STATE OF CALIFORNIA - THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

W 6a

FEBRUARY 24, 2005

REPORT ON PRIORITY ISSUES
MARINA DEL REY PERIODIC LCP REVIEW

APPENDIX B: WRITTEN COMMENTS SUBMITTED

Liz Fuchs

From: raymond [rwhnl@yahoo.com]
Sent: Tuesday, January 11, 2005 10:33 PM
To: marinareview@coastal.ca.gov
Subject: TO: PAM EMERSON

Dear Coastal commission,

Aloha,I am Raymond Wheeler;

As i read this chance to speak out and voice my thoughts,
they said try again. Two years earlyer i sent in a folder with all of my thoughts about isues in my area and even called to share these ideas.

www.delrat.com " DAMAGED JETTIES OF PLAYA DEL REY " FPRIVATE "TYPE=PICT;ALT=Open this result in new window"
Here is the page my friend made at the same time i sent in my forlder to 15 teen different places to ask help in fixing our problems.
AS the clean water act was revised and updated we all know the biggest problem is with all stormdrains in all areas.
The other area is divison in who is in charge of each area. city,county,state,federal,and then there is coastal commission to sign off
on most projects that happen on these ares. Money is needed to fix any type of problem and it takes a lot of waste to fix the wrong area.
Each year we get ideas that go flat because of politcol positioning.every storm should tell us what needs to be improved.do we listen??
Can the public raise the money to fix some of the rockjetties, Who do we talk with?? please call me if you like to ask more from me.
310-695-6752
I hear there is a new project going to be started soon, dockwilder state beach improvments, what is the plan
and does it involve the stormdrains???

Thank you for hearing -reading me out
raymond wheeler,playa del rey cal,

Do you Yahoo!?
Yahoo! Mail - now with 250MB free storage. Learn more.
http://info.mail.yahoo.com/mail_250

B-1

125 Northstar Mall
Marina del Rey, California 90292

January 19, 2005

California Coastal Commission
Workshop Meeting, Burton Chase Park
Los Angeles County, California

Dear Members,

I am grateful that you have convened to do a review of the California Coastal Plan and are attentive to the law attempting to protect the habitats, terrain and life remaining along our coast.

I am extremely concerned that the tiny remaining wetland area in Marina del Rey stay as such. A hotel built on the last bit of wetland, where I have pictures of wildlife attempting to exsist, seems to be a frantic manoeuvre to make "Development" a even bigger god. Redevelopment is reasonable and necessary, but the site at Tahiti and Via Marina is perfect for a park, "green belt", a respite in the middle of grid lock (yes, it's gridlocked on the 4th of July weekend). Please uphold this part of the the Coastal Protection plan for California.

Thank you again for your work in upholding the law and helping to make our community more beautiful and workable.

Yours truly,

Harryot Best Schermerhorn

Harryot Best Schermerhorn

Barbara Bavaret
135 Northstar Mall

B-2

Coastwalk

Los Angeles County
510 Palisades Ave.
Santa Monica, CA 90402
310 394-2799
cct@coastwalk.org

RECEIVED
South Coast Region

JAN 2 0 2005

CALIFORNIA
COASTAL COMMISSION

January 16, 2005

Pam Emerson,
California Coastal Commission
South Coast District Office
P.O. Box 1850
200 Ocean Gate Blvd., 10th Floor
Long Beach, 90802-4325

Re: Marina del Rey LCP Recap

There have been many successes in carrying out the plan for the Marina — there are facilities for boaters, a wonderful bike path, attractions – mostly restaurants and the paths down the fingerling individual marinas – for the public, but the walker, and particularly persons walking (or running) along the coast and around the marina, isn't well served.

While both north and south of the marina, the route for walkers is clear — they can follow the beach or bike/pedestrian paths — when they come either from the north or south their route becomes indistinct and intertwined with the bike path. This does not work well for two reasons. First, the bike path is closed to walkers on the north-east side of the wetlands preserve between Washington and Admiralty, and very narrow at the other end where it spills the "up-coast" walker out onto Fiji Way. Second, bikers may be content to speed along, but generally walkers want to gaze at the water, birds, and boats, and the bike path rarely comes close to the water.

Moreover, if walkers find their way to the water's edge, the path around the marina is interrupted by a yacht club, boat launch, Beaches and Harbors buildings, yacht sales and repairs, and the Coast Guard facility.

What is needed is a clearly stated plan for a pedestrian route, close to the water, around and within the marina, implemented with signs, benches, and enough landscaping to give it character and make it hospitable on a hot day, and punctuated with restrooms and water fountains.

For some strange reason, the Marina has been laid out as a residential community (in which one can't walk) and boating facility, with very limited thought as to how to weave nature into what should be a very natural setting. The design of Admiralty park, which is quite a good park, neglects the fact that it could have been built anywhere — in no way does it relate to the surroundings. Moreover, while there is a wetland preserve, the sidewalk bounding it on

Admiralty is so narrow that walkers must walk single file and suffer the rapid flow of adjacent traffic. And all around the preserve, the landscaping has been designed to prevent a view of the water and birds there. Burton Chace Park, although not on the walking route around the marina, is better in all regards, but lacks adequate parking.

Together, the lack of a walkway near the water's edge, around the marina, is a missed opportunity both loosing the health and fitness gained by encouraging walking (the surrounding streets, Lincoln, Washington, Admiralty are too busy for pleasant walking) and missing the added attraction for visitors, who now come and go quickly in their cars or on their bikes. It is more the shame because it is the default route of the California Coastal Trail, except on those few days when a ferry is running, and what could be a very special feature of the trail in the Los Angeles area is a loss.

Yours sincerely,

Donald Nierlich

Donald Nierlich
Coastwalk, L.A. County Coordinator
Coastwalk Executive Committee

cc. Richard Nichols

Liz Fuchs

From: NANCYPADDLER@aol.com
Sent: Friday, January 21, 2005 1:18 PM
To: marinareview@coastal.ca.gov
Subject: Concerns

mdrcoastalreview.doc

Dear Ms. Emerson

Attached is a letter we would like to have reviewed. If there are any questions, please do not hesitate to contact me.

Sincerely

Nancy Dopp
President
Marina del Rey
Outrigger Canoe Club

B-5

January 21, 2005

Pam Emerson
South Coast District Office
P.O. Box 1850
200 Oceangate Blvd.-10th Floor
Long Beach, Ca 90802-4325

Re: Marina del Rey Coastal issues

Dear Ms. Emerson:

I am the President and a member of the Marina del Rey Outrigger Canoe Club which is based in Marina del Rey, California. Our organization has been leasing space on Mothers Beach, from LA County Beaches & Harbors for over 35 years. We are one of the oldest and largest clubs in California.

I and a fellow board member of our organization were at the meeting on Wednesday night at Burton Chace Park in Marina del Rey to listen to the upcoming events scheduled for Coastal hearings.

Our concerns, while not the same as the residents and boat dwellers are as important to us as theirs are. Our club has a membership which ranges in age from 10 years to over 60 years. We compete in Hawaiian Outrigger Canoe racing with other clubs in Southern California. We are on (and sometimes in) the water 6-7 days a week. We are concerned about the quality of the water, the cleanliness of the beach, the ample parking, and our continued ability to use this public beach site as our home base.

If the Marina continues to develop with more hotels, taking up our parking areas (Lot 9) at Palawan Way, this will put us out of a home. We are a membership club, that is open to the public. We turn away no-one. We are always striving to increase our junior membership. We have and will continue to contribute to children's sailing programs, junior lifeguard programs, and anything where we can teach the public about our sport and its history. We are always trying to hook up with the local yacht clubs and their programs for inner-city youth. By developing the Mothers Beach area and taking away the ability to keep our canoes there, we will be forced to close our club forever. There is no other place inside the marina that is available to us. Our canoes must be launched in calm water and therefore we cannot keep them on the public beach..

We are pleading with the Coastal Commission to reconsider the overdevelopment of this parcel of land – we do not need more hotels on this beach. We need the parking at Lot 9 to stay open for the public. How else is the public supposed to enjoy the only beach inside our Marina?

We ask that we be included in all meeting flyers and receive all information so that we may continue to be represented in these meetings.

I understand that you are unable to contact each person back, but if you have any questions at all about our organization, or our use of this public beach, please do not hesitate to contact me. I don't want any confusion as to what we do and who we are – we desperately need and want to keep our location available to us for the future of our club and organization and the continued growth of our sport.

Sincerely,

Nancy Dopp
President
Marina del Rey Outrigger Canoe Club
2523 Abbot Kinney Blvd.
Venice, CA 90291

nancypaddler@aol.com

Boat Yard

Gregory F. Schem
President

RECEIVED
South Coast Region

JAN 21 2005

CALIFORNIA
COASTAL COMMISSION

January 20, 2005

Ms. Pam Emerson
South Coast District Office
P.O. Box 1850
200 Oceangate Boulevard, 10th Floor
Long Beach, California 90802-4325

RE: MARINA DEL REY LCP REVIEW

Dear Ms. Emerson:

I attended the public workshop for the Marina del Rey LCP review last night. Although there were a lot of good points raised, I wanted to make you aware of a specific matter, which is scheduled to appear on the January 25 Board of Supervisors agenda. This matter will directly affect coastal access afforded to the average boater by the public launch ramp. Since the Department of Beaches and Harbors has told me at several meetings that "the Coastal Commission is OK with this proposed new development," I wanted to be sure you had the facts. Additionally, I would hope that the Coastal Commission would take this opportunity in reviewing the LCP to emphasize the importance of coastal access provided to the small boater by the public launch ramp.

By way of background, I am currently the Lessee of Parcel 53 in Marina del Rey, commonly known as The BoatYard. The BoatYard is one of two full-service boat repair and support facilities in the Marina. We are also one of several respondents to the Boat Central RFP that was issued in June of 2003 by the Department of Beaches and Harbors. The purpose of the RFP was to solicit proposals from qualified groups to construct a dry stack boat storage facility for small boats on parcel 52, on Fiji Way.

Although I recognize the importance of dry stack storage in the Marina, the development concept being recommended by the Department of Beaches and Harbors to the Los Angeles County Board of Supervisors is severely flawed. Most importantly, if this concept is allowed to be built coastal access by the general public through the use of the public launch ramp will be severely curtailed.

"Since more than one-third of the boats registered in Southern California can be brought by trailer to a launching site, the County-run launching ramp in Marina del Rey has proven a vital service to the boating public."[1] Almost 25,000 launchings were made from this facility during the last year. As clearly stated in section 30211 of the Coastal Act "Development shall

[1] Marina del Rey Land Use Plan, Certified by the California Coastal Commission February 8, 1996.

13555 Fiji Way, Marina del Rey, California 90292 T 310-823-8962 F 310-821-0569 www.the-boatyard.com

B-8

not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The design being recommended for approval by the Board of Supervisors includes the construction of a dry stack boat storage facility approximately 60 feet above the water and extending out 200 feet from the sea wall in Basin "H." The structure would shade 32,000 square feet of harbor, interrupt views and project shadows onto neighboring boat slips. Most importantly, the structure would reduce the harbor area available to the public launch ramp by about 50% and physically block a substantial portion of the launch ramp docks.

As stated in section 30234 of the Coastal Act: "Facilities serving the commercial fishing and recreational boating industries shall be protected, and where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided." Demand for the public launch ramp is not decreasing but rather is likely to increase substantially as more trailerable boats are sold, and there is no substituted area being suggested.

Since the proposed dry stack storage facility being recommended at the January 25, 2005 Board of Supervisors meeting will block a substantial portion of the harbor related to recreational boating and severely reduce public access to the sea by blocking the launch ramp and increasing congestion, I urge the commission to recommend further study and review before moving ahead with such an aggressive and environmentally unsound project. Since there are other options available to the County, under which more traditional, land-based dry stack boat storage may be developed, it makes no sense to interfere with public access to the only launch ramp between Ventura Harbor and Redondo Beach.

