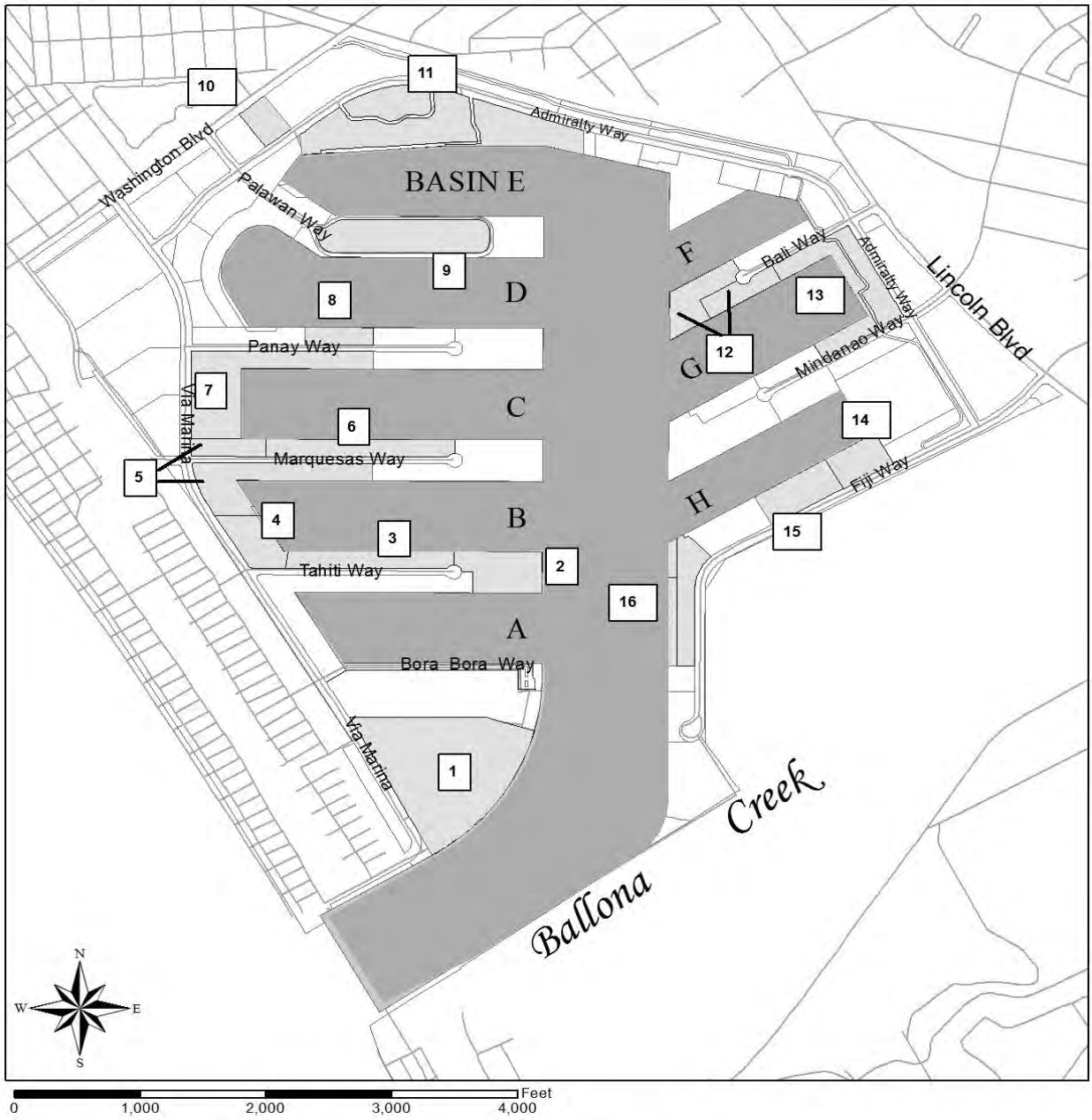
Future redevelopment of the site was discussed by the Small Craft Harbor Commission and Design Control Board at the visioning meeting held on October 30, 2013.

GJ:SP:anr
Attachments (4)

Marina del Rey Redevelopment Projects
Descriptions and Status of Regulatory/Proprietary Approvals
As of February 4, 2014