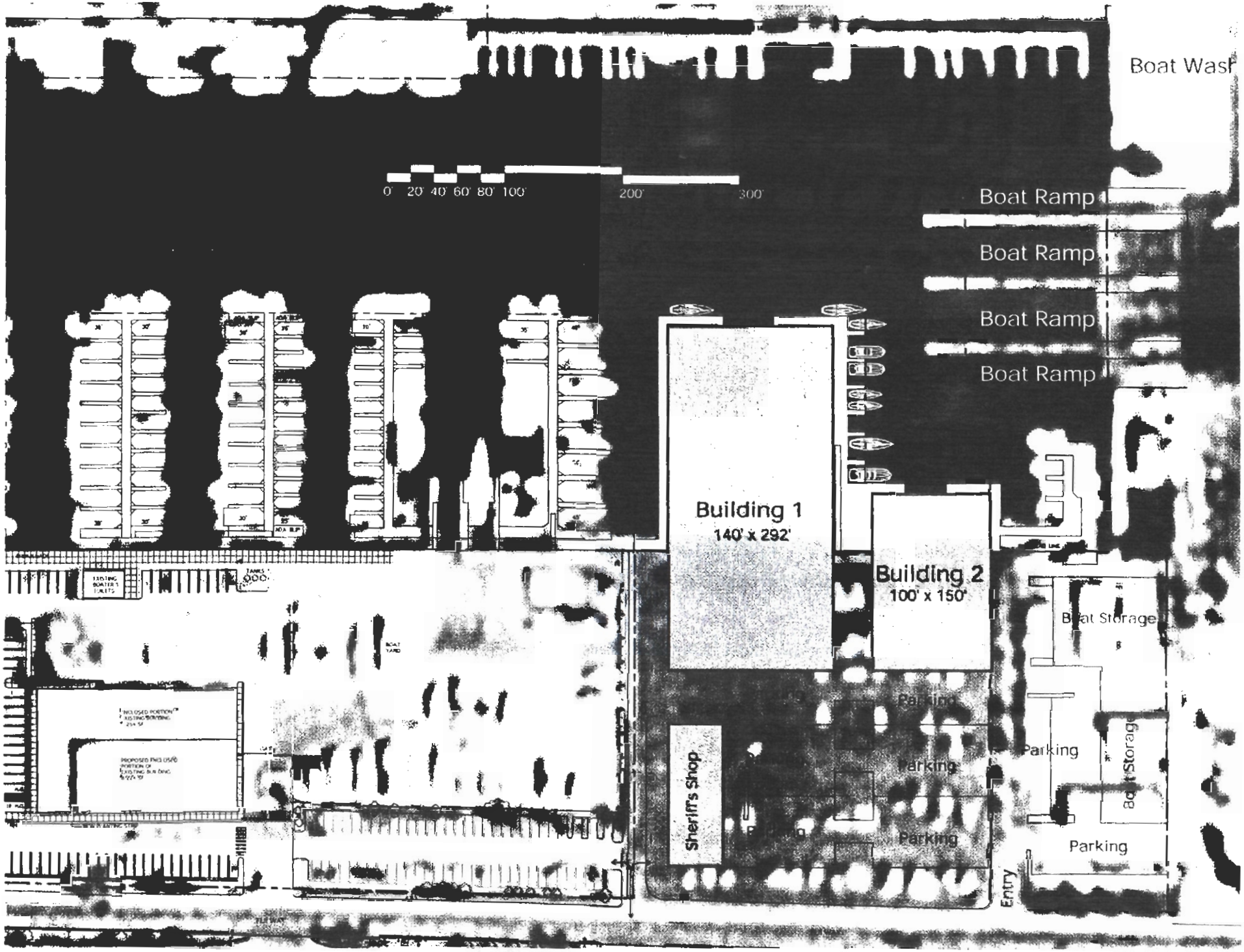
Finally, the Marina del Rey LCP certified by the Coastal Commission in 1996 recognizes that "Dry land storage provides a viable alternative to more expensive, scarce wet slips and meets the public's need for low-cost accessible boat storage." The proposal being recommend does not accomplish this. Due to the increased costs of building out over the water, the dry storage rates projected in their proposal are projected to be 25% higher than current average wet-slip rates in the marina. By pricing out the small boater, the public's access to the sea will be even further reduced.

Thank you for the opportunity to express my opinion on this matter. Attached is an aerial view of the launch ramp area with the proposed buildings drawn in. The impact on the launch ramps and surrounding boats slips is obvious, especially when you consider all of the boating activity during peak seasons.

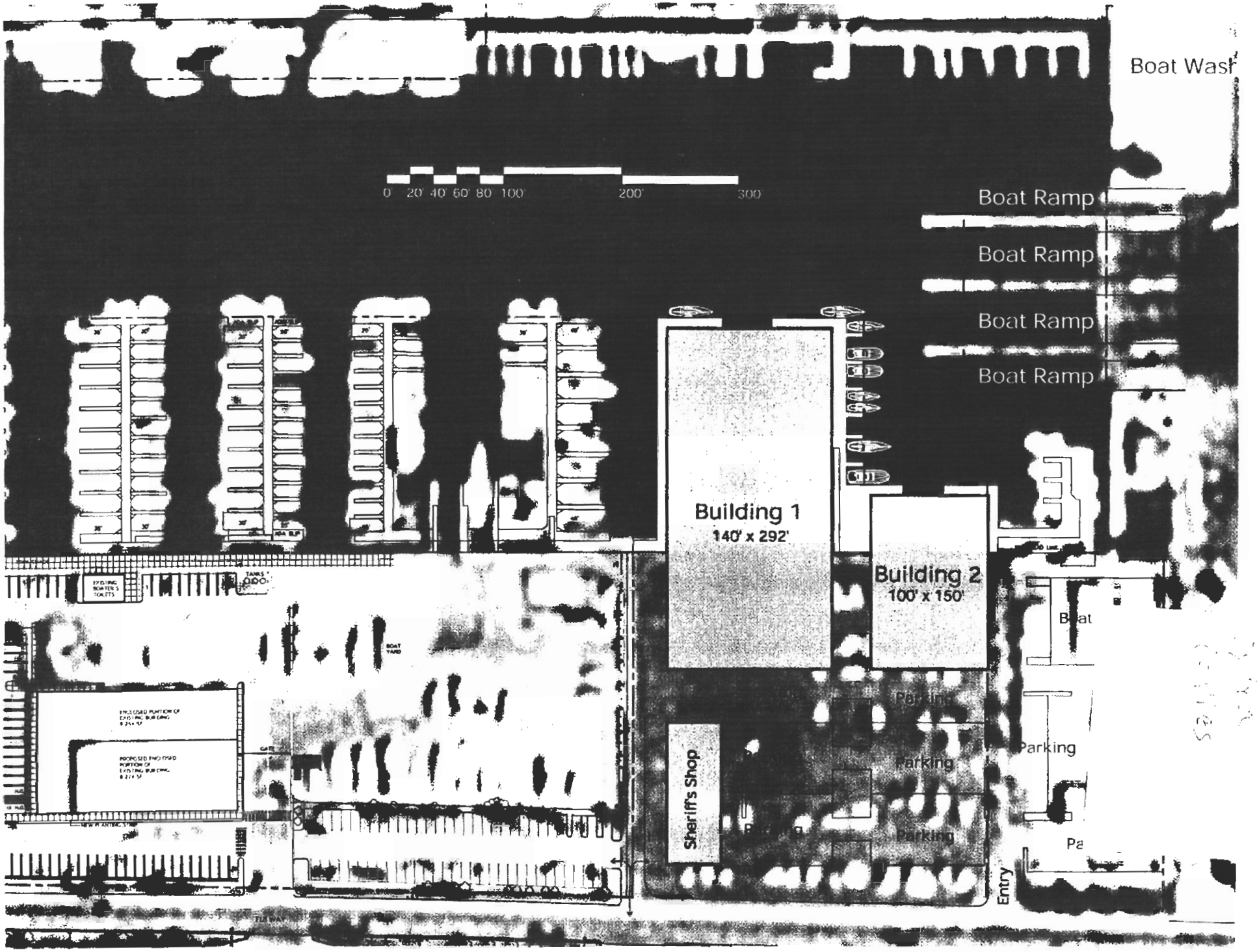
Please feel free to contact me if you have any further questions.

Sincerely,

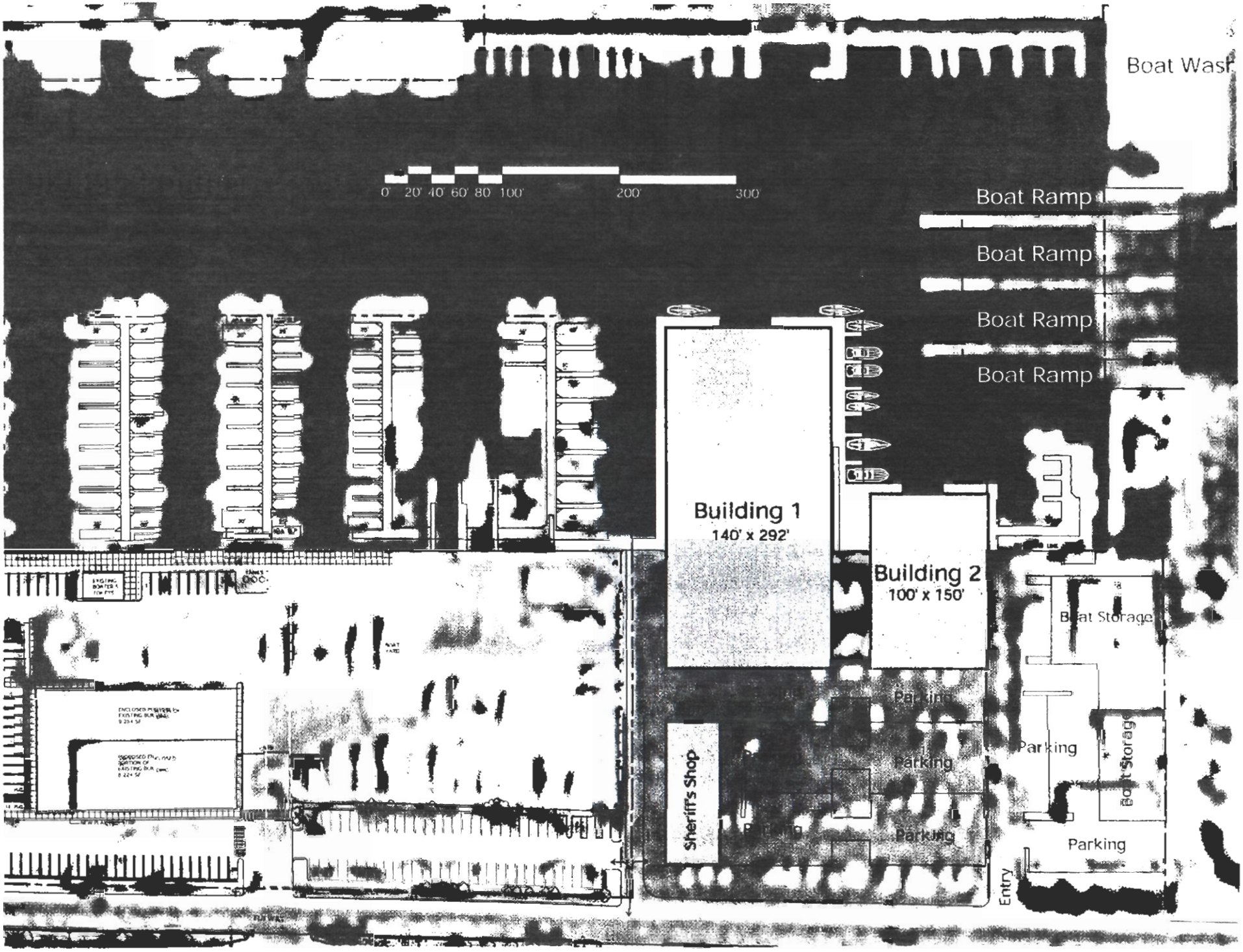
Gregory F. Schem


Boat Wash
0' 20' 40' 60' 80' 100' 200' 300'
Boat Ramp
Boat Ramp
Boat Ramp
Boat Ramp
Building 1
140' x 292'
Building 2
100' x 150'
Boat Storage
Parking
Parking
Parking
Parking
Parking
Sheriff's Shop
Entry

B-10


Boat Wash
0 20' 40' 60' 80' 100' 200' 300
Boat Ramp
Boat Ramp
Boat Ramp
Boat Ramp
Building 1
140' x 292'
Building 2
100' x 150'
Sheriff's Shop
Parking
Parking
Parking
Parking
Parking
Entry

B-11


Boat Wash
0' 20' 40' 60' 80' 100' 200' 300'
Boat Ramp
Boat Ramp
Boat Ramp
Boat Ramp
Building 1
140' x 292'
Building 2
100' x 150'
Boat Storage
Parking
Parking
Parking
Parking
Parking
Parking
Boat Storage
Sheriff's Shop
Entry

B-12

Liz Fuchs

From: DLumian@aol.com
Sent: Saturday, January 22, 2005 6:53 PM
To: marinareview@coastal.ca.gov
Cc: pdouglas@coastal.ca.gov
Subject: Marina del Rey LCP review

Dear Commissioners:

I am pleased that the Marina del Rey Local Coastal Plan is under review.