Map Key	Parcel No. -- Project Name/Lessee	Lessee Name/ Representative	Redevelopment Proposed	Massing and Parking	Status	Regulatory Matters
				Seeking Approvals		
4	**9** -- Proposed Hotel on northern portion of Parcel 9U, wetland park on southern portion.	Sam Hardage	* Revised project to be submitted as requested during 4/26/11 BOS hearing. Previously: 19-story, 225'-high, 288-room hotel (152 hotel rooms and 136 timeshare suites). *Now: Proposed dual building hotel, 6-story, 72'-high Marriott Residence Inn, and, 5-story, 61'-high Courtyard Marriott. *New promenade improvements, restaurants and amenities. * Wetland public park project (1.46 acres).	**Massing** -- Revised project will be resubmitted at a later date. **Parking** -- Parking plan will be resubmitted at a later date.	Regulatory -- DCB initial hearing May 2006, conceptual approval on June 2006. RPC filing on November 2006. RPC heard the item on 10/29/08. On 10/14/09, the RPC requested a DCB review for promenade improvements prior to returning on 2/3/10. DCB approval of promenade improvements on 12/17/09. RPC continued item on 2/3/10. RPC approval of Tentative Tract Map, CDP, CUP, Parking Permit, Variance and FEIR for landside on 3/10/10. RPC also approved the CDP for wetland park and Plot Plan for the docks on 3/10/10. The park and hotel projects were both appealed to BOS. On April 26, 2011, the BOS asked that the modified hotel design return to RPC and DCB for reconsideration. The appeal of the park project was denied by the BOS. The park was appealed to the CCC on 06/07/12. On 12/12/12 the CCC found that the appeal raised a substantial issue. The CCC then approved a revised project (permit A-5-MDR-12-161). Hotel redesign will return to DCB in January 2014. On 1/15/14, a new dual building hotel design project obtained conceptual approval by DCB. Hotel project will return to RPC at a future date.	
5	**10/14 (FF)** -- Neptune Marina/ Legacy Partners	Tim O'Brien	* Demolish existing facilities and build 526 apartments * 161-slip marina + 7 end-ties * 28 foot-wide waterfront promenade * Replacement of public parking both on and off site	**Massing** -- Four 55' tall clustered 4-story residential buildings over parking with view corridor **Parking** -- 1,012 project required parking spaces to be provided (103 public parking spaces to be replaced off site)	Proprietary -- Term sheet action by BOS August 2004; lease documents approved by BOS August 2008. SCHC voted on 8/10/11 to support recommendation for renewal of option to extend the lease agreement. Regulatory -- DCB conceptual approval on June 2006. RPC filing on November 2006; Scoping meeting held on April 23, 2007. DCB approval of promenade improvements on 12/17/09. RPC certified EIR on 3/10/10 and recommended approval of Plan Amendment, CDP, CUP and Variance to BOS. LPC Amendments were included in the LCP map and text amendment which was approved by the BOS on 2/1/11; on April 26, 2011, the BOS indicated its intent to approve the project and recertified the EIR; Proposed marina replacement was included in the County's master waterside CDP application approved by the CCC on 11/3/11. LCP amendment also approved by CCC on 11/3/11 with modifications as suggested by Coastal staff. BOS accepted CCC changes to LCPA & CDP on 11/29/11. Effective certification of the amended LCP was granted by the CCC on 02/08/12; on 3/20/12 the BOS approved Counsel's final resolution on the LUP as certified by the CCC, the ordinance amendments to Title 22 took effect 4/19/12. Final approval of the project was granted by the BOS on 5/15/12. The project was appealed to the CCC on 06/07/12. On 7/12/12, the CCC found no substantial issue on the appeals.	
6	**13** -- Villa del Mar	David Canzoneri	* Complete leasehold refurbishment of 198 apartments * Existing 209-slip anchorage will be renovated * Improved pedestrian promenade and public amenities will be renovated.	**Massing** -- Four existing buildings up to 3 stories high **Parking** -- Existing open air parking and parking structure will be renovated. Total parking provided on site is 572 spaces.	Proprietary -- The Lessee initialed the term sheet 6/1/12. On 8/1/12, the Board provided instruction to proceed with negotiations for an option agreement and revised lease document based on a term sheet initialed by lessee. An option to extend the lease is scheduled to be at the Board of Supervisors on 2/4/14. Regulatory -- DCB conceptual approval obtained on 8/21/13. MND public review period from 12/19/13 through 1/20/14.	
7	**15** -- AMLI Residential	Jason Armison	* Demolish existing facilities and build 585 apartments * New 8,000 s.f. commercial space * New 241 boat slip marina * New 1,271-parking space garage	**Massing** -- Six buildings up to 5 stories and 70' high **Parking** -- All parking to be provided on site within new 1,271-space parking garage.	Proprietary -- The Board of Supervisors approved the assignment of the lease on December 17, 2013. Regulatory -- DCB conceptual approval on 2/17/00. On 12/6/00 project obtained CDP/CUP/Parking Permit/Variance No. 98-134 from DRP. On 2/13/01 CCC determined that appeal failed to raise substantial issue. On 10/9/01 the CCC issued permit No. 5-01-0143 for 241-slip marina. Final DCB approval on 2/21/02 and 3/21/02. A redesign of the residential community project will return to the DCB for final design approval on 2/19/14.	
8	**21** -- Holiday Harbor Courts/ Goldrich & Kest Industries	Jona Goldrich/ Sherman Gardner	* 5-story, 29,300 square-foot mixed-use building (health club, yacht club, retail, marine office) * 92-slip marina * 28 foot-wide waterfront promenade and pedestrian plaza	**Massing** -- One 56' tall commercial building with view corridor/community park **Parking** -- A Six-level parking structure (447 spaces) to contain: all project required parking, 94 (replacement for OT) spaces and Parcel 20 boater parking	Proprietary -- Lease option documents approved by BOS July 2008. Approval of Renewal of Lease Option Agreement for a 66-month extension approved by BOS on 10/4/11. Regulatory -- DCB conceptual approval on August 2005. RPC filing September 2006. DCB approval of promenade on 2/17/10. RPC certified EIR and approved CDP, CUP, and Parking Permit on 4/28/10. Appeal to BOS filed 5/12/10; on April 26, 2011, the BOS approved the project and certified the EIR. Proposed marina replacement was included in the County's master waterside CDP application approved by the CCC on 11/3/11. On 12/8/11, the CCC denied the appeal of the BOS 10/17/11 determination and approval is final. Final DCB approval granted on 4/18/12. Anticipated construction date will be early 2014.	
9	**28** -- Mariners Bay	Cathleen Hayes	* Complete leasehold refurbishment of 379 apartments * New bicycle depot for public use * Improvements to existing promenade and dock gates and public amenities	**Massing** -- Seven buildings up to 3 stories high **Parking** -- Existing subterranean parking structure contains 947 parking spaces.	Proprietary -- The lessee initialed a term sheet in August 2013. Regulatory -- DCB conceptual approval obtained on 11/20/13.	
13	**44** - Pier 44/Pacific Marina Venture	Michael Pashaie/ David Taban	* Build 5 new visitor serving commercial and dry storage buildings * 91,760 s.f. visitor serving commercial space * 141 slips + 5 end ties and 57 dry storage spaces	**Massing** -- Four new visitor-serving commercial buildings, maximum 36' tall and one dry stack storage building, 65' tall. 771.5 lineal feet view corridor proposed **Parking** -- 381 at grade parking spaces will be provided with shared parking agreement (402 parking spaces are required)	Proprietary -- Term sheet to be negotiated. Regulatory -- Initial DCB review during the October 2008 meeting, but project will be revised. Proposed marina replacement was included in the County's master waterside CDP application approved by the CCC on 11/3/11. Conceptual project approved by DCB on 7/16/13.	Shared Parking Agreement No Variance proposed
14	**52** -- Boat Central/ Pacific Marina Development	Jeff Pence	* 345-vessel dry stack storage facility * 30-vessel mast up storage space * 5,300 s.f. County Boatswright facility	**Massing** -- 81.5' high boat storage building partially over water and parking with view corridor **Parking** -- All parking required of the project to be located on site	Proprietary -- Term sheet action by BOS on July 2006; Option to lease approved by SCHC March 2007 and by BOS May 2007. BOS granted extension and modification of Option on 11/10/09. Lease Option Agreement and extension for 6 months approved on 5/14/13. An extension to the Option was approved at the 11/12/13 BOS meeting. Regulatory -- DCB review continued on March 2007, project dicussed on May 2007. DRP application filed December 2008. Proposed marina replacement was included in the County's master waterside CDP application approved by the CCC on 11/3/11. LCP map and text amendment also approved by CCC on 11/3/11 with modifications as suggested by Coastal staff. BOS accepted CCC changes to LCPA & CDP on 11/29/11. Final amendment report was provided to CCC in February 2012. Public review of DEIR from 1/5/12 to 3/5/12 and public hearing for testimony on DEIR only was scheduled for 2/8/12 in Chace Park, MdR; on 3/20/12 the BOS approved Counsel's final resolution on the LUP as suggested by the CCC, the ordinance amendments to Title 22 took effect 4/19/12. Project was approved by RPC on 4/24/13.	Variance for reduced setbacks and Architectural Guidelines requiring that structures beat least 15 ft. from bulkhead
15	**53** -- The Boatyard	Greg Schem	* New 921 s.f. ADA Restroom * New 3,916 s.f. carport with 14 garage spaces and boater storage. * Leasehold refurbishment, including new landscaping, hardscape, and waterside walkway.	Massing -- One 38' tall commercial warehouse building and 15' tall office buildings. New carport storage and office buildings will be 15' tall. Parking -- Parking proposed is 147 spaces. The code requires 134 spaces for this use.	Proprietary -- On 11/6/ 2012 the Lessee initialed a term sheet for an extension of the leasehold. Regulatory -- DCB conceptual approval obtained on 8/21/13.	
16	**55/56/W** -- Fisherman's Village/ Gold Coast	Michael Pashaie/ David Taban	* 132-room hotel * 65,700 square foot restaurant/retail space * 30-slip new marina * 28 foot-wide waterfront promenade	**Massing** -- Nine mixed use hotel/visitor-serving commercial/retail structures (8 1- and 2-story and 1 60'-tall hotel over ground floor retail/ restaurant), parking structure with view corridor **Parking** -- On-site parking includes all project required parking, parking for Parcel 61 lessee (Shanghai Reds)	Proprietary -- Lease extension Option approved by BOS December 2005. Option expired Regulatory -- DCB review continued on May 2006, conceptual approval in July 2006. DRP application filed May 2007. Screen check DEIR in review. Lessee has indicated intent to submit a revised project.	Shared Parking Agreement Variance for reduced setbacks (side and waterfront)
1	**113** -- Mariner's Village	Michael Sondermann	* Complete leasehold refurbishment of 981 apartments * Retail space increase from 2,070 s.f. to 9,000 s.f. * New 92-slip anchorage will be constructed * New 28 foot-wide pedestrian promenade and public amenities	**Massing** -- Thirty existing buildings varying from 1 to 4 stories high **Parking** -- Existing parking structure will be expanded. Parking required is 1,556 spaces and 1,931 spaces are proposed.	Proprietary -- A term sheet was initialed 9/23/2013 to create the economic terms of a lease extension. Regulatory -- EIR Scoping meeting held on 12/10/13. NOP for EIR public review from 11/19/13 through 12/19/13. Anticipated DCB meeting for conceptual review on March 19, 2014.	
10	**147 (OT)** -- Oceana Retirement Facility/ Goldrich & Kest Industries	Jona Goldrich/ Sherman Gardner	* 5-story, 114-unit senior accommodation units plus ancillary uses * 3,500 square feet of retail space * Replacement of 92 public parking spaces on site * Public accessway from Washington to Admiralty	**Massing** -- One 5-story residential (senior) building over ground-floor retail and parking; 65' tall **Parking** -- On-site parking includes all required project parking, 92 public parking spaces (94 public parking spaces to be replaced off site near Marina Beach)	Proprietary -- Lease documents approved by BOS July 2008. Approval of Renewal of Lease Option Agreement for a 66-month extension approved by BOS on 10/4/11. Regulatory -- DCB conceptual approval on August 2005; RPC filing May 2006. DCB approval of pedestrian plaza on 2/17/10. RPC continued project on 10/21/09 to 12/16/09. RPC certified EIR 4/28/10 and recommended approval of Plan Amendment, CDP, CUP, and Parking Permit to BOS. Project was included in the LCP map and text amendment approved by the BOS on 2/1/11; On 4/26/11, the BOS approved the project and certified the EIR; LCP map and text amendment approved by CCC on 11/3/11 with modifications as suggested by Coastal staff. BOS accepted CCC changes to LCPA & CDP on 11/29/11. Final amendment report was provided to CCC in February 2012; on 3/20/12 the BOS approved Counsel's final resolution on the LUP as suggested by the CCC, the ordinance amendments to Title 22 were effective 4/19/12. Final DCB approval on 4/18/12. The BOS approved the project on 06/12/12.	
				Construction in Process		
8	**7** -- Tahiti Marina/K. Hakim	Kamran Hakim	* Complete leasehold refurbishment; 149 apartments * Relocate landside boater facilities * 214 slips + 9 end ties will not be reconstructed at this time	**Massing** -- 3 stories, 36'-77' in height. **Parking** -- 465 spaces.	Proprietary -- BOS action on term sheet on 9/29/09. Regulatory -- The 30-day public review period of the MND was 3/15/10 through 4/14/10. BOS certified MND on 7/20/10. Site renovation approved in concept by DCB on 7/21/10. DRP Site Plan application filed on 9/13/10. Final DCB concept was approved as submitted without conditions on 12/15/10. DRP Site Plan application approved on 1/20/11. Construction started March 2012 and still on schedule to complete the project in early 2016.	No Variance proposed
2	**8** -- Marina Club	Latosha Brunson	* Building renovation; 205 apartments * 207 slips + 11 end ties will be reconstructed	**Massing** -- Two 3-story residential buildings over parking; 41' and 48'. **Parking** -- 315 residential parking spaces and 172 slip parking spaces	Proprietary -- Term sheet action by BOS August 2008; lease extension option approved by BOS 12/8/09. On 10/12/11 the SCHC endorsed the renewal of the lease extension option. BOS authorized the renewal of the option to amend lease agreement and extension of option for 18 months to 12/8/12. Regulatory -- DCB continued from July 2008 with conceptual approval on August 2008. Site Plan Review application filed with DRP on 12/4/08, approved 12/23/09. BOS certified MND on 12/8/09. CDP application for new docks approved by CCC on 12/15/10. DCB final design for site renovation was approved on 1/18/12. Dock replacement project commenced 9/10/12. Renovation project is currently under construction.	No Variance proposed
12	**42/43** -- Marina del Rey Hotel/ IWF MDR Hotel	Dale Marquis	* Complete renovation of existing 154-room hotel and new 277-slip marina.	**Massing** -- One 36' tall hotel building **Parking** -- 372 Parking spaces	Proprietary -- Term sheets initialed; Parcel 42 on 9/7/09 and Parcel 43 on 8/31/09. On 5/17/11 BOS approved Option to bifurcate Parcels 42 and 43 into separate leaseholds, expand Parcel 43 water premises, and extend lease for 39 years. On 8/29/13 BOS approved bifurcation of Parcels 42 and 43 into separate leaseholds, expand Parcel 43 water premises, and extend lease for 39 years at Parcel 42. Parcel 43 lessee has extended the option agreement for six months to have enough time to procure building permits from DPW. Regulatory -- MND public review period ended 12/20/10. SCHC reviewed MND and Option on 3/9/11. BOS certified MND on 5/17/11. Proposed marina replacement was included in the County's master waterside CDP application approved by the CCC on 11/3/11. Final DCB design was approved on 5/16/12. Parking permit approved by hearing officer on 7/3/12. Last day to appeal was 7/17/12. Renovation began August 2013. Dock replacement will be phased during a 5-year period beginning late 2014.	No Variance proposed. Parking Permit for reduced parking.
11	**125** -- Marina City Club	Karen Seemann	* 282 slip marina will be reconstructed * Waterfront promenade of varying widths from 12 to 20 feet and fire access improvements with new pavers, railing, landscape, ADA restroom and pedestrian amenities.	**Massing** -- Expansion of existing boater restroom is proposed **Parking** -- Existing 361 shared parking spaces for boaters and guests will remain unchanged.	Proprietary -- Lease amendment adopted by BOS on 7/6/10. Regulatory -- DCB conceptual promenade design review approved on 11/17/10. DRP Site Plan Review application filed 10/26/10. Proposed marina replacement was included in the County's master waterside CDP application to CCC. CCC approved waterside master CDP for dock construction on 11/3/11. Final approval of promenade improvements granted by DCB on 3/16/11. Reconstruction of Marina Walk and docks is anticipated from January 2013 through April 2014. Final promenade improvements approved by DCB on 8/21/13.	

Project Status Report - Key Map



Los Angeles County Department of Beaches and Harbors, Planning Division.

DESIGN CONTROL BOARD MINUTES
November 20, 2013

Members Present: Peter Phinney, AIA, Chair (Fourth District); Helena Jubany, Vice Chair (First District); Simon Pastucha, Member (Third District); Tony Wong, P.E, Member (Fifth District)

Members Absent: None

Department Staff Present: Gary Jones, Acting Director; Charlotte Miyamoto, Planning Division Chief; Michael Tripp, Planning Specialist; Ismael Lopez, Planner; Yeni Maddox, Secretary

County Staff Present: Anita Gutierrez, Department of Regional Planning; Amy Caves, County Counsel

Guests Testifying: Cathleen Hayes, Universal Properties Inc; Aaron Clark, Armbruster, Goldsmith & Delvack LLP; Walt Thomas, Area Architecture; Carol Seitz, Specialty Restaurant Corporation; Adam Wodka, Signs Now; Ron Wolter, Factory Signage & Graphics; Ken Greenberger, Caruso Affiliated

1. **Call to Order and Pledge of Allegiance**
   Chair Phinney called the meeting to order at 1:31 PM

   Ms. Jubany led the Pledge of Allegiance.

2. **Approval of September 18, 2013 Minutes**

   On a motion of Mr. Wong, seconded by Vice Chair Jubany this item was approved.
   Ayes: 4 – Chair Phinney, Vice-chair Jubany, Mr. Pastucha and Mr. Wong

3. **Public Comment**
   None

4. **Consent Agenda**
   No Items

5. **Old Business**
   None

6. **New Business**
   A. Parcel 61 – Whiskey Red's – Consideration of exterior modifications, business identification signage and Design Control Board Review related thereto – DCB#13-012

   Mr. Lopez presented the project staff report.

   Ms. Seitz gave a brief history of the restaurant and stated that Mr. Wodka was available to answer any questions regarding signage.

   Public Comment
   None

Board Comment

Mr. Pastucha asked the applicant's representative if she had an issue with staff's recommendation that the top of the string lighting be shielded.

Ms. Seitz replied that she did not.

Mr. Pastucha asked if the signage lighting had a timer that turned the lights off an hour after the restaurant's closing.

Ms. Seitz replied that the sign lights were on a timer but was unsure what time they were scheduled to go off.

Mr. Wong asked why the restaurant was changing its name to Whiskey Red's.

Ms. Seitz answered that she believes it was due to the recent popularity of bourbons and whiskeys.

Ms. Jubany asked why the sign appeared more retro than contemporary.

Ms. Seitz replied that she did not know and asked Mr. Wodka to explain it.

Mr. Wodka replied that he did not know why that style was chosen, and mentioned that corporate provided all of the art work.

Chair Phinney expressed his preference for the existing sign, rather than the proposed box like sign and suggested that the applicant return in a month with a revised design.

Ms. Jubany and Mr. Wong agreed with Chair Phinney's recommendation.

Chair Phinney also suggested adding fruit trees or rose bushes to the landscaping along the promenade and asked for Mr. Pastucha's suggestions regarding landscaping ideas.

Mr. Pastucha suggested that the applicant hire a landscaping consultant to help come up with some good ideas, and stated that any plant could work, provided that it was properly maintained.

Chair Phinney crafted a motion which stated that there had been a significant amount of design input by the Board to allow the applicant to return in 30 days with an alternative sign scheme that would incorporate the input received.

Ms. Jubany asked the Chair if the applicant could proceed with the other portions of the project such as the lighting and the windscreen installation.

Chair Phinney asked staff for clarification about splitting the motion.

Mr. Jones replied that there was no problem with splitting the motion to allow the applicants to proceed with the other portions of the project.

Mr. Phinney moved to approve the overhead canopy and the wind screen portion of the application, and asked applicant to return within 90 days with an alternative signage approach and landscaping design.

On a motion of Chair Phinney, seconded by Mr. Wong, portions of the item were approved as submitted, and the applicant was directed to return within 90 days with a revised signage and landscaping plan.

Ayes: 4 – Chair Phinney, Vice-chair Jubany, Mr. Pastucha and Mr. Wong

B. Parcel 28 – Mariner's Bay – Conceptual consideration of site renovation project and Design Control Board Review related thereto – DCB#13-013

Mr. Lopez presented the project staff report.

Mr. Clark introduced Ms. Kathy Hayes as the principal property representative for Mariner's Bay and Mr. Walt Thomas as the head architect for the project. He added that they were preparing a Mitigated Negative Declaration for the project and were working with Regional Planning, with the goal of presenting the project to the Small Craft Harbor Commission in a few months.

Ms. Hayes gave a brief background of the property and added that they were completely renovating the exterior, interior, common areas and the promenade. She also mentioned the addition of a pocket park, bike depot and community room.

Mr. Thomas stated that they had tried to simplify the landscaping to maximize the views from all the apartment units. He also mentioned the addition of water features and crosswalks, the repaving of the promenade and the replacement of the bulkhead fence.

Public Comment
None

Board Comment
Mr. Pastucha stated that he had concerns with the building design details and the general circulation, because the complex was an island surrounded by a mole road. He then asked applicant for the location of the main entrances to the complex.

Ms. Hayes replied that the main entrance was near the leasing office and that visitors would have to be buzzed in by the tenants that they were visiting.

Mr. Pastucha expressed his concern about the use of water fountains and their high level of maintenance. He suggested looking at other options, and that they should be careful not to over simplify the landscaping. He also expressed his concern about the tennis court lighting impacting the units.

Ms. Hayes replied that they would make any changes necessary to the lighting for the benefit of the tennis court and the tenants.

Mr. Wong expressed his concern about the promenade width and the ease of pedestrian and vehicle circulation. He then requested to see an identification signage plan and traffic/promenade circulation plan from the applicant upon their return.

Chair Phinney stated the importance of the promenade width. He also informed the applicant that the railing along the bulkhead must be at least 42 inches in height, and asked the applicant if the community room was free to reserve.

Ms. Hayes affirmed that the community room was free to reserve.

Chair Phinney asked applicant to include the timing schedule for the palm tree up lighting in their next presentation. He suggested that the applicant take into consideration the different types of visitors that use their site and how they use the site. He also requested to see the details of how the public transitions from the promenade to the site, and encouraged the applicant to keep some of the existing

trees. He expressed his appreciation for the opening of the pool, and suggested adding some cabanas to the pool area.

Ms. Jubany suggested that the applicant treat the fire lane to create a visual connection and suggested connecting the dock gate's design to the architecture of the building.

Ms. Hayes replied that the replacement of their docks would be following the landside improvement project, and that they haven't looked into the design of the gates yet. She also stated that the gates may be moved due to configuration changes of the docks.

Ms. Jubany expressed her concern about the bike depot potential becoming a mess.

Ms. Hayes assured Ms. Jubany that the bike depot would be organized.