I attended the January 19 workshop. I appreciate the excellent work done by the staff in leading, and prepaing for, the workshop. They should be commended.

I understand that you have limited resources and must prioritize which issues to review. The most important are:

1) Water Quality
2) Recreation and Visitor facilities
3) Recreational Boating

I will comment on each:

1) Water Quality

The water quality in Marina del Rey needs improvement. Solutions to problems such as storm runoff, bird excrement, oil pollution and head waste need to be mandated. The head waste issue has an easy solution; install more pump out facilities and dump stations in Marina del Rey. Federal and state guidelines suggest one facility for every 300-600 vessels. Marina del Rey with 5-6,000 vessels falls far short. Moreover the best known facility (at Chace Park) has a poor reputation due to low reliability. While waiting for leasehold contracts to be negotiated, which will result in more pump outs, two more new ones should be installed near the existing facility at Chace Park. Kevin Atkinson at the California Department of Boating and Waterways says that his agency can fund the equipment purchase and installation. This will relieve congestion and equipment failure. There should also be a strong education effort, an improved maintenance plan and an effective enforcement plan. I suggest that we look closely at the plan recently adopted by the Santa Ana Regional Water Quality Board which has implemented an excellent effort for Newport and Huntington Harbors. If they can do it in Orange County, why not in Marina del Rey?

2) Recreation and Visitor Facilities

The public needs greater access to experiencing on the water recreation. Community boating groups that provide affordable access to boat training and safety, boat use and events need support. In virtually all major harbors there are many community boating groups that thrive due to support from the local government. Independent, nonprofit sailing, rowing, paddling clubs like the Fairwind Yacht Club, Marina del Rey Outrigger Canoe Club, the TRW Sailing Club and the Los Angeles Rowing Club all use Mothers Beach. On Mothers Beach there is a building right on the beach. It is presently being used by Parking Concepts, a paring lot management business, to count money and administer their business. The building should be provided free of charge to community boating groups to support their activities.

3) Recreational Boating

The small boat owner is being squeezed out of Marina del Rey. Artificial slip shortages caused by the redevelopment of certain parcels has sent slip rents skyrocketing. As marinas are redeveloped they often eliminate small slips in favor of the SUV sized slips. Often the San Francisco State University study

B-13

is pointed to as the evidence of a shift to larger boats thus requiring larger slips. However, the study does not show that small boat fleets are dissipating. Moreover the SFSU study indicates only a slight change in demand over a 15 year period. It does not support a drastic change in slip size allocations.

Please feel free to contact me if you have any questions. Due to a travel commitment, I will be available after March 20.

Thank you for the opportunity to share my observations.

Sincerely,

Captain David Lumian
Commodore, Fairwind Yacht Club
652 Angelus Place
Venice, CA 90291
310 306 1116

B-14

Liz Fuchs

From: Barry Hayes [barryhayes1@yahoo.com]
Sent: Sunday, January 23, 2005 11:21 AM
To: marinareview@coastal.ca.gov
Subject: Marina del Rey Local Coastal Plan review

Dear Commissioners,

I am a sailor belonging to the Fairwinds Yacht Club based in Marina Del Rey.

I was raised in Sydney, Australia and like many thousands of other youth, boys and girls, spent my weekends sailing and racing small dingys in club environments. The sense of fun and community amongst the kids and adults involved was extraordinary.

A safe and clean area for families to experience water recreation is a tremendous resource for any community. Marina Del Rey is one of the few areas available for this in Los Angeles.

Community boating groups that provide affordable access to boat training and safety, boat use and events need your support. Independent, nonprofit sailing, rowing, paddling clubs like the Fairwind Yacht Club, Marina del Rey Outrigger Canoe Club, the TRW Sailing Club and
the Los Angeles Rowing Club are the soul of the Marina. Large Power ("Stink") Boats may be able to afford large slip rents, which is no doubt very attractive, but it is your responsibility not to let big money squeeze out the life and soul of the marina. The marina IS a community resource and it just makes good sense to keep it available to all in the community.

In virtually all major harbors world-wide there are many community boating groups that thrive due to support from the local government. Your support is needed now.

On Mothers Beach there is a building right on the beach. It is presently being used by Parking Concepts, a paring lot management business, to count money and administer their business. The building should be provided free of charge to community boating groups to support their activities.

Club sailing is a powerful positive force for bringing people in a community together. For forging lifetime friendships. I don't see that individuals owning large power boats contribute to the marina or larger community in this way. Please don't let big money crowd out all but the wealthiest.

Thank you for your consideration!

Sincerely,
Barry Hayes

B-15

Liz Fuchs

From: Ronald Judkins [rdjudkins@sbcglobal.net]
Sent: Sunday, January 23, 2005 10:56 AM
To: marinareview@coastal.ca.gov
Subject: Coastal Plan

Dear Commissioners:

I am pleased that the Marina del Rey Local Coastal Plan is under review. Given the limited resources the most important issues to me are as follows:

1) Water Quality. The water quality in Marina del Rey needs improvement. Solutions to problems such as storm runoff, bird excrement, oil pollution and head waste need to be mandated. The head waste issue has an easy solution; install more pump out facilities and dump stations in Marina del Rey.

2) Recreation and Visitor facilities. Community boating groups that provide affordable access to boat training and safety, boat use and events need support. In virtually all major harbors there are many community boating groups that thrive due to support from the local government. Independent, nonprofit sailing, rowing, paddling clubs like the Fairwind Yacht Club, Marina del Rey Outrigger Canoe Club, the TRW Sailing Club and the Los Angeles Rowing Club all use Mothers Beach. On Mothers Beach there is a building right on the beach. It is presently being used by Parking Concepts, a paring lot management business, to count money and administer their business. The building should be provided free of charge to community boating groups to support their activities.

3) Recreational Boating The small boat owner is being squeezed out of Marina del Rey. Artificial slip shortages caused by the redevelopment of certain parcels has sent slip rents skyrocketing. As marinas are redeveloped they often eliminate small slips in

B-16

favor of the SUV sized slips. Often the San Francisco State University study is pointed to as the evidence of a shift to larger boats thus requiring larger slips. However, the study does not show that small boat fleets are dissipating.

Thank you for your time and consideration

Sincerely,

Ronald Judkins

3831 Valleybrink Road

Los Angeles, CA 90039

323-667-1800

B-17

Liz Fuchs

From: STUART MEISNER [StuMeisner@msn.com]
Sent: Sunday, January 23, 2005 6:08 PM
To: marinareview@coastal.ca.gov
Subject: Small boat slips

As long as there is a demand for small boat slips, policy should not favor large boat slips. Most of us cannot afford large slips. The marina was developed with public money so it should serve as broad of a range of interests as possible. Emphasis on large boat slips when there is a demand for small boat slips reduces access too much to less wealthy people.

For our local calm waters, small boats are large enough. I see a lot more small boats on the water than large boats. I'll bet that the large boats are more apt to be trophies that receive little use.

Stu Meisner
2517 22nd St.
Santa Monica, CA 90405

B-18

Liz Fuchs

From: Stan Pore [stanpore@yahoo.com]
Sent: Sunday, January 23, 2005 11:16 PM
To: marinareview@coastal.ca.gov
Subject: LCP for Marina Del Rey

Dear Commissioners,

Thank You for allowing public input regarding the plans for the future of Marina Del Rey.

I have great respect for the master lease holders, who often took great financial risks before anyone knew for sure if this project in the former Mud Lake would be a success. I am a capitalist at heart and respect a man's right to make a return on investment, without which there simply isn't any reason to invest.

The aforementioned notwithstanding, I am concerned that there appears to be a trend in Marina Del Rey towards the elimination of the small boat slips and accomodations in favor of the more profitable, bigger, more expensive slips. This may pencil out very nicely, and result in a beautiful marina full of large yachts, but it fails to serve the majority of the community. Development of the coastline is a public trust, and the taxpayers as a whole paid to build Marina Del Rey. There are legitimate, longstanding interests by the public at large in having an availability of boatslips, public launch and storage facilities, waste pumpout and disposal facilities, guest docks and guest slips, community sailing clubs, charter vessels, water taxis, harbor tour boats, day rental boats, fishing areas, dingy storage racks, dry storage for kayaks and small sailing craft, footpaths, public parking, public restrooms, park benches, and all other manner of facilities to allow access to the ocean by people of ordinary means - not only the very rich. There are many of your constituents who dream of someday being able to afford that 25 foot sailboat, and have a right to expect that there will be some availability of reasonably priced slips to put it in so they can take the kids sailing on the weekends, before returning to work on Monday. I would ask that you keep those people in mind - though they will never own the million-dollar megayacht.

By and large, the members of the local yacht clubs are not all that much better off than the average people I just described. Most of them have relatively modest boats, and the boat generally represents the bulk of their recreational budget. Especially the smaller clubs often have long, often multi-generational, traditions of making boating more enjoyable and accessible to people of better than average, but not remarkable, means. It would be a shame to see those clubs squeezed out by corporate owned, very large scale, clubs.

Community sailing organizations provide the only real and accessible means of access to sailing by those members of the community who are economically just one step below the person who has saved up and bought that

B-19

modest boat of their own. They allow access to sailing by people who could not reasonably afford to own a boat of their own. These organizations, provide the most access to recreational boating, by the largest number of people (measured in user-hours) per square foot of marina space used, of any end user of marina facilities. There isn't even any comparison with any other non-governmental user. The only thing that comes close are the high-school and college rowing teams. Providing support for community sailing programs should rank very, very high in the list of LCP priorities. Increasing access to, and availability of boat storage at, Mothers' Beach would be a key element in enhancing the presence and effectiveness of these types of organizations. Providing an incentive for marina operators to facilitate the presence of such clubs and organizations is another very effective means of encouraging their presence and their use by the general public.

All of these uses of Marina Del Rey require clean, safe water. To allow the water quality to be compromised because of a lack of free waste disposal and pump out facilities is poor stewardship of this great resource. It is important that every measure be taken to encourage boaters of all classes to use proper sewage disposal facilities for solid waste and to never pump it not the waters of Marina Del Rey. It is helpful, when developing a management plan for water quality, to think of ones own children or grandchildren swimming in the water at Marina Del Rey - as children from around the world do at Mothers' beach. Well lit, well marked, well maintained facilities are a must. It is also important to lobby to have something done to prevent and control the periodic discharges of raw sewage and urban garbage that flow freely into Santa Monica Bay. It is a national embarrassment that we frequently have to close our beaches (in one of the richest areas of the United States) to swimmers, lest they die of something they catch from our polluted water. It is further embarrassing when visitors remark that we seem to have just sailed through rather a long patch of raw sewage floating along a mile or two offshore. Surely we can do better.

Again, Thank You for allowing public input. I respect the monumental difficulty of the task you face and wish you the best in crafting a plan for the future.

Stan Pore
StanPore@Yahoo.com

Liz Fuchs

From: Evokatur@aol.com
Sent: Sunday, January 23, 2005 9:33 PM
To: marinareview@coastal.ca.gov
Subject: Comments, Marina Del Rey LCP- Gallegos 1/24/05

I attended a portion of the information gathering meeting on 1/19/05 in Marina Del Rey. Couldn't be happier that the Coastal Commission is here to assess the status.
Nadine Gallegos, daily walker on the North Jetty, comments--

The actions of the county of Los Angeles indicate they think their customer is private sector developers. They speak too well the language of business.

SHORELINE PUBLIC ACCESS:
1. NORTH JETTY WALKWAY: In January 2004, it was to be resurfaced and the rusting poles and cables replaced. The County took double the time estimated and built a flimsy blue plastic fence. So flimsy that additional support had to be added. They built a six inch rim which catches the sand and water, making the path impassable after wind and/or rain. People give up rather than go over the sand and through the water. The county daily has a crew to sweep the sand off. Some say they are community service workers, but they have a County employee supervising. The blue fence obscures the view of the rocks and near water. Poor design. I am a daily walker on the jetty. The public is incredulous at the incompetency shown.

2. PARKING LOT #9- I've heard or read that the county will eliminate the parking lot to permit a commercial building to be built. No other parking in the area for Mother's Beach or for the people who have their kayaks, canoes and outriggers parked in the dinghy storage and adjacent beach. The parking is for the public. That should be the County's first priority.

VISUAL RESOURCES:
3. Compare heights of previous and present skyline to proposed. Fairly obvious that taller buildings obscure the view of the boating areas and of the sky. Criteria may need to be reviewed. Previous heights should not be exceeded.

DIKING, DREDGING, FILLING & SHORELINE STRUCTURES:
4. North jetty sand drifting into channel could better have been stopped with barriers further north of the jetty walkway. The concrete rims along the walkway have caused new problems and did not stop the sand drift. Shouldn't the Design committee done a better job?

I am very glad that the California Coastal Commission is reviewing the Marina LCP.

Nadine Gallegos, only representing myself, a member of the public who walks daily at the Marina.

Please send me announcements about future meetings:

Nadine Gallegos
3106 Mountain View Ave

B-21

Los Angeles, CA 90066
310-391-3030
evokatur@aol.com

B-22

Liz Fuchs

From: Jennifer Young [msjday@earthlink.net]
Sent: Sunday, January 23, 2005 10:49 AM
To: marinareview@coastal.ca.gov
Subject: Improve Marina del Rey

Dear Commissioners:

I am pleased that the Marina del Rey Local Coastal Plan is under review & I am grateful for all of the hard work done by the staff.

I understand that you have limited resources and must prioritize which issues to review. The most important ones to me are:

1) Water Quality

The water quality in Marina del Rey needs improvement. Solutions to problems such as storm runoff, bird excrement, oil pollution and head waste need to be mandated. The head waste issue has an easy solution; install more pump out facilities and dump stations in Marina del Rey. Federal and state guidelines suggest one facility for every 300-600 vessels. Marina del Rey with 5-6,000 vessels falls far short.

2) Recreation and Visitor Facilities

The public needs greater access to experiencing on the water recreation. Community boating groups that provide affordable access to boat training and safety, boat use and events need support. In virtually all major harbors there are many community boating groups that thrive due to support from the local government. Independent, nonprofit sailing, rowing, paddling clubs like the Fairwind Yacht Club, Marina del Rey Outrigger Canoe Club, the TRW Sailing Club and the Los Angeles Rowing Club all use Mothers Beach. According to Dave Lumian, Commodore of FYC, there is a building on Mothers Beach that is presently being used by Parking Concepts, a parking lot management business, to count money and administer their business. I strongly agree with Mr. Lumian that the building should be provided free of charge to community boating groups to support their activities.

3) Recreational Boating

The small boat owner is being squeezed out of Marina del Rey. Artificial slip shortages caused by the redevelopment of certain parcels has sent slip rents skyrocketing. As marinas are redeveloped they often eliminate small slips in favor of the very large sized slips.

Thank you for the opportunity to share my feelings on these issues. Feel free to contact me if you have any questions.

Sincerely,

Jennifer D Young
Fairwind Yacht Club member
3831 Valleybrink Road
Los Angeles, CA 90039
323-646-7002

B-23

Liz Fuchs

From: metin mark [metinmsm@yahoo.com]
Sent: Sunday, January 23, 2005 11:04 PM
To: marinareview@coastal.ca.gov
Subject: Plan for MDR

Dear Commissioners,
a) I would like you to consider ways to improve the water quality at MDR, and
b) improve the conditions and facilitate the use of MDR for small recreational boats by increasing the availability of small slips and reducing the slip rental fees to a more affordable level.
thank you,
Metin Mangir
310 317 5086
Santa Monica

Do you Yahoo!?
Take Yahoo! Mail with you! Get it on your mobile phone.
http://mobile.yahoo.com/maildemo

B-24

Liz Fuchs

From: mmfuller [mmfuller@comcast.net]
Sent: Sunday, January 23, 2005 1:20 PM
To: marinareview@coastal.ca.gov
Subject: Mdr - LCP

To whom it may concern,

I am sending this email to express my support for strengthening the Marina Del Ray (Mdr) Local Coastal Plan (LCP) in the following areas:

1) Water Quality
2) Recreation and Visitor facilities
3) Recreational Boating

1) In particular, special attention needs to be paid to the water quality in the vicinity of Mothers Beach and efforts need to be taken to discover the source of pollution that makes this water un-swimable. In addition, the LCP should recommend additional holding tank pump-out stations distributed throughout the marina in accordance with federal guidelines.

2) The LCP recommendations regarding Recreation and Visitor Facilities should include support of local community boating associations and provide temporary recreational boat tie-ups to public docks adjacent to Fisherman's Village.

3) The LCP should address the recent trend by the county to eliminate small boat slips and thereby reduce parking requirements. This trend has adversely affected the small boat and recreational boater.

Sincerely,

Michael Fuller
747 North Croft Ave.
Los Angeles, Ca 90069
(213)700-0760

B-25

Liz Fuchs

From: GDowns@aol.com
Sent: Monday, January 24, 2005 8:58 AM
To: marinareview@coastal.ca.gov
Subject: Marina Review Comments

Dear Commissioners:

I am pleased that the Marina del Rey Local Coastal Plan is under review.
As a member of the Fairwind Yacht Club, I want let you know of issues that I have personally noticed while enjoying the harbor.

The water quality needs to be continually improved. More and better facilities will help in this regard, but more important is a training program for all boaters to be vigilant of the problem. Shouldn't there be a requirement that all licensed boaters have had training in this area?

Access to boating for the small boat weekend sailor in Marina del Rey is dwindling as fast as the accessibility to affordable housing in this area.. I would like to see more availability for public programs, public facilities, and reasonably-priced resources in Marina del Rey so that those of us with "limited means" (meaning average wages) can afford quality time using this wonderful public resource.

Marina del Rey is a gift, but it shouldn't be an unattainable goal for the average person to enjoy sailing in the harbor. Please consider employing your considerable resources to improving the quality of the harbor, and increasing the accessibility for all citizens.

Sincerely,

Gary Downs
gdowns@aol.com
17221 Roscoe Blvd. #7
Northridge, CA 91325
(818) 881-6618

JAMES A. FAWCETT
2242 GLENDON AVENUE
LOS ANGELES, CA 90064

RECEIVED
South Coast Region
JAN 24 2005
CALIFORNIA
COASTAL COMMISSION

19 January 2005

Ms. Pam Emerson
California Coastal Commission
200 Oceangate Avenue, 10th Floor
Long Beach, CA 90802

Dear Ms. Emerson:

Thank you for the opportunity to comment on the Local Coastal Plan for Marina del Rey. As you know, I was the Chief of Planning for the Los Angeles County Department of Beaches and Harbors from 1993 until 2000. During my tenure, the Coastal Commission certified the LCP that currently governs land use in Marina del Rey, so I have a close attachment to not only the document but also the planning process. I have a few comments on the current document that may be helpful as you conduct your review.

1. Cross referencing: The current specific plan (implementing ordinance) document was created by a number of very dedicated planners both at the Los Angeles County Department of Regional Planning and the Department of Beaches and Harbors. While it was completed with dedication to the content, unfortunately it is long and complicated and has no means of cross-referencing entries. As a result, the document is incredibly difficult to follow. There are references to similar matters in various parts of the specific plan but unless you are familiar with it (and have a hand-indexed copy—usually with multiple Post-It notes) it is almost impossible to adequately review it. Now, that creates opportunities for county planners and consultants such as me to make careers out of deconstructing the document, nevertheless, it fails to serve the public interest by making the document almost unintelligible to all but the most dedicated analyst.

   Recommendation: Require the Department of Regional Planning and the Department of Beaches and Harbors to create a thorough index and cross-reference to the Land Use Plan and Specific Plan to make the documents more accessible to the public.

2. Document presentation: This may seem like a trivial matter but I do not believe it to be so. Despite all the hard work by a multitude of people that went into the development of the LCP prepared for Marina del Rey, the final product in terms of image quality is simply not acceptable. The document is not printed in color, the maps are difficult to read even in a first-generation copy, the graphic techniques used to characterize differences in land uses are not suitable to quality reproduction thus the entire document—and the work that went into its preparation—is diminished by the quality of presentation. As I said, this might be interpreted as a trivial aesthetic concern were it not for the fact that the maps *depict* policy

B-27

and are thus, critical for an understanding of the text. The poor quality of graphic presentation and print reproduction may have inhibited public understanding of the issues contained therein and thus limited public participation in the planning process.

Recommendation: Require of the County a full redrafting of all maps and graphics in the LCP, print new copies of the document for public distribution (separately from the County Code) and perhaps reduce the entire document to compact disc to permit individuals to search and print out sections of the LCP on their own. This is a relatively easy matter to resolve and should be done utilizing new technologies perhaps not available when the 1995 amendment was published.

3. Transferable Development Rights: The Department of Beaches and Harbors has at one time or another considered development plans for Marina del Rey that rely upon aggregating development rights from multiple development zones. Since the 1995 amendment to the Marina del Rey LCP was based on a traffic model, there are times when aggregating development rights between development zones is theoretically defensible, for instance when the DZ is currently developed in a manner that is not likely to change for many years. An example might be some of the DZs with excess capacity along Admiralty Way but that may be essentially fully developed. In other cases, the development rights should be retained strictly within the DZ.

   Recommendation: This development rights fungibility question should be resolved, DZ by DZ and guidance offered to the Department of Beaches and Harbors and Department of Regional Planning so as to forestall future efforts to aggregate development rights when the Coastal Commission is philosophically opposed to such an approach.

4. Parking: Parking remains an issue in Marina del Rey. At times, the Marina is swelled with visitors to the popular summer concerts, Fourth of July celebration and Christmas boat parade as well as summer weekends when the weather is beautiful. Yet despite the demand for parking in the Marina, overflow onto nearby streets and inevitable traffic jams, the County does not seem motivated to create parking structures at the edges of Marina del Rey where they could provide convenient access for visitors. A concomitant need is for some sort of tram service within the Marina to provide access from the parking structures around the circumference of the Marina to the public areas such as Chace Park, retail facilities and Marina Beach.

   Recommendation: Require that the County develop a plan for providing adequate parking structures at the perimeter of Marina del Rey at reasonable expense to the visiting public. Further, require that the County provide a tram service at modest cost to the public to move people from these structures to the public areas of the Marina. Parking and the tram service should have priority over any future development. When parking and tram service is provided then future development can proceed.

5. Park facilities: As it now stands, only a few significant park spaces exist in Marina del Rey. Chace Park, the most prominent of these is still inadequate for the demand placed upon it during the year. Rather than dedicate small vest-pocket parks in the Marina to satisfy the park requirements of the LCP, it would be more useful to the public to provide fewer, larger park areas to the non-boating public. Marina Beach is challenged by nearby development but at least has nearby parking. Any development plan for the Marina Beach area should seek to enhance its usefulness to the public by providing additional nearby parking structures and combined with adjacent retail that serves the recreating public.