On a motion of Mr. Wong, seconded by Ms. Jubany, the project was approved as submitted.
Ayes: 4 – Chair Phinney, Vice-chair Jubany, Mr. Pastucha and Mr. Wong

C. Parcel 50 – Waterside Shopping Center – Consideration of new business identification sign and Design Control Board Review related thereto – DCB#13-014

Mr. Lopez presented the project staff report.

Public Comment
None

Board Comment
Ms. Jubany asked if new monument signs were allowed in the Marina.

Mr. Lopez answered that they were allowed, but required the Board's approval and that generally freestanding pole signs had not been preferred by the Board.

Ms. Jubany asked if this sign would require a variance.

Mr. Lopez replied that the sign would require a variance and that the previous freestanding signs located on the site were also approved through a variance.

Mr. Pastucha asked if other businesses on Lincoln Boulevard had rear signage.

Mr. Lopez answered affirmatively.

Mr. Pastucha asked why the proposed panel advertising the Waterside Shopping Center was the same size as the other tenant's panels on the freestanding sign.

Mr. Greenberger stated that the purpose of the main sign was to satisfy the requests from the tenants.

Ms. Jubany expressed her personal dislike of monument signs and stated that she did not want to set a precedent with the approval of the proposed sign.

Chair Phinney also expressed his dislike for monument signs and stated that the existing signage compliments the site while the new signage does not. He also mentioned that the Board had been asking the Caruso Corporation to develop a signage program for about the past 10 years.

Mr. Lopez replied that they came in a few years ago with a proposal which included the location the signage along the front and rear of the parcel and blade signs. The proposal included freestanding kiosks and sign holders.

Mr. Greenberger stated that they wanted the opportunity to promote the businesses on their property to passersby on Lincoln Boulevard. He also stated that he would like to return with a proposal for a monument sign that the Board would be willing to approve.

Chair Phinney stated that a monument sign may not be approved and asked staff from Regional Planning for their input, because he was quite certain that Regional Planning Commission would also deny the request for approval.

Ms. Gutierrez stated that recently another freestanding sign proposal along Lincoln Boulevard was denied.

Chair Phinney stated that he would be more inclined to support eight identical monument signs that were low in the landscaping yet still visible by automobiles and are aligned down the property; similar to what was approved by the Board on the parcel located just north of the Waterside Shopping Center.

Mr. Pastucha suggested having the signs in clusters of three.

Chair Phinney suggested adding architectural features to the signs that were cohesive with the center.

Mr. Wong suggested a motion to continue this item, subject to the applicant returning within 180 days.

On a motion of Mr. Wong, seconded by Mr. Pastucha, the applicant was directed to return to the Board within 180 days, with a revised sign package.
Ayes: 4 – Chair Phinney, Vice-chair Jubany, Mr. Pastucha and Mr. Wong

D. 2014 Design Control Board Meeting Schedule

Mr. Lopez stated that there was a correction on the Meeting Schedule; the correct meeting date was January 15th at 1:30pm, not January 14th, as was shown in the Board Package.

Mr. Jones stated that the confusion on the meeting date was due to the possibility of a special night meeting in January.

Public Comment
None

Board Comment
Mr. Wong moved to approve the draft schedule with the modification of January's meeting date to January 15th at 1:30 pm.

On a motion of Mr. Wong, seconded by Ms. Jubany , the item was approved with the modification suggested by Mr. Lopez.
Ayes: 4 – Chair Phinney, Vice-chair Jubany, Mr. Pastucha and Mr. Wong

7. Staff Report

All reports were received and filed.

Mr. Gutierrez announced that the Environmental Impact Report Scoping meeting for the Mariner's Village project would be held on December 10, 2013 at 6:30 p.m.

Public Comment

None

Board Comment

None

8. Adjournment

Mr. Wong adjourned the meeting at 3:41 p.m., in memory of President John F. Kennedy's assassination anniversary.

Respectfully Submitted,

Yeni S. Maddox
Secretary for the Design Control Board

Marina del Rey Slip Vacancy Report

Dec-13	18-25			26-30			31-35			36-40			41-45			46-50			51+			TOTAL	TOTAL	%	DOIUBLES	DOUBLES	NON-DBL	
Marina	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VAC	AVAIL	%VAC	VACANT	AVAILABLE	VACANT	VACANT	OUT OF SERVICE	OUT OF SERVICE	TTL OFF LINE
P7	0	8	0.0%	4	80	5.0%	6	44	13.6%	4	42	9.5%	2	12	16.7%	0	7	0.0%	1	21	4.8%	17	214	7.9%				
P8	5	15	33.3%	26	48	54.2%	50	82	61.0%	16	38	42.1%	11	16	68.8%	2	7	28.6%	0	1	0.0%	110	207	53.1%				
P10	1	12	8.3%	5	126	4.0%	0	22	0.0%	1	20	5.0%	0	0		0	0		0	0		7	180	3.9%				
P12	0	0		0	0		1	30	3.3%	0	53	0.0%	5	58	8.6%	2	44	4.5%	0	31	0.0%	8	216	3.7%				
P13	0	0		0	3	0.0%	3	33	9.1%	4	70	5.7%	2	36	5.6%	1	36	2.8%	1	8	12.5%	11	186	5.9%				
P15	5	106	4.7%	0	32	0.0%	1	40	2.5%	1	20	5.0%	6	20	30.0%	7	18	38.9%	0	0		20	236	8.5%				
P18	44	198	22.2%	12	68	16.2%	4	41	9.8%	4	39	10.3%	1	26	3.8%	3	18	16.7%	1	34	2.9%	69	424	16.0%	6		1	
P20	14	42	33.3%	8	59	8.5%	2	21	9.5%	1	9	11.1%	0	8	0.0%	0	0		0	0		25	139	15.8%			3	
P21	72	121	52.9%	16	51	31.4%	0	0		3	10	30.0%	0	0		0	0		0	0		91	182	45.6%	32	8		
P28	0	0		52	182	28.6%	13	100	13.0%	8	82	9.8%	0	0		0	9	0.0%	0	2	0.0%	73	375	19.5%				
P30	0	8	0.0%	4	70	0.0%	2	51	2.0%	0	34	0.0%	0	26	0.0%	1	51	2.0%	2	55	0.0%	9	295	0.7%		2	5	
P41	20	90	22.2%	6	24	25.0%	7	34	20.6%	0	0		0	0		0	0		0	0		33	148	22.3%				
P42-43	56	109	51.4%	43	120	35.8%	14	70	20.0%	6	36	16.7%	0	0		0	10	0.0%	1	4	25.0%	120	349	34.4%				
P44(45)	131	269	48.3%	5	51	9.8%	4	71	5.6%	0	0		0	0		0	0		0	0		140	391	35.5%	118	1		
P47	25	53	47.2%	32	81	37.0%	15	29	44.8%	4	6	33.3%	0	1	0.0%	0	1	0.0%	0	0		76	171	40.9%			6	
P53	1	34	2.9%	0	23	0.0%	3	37	8.1%	0	9	0.0%	0	0		0	0		0	0		4	103	3.9%				
P54	0	0		2	3	66.7%	0	0		7	24	20.8%	0	6	0.0%	0	7	0.0%	0	14	0.0%	9	54	13.0%	6	2		
P111	0	20	0.0%	0	27	0.0%	0	2	0.0%	0	15	0.0%	0	0		0	8	0.0%	6	39	15.4%	6	111	5.4%				
P112	6	100	6.0%	0	0		1	11	9.1%	0	24	0.0%	0	0		0	0		5	40	12.5%	12	175	6.9%				
P125I	5	22	22.7%	1	39	1.6%	1	26	3.8%	4	68	5.9%	0	31	0.0%	3	27	11.1%	1	4	25.0%	15	217	6.1%				27
P132	5	29	13.8%	0	3	0.0%	6	68	7.4%	0	58	0.0%	7	45	15.6%	0	39	0.0%	0	20	0.0%	18	262	6.1%		1	1	
Grand Total	390	1236	31.6%	216	1090	19.8%	133	812	16.4%	63	657	9.6%	34	285	11.9%	19	282	6.7%	18	273	6.6%	873	4635	18.8%	162	14	16	27

Summation

Vacancy in 18'-25'	31.6%
Vacancy in 26'-30'	19.8%
Vacancy in 31'-35'	16.4%
Vacancy in 36'-40'	9.6%
Vacancy in 41'-45'	11.9%
Vacancy in 46' to 50'	6.7%
Vacancy in 51' and over	6.6%

Total Vacancy **18.8%**

Vacancy w/o DOUBLES, OUT OF SERVICE and OFF LINE slips **16.47%**

Dec-13	Under Construction	Net Available	TOTAL MdR	% of TOTAL	CDP MIN THRESHOLD
25' & Less					
Number of Slips	0	1236	4635	27%	16%
26'-30'					
Number of Slips	25	1090	4635	24%	19%
30'-35'					
Number of Slips	27	1667	4635	36%	18%

Notes

4761 - pre-construction number of slips

County of Los Angeles
Small Craft Harbor Commission
13837 Fiji Way, Marina del Rey, CA 90292
Web Page: http://beaches.lacounty.gov

Allyn Rifkin
Chair

David Lumian
Vice-Chair

Dennis Alfieri
Vanessa Delgado
Russ Lesser

January 8, 2014

California Regional Water Quality Control Board
Los Angeles Region
ATTN: Shana Rapoport
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Dear Ms. Rapoport:

COMMENTS TO PROPOSED REVISIONS OF THE TOTAL MAXIMUM DAILY LOAD FOR TOXIC POLLUTANTS IN MARINA DEL REY HARBOR

The Marina del Rey Small Craft Harbor Commission (SCHC), an advisory body to the Los Angeles County Board of Supervisors, discussed at its December 11, 2013 regular public meeting, the portion of the proposed Marina del Rey Toxic Pollutants TMDL (TMDL) affecting copper discharges from hull paints used by boaters moored in Marina del Rey harbor (MdR). Based on its review of the meeting materials, consideration of the presentation by Regional Water Quality Control Board staff, subsequent discussion with Regional Board staff, and hearing public comment, the SCHC adopted the following resolutions:

1. The SCHC is a proponent of improving water quality, however, it opposes the proposed TMDL as written regarding the required 85% reduction of boats using copper hull paints when the performance of alternative paints is currently not available to most recreational boat owners. Also, the alternative paints may be more costly for boaters to apply and maintain, and may require more frequent application. Further, copper hull paints are legal to use and therefore, implementing an effective monitoring program while copper hull paint is legal to use is unrealistic.