   Recommendation: Devote the entire Mindanao mole to recreation. Expand Chace Park and provide a parking structure on the mole that can serve as parking for the Department of Beaches and Harbors during working hours and the public during off hours. Locate the Department of Beaches and Harbors administrative facilities adjacent to the parking structure and on this mole so that the public has easy access not only to the recreation facilities there but also to the administration of the department.

I hope that these comments are useful to you and the staff as you review the Marina del Rey LCP. I know that many of my former colleagues at the County have worked very hard to implement the LCP and yet there are a few things about it that could serve to make Marina del Rey an even more attractive recreation facility for all the citizens of Los Angeles County. My best wishes to you and your staff as you consider how the 1995 LCP amendment has become implemented.

Best regards,

James A. Fawcett

JAF:

RECEIVED
South Coast Region
JAN 24 2005
CALIFORNIA
COASTAL COMMISSION

Ms Pam Emerson

Re: MdR LCP

Pls consider the following points:

Marina del Rey was meant to be a recreation area with parks, camping, and affordable boating, so a bond issue was passed by the people of Los Angeles County. The county was charged with operating the marina. They have taken this cash cow and forced out thousands of boaters to eliminate parking to put in more buildings, this there conceptule 2nd Phase which kills small businesses and affordable and recreational boating. Please help us, don't let Beaches and Harbors, and L.A. Cnty Board Supervisors keep the middle class from enjoying the future of the marina.

Steve Weinman
Dock 77
13540 Mindanao
MdR Ca 90292

B-30

Gerald Sobel

From: "Gerald Sobel" <sobelsolar@msn.com>
To: <marinareview@coastal.ca.gov>
Sent: Monday, January 24, 2005 11:49 PM
Subject: Marina del Rey LCP Recommendations

Dear Planners,
First of all, if you haven't read and STUDIED Document 389 from the second session of the 83rd Congress of the United States of America, May of 1954, you are clueless as to what Marina del Rey is all about.

What you see before you today is the result of what happened to this plan behind closed doors in a smoke filled room. What you see is a huge land grab of Public Land, and the theft of a public park, all done by hyper-greedy "PLAYERS". This is worse than someone selling the Brooklyn Bridge and pocketing the money. This is that, and, the buyer with the phony deed charging tolls, pocketing the money, and getting away with it for half a century! And this was all done under the watchful eye of the LA County Supervisors, the same group that you think, in this LCP guardianship, is going to have this Marina's best interest in mind. Simply put, NO CHANCE IN HELL!!! Exaggeration? How about, the chance of an ice cube lasting a long time in a boiling cauldron of molten lava? Sound better?

I've been a boater in MDR since 1973, and, moving to Los Angeles in that year to do necessary medical research at UCLA, finding this Marina the most redeeming thing this place has going for it to counter balance all that is wrong here. (What's wrong here? You need to live somewhere else for a while, or even leave here and stay somewhere else for a weekend, to figure that out. The first thing you'll discover is how rude people are in L.A., as a generality)

What MDR was promised to the US, CA, and LA County citizens was a recreational boating park, akin to Mission Bay in San Diego. If you have never been there, go there, other wise, again, you are clueless.

The people who put forward the proposal to create MDR did NOT present a plan for a gigantic residential yacht harbor for large sea going craft, (the larger the better) which is what you see TODAY. NO!!!! It was supposed to be a large circular lagoon, suitable for rowboats and sailing dinghies. It was to make up for the fact that there are no local lakes in this huge metropolitan area. Also, to get the pesky small craft out of Long Beach Harbor, where they were interfering with shipping traffic. Also, something aesthetic to do with the wasteland that was the land of the old Playa del Rey Lagoon, after all the oil wells were played out, and the land poisoned with waste from refineries and metal plating plants that surrounded it.
But, don't take my word for it, read the aforementioned Congressional Document 389 of the 83rd Congress, second session. That, dear reader, is the only legitimate plan that was approved by the Representatives of the U.S. Citizens. No way would they have forked over a billion plus dollars (2004 dollars) to build the world's largest yacht harbor with its high rise Condos with views of mega-yachts by the water side, for a privileged few!

So, you see this so-called "re-development" or "Stage II" is an utter sham. It is like, after whoring your daughter, turning around, and whoring your grand daughter! It is nothing less than treason!

I became involved in trying to save this Marina in the latter 1990's when the County "Players" er..uh..Supervisors had a scheme to swipe the Public Launching Ramp and turn it into another tourist trap shopping center. Never mind there are already three huge shopping centers within a quarter of a mile already! Never mind there are already two Cineplex's, the County Stupifiers

much more apt term than Supervisors, as in call it what it is!) thought we need one right on the waterfront in the Marina, had figured out how to swindle more land from the public to PLAY with in their megalomaniacal madness. The only thing that saved the launching ramp was 9-11, and the tourist and travel phobia which was its consequence.

To be brief, I say: Stop all new residential development. The existing two to four story building already wreck havoc with the winds and dingy sailing. Taller buildings will make for areas of no wind behind the new, taller buildings, and excessive turbulent gusty canyon-like winds between them. That is the way it is now, but it will become dangerously WORSE. The "wind study" done in the Canadian Mid-West hired consulting firm, in a wind tunnel is an absolute HOAX! Most of it discusses the ability of birds to fly around the new buildings. Apparently these fools have never seen pigeons and crows flying quite perfectly well in Manhattan! The fact is none of the people on the Harbor Commission know how to sail a boat. They refuse to set foot in one, and sail around the Main Channel otherwise they would see the truth in what I am saying. I have personally invited them to go sailing in my boat to let me prove my point. They refuse, and make bullshit excuses like...it would be seen as a bribe! Like $45 million for a phony wind study isn't a bribe, a lie, a sham, and a swindle! To be frank, you can see they and their hired witnesses and henchmen are all actors in this Evil Conspiracy!

Stop the harassment the Yacht Clubs, including the Sea Scouts. They shut down the Sea Scouts, closed their building under false pretenses. The guard rails were perfectly safe, I slammed by 230# into each support post, nothing happened. The "asbestos problem" is another hoax. All the asbestos in the tiles, ceilings, etc. are encapsulated, just like in YOUR HOME. They are not a hazard. Check with the EPA!

Stop destroying small slips. A third of all slips are slated for destruction to make way for new condo parking. There is no surplus. The fact is, if you ask around, you' ll find there is a waiting list!!!!!!!

There is a nice area of level land on the Marquises Mole. It should be made into a public park, NOT AN ILLEGAL HIGH RISE!!

Check out the gas and oil leaks around the Marina. There is gas periodically bubbling out of the water by the SMWYC launching crane. Now I have seen the same huge bubbles of gas pop out of the water between docks G2200 and G2400. We also have petroleum leaks from underground that coat the water every so many weeks. They cover the water in G Basin east of the SMWYC (Santa Monica Windjammers Yacht Club, Mindanao Way) launching crane. THEY ARE ABSOLUTELY NOT, I REPEAT NOT, FROM A VESSEL!!!!!

Polluted land, PCB's, hydrogen sulfide contamination, are not suitable for building, not at Love Canal, the new School Buildings/Learning Center famous for that in down town L.A., and not at all on the unstable land fill that is MDR. So, STOP THE BUILDING, and tear down as much of the existing building, especially that brown ugly Disneyland building on the north side of the Main Channel dogleg, and all those excessively tall homes just built on the main channel going up to the break water. They are ALL ILLEGAL!! They all screw up the wind for sailing in the channel. Remember, the taxpayers were sold the idea of a recreational boating facility, not a waterside paradise for a few filthy rich.

I pray you will listen to my common sense herein, and not the lies of treasonous swindlers, the likes of Supervisor Knabe and his ilk and henchmen. Again, please, for God's sake, read the aforementioned Congressional Document before you do anything else!

Thank you, Gerald Sobel, (310) 399-0844

Note: I am a small craft sailor (Cal 24) in Marina del Rey, and member of Women's Sailing Association, Venture MacGregor fleet, U.S. Sailing, and participant in sailboat racing in MDR and in, to and from harbors north to Santa Barbara and south to San Diego.

B-32

1/24/2005

Liz Fuchs

From: Cheryl Peppers [cpeppers@attglobal.net]
Sent: Monday, January 24, 2005 3:14 PM
To: marinareview@coastal.ca.gov
Subject: LCP for Marina del Rey

To members of the California Coastal Commission:

For 13 years I have lived in 4 apartments in Marina del Rey, each of them right on the water, and I do not plan to move from my current location for many years. I am also an avid boater - not because I can afford to join one of the more expensive yacht clubs or pay for sailing lessons and chartering boats, but because I am a member of a non-profit sailing cooperative that has provided me with a low-cost alternative - Fairwind Yacht Club. I love the water, and Marina del Rey is my life. It is both as a long-term resident of MDR and as an active sailor that I make my comments:

1) The gentrification of the Marina, in particular the slips, has displaced many small boats, and the trend makes it more and more difficult for everyday people to be able to boat. While the look is nice and it reduces the number of parking spaces apartment complexes are required to reserve for boaters, this trend is tragic for the majority of those you enjoy the water.

RECOMMENDATION: Preserve the number of small boat slips available and ensure that they remain affordable to the average boater.

2) Water polution is an ongoing problem in a marina of this size, as is the disposing of land-use trash.

RECOMMENDATION: Install more pump-out stations and make environmental-friendly boating materials such as cleaners, sponges, and recycling bins more available.

3) Parking is difficult for anyone who does not already have an apartment or boat here. Property management companies are providing for only the bare minimum legal requirements in parking and at locations that are sometimes HIGHLY INCONVENIENT to the residents. I've had dinner guests decline invitations because they have been so frustrated trying to park in my complex (Marina Harbor). Similarly, when I've invited friends to sail with me, they've had to pay to park in lots that were a long walk away, making it difficult to carry boating gear and food.

RECOMMENDATION: Provide more feasible parking for guests of both boaters and residents.

4) Fairwind Yacht Club, I can honestly say, is one of the best things that's happened to me in my life. Because of Fairwind, I have learned a tremendous about about sailing, I've been able to go on weekend cruises for the cost of the mooring fee and fuel, and I've been inspired by other members who care about giving back to the community in the way of children's programs, environmental education, and teaching. Many people will of course prefer the status of an expensive yach club, but the community needs to have access to clubs like Fairwind.

RECOMMENDATION: Support community boating groups by providing them with more facilities, parking, and low-cost boat slips.

Thank you very much.

Sincerely,

Cheryl Peppers

B-33

Resident, Marina Harbor Apartments
Member, Fairwind Yacht Club

4444 Via Marina #P83
Marina del Rey, CA 90292
310-823-0137

Liz Fuchs

From: Leslie Purcell [lapurcell@verizon.net]
Sent: Monday, January 24, 2005 10:25 PM
To: marinareview@coastal.ca.gov
Cc: Leslie Purcell; Kathy Knight
Subject: Comment Letter

Pam,
Initial comment letter from Sierra Club Airport-Marina Conservation Committee is attached for MDR LCP.
Leslie Purcell

B-35

To the California Coastal Commission: January 24, 2005

The Conservation Committee of the Airport-Marina Group of the Sierra Club has significant initial concerns with regard to the LCP Review for Marina del Rey (MDR):

We concur with the primary stated objective of the MDR LCP that the Marina shall be maintained as a small-craft harbor for recreational uses, with visitor-serving facilities provided as a secondary purpose.

- Development of high-rise luxury hotel and residential buildings is not congruent with the stated objectives. The Sierra Club supports maintaining access for small boats, and recreational water uses.
- Open space is also a priority, and should include the use of native plants in public park areas.
- The great blue heron rookery at the end of Fiji Way and the wetland on Parcel 9 should be officially designated as ESHA and protected.
- Public walkways should allow for contiguous walking access around the Marina.
- Water quality must be enhanced and monitored, to return to safe and healthy water conditions.
- Air quality is also of concern, because of growing traffic and congestion from current and proposed development, as well as diesel pollution from boats using the Marina.
- Illegal dumping of waste discharges from boats must be stopped.
- Dredging of the channel has impacts that must be considered, such as the potential release of contaminated sediments, and the protection of marine life that inhabits the channel and its bottom.
- The greater Los Angeles community enjoys fishing off jetties in the Marina, yet there is a question as to the safety of eating fish from these waters that needs to be addressed.
- Public outreach and notification for the LCP review and workshop was not adequate.

Overall, the Sierra Club supports the conservation of open space and habitat areas for birds and marine wildlife, more public access and lower cost visitor-serving facilities, restoration of water quality and a curb on large development in Marina del Rey. The Sierra Club may submit additional comments within the next two weeks.

Sincerely,

Leslie Purcell
Conservation Chair, Sierra Club Airport-Marina Group
11924 W. Washington Blvd., Los Angeles, CA 90066
310-737-1111

B-36

Liz Fuchs

From: beachsites [beachsites@comcast.net]
Sent: Monday, January 24, 2005 11:59 PM
To: marinareview@coastal.ca.gov
Subject: MDR LCP REVIEW

To: California Coastal Commission Long beachsites.com
From: John Davis
PO 10152 Marina del Rey CA. 90295
Re: MDR LCP Mandatory Review

Dear Comission,

Responding to the Staff Notification of the beginning of the Marina del Rey Review of 12/27/04 the following comments are issued via email.

PROCESS

The Coastal Commission has failed in its outreach to the public on this matter and subsequently the actions of the Commission are tainted.

The Commission was asked via email to extend the comment period but failed to open the email with a return recipt request.

In a latter conversation with Commission Staff on 1/24/07 I spoke to Staff member
Emerson and she stated that granting of an extension of the comment period for two weeks would probably be prohibited by the grant from NOAA for this purpose. I asked exactly why NOAA prohibited this extension but was given no clear answer.

The Commission failed in large mearue to notify stakeholders throughout Los Angeles County, did not run a newspaper ad in a publication of county wide significance such as the Los Angeles Times and did not notify each and every boat owner in Marina del Rey which is entirely possible.

The Commission failed to hold an adiquate number of public hearings restricting the already limited public comment to a two hour time frame at a workshop with limited seating and parking and at which stakeholders were turned away due to full parking. This contridicts public participation provision of the U.S. Coastal Zone Management Act (CZMA herafter) of 1972, the California Coastal Zone Management Plan (CACZMP hereafter) and the California Coastal Act (CCA herafter) which are all interdependant.

The Chair of the public workshop assured the attendees that further comments would be submitted as is recoreded on video tape.

The MDR LCP is based upon a fraudulaent land use plan titled "Marina del rey La Ballona Land Use Plan" of 1984, therefore no LCP is review because it is not possible to include an area in the Coastal Zone when it is excluded from the Coastal Zone under sections 304 (A) of CZMA and 30008 of the CCA as called out by the CACZMP in section D.

By approving the 1984 Marina del Rey La Balloon Land Use Plan the Commission included Marina del Rey into the Coastal Zone violating § 304(a) of the Federal Coastal Zone Management act of 1972, the California Coastal Zone Management Program, and §30008 of the California Coastal Act.

Maps of Lands under § 304(a) of the Federal Coastal Zone Management act of 1972, the California Coastal Zone Management Program, and §30008 of

B-37

the California Coastal Act.
have not been created as required under the CACZMP section D.

CCC Staff EMAIL

Subject: Maps of federal properties Date: Fri, 30 Aug 2002 15:42:48 -0700 From: Mark Delaplaine To: "'johndavis@beachsites.com'" John - The mappers tell me we never did detailed maps - it was considered too cumbersome at the time (and would have to be constatnly updated). They say the detailed maps that you saw reference to in the "red book" (app. D, last paragraph, first p.) are only those that were previously given to us by the feds as referred to on the first page of appendix D. I went down to the map area and looked them over - only 4 federal agencies sent us maps - Interior, Navy, Air Force, and BLM. None of those maps have anything in Ballona/Marina del Rey. The mappers assume that the Corps owns Ballona Creek channel, and that AP # 4224-101-901, which now shows up in AP records as County-owned, may have been federally owned. The only way to get further details, they say, would be to contact GSA. Best I can do for now. -Mark Mark Delaplaine Federal Consistency Supervisor California Coastal Commission 45 Fremont St, Suite 2000 San Francisco, CA 94105 (415)904-5289 (415) 904-5400 (Fax) mdelaplaine@coastal.ca.gov Federal Consistency Web Page: http://www.coastal.ca.gov/fedcd/fedcndx.html

A memo from a CCC attorney states and opinion regarding how lands excluded from the Coastal Zone are to be treated by the Coastal Commission. It is based on a U.S. Supreme Court ruling on the matter of Granite Rock.

The Coastal Commission has exercised reglatory power in lands excluded from the California Coastal Zone after the U.S. Supreme Court Decision which limited the powers of the Coastal Commission only to environmental review on such lands.

The County of Los Angeles has falsely represented to the U.S. Government that Coastal Development Permits issued within Marina del Rey are consistant with the California Coastal Act and have violated the U.S. False Statements Act thereby.

Marina del Rey are largeley Public Trust Lands of the United States as determined by there use in Navigation, Commerce, and Recreation as determined by the 84th Congress of the United States House Document 389 which contained a report authorizing the project under the U.S. Rivers and Harbors Act of 1954 as governed by the U.S. Rivers and Harbors Act of 1945 and Public Law 780 signed by the President of the United States.

Access to Marina del Rey which is supposed to be regulated under section 3 of the Coastal Act only has been reduced because contray to the Congressional intent expressed in House of Representatives Document 389 inclusion 1, the approved project that could be modified by the U.S. Corp of Engineers to an extent but not to such a degree that it changed a public recretaional harbor from a public purpose to a provate purpose as a yaht harbor and hight rise apartment complex, by the replacement of the required congressional language of fair and reasonable to market rate by the County of Los Angeles precluding persons from fair and equal access to the public facility which is also a requirment of the project approved by the U. S. Congress of the United States.

County of Los Angeles has committed fraud against the State of California by owning land that is Constitunaly reserved by the State Lands Commission.

California Coastal Commission has prejudiced its abiltity to review the MDR LCP and has been advised so by its own staff in regards to amendments to the LCP approved prior to the mandatory review and elimanated necessary small boat facilities contrary to the approved certified Land Use Plan.

The CCC proposes to focus on only the LCP after 1995 when it was first certified in 1991 with no review in over 14 years. The entire LCP must be reviewed.

The Implimentation plan for MDR is not eaisly available to the public. The CCC website guides the user to the County Website that only shows amendments to the the Implimentation and or Spicific Plan for MDR.

The Implimentation plan and or the Spicific Plan for MDR do not contain any ordinances for processing of Coastal Development Permits whatsoever and according to the CCA must.

Several amendments have been made to the CCA such as removing provisions for delinating the Public Trust withoout however and illegally not updating the CCZMP.

Therefore the Public Trust Lands in Marina del Rey must mandatorily be delinated in conjunction with the California Lands Commissoin.

Historical U.S. Geological Survey maps show the majority of MDR as formally or currently submerged lands.

The Coastal Commission fails to comply with the Seismic Hazzard Mapping Act of California in conjunction with developments in MDR and has gone so far as to alter the MDR Land Use Plan without ammendment to change the designation of the Charnock Fault from Active to Inactive.

The CCC must examine the uses present on all parcels included in the LCP including Area A.

Also, the Staff Report fails to consider that the lands are submerged and disregards the Constitutional Requirement of the State regarding the Lands Commissions jurisdiction over such lands and Public Resources Code §6301. Further the report is riddled with errors except to note that development has not yet occurred.

The figures used by the County of Los Angles to justify the new marina configuration are now superceded by a Department of Boating and Waterways Document titles California Boating Facilities Needs Assessment. dated October 15, 2002. It shows Marina del Rey as an exception to trends calling for fewer small boat slips and more larger ones. In fact the statistics presented in this report call for more small slips in contradiction of the County's claims. The County Study was not comprehensive nor was it conducted with the adequate resources utilized to conduct the State Department of Boating and Waterways Study. Therefore this is a CHANGED circumstance affecting Chapter Three of the Coastal Act access provisions.

Please extend the comment period for two weeks.

Sent via email with return receipt requested on 1/24/04.

John Davis
PO Box 10152
Marina del Rey CA 90295

PS Please excuse any spelling errors as I have been rushed to complete this doucment due to a too short comment period.

Liz Fuchs

From: Elayne White [peggles61@hotmail.com]
Sent: Monday, January 24, 2005 8:38 AM
To: marinareview@coastal.ca.gov
Subject: Local Coastal Plan for Marina Del Rey

24 January, 2005

Dear Commissioners:

I am delighted to hear that plans for the marina are underway. It is long past due and I am grateful you are giving attention to this magnificent "Gem" of Los Angeles.

The limits you will have help me to understand your need to prioritize the issues at hand and as a resident of this beautiful city and an avid sailor I wish to comment on the issues I feel are of the highest priority in order to keep this "Gem" alive.

1. Water Quality
2. Recreational Boating
3. Recreational and Visitor Facilities

1.) Water Quality

The Quality of water in the marina is atrocious. Especially ini the corners of some of the basins. Would you want to swim in there??? In order for us to continue to have economical, recreational AND educational opportunities related to watercraft available to us there, it will have to be addressed. Some of the issues I feel need special attention are;
Pollution, we can resolve head waste by installing more pump out and dump stations. I'm doubtful that we follow state regulations at this time. Kevin Atkinson at the California Department of Boating and Waterways says that his agency can fund the equipment purchase and installation. Also needed is plan to decrease the pollution caused by the storm run off, bird excrement and petroleum waste. It is a mess in there. There should also be a strong education effort, an improved maintenance plan and an effective enforcement plan. I suggest that we look closely at the plan recently adopted by the Santa Ana Regional Water Quality Board which has implemented an excellent effort for Newport and Huntington Harbors. If they can do it in Orange County, why not in Marina del Rey? I have never seen a dirtier marina, not even in Mexico. Please make water quality your FIRST priority.

2.) Recreational Boating

For the little guy, boating in the marina is becoming more and more difficult. Slip rentals are becoming sparce and over priced. In order to allow the small boater access to these facilities a thorough study should be assessed. As marinas are redeveloped they often eliminate small slips in favor of the SUV sized slips. Are larger boats and slips what we want or do we want diversity, like our culture? The SFSU study indicates only a slight change in demand for larger boats over a 15 year period. It does not support a drastic change in slip size allocation. People who use the marina are extremely diverse from kayakers to large yachters all should be facilitated.

3.) Recreation and Visitor Facilities

The public needs greater access to experiencing water recreation.
Community boating groups that provide affordable access to boat training and safety, boat use and events need support. In virtually all major harbors there
are many community boating groups that thrive due to support from the local

B-40

government. Independent, nonprofit sailing, rowing, paddling clubs like the Fairwind Yacht Club, Marina del Rey Outrigger Canoe Club, the TRW Sailing Club and
the Los Angeles Rowing Club all use Mothers Beach. On Mothers Beach there is
a building right on the beach. It is presently being used by Parking Concepts, a paring lot management business, to count money and administer their
business. The building should be provided free of charge to community boating
groups to support their activities. There should also be more promotion for tourism related to the boating opportunities available to Los Angeles through the Marina.

Express yourself instantly with MSN Messenger! Download today - it's FREE!
http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/

B-41

Liz Fuchs

From: C. Nobles [cbnobles@netzero.com]
Sent: Monday, January 24, 2005 11:36 AM
To: marinareview@coastal.ca.gov
Cc: dlumian@aol.com
Subject: American Sailing Assn position

Dear Commissioners:

I am pleased that the Marina del Rey Local Coastal Plan is under review.

I am the Executive Director of the Marina del Rey based American Sailing Association (ASA). Through our 250+ affiliated schools, the American Sailing Association represents the largest single contingent of sailing students in the United States. You may learn more about our organization at www.ASA.com.