2. The SCHC believes a statewide regulation on copper paints that includes a plan addressing reduction of copper hull paint use, fleet by fleet, must first be in place before targeting MdR with the proposed TMDL to severely reduce the number of boats moored in MdR that use copper hull paints.

3. The SCHC requests an extended comment period sufficient to allow boaters and anchorage owners adequate time to review and comment on the complex and highly technical and scientific portions of the TMDL documents released for public comment. The SCHC believes the Regional Board should not be treating the individual boat and anchorage owners in the same manner as governmental agencies as the former generally will not have the resources and will require

additional time to better understand the full impacts and consequences of the proposed TMDL.

4. The SCHC believes the TMDL is premature as the Regional Board has not demonstrated it has completed the necessary studies specific to MdR, rather, much of the information is extrapolated from partial data from the TMDL imposed on San Diego's Shelter Island Yacht Basin.

It is my duty as the Chair of the SCHC to convey to you the Commission's resolutions regarding the proposed revision to the proposed TMDL for Marina del Rey.

Respectfully,

Allyn Rifkin
Chair, Small Craft Harbor Commission

C: Small Craft Harbor Commissioners
Gary Jones

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE
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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 15, 2014

IN REPLY PLEASE
REFER TO FILE: WM-9

Mr. Samuel Unger, P.E., Executive Officer
California Regional Water Quality
Control Board – Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Attention Ms. Shana Rapoport

Dear Mr. Unger:

COMMENT LETTER – MARINA DEL REY HARBOR TOXICS TMDL RECONSIDERATION

The County of Los Angeles appreciates the opportunity to provide comments on the proposed amendments to Chapter 7 of the Basin Plan to revise the Marina del Rey Harbor Toxic Pollutants Total Maximum Daily Load (TMDL). Enclosed are our comments for your review and consideration.

If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

GARY HILDEBRAND
Assistant Deputy Director
Watershed Management Division

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P:\wmpub\Secretarial\2013 Documents\Letter\MdR Toxics TMDL Reopener Comments (County).docx\C13402

Enc.

cc: Chief Executive Office (Rita Robinson)
County Counsel (Judith Fries)
Department of Beaches and Harbors (Gary Jones)

COMMENTS OF THE COUNTY OF LOS ANGELES ON THE RECONSIDERATION OF MARINA DEL REY HARBOR TOXIC POLLUTANTS TOTAL MAXIMUM DAILY LOAD

The County of Los Angeles appreciates the opportunity to comment on the changes proposed as part of the reconsideration of the Marina del Rey Harbor Toxic Pollutants Total Maximum Daily Load (TMDL).

In March 2013, the Marina del Rey Harbor Watershed Group (consisting of the County of Los Angeles, City of Los Angeles, Culver City, and Caltrans) submitted a "White Paper" to the Regional Board recommending a number of changes to the original TMDL based on new information and data collected since the promulgation of the TMDL in 2006. Subsequent to the submission of the White Paper in March, additional concerns emerged in response to the expansion of the geographic area addressed by the TMDL, incorporation of dissolved copper from the paints used on boats moored in the marina, and incorporation of in-harbor sediment. These additional concerns were brought to the Regional Board staff's attention on various occasions. While some of the technical issues raised have been addressed by Regional Board staff with the current draft of the TMDL, major concerns remain that warrant serious consideration. Below is a summary of our key concerns and recommendations.

COMMENTS SPECIFIC TO THE REQUIREMENTS ASSOCIATED WITH MS4 DISCHARGES

1. The Interim and Final Compliance Dates Should Be Extended

<u>Compliance dates for lead, zinc, PCBs, chlordane, and DDTs</u>

Since the inception of the TMDL in 2006, responsible parties have been developing plans and implementing best management practices (BMPs) to address stormwater discharges to the back basins of the Marina. The continued implementation of originally planned BMPs, in conjunction with the implementation of new projects under the MS4 permit, has created a need for additional time to complete the projects and assess the resulting water quality improvements. The compliance schedule currently proposed in the tentative Basin Plan Amendment for the back basins does not allow sufficient time to reasonably assess the effectiveness of implemented BMPs and propose additional management techniques to address any remaining issues.

In addition to addressing stormwater discharges into the back basins, the proposed TMDL has an expanded geographic coverage that includes the front basins of the Marina. Because the original TMDL was limited to the back basins, all plans developed for the TMDL so far have also been limited to addressing stormwater discharges to the back basins. Addressing the front basins would require similar planning processes that the responsible parties implemented to address the back basins. Therefore, sufficient time should be given to develop and implement plans

to address the MS4 discharges into the front basins. In essence, it would be reasonable to treat the addition of the front basins as a "new" TMDL with an analogous compliance schedule.

While we acknowledge and support the approach proposed by Regional Board staff of having different timelines for the back and front basins, the time provided is not sufficient to address either of them. For the back basins, we are requesting that the compliance dates for the 50 percent interim and the final targets (except for copper) be extended from 2016 to 2018 and from 2018 to 2021, respectively. For the front basins we are requesting that the compliance dates for the 50 percent interim and the final targets (except for copper) be extended from 2019 to 2021 and from 2021 to 2025, respectively.

Compliance dates for copper

Since the adoption of the original TMDL in 2006, Senate Bill 346 (SB 346), which requires a reduction in copper content in brake pads to five percent (by weight) by 2021 and to 0.5 percent by 2025, was signed into law in 2010. This law is expected to significantly reduce copper loading over time in California's urbanized watersheds and is considered to be a cost-effective way to reduce copper pollution in California waters and achieve copper targets in TMDLs across the State. Recent TMDLs adopted by the Regional Board, such as the Los Cerritos Channel and San Gabriel River Metals TMDLs, have recognized the importance of SB 346 in copper reduction and included a compliance schedule that aligns with the implementation timeline of SB 346.

In the March 2013 White Paper submitted to the Regional Board, the County recommended a final compliance date of 2030 for copper. This timeline was proposed taking into consideration the assumption that it would reasonably take at least five years after the final phase out of copper in brake pads for the effect to be observed. It is unreasonable to require implementing expensive BMPs to treat copper while the state has an effective source control program in place, which would eventually address it. The County therefore requests that the final compliance date for copper for MS4 discharges be set to 2030.

The following table summarizes proposed compliance schedule extensions for MS4 discharges.

Marina Area	Lead, zinc, PCBS, chlordane, and DDTs		Copper	
	Schedule in the proposed TMDL	Requested schedule	Schedule in the proposed TMDL	Requested schedule
Back Basins				
Interim Compliance: 50%	March 22, 2016	March 22, 2018	March 22, 2016	March 22, 2026
Final Compliance	March 22, 2018	March 22, 2021	March 22, 2018	March 22, 2030
Front Basins				
Interim Compliance: 50%	March 22, 2019	March 22, 2021	March 22, 2016	March 22, 2026
Final Compliance	March 22, 2021	March 22, 2025	March 22, 2021	March 22, 2030

2. The Waste Load Allocations for the Back Basins and Front Basins Should Be Separated

Due to the addition of the front basins to the TMDL, the Regional Board recalculated the loading capacity and waste load allocations (WLAs) to account for the additional drainage area. While the TMDL provides different compliance timelines for the front and back basins, it maintains a combined WLA for discharges to the front and back basins. Having a combined WLA would make the compliance determination impossible for MS4 dischargers. We request that the WLAs for the back basins and the front basins be separated consistent with the compliance timeline.

3. E(WMP)-based Compliance Option Should be Added to The List of Compliance Alternatives

Page 11 of the tentative Basin Plan Amendment (BPA) states:

> "If permittees provide quantitative demonstration as part of the watershed management program that control measures and BMPs will achieve WLAs consistent with the schedule in Table 7-18.2, then compliance with permit water quality based effluent limitations (WQBELs) may be demonstrated by implementation of those control measures and BMPs ..."