A key part of the American Sailing Association's mission is to educate the public that sailing is ACCESSIBLE TO EVERYONE--one does not have to be well-to-do to access our sport.

Unfortunately, the reality of financially accessible sailing is being undermined as marina development favors fewer, more expensive boat slips and fewer access points to suitable small boat sailing areas.

ASA agrees with the position put forth by the MDR community sailing group Fairwind Yacht Club, namely:
"The public needs greater access to experiencing on the water recreation. Community boating groups that provide affordable access to boat training and safety, boat use and events need support. In virtually all major harbors there are many community boating groups that thrive due to support from the local government. Independent, nonprofit sailing, rowing, paddling clubs like the Fairwind Yacht Club, Marina del Rey Outrigger Canoe Club, the TRW Sailing Club and the Los Angeles Rowing Club all use Mothers Beach. On Mothers Beach there is a building right on the beach. It is presently being used by Parking Concepts, a paring lot management business, to count money and administer their business. The building should be provided free of charge to community boating groups to support their activities."

Please feel free to contact me if you have any questions.

Thank you for the opportunity to share my observations.

Charlie Nobles
Executive Director
American Sailing Association

B-42

Liz Fuchs

From: Dave Arnoth [visualyze@sbcglobal.net]
Sent: Monday, January 24, 2005 9:58 AM
To: marinareview@coastal.ca.gov
Subject: Coastal Commission Plan Review

Dear Commissioners:

I am a member of the Fairwind Yacht Club sailing out of Marina del Rey and I enjoy sailing in the Santa Monica Bay. I am hopeful that the Marina del Rey Local Coastal Plan, which is currently under review, will take measures to improve the environmental quality of this great resource.

The Commodore of our Fairwind Yacht Club, Captain Dave Lumian, informed us of your current review process. It is my sincere hope that you address the following issues with your limited resources.

1) Water Quality
2) Recreation and Visitor facilities
3) Recreational Boating

1) Water Quality

Please install more pump out stations in the Burton Chase Park location and other locations and ensure their proper maintenance. Educational information relating to the use, regulations and subsequent enforcement would also be a priority in improving our water quality.

2) Recreation and Visitor Facilities

Increased boater and water recreation training will provide access to a wider cross-section of our community and therefore increase the awareness and understanding of the pleasures and issues of our Marina. The smaller boating clubs (such as Fairwind Yacht Club) need a facility to assist in supporting our educational and recreational programs. Please assist in providing an appropriate facility in Marina del Rey for our periodic usage.

3) Recreational Boating

Please assist in providing additional small boat slips for the entry level boater like myself who would like to own a boat and be able to afford reasonable slip fees.

Thank you for the opportunity to participate in this worthwhile process. Please feel free to contact me if you have any questions or comments.

Sincerely,

David Arnoth
Member, Fairwind Yacht Club
4123 Monterey St.

B-43

Los Angeles CA 90065-3949
323 223 8993
visualyze@sbcglobal.net

B-44

Marina del Rey
CONVENTION & VISITORS BUREAU
CALIFORNIA

January 21, 2005

RECEIVED
South Coast Region
JAN 25 2005
CALIFORNIA
COASTAL COMMISSION

Ms. Pam Emerson
South Coast District Office
California Coastal Commission
P. O. Box 1850
200 Oceangate Blvd. 10th Floor
Long Beach, CA 90802-4325

Dear Ms. Emerson:

Thank you for conducting the recent workshop to solicit public input for the periodic review of the Marina del Rey Local Coastal Program.

The Marina del Rey Convention and Visitors Bureau is responsible for the promotion of travel and tourism to the Marina del Rey area. In this regard, and with our philosophy of prudent tourism for our area, many of our objectives mirror the fundamental principles under which the Coastal Commission operates. We appreciate your protection of our coastline while encouraging public use.

We would like to contribute comments for your consideration while reviewing the Marina del Rey LCP.

Shoreline Access

In the last 10 years tourism and local area population has increased. As a result, there is growing demand for pedestrian access along the waterfront in Marina del Rey. Many obstacles prevent us from having a contiguous walkway in the area we now refer to as Waterfront Walk:

1. The waterfront passageway in front of Marina City Club is a narrow 42" wide, making handicapped passage difficult.

2. That narrow passageway in front of Marina City Club should not be allowed to close at 9:00 p.m. as is stipulated on page 1-3 (Shoreline Access) in the LUP. Hotel and restaurant patrons need to be able to access the nearby restaurants and hotels on either side of the City Club after 9:00 p.m. While the City Club is currently cooperating, this section of the LUP needs to be amended to eliminate this limited access.

3. Restaurant and hotel patrons and other visitors to the community encounter a locked gate on each side of California Yacht Club's property directly in the path of the popular Marina del Rey Waterfront Walk. Pedestrians cannot access one of our most important restaurants, Café Del Rey, from the waterfront promenade. Nor can they walk from Café Del Rey to one of our

B-45

most famous local restaurants, The Warehouse, just a few hundred yards up the waterfront. Visitors and residents frequently complain about this obstacle, forcing them to walk around the Club through parking lots and along Admiralty Way, with no directional signage. Pedestrians need to have the right of way along the waterfront to be able to walk through this important visitor servicing and recreational area.

4. In addition, it is important that we tie Waterfront Walk together with Chace Park so that pedestrians can walk from the restaurants and hotels to events in our local park. This is not possible at this point.

5. The walk way between Mother's Beach (near Casa Escobar) and the Waterfront Walk (near Harbor House Restaurant) on the other side of Palawan Way is not accessible to handicapped persons, creating hazards for those in wheelchairs to try and access the waterfront in that area.

6. In violation of Shoreline Access requirements as outlined on page 14 of the LUP, large trash containers situated in front of the main entrance (by the bell) at Fisherman's Village is blocking access and view access to the waterfront in that area. These trash containers should be relocated.

7. High railings along the motorcoach loading zones on Fiji Way in front of Fisherman's Village are blocking access to the waterfront by making it difficult for seniors and disabled persons to dismount from motor coaches and enter the waterfront attraction, forcing them to enter along the car entrance with incoming automobiles, and discouraging their access to the Village.

Transportation and Parking Access

Visitation to the Marina area is growing again, and is expected to grow with the redevelopment of the community, and as a result of marketing and promotion of the Marina for visitor and recreational use. In this regard, there remain many access and transportation issues which could be adjusted to allow for great access to the waterfront areas in the community, and reduce the current dependency upon individual automobile travel.

1. MTA's Summer Venice Beach Shuttle (which links Marina del Rey, local parking lots and Venice Beach) lacks clear directional and site signage, suffers from poor on-site staff and driver training, presents incorrect information on its public website, and produces printed materials difficult to understand. If these were corrected, the shuttle could be a more effective form of waterfront transportation in the local zone.

2. LA MTA, Culver City and Santa Monica municipal bus routes need to be better in moving south/north/south transportation along the coastal zone's waterfront communities. From Fisherman's Village and along Admiralty Way,

there one bus route, with a 45 minute interval, should connect with buses bound for Venice Boulevard and Windward Way intersections with Venice Beach, but instead circulates only through the Marina Peninsula ending at Venice Pier.

Recreation and Visitor Servicing Facilities

Visitors want to be able to get out closer to the water as well as on the water in the Marina in more locations.

1. We need to have boat rentals (e.g. kayaks, paddleboats) available at both Burton Chace Park and Mother's Beach.

2. Oxford Flood Basin offers an unparalleled opportunity to create a new passive recreation and wildlife viewing area while offering special protection to the habitat there. The acres of beautiful landscape, water and fowl could be a jewel for Marina del Rey.

Recreational Boating

The Marina needs to have more guest docks and dinghy docks available in the commercial areas around the Marina, so that boat owners can navigate by water from their slips to local restaurants, hotels and shops.

Environmentally Sensitive Habitat Areas

In the last ten years, visitors and residents desire to learn more about local wildlife and have the opportunity to view wildlife in their habitat. Oxford Flood Basin could be easily enhanced to allow public use as well as protective habits for the special bird community residing there.

Thank you for your consideration of these issues.

Sincerely,

Beverly S. Moore

Beverly S. Moore
Executive Director

Liz Fuchs

From: beachsites [beachsites@comcast.net]
Sent: Tuesday, January 25, 2005 3:05 AM
To: Gerald Sobel; marinareview@coastal.ca.gov; ocrm.webmaster@noaa.gov
Subject: Re: Fw: Marina del Rey LCP Recommendations

To: California Coastal Commission Long beachsites.com
From: John Davis
PO 10152 Marina del Rey CA. 90295
Re: MDR LCP Mandatory Review

Dear Comission,

Responding to the Staff Notification of the beginning of the Marina del Rey Review of 12/27/04 the following comments are issued via email.

PROCESS

The Coastal Commission has failed in its outreach to the public on this matter and subsequently the actions of the Commission are tainted.

The Commission was asked via email to extend the comment period but failed to open the email with a return recipt request.

In a latter conversation with Commission Staff on 1/24/07 I spoke to Staff member
Emerson and she stated that granting of an extension of the comment period for two weeks would probably be prohibited by the grant from NOAA for this purpose. I asked exactly why NOAA prohibited this extension but was given no clear answer.

The Commission failed in large mearue to notify stakeholders throughout Los Angeles County, did not run a newspaper ad in a publication of county wide significance such as the Los Angeles Times and did not notify each and every boat owner in Marina del Rey which is entirely possible.

The Commission failed to hold an adiquate number of public hearings restricting the already limited public comment to a two hour time frame at a workshop with limited seating and parking and at which stakeholders were turned away due to full parking. This contridicts public participation provision of the U.S. Coastal Zone Management Act (CZMA herafter) of 1972, the California Coastal Zone Management Plan (CACZMP hereafter) and the California Coastal Act (CCA herafter) which are all interdependant.

The Chair of the public workshop assured the attendees that further comments would be submitted as is recoreded on video tape.

The MDR LCP is based upon a fraudulaent land use plan titled "Marina del rey La Ballona Land Use Plan" of 1984, therefore no LCP is review because it is not possible to include an area in the Coastal Zone when it is excluded from the Coastal Zone under sections 304 (A) of CZMA and 30008 of the CCA as called out by the CACZMP in section D.

By approving the 1984 Marina del Rey La Balloon Land Use Plan the Commission included Marina del Rey into the Coastal Zone violating § 304(a) of the Federal Coastal Zone Management act of 1972, the California Coastal Zone Management Program, and §30008 of the California Coastal Act.

Maps of Lands under § 304(a) of the Federal Coastal Zone Management act of 1972, the California Coastal Zone Management Program, and §30008 of the California Coastal Act.
have not been created as required under the CACZMP section D.

CCC Staff EMAIL

Subject: Maps of federal properties Date: Fri, 30 Aug 2002 15:42:48 -0700 From: Mark Delaplaine To: "'johndavis@beachsites.com'" John - The mappers tell me we never did detailed maps - it was considered too cumbersome at the time (and would have to be constatnly updated). They say the detailed maps that you saw reference to in the "red book" (app. D, last paragraph, first p.) are only those that were previously given to us by the feds as referred to on the first page of appendix D. I went down to the map area and looked them over - only 4 federal agencies sent us maps - Interior, Navy, Air Force, and BLM. None of those maps have anything in Ballona/Marina del Rey. The mappers assume that the Corps owns Ballona Creek channel,

B-48

and that AP # 4224-101-901, which now shows up in AP records as County-owned, may have been federally owned. The only way to get further details, they say, would be to contact GSA. Best I can do for now. -Mark Mark Delaplaine Federal Consistency Supervisor California Coastal Commission 45 Fremont St, Suite 2000 San Francisco, CA 94105 (415)904-5289 (415) 904-5400 (Fax) mdelaplaine@coastal.ca.gov Federal Consistency Web Page: http://www.coastal.ca.gov/fedcd/fedcndx.html

A memo from a CCC attorney states and opinion regarding how lands excluded from the Coastal Zone are to be treated by the Coastal Commission. It is based on a U.S. Supreme Court ruling on the matter of Granite Rock.