We recommend that a compliance alternative that reflects the above language be added to the list of compliance options provided in Table 7-18.2 of the tentative BPA. Specifically, we suggest adding the following to the list of compliance options on pages 20-23:

> *Control measures and BMPs as described in an approved Watershed Management Program (WMP) or Enhanced Watershed Management Program (EWMP) has been implemented.*

4. **The Submission of the Coordinated Integrated Monitoring Plan Under The MS4 Permit Should Fulfill the Requirement to Submit a Revised Coordinated Monitoring Plan for the TMDL**

The tentative Basin Plan Amendment requires stormwater agencies to submit a revised coordinated monitoring plan (CMP) by June 2015. At the same time, the 2012 MS4 permit requires the submittal of an Integrated Monitoring Program (IMP) or Coordinated Integrated Monitoring Program (CIMP) by June 2014. The Marina del Rey Enhanced Watershed Management Program group, which includes the County, Los Angeles County Flood Control District, and cities of Los Angeles and Culver City, is planning to submit a CIMP by June 2014. Given that a CIMP is intended to encompass all monitoring requirements in a watershed, the group may opt to include the revised CMP as part of its CIMP submittal. We would recommend that the TMDL be revised to allow permittees the option of submitting the revised CMP as part of the CIMP as follows:

> *The submission of a final Integrated Monitoring Plan or Coordinated Integrated Monitoring Plan as required in the 2012 MS4 permit may be used to satisfy the TMDL's requirement for submission of a revised coordinated monitoring plan.*

COMMENTS SPECIFIC TO THE REQUIREMENTS ASSOCIATED WITH BOAT HULL PAINTS

1. **The Load Allocation for Dissolved Copper Is Unrealistic and Should Be Removed**

The proposed Basin Plan Amendment includes a load allocation that would require an 85 percent reduction in dissolved copper and indicates that compliance with that requirement can be demonstrated by showing that 85 percent of the boats in the harbor are using non-copper hull paints. However, at this time, there is neither a viable alternative (non-copper) paint nor similar requirements imposed on other marinas/harbors in the region. Imposing mandatory hull paint replacement when there is no viable alternative paint, there is no similar requirement in other local marinas/harbors, there is no statewide requirement for non-copper paint, and there is no current State or Federal law that requires the sole production and use of copper-free boat hull paints, is an unreasonable and arbitrary action that would unnecessarily impair the efficient management of the Marina del Rey Harbor. Instead of prematurely including a load allocation for dissolved copper and an associated mandatory load reduction, a statewide effort to address the issue of copper-based anti-fouling boat hull paints should be pursued. The California Legislature has recently attempted to pass legislation to address copper in hull paints, and the State of Washington has successfully done so. The County is willing to work with the Regional Board and other stakeholders on a statewide effort, and if legislation is enacted, the TMDL could be reopened to incorporate reasonable allocations and timelines in light of any new statewide copper paint requirement.

2. The Loading Capacity of the Harbor for Dissolved Copper is Significantly Underestimated

In calculating the loading capacity of the Marina del Rey Harbor for dissolved copper, staff assumed a water surface area of 1,200,000 m^2 (or 296.5 acres). This area is much lower than the actual surface area of the Marina del Rey Harbor water as covered by the TMDL. By lowering the area, the loading capacity of the harbor for dissolved copper was grossly underestimated by about 20 percent.

The area used in calculating the loading capacity should be consistent with the water surface area being addressed by the TMDL, which is the entire Marina del Rey Harbor. Our estimate indicates that this area should be 403 acres. We request that the TMDL be revised to use the correct water surface area of 403 acres in calculating loading capacity; and the load allocation for dissolved copper should be revised accordingly.

3. The Conversion of Boat Hull Paint From a Biocide-Based Paint to a Non-Biocide Based Paint May Create Unintended Environmental Consequences

In recent years, invasive species increasingly have become a major threat to aquatic ecosystems including Santa Monica Bay and Marina del Rey Harbor. One common mechanism of transport of aquatic invasive species is through boat travel.

Traditionally, copper-based hull paints have been used as a biocide to prevent the transport of invasive species from one waterbody to another. While the elimination of copper-based hull paints might improve water quality in the long run, such measures might create the unintended and undesirable consequence of increasing the spread of invasive species. In this regard, Regional Board's own draft Substitute Environmental Document prepared for the TMDL states (p.75):

> "Increased growth of fouling organisms could occur as a result of boat owners switching from copper-based antifouling paints to alternative coatings, which may prove to be less effective. An increase in abundance and species diversity of fouling organisms on a boat previously moored in a different location could lead to the transport of invasive species into the Marina del Rey Harbor Waters. Certain invasive species have been known to cause disruptions in ecosystems..."

Further, studies[1] have shown that biofilms that would grow on boats, which the copper paint is intended to prevent, could be a reservoir for bacteria. Given thousands of boats in the Marina, the replacement of biocide paint with non-biocide

[1] Shikuma and Hadfield (2010): Marine biofilms on submerged surfaces are a reservoir for *E.coli* and Vibrio Cholerea. National Institute of Health.

paint could aggravate the bacteria problem in the water.

Such potential environmental harm would make this TMDL improperly in conflict with the Coastal Act's specific mandates to protect such environments. In light of these concerns, it would be premature to require the replacement of the hull paints at this time; such requirement should only be adopted after viable product alternatives are available that would address the competing environmental issues described above.

4. The Dissolved Copper Targets are Overly Stringent and Not Substantiated by Science

Dissolved copper can exist as a variety of inorganic and organic chemical species. Research shows that the bioavailability of copper as a toxicant in water is determined by the concentration of free inorganic species, and not the total dissolved copper or the organically complexed species. The presence of copper-binding organic matter in water minimizes copper toxicity despite high concentrations of dissolved copper.

For example, studies conducted for San Francisco Bay concluded that most of the dissolved copper in the bay exists in harmless form - bound to organic ligands, which effectively buffer their availability to organisms. The findings of the studies resulted in the development of site-specific dissolved copper criteria for the Bay by the San Francisco Regional Board to provide a more appropriate and less stringent standard, which eventually led to the removal of copper from the 303(d) list. As a result, the copper criterion currently applicable to the San Francisco Bay is 6.9 µg/L.

In contrast, the Marina del Rey Harbor TMDL proposes a copper criterion of 3.1 µg/L. We believe that this is overly protective and warrants the development of site-specific criteria for Marina del Rey Harbor using appropriate scientific tools, such as the Biotic Ligand Model (BLM). We urge the Regional Board to delay adoption of the proposed TMDL until a site-specific study can be completed, or otherwise include appropriate re-opener language in the TMDL to consider the result of a site-specific study.

5. The Proposed Timeline is Unachievable

As currently proposed, the TMDL requires the conversion of boat hull paints to non-copper paints for 85% percent of boats in the Marina by 2024. With over 4,500 boats in Marina del Rey Harbor, this would require approximately 4,000 boats to adopt a non-copper based hull paint within the next 10 years to comply with the TMDL. In contrast, Shelter Island Yacht Basin, which holds approximately 2,200 boats and was used as a model to develop the Marina del Rey Harbor dissolved copper TMDL, provides a 17-year compliance schedule to achieve its 76% dissolved copper load reduction target.

The 10-year timeline is literally impossible to meet. It requires repainting over 400 boats a year, which is unachievable for many reasons. First, it will take many years

for boat owners to be educated about any new requirements and willing to convert their paints, especially given the significant questions remaining concerning the cost, durability, and maintenance of non-copper based paints. Behavioral changes needed in the boating community to embrace alternative paints take time. As an example, it took more than 6 years (2007-2013) to convert fewer than 30 boats in Shelter Island Yacht Basin. Second, the boat yards at Marina del Rey have limited capacity and could not handle 400 boats a year even under ideal conditions where the boat yards' time is fully devoted solely to paint conversions. Of course, the boat yards cannot devote all of their time to new conversions, since much of that time will be spent with maintenance of the existing boats. For example, boats typically have to be repainted every 1-3 years, meaning that much of the boat yard's capacity would be devoted to the re-painting. Third, given the significant additional costs of conversion, financial incentives, such as State grants, need to be in place to encourage boat owners to convert their paints, and such a process would take many years before they are available to the boaters. For example, it took approximately 5 years to obtain a State grant for the Shelter Island Yacht Basin.

Considering the fact that Marina del Rey Harbor holds more than twice as many boats as Shelter Island Yacht Basin and requires more copper reduction than is required for Shelter Island Yacht Basin, the timeline needed to implement a copper reduction program in Marina del Rey Harbor should be more than twice the timeline provided for Shelter Island Yacht Basin. This warrants a compliance timeline of 2050 for Marina del Rey Harbor. We request that the Regional Board take this into consideration and provide an appropriate timeline.

6. Imposing Hull Paint Conversion on Individual Boaters Would Have Significant Economic Impact on Marina del Rey

The economic costs of imposing the paint requirement on the individual boaters would be, in some cases, prohibitive, and could cause an economically devastating flight of boats from Marina del Rey to other local marinas, which would not have these costly requirements.

Unlike conventional repainting, converting the boats to non-copper based paints generally requires that all of the old coating be stripped from the hull. The Marina del Rey boat yards have reported that the cost of stripping paint from the hull of a standard 35 foot boat is between $6,000 and $7,000. In addition, assuming that each boater is also required to obtain a discharge permit, as has been indicated by the Regional Board staff, the 2013-2014 Water Board Fee List states a minimum fee of an additional $1,094. This may well be prohibitive to many recreational boaters, which is in direct contravention of the policies of the California Coastal Commission's mandate to encourage lower cost recreational boater opportunities. *See, e.g.* Section 30213 of the Coastal Act.

Since the proposed TMDL applies only to Marina del Rey and not to other local marinas, it puts Marina Del Rey at a significant disadvantage to other operational marinas throughout the region. Boaters will see a major financial incentive to avoid

these new costly regulations by simply moving to another local marina. Given that Marina del Rey already has a vacancy rate in excess of 15%, Marina del Rey will be unable to easily replace those departing boaters, leading to significant economic losses to the County and the entire Marina del Rey community. This problem would be eliminated if such regulations were to be applied at the State level to all marinas.

7. Addressing Copper Contamination from Antifouling Paints Requires a State-wide Regulation, Not a Local Regulation

Marina del Rey is neither the only harbor in California nor the only harbor with boats painted with copper hull paints. Boats move from one marina to another throughout the region and the State, indicating that the marinas are interlinked and boats from one marina will have an impact on other marinas when it comes to copper leaching from hull paints. Therefore, any effort to address copper paints should be dealt with holistically at the State level. It's unfair and ineffective to impose a regulation that would apply only to one or two marinas.

The most effective way to address copper hull paints is to control the source, i.e., to prohibit the manufacturing, sale, and application of copper paints throughout the California similar to the prohibition enacted for vehicle brake pads. The State of Washington has followed a similar track and enacted laws that would address brake pads as well as hull paints.

In California, the effort to address copper-based hull paints at the state-wide level is underway through the Department of Pesticide Regulation (DPR). In fact, newly passed State legislation (AB 425) requires the DPR to "*determine a leach rate for copper-based antifouling paint used on recreational vessels and to make recommendations for appropriate mitigation measures that may be implemented to protect aquatic environments from the effects of exposure to that paint if it is registered as a pesticide.*" We believe that the State is on the right track and any efforts to address copper paints should be directed towards supporting the DPR effort.

8. The Treatment of the Boats in the Marina as Non-Point Sources Is Not Adequately Explained

The TMDL treats the discharge of dissolved copper from boat hulls as a non-point source, assigning a load allocation to the boats. The TMDL provides no justification for treating the boats as non-point as opposed to point sources. *See* 33 U.S.C. § 1362(14).

COMMENTS SPECIFIC TO THE REQUIREMENTS ASSOCIATED WITH IN-HARBOR SEDIMENT

1. Compliance Date Should Be Extended

A successful execution of a contaminated sediment management plan to attain the in-harbor sediment load allocation depends on such factors as availability of sediment disposal sites and logistics to relocate the boats currently residing in the harbor during sediment removal. Furthermore, external pollutant sources must be fully controlled before any remediation of contaminated sediment is initiated to avoid re-contamination of the harbor sediment.

Following the successful management of MS4 sources, the TMDL should provide sufficient time to analyze the sediment condition and develop an appropriate plan of action. In particular, potential attenuation of contaminants through natural degradation should be tested (see the comment below). Sediment removal, capping, or other costly means of remediation should be considered only after other more cost-effective alternatives (such as natural attenuation) have been exhausted. Specifically, after external sources have been addressed, a study should be conducted to assess the condition of the sediment over time. Based on the results of the study, a contaminated sediment management plan could then be prepared to determine the best approach to address any remaining issues in the sediment. Given the complex nature of Marina del Rey Harbor and the process that a project of this magnitude would require, the actual implementation of the sediment remediation would need to follow a phased approach which could take more than 10 years to complete after the sediment management plan is in place.

Given this necessary sequence of actions, the final compliance schedule for in-harbor sediment should be set to 2038.

2. Natural Attenuation Should Be Given a Chance in Reducing Legacy Pollutants

Contaminates in sediments are known to undergo degradation overtime through natural bio-chemical processes. Natural processes have proven to play a key role in remediating contaminated soil and sediments. In particular, this can be an effective alternative once the external sources of the contamination have been addressed.

An example where natural degradation is playing a vital role is the case of the superfund site at Palos Verdes Shelf, the largest DDT and PCBs deposit site in the nation. Recent surveys of the site have shown that both DDT and PCBs are disappearing at a faster rate than expected, and the EPA is currently reconsidering the implementation of a sediment remediation project, which would cost tens of millions of dollars.

Most of the contaminants of concern in Marina del Rey Harbor, such as PCBs, DDT, and chlordane are legacy pollutants with no or little current contributions from the watersheds. In addition, existing sources of metals (copper, lead, and zinc) in the

watershed will be addressed as required by the proposed TMDL in the next 8 years. Once these external sources have been addressed, sufficient time should be provided to assess the effectiveness of natural attenuation before upwards of hundreds of millions of tax dollars are spent on sediment removal or capping. Accordingly, we request the Regional Board provide the flexibility and needed time to test this cost-effective approach.

3. **Participation in the Bight Regional Monitoring Program Should Satisfy the SQO-Associated Monitoring Requirement for the TMDL**

The proposed Basin Plan Amendment requires performing sediment quality evaluation in accordance with the State's Sediment Quality Objective (SQO) plan for enclosed bays and estuaries (SQO Part I). There is an existing regional monitoring program that could satisfy this requirement and would leverage the expenditure of public funds in a cost-effective manner.

As noted in the draft TMDL staff report dated November 2013, a regional sediment monitoring program in the Bight region of Southern California occurs every five years. This regional monitoring covers Marina del Rey Harbor and is being conducted in accordance with the SQO Part I. The County has been an active participant in the design and implementation of this regional monitoring program. As such, we propose that the Basin Plan Amendment be revised such that participation in the Bight program be the TMDL-required SQO-based sediment monitoring and evaluation.

4. **Inconsistence in Setting of Targets for Bioaccumulative Pollutants**

In setting fish tissue associated sediment targets for PCBs in Marina del Rey Harbor, the Regional Board relied heavily on a bioaccumulative study conducted in San Francisco Bay[2]. Given the site-specific nature of this study, its applicability to Marina del Rey Harbor is questionable. The finding of this single study, from outside the Los Angeles region, should not be used to set TMDL targets unless corroborated by similar studies from Southern California. Similar to the dissolved copper target issue discussed above, the fish-based targets for bioaccumulative pollutants should also be established though a site-specific study conducted for Marina del Rey Harbor.

Moreover, there should be consistency in setting targets for all bioaccumulative pollutants of concern in the TMDL, including PCBs, DDT, and chlordane. While DDT and chlordane sediment targets are now set based on National Oceanic and Atmospheric Administration's effects-range-low (ERL) values, PCB targets are proposed based on the biaoccumulative study as discussed above.

The State Water Resources Control Board is currently working on SQO Part 2,

[2] Gobas and Arnot, 2010: Food web bioaccumulation model for PCBs in San Francisco Bay. Published in the *Journal of Environmental Toxicology and Chemistry*.

which would establish fish tissue based sediment objectives. We recommend that ERL-based targets should be maintained for all pollutants until either the State adopts the SQO Part 2 or site-specific bioaccumulative study is completed for Marina del Rey Harbor.

5. The County Should Not be Held Solely Responsible For Any Future Recontamination of the Sediment

The proposed Basin Plan Amendment requires the County, as owner and operator of Marina del Rey Harbor, to bear the heavy burden of remediating the sediment in the Marina del Rey Harbor despite the fact that those contaminated sediments originated from the watershed, which drains lands that are under the jurisdiction of not only the County but also various cities. Once the sediment has been remediated, the County should not be responsible for future recontamination of the sediment in the harbor as result of upstream discharges. We request that the following language be added to the implementation section of the TMDL.

> *After remediation activities of the in-harbor sediment are complete, if the harbor is recontaminated as a result of continued discharge of contaminants from the surrounding watershed, additional remediation activities in the harbor shall be the responsibility of upstream dischargers.*

COMMENTS SPECIFIC TO THE SUBSTITUTE ENVIRONMENTAL DOCUMENT

1. The Substitute Environmental Document Is Inadequate

The Regional Board's draft Substitute Environmental Document for the proposed TMDL ("CEQA Report") is inadequate and does not support the adoption of the draft revised TMDL. The CEQA Report is required, among other things, to identify the reasonably foreseeable environmental impacts of the reasonably foreseeable methods of compliance (Pub. Res. Code §21159(a)(1)) and to identify reasonably foreseeable *feasible* mitigation measures (Pub. Res. Code §21159(a)(2)). The CEQA Report also must disclose why an agency approved a project if significant environmental impacts are involved. (Cal. Code Regs.,tit.14 §15002(a).) It is not sufficient to simply list potential mitigation measures, a decision making agency is prohibited from approving a project for which significant environmental effects have been identified unless it makes specific findings about alternatives and mitigation measures. (Pub. Res. Code § 21081; *Mountain Lion Foundation v. Fish & Game Com.*, 16 Cal. 4th 105, 134 (Cal. 1997); *see* also *Environmental Council v. Board of Supervisors* (1982) 135 Cal. App. 3d 428, 439.) The public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures. *Mountain Lion Foundation, supra* (citing *City of Poway v. City of San Diego* (1984) 155 Cal. App. 3d 1037,1046.)

The CEQA Report does not adequately evaluate whether its proposed mitigation

measures for either remediation of the harbor sediments or dissolved copper are feasible, and does not meaningfully evaluate alternatives. Instead of analysis, all the CEQA Report states on the subject of whether the proposed mitigation measures are feasible is, "foreseeable environmental impacts from methods of compliance are well known, as are feasible mitigation measures." (CEQA Report, p. 17, §4.2.) This is not substantive analysis.

The CEQA Report recognizes that there are severe potential environmental impacts to its implementation alternatives for both copper and sediment. The Report identifies more than 50 categories of potentially significant environmental impact. (*See* CEQA Checklist, Report pp. 28-34.) The CEQA report fails to provide adequate analysis for any of these categories. For example, the CEQA report recognizes potentially significant impacts on native plant life caused by the replacement of copper-based antifouling paints:

> "Increased growth of fouling organisms could occur as a result of boat owners switching from copper-based antifouling paints to alternative coatings, *which may prove to be less effective*. An increase in abundance and species diversity of fouling organisms on a boat previously moored in a different location could lead to the transport of invasive species into the Marina del Rey Harbor Waters. Certain invasive species have been known to cause disruptions in ecosystems by a variety of mechanisms, such as through competition with native biota for food and resources. The natural community, if one exists in the Marina del Rey Harbor, could be negatively affected by the introduction and establishment of invasive species." *Id.*, p. 61 (emphasis added.)

Despite acknowledging that alternative coatings "may be less effective", and the harm that could bring, the Report nevertheless then states, without any reference or support, that, "At present, there are a number of available alternatives that have been demonstrated to be both nontoxic in nature and effective at reducing fouling growth." *Id.* This does not constitute the required meaningful evaluation of alternatives. This is further demonstrated in the same paragraph of the Report, when it states the hope that market will ultimately create more viable alternatives, "Additionally, the formal mandate for copper load reduction in this TMDL Basin Plan amendment will in and of itself increase the market demand for innovative solutions including nontoxic, effective hull coatings. This in turn will create greater market demand for the development of new products." This is hope, not evaluation of feasible alternatives. It is not based on any factual analysis. Another alternative stated in this same paragraph is that "underwater hull cleaning should be performed particularly on vessels prior to leaving an area known or suspected to support species that could become invasive if brought into the Marina del Rey Harbor Waters." No explanation is provided as to how such a requirement would be implemented or enforced, especially when the "area known or suspected to support species that could become invasive" is outside the jurisdiction of the County or the Regional Board.

As another example, as to whether the remediation of the sediments through dredging would result in deterioration of existing fish or wildlife habitat, the CEQA Report states:

"Dredging or capping would increase suspended sediment in the vicinity of dredging activity, increasing turbidity of the water. This would reduce water clarity in the Harbor, which would result in the deterioration of existing fish or wildlife habitat. The increased turbidity would affect survival of phytoplankton and zooplankton, which form the prey basis for many of the wildlife, fish, and bird species in the Harbor. Dredging processes would disrupt activities of wildlife in the Harbor, and the presence of the pipeline and barge, as well as tugboat and barge movements, would affect biological resources in the Harbor for the duration of the dredging. Noise, human disturbance, and mechanical barriers from equipment and boats, all would affect wildlife, fish, and birds in the harbors. Some sediment in the Harbor contains toxic compounds that, when suspended, could affect water quality, which in turn could affect existing fish or wildlife habitat." (CEQA Report, p.75.) However, despite identifying these significant adverse impacts, the Report fails to provide any consideration of alternatives and mitigation measures, much less meaningful ones, as required.

COMMENTS SPECIFIC TO MULTIPLE COMPONENTS OF THE PROPOSED REVISED TMDL

1. The TMDL should not include pollutant-water body combinations that are not in the 303(d) list

Page 8 of the TMDL Staff Report states *"...Regional Board staff recommends updating the Clean Water Act Section 303(d) listing for Marina del Rey Harbor during the next listing cycle to encompass toxic impairments throughout the harbor and addressing these impairments in this reconsideration of the Marina del Rey Harbor Toxic Pollutants TMDL."* In other words, a TMDL is being developed prior to 303(d) listing. This has led to the incorporation of the Marina del Rey Front Basins sediment and dissolved copper in water column for the entire Marina.

While we understand the need to address known impairments, the proper regulatory process should be followed in developing a TMDL to ensure that problems are prioritized. The Clean Water Act provisions associated with 303(d) listing and TMDLs implicitly require that a waterbody should first be incorporated into a 303(d) list prior to developing a TMDL. Regional Board's decision to develop a TMDL for waterbody-pollutant combination that is not in an approved 303(d) list undermines established regulatory process.

Therefore, we request that TMDLs for the Front Basin and the dissolved copper be delayed until after these impairments go through proper 303(d) listing and approval process.

2. **Lead TMDL and Associated Requirements Should Be Removed from the Front Basins**

As acknowledged in the draft TMDL staff report (p. 10-11 and 21), the front basins of the Marina have not been found to be impaired due to lead. Existing data for the front basins show that there are zero exceedances of the lead criterion out of total 24 samples collected over the last decade. However, staff incorporated the numeric target for lead into the compliance requirements for the front basins, citing the need to holistically address the entire watershed. While separate efforts may not need to be implemented to reduce lead concentrations in the front basins of the Marina because the efforts that would be implemented for other pollutants would address lead as well, including waste load allocations in a TMDL for a non-impairment is inappropriate. The TMDL should be revised to remove the waste load allocation for lead associated with sediment in the front basins.

3. **Future re-opener dates should be added**

As the science and policy behind stormwater and sediment quality management evolve and new data is collected through the TMDL monitoring program, it is important to re-evaluate the TMDL periodically. For instance, the completion of the stressor identification study in December 2016 as required by the proposed Basin Plan Amendment is a milestone potentially worthy of a re-opener.

While the proposed Basin Plan Amendment includes a discussion of a future reconsideration (p. 12), it does not include a specific date for when that reconsideration would take place. While reconsideration can take place any time, it is helpful to specify a date so that necessary information and data can be gathered toward that target. Given the complexity of this TMDL, more than one reopener is needed. We request that future TMDL re-opener dates of 2018 and 2024 be set in the TMDL schedule. Also, we recommend revising the reconsideration language on page 12 of the tentative Basin Plan Amendment as follows (with the underlines indicating additions and strikethroughs indicating deletions):

> The TMDL may be reconsidered to revise (a) the implementation schedule in order to ensure that pollutant sources are controlled and a suitable location for contaminated sediment disposal is available prior to remediation of contaminated sediments if the ~~county has~~ responsible parties have made a good faith effort to plan, fund, and permit sediment remediation activities; and (b) the waste load and load allocations and monitoring programs based on the findings of new studies and data.

4. **Reference to "jointly responsible" should be deleted as it is inconsistent with the Clean Water Act**

The tentative Basin Plan Amendment provides that the MS4 permittees are "jointly responsible" for meeting the mass-based waste load allocations assigned to the

MS4 permittees (tentative BPA page 10). There is no basis under the Clean Water Act for making MS4 permittees "jointly responsible" and this reference should be deleted.

A TMDL is a requirement imposed by the federal Clean Water Act and therefore it is limited to what is authorized by the Clean Water Act. The Clean Water Act limits a waste load allocation to one point source, not a combination of point sources. Title 40 C.F.R. § 130.2(h) defines "waste load allocation (WLA)" to mean "The portion of a receiving water's loading capacity that is allocated to **one** of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation." This regulation does not define waste load allocations in terms of a set of point sources or "joint" discharges. Instead, under this definition, each point source has its own separate waste load allocation; that point source is responsible only for its own allocation.

The fact that each point source is responsible only for its own allocation, and not the allocation given to others, derives from the provisions of the Clean Water Act itself. There is no provision for imposing joint responsibility under the Clean Water Act. Under the Act, a party is responsible only for its own discharges or those over which it has control. *Jones v. E.R. Snell Contractor, Inc.*, 333 F.Supp.2d 1344, 1348 (N.D. Ga. 2004); *United States v. Sargent County Water Dist.,* 876 F.Supp. 1081, 1088 (D.N.D. 1992). See also *United States v. Michigan,* 781 F. Supp. 1230, 1234 (E.D. Mich. 1991) ("There is nothing in federal law that requires the Counties to accept responsibility for discharges that ... are appropriately within the province, jurisdiction and responsibility of local municipalities.").

The Clean Water Act regulations applicable to MS4 permits specifically provide that co-permittees under an MS4 permit are only required to "comply with permit conditions relating to discharges from the municipal separate storm sewers *for which they are operators."* 40 C.F.R. § 122.26(a)(3)(vi) (emphasis supplied).

Similarly, under the Porter-Cologne Act, Water Code § 13000 et seq., waste discharge requirements ("WDR") are issued to the person or entity that is "discharging." Water Code § 13260(a)(1) provides that "any person discharging waste, or proposing to discharge waste" shall file a report of waste discharge. After hearing, the Regional Board issues waste discharge requirements to "the **person** making or proposing the discharge." Water Code § 13263(f) (emphasis supplied). Enforcement is directed towards "any person who violates any cease and desist order, cleanup and abatement order . . . or . . . waste discharge requirement." Water Code § 13350(a). See also Water Code § 13300 (the regional board may require the **discharger** to submit for approval a detailed time schedule of specific actions)(emphasis supplied); Water Code § 13301 (cease and desist order directed at "those persons not complying with the requirements or discharge prohibitions"). Under the Porter-Cologne Act, a discharger is not responsible for discharges of pollutants over which it has no authority or control.

Should the Regional Board decline to delete the reference to "jointly responsible," then the Regional Board should clarify that no one permittee is individually required to ensure that co-mingled stormwater meets the applicable WLAs. This can be accomplished by adding in the MS4 and Caltrans section on page 10 of the tentative Basin Plan Amendment the following sentence at the end of the first paragraph:

> *No permittee shall be individually required to ensure that co-mingled stormwater meets the applicable MS4 WLAs unless such permittee is shown to be solely responsible for the exceedances.*