The Coastal Commission has exercised reglatory power in lands excluded from the California Coastal Zone after the U.S. Supreme Court Decision which limited the powers of the Coastal Commission only to environmental review on such lands.

The County of Los Angeles has falsely represented to the U.S. Government that Coastal Development Permits issued within Marina del Rey are consistant with the California Coastal Act and have violated the U.S. False Statements Act thereby.

Marina del Rey are largeley Public Trust Lands of the United States as determined by there use in Navigation, Commerce, and Recreation as determined by the 84th Congress of the United States House Document 389 which contained a report authorizing the project under the U.S. Rivers and Harbors Act of 1954 as governed by the U.S. Rivers and Harbors Act of 1945 and Public Law 780 signed by the President of the United States.

Access to Marina del Rey which is supposed to be regulated under section 3 of the Coastal Act only has been reduced because contray to the Congressional intent expressed in House of Representatives Document 389 inclusion 1, the approved project that could be modified by the U.S. Corp of Engineers to an extent but not to such a degree that it changed a public recretaional harbor from a public purpose to a provate purpose as a yaht harbor and hight rise apartment complex, by the replacement of the required congressional language of fair and reasonable to market rate by the County of Los Angeles precluding persons from fair and equal access to the public facility which is also a requirment of the project approved by the U. S. Congress of the United States.

County of Los Angeles has committed fraud against the State of California by owning land that is Constitunaly reserved by the State Lands Commission.

California Coastal Commission has prejudiced its abiltity to review the MDR LCP and has been advised so by its own staff in regards to amendments to the LCP approved prior to the mandatory review and elimanated necessary small boat facilities contrary to the approved certified Land Use Plan.

The CCC proposes to focus on only the LCP after 1995 when it was first certified in 1991 with no review in over 14 years. The entire LCP must be reviewed.

The Implimentation plan for MDR is not eaisly available to the public. The CCC website guides the user to the County Website that only shows amendments to the the Implimentation and or Spicific Plan for MDR.

The Implimentation plan and or the Spicific Plan for MDR do not contain any ordinances for processing of Coastal Development Permits whatsoever and according to the CCA must.

Several amendments have been made to the CCA such as removing provisions for delinating the Public Trust withoout however and illegally not updating the CCZMP.

Therefore the Public Trust Lands in Marina del Rey must mandatorily be delinated in conjunction with the California Lands Commissoin.

Historical U.S. Geological Survey maps show the majority of MDR as formally or currently submerged lands.

The Coastal Commission fails to comply with the Seismic Hazzard Mapping Act of California in conjunction with developments in MDR and has gone so far as to alter the MDR Land Use Plan without ammendment to change the designation of the Charnock Fault from Active to Inactive.

The CCC must examine the uses present on all parcels included in the LCP including Area A.

Also, the Staff Report fails to consider that the lands are submerged and disregards the Constitutional Requirement of the State regarding the Lands Commissions jurisdiction over such lands and Public Resources Code §6301. Further the report is riddled with errors except to note that development has not yet occurred.

The figures used by the County of Los Angles to justify the new marina configuration are now superceded by a Department of Boating and Waterways Document titles California Boating Facilities Needs Assessment. dated October 15, 2002. It shows

B-49

Marina del Rey as an exception to trends calling for fewer small boat slips and more larger ones. In fact the statistics presented in this report call for more small slips in contradiction of the County's claims. The County Study was not comprehensive nor was it conducted with the adequate resources utilized to conduct the State Department of Boating and Waterways Study. Therefore this is a CHANGED circumstance affecting Chapter Three of the Coastal Act access provisions.

Please extend the comment period for two weeks.

Sent via email with return receipt requested on 1/24/04.

John Davis
PO Box 10152
Marina del Rey CA 90295

PS Please excuse any spelling errors as I have been rushed to complete this doucment due to a too short comment period.

To: The California Coastal Commission
From: John Davis, Vice Chair Airport Marina Regional Group
Angeles Chapter Sierra Club
Re: MDR LCP Review

Dear Coastal Commission,

This is a request to extend the deadline for submitting documents regarding the LCP review for MDR for one week.

This request is due to the fact that the Commission outreach was insufficient and many stakeholders must be informed by word of mouth.

In fact there are stakeholders in MDR throughout Los Angeles County however the Coastal Commission only notified a small group through a local newspaper serving a limited range. This important review should have been advertised multiple times in the Los Angeles Times to be effective.

The least the Commission can do to partially compensate for this lack of outreach is to grant a one week extension for comments.

Also, please find this a further request to hold more public hearings on the matter. As it stands Staff only spent two hours main topics.

An effective review would include public workshops on each main topic individually.

This is a very important review because it will set the stage for all that follow.

Sincerely,
John Davis

On behalf of the Sierra Club and myself.

B-50

cc NOAA OCZRM

Right On,

Fist clenched,

John Davis

Gerald Sobel wrote:

sent to Pam Emerson, Soth Coast Dist. Office of the Coastal Commision, mrinareview@coastal.co.gove on 1-24-05 regarding Public Comment on the Maina del Rey Local Coastal Plan (LCP)

----- Original Message -----
From: Gerald Sobel
To: marinareview@coastal.ca.gov
Sent: Monday, January 24, 2005 11:49 PM
Subject: Marina del Rey LCP Recommendations

Dear Planners,
First of all, if you haven't read and STUDIED Document 389 from the second session of the 83rd Congress of the United States of America, May of 1954, you are clueless as to what Marina del Rey is all about.

What you see before you today is the result of what happened to this plan behind closed doors in a smoke filled room. What you see is a huge land grab of Public Land, and the theft of a public park, all done by hyper-greedy "PLAYERS". This is worse than someone selling the Brooklyn Bridge and pocketing the money. This is that, and, the buyer with the phony deed charging tolls, pocketing the money, and getting away with it for half a century! And this was all done under the watchful eye of the LA County Supervisors, the same group that you think, in this LCP guardianship, is going to have this Marina's best interest in mind. Simply put, NO CHANCE IN HELL!!! Exaggeration? How about, the chance of an ice cube lasting a long time in a boiling cauldron of molten lava? Sound better?

I've been a boater in MDR since 1973, and, moving to Los Angeles in that year to do necessary medical research at UCLA, finding this Marina the most redeeming thing this place has going for it to counter balance all that is wrong here. (What's wrong here? You need to live somewhere else for a while, or even leave here and stay somewhere else for a weekend, to figure that out. The first thing you'll discover is how rude people are in L.A., as a generality)

What MDR was promised to the US, CA, and LA County citizens was a recreational boating park, akin to Mission Bay in San Diego. If you have never been there, go there, other wise, again, you are clueless.

The people who put forward the proposal to create MDR did NOT present a plan for a gigantic residential yacht harbor for large sea going craft, (the larger the better) which is what you see TODAY. NO!!!! It was supposed to be a large circular lagoon, suitable for rowboats and sailing dinghies. It was to make up for the fact that there are no local lakes in this huge metropolitan area. Also, to get the pesky small craft out of Long Beach Harbor, where they were interfering with shipping traffic. Also, something

aesthetic to do with the wasteland that was the land of the old Playa del Rey Lagoon, after all the oil wells were played out, and the land poisoned with waste from refineries and metal plating plants that surrounded it.
But, don't take my word for it, read the aforementioned Congressional Document 389 of the 83rd Congress, second session. That, dear reader, is the only legitimate plan that was approved by the Representatives of the U.S. Citizens. No way would they have forked over a billion plus dollars (2004 dollars) to build the world's largest yacht harbor with its high rise Condos with views of mega-yachts by the water side, for a privileged few!

So, you see this so-called "re-development" or "Stage II" is an utter sham. It is like, after whoring your daughter, turning around, and whoring your grand daughter! It is nothing less than treason!

I became involved in trying to save this Marina in the latter 1990's when the County "Players" er..uh..Supervisors had a scheme to swipe the Public Launching Ramp and turn it into another tourist trap shopping center. Never mind there are already three huge shopping centers within a quarter of a mile already! Never mind there are already two Cineplex's, the County Stupifiers much more apt term than Supervisors, as in call it what it is!) thought we need one right on the waterfront in the Marina, had figured out how to swindle more land from the public to PLAY with in their megalomaniacal madness. The only thing that saved the launching ramp was 9-11, and the tourist and travel phobia which was its consequence.

To be brief, I say: Stop all new residential development. The existing two to four story building already wreck havoc with the winds and dingy sailing. Taller buildings will make for areas of no wind behind the new, taller buildings, and excessive turbulent gusty canyon-like winds between them. That is the way it is now, but it will become dangerously WORSE. The "wind study" done in the Canadian Mid-West hired consulting firm, in a wind tunnel is an absolute HOAX! Most of it discusses the ability of birds to fly around the new buildings. Apparently these fools have never seen pigeons and crows flying quite perfectly well in Manhattan! The fact is none of the people on the Harbor Commission know how to sail a boat. They refuse to set foot in one, and sail around the Main Channel otherwise they would see the truth in what I am saying. I have personally invited them to go sailing in my boat to let me prove my point. They refuse, and make bullshit excuses like...it would be seen as a bribe! Like $45 million for a phony wind study isn't a bribe, a lie, a sham, and a swindle! To be frank, you can see they and their hired witnesses and henchmen are all actors in this Evil Conspiracy!

Stop the harassment the Yacht Clubs, including the Sea Scouts. They shut down the Sea Scouts, closed their building under false pretenses. The guard rails were perfectly safe, I slammed by 230# into each support post, nothing happened. The "asbestos problem" is another hoax. All the asbestos in the tiles, ceilings, etc. are encapsulated, just like in YOUR HOME. They are not a hazard. Check with the EPA!

Stop destroying small slips. A third of all slips are slated for destruction to make way for new condo parking. There is no surplus. The fact is, if you ask around, you' ll find there is a waiting list!!!!!!!

There is a nice area of level land on the Marquises Mole. It should be made into a public park, NOT AN ILLEGAL HIGH RISE!!

Check out the gas and oil leaks around the Marina. There is gas periodically bubbling out of the water by the SMWYC launching crane. Now I have seen the same huge bubbles of gas pop out of the water between docks G2200 and G2400. We also have petroleum leaks from underground that coat the water every so many weeks. They

B-52

cover the water in G Basin east of the SMWYC (Santa Monica Windjammers Yacht Club, Mindanao Way) launching crane. THEY ARE ABSOLUTELY NOT, I REPEAT NOT, FROM A VESSEL!!!!!

Polluted land, PCB's, hydrogen sulfide contamination, are not suitable for building, not at Love Canal, the new School Buildings/Learning Center famous for that in down town L.A., and not at all on the unstable land fill that is MDR. So, STOP THE BUILDING, and tear down as much of the existing building, especially that brown ugly Disneyland building on the north side of the Main Channel dogleg, and all those excessively tall homes just built on the main channel going up to the break water. They are ALL ILLEGAL!! They all screw up the wind for sailing in the channel. Remember, the taxpayers were sold the idea of a recreational boating facility, not a waterside paradise for a few filthy rich.

I pray you will listen to my common sense herein, and not the lies of treasonous swindlers, the likes of Supervisor Knabe and his ilk and henchmen. Again, please, for God's sake, read the aforementioned Congressional Document before you do anything else!

Thank you, Gerald Sobel, (310) 399-0844

Note: I am a small craft sailor (Cal 24) in Marina del Rey, and member of Women's Sailing Association, Venture MacGregor fleet, U.S. Sailing, and participant in sailboat racing in MDR and in, to and from harbors north to Santa Barbara and south to San Diego.

B-53

Liz Fuchs

From: Carol Lee Walsh, R.N. [americawest2@sbcglobal.net]
Sent: Wednesday, January 26, 2005 5:55 PM
To: marinareview@coastal.ca.gov
Subject: Marina del Rey Pollution

Dear Commissioners;

We are all glad that the horrible conditions of Marina del Rey are finally under review. When I was 16, I water skied in what was then known as lake Washington. I would fall in the water and never get an infection. December 2003, the sail boat I was in capsized and in the process of I aspirated some marina water. I developed a terrible lung infection and right ear infection. I lost part of my hearing and to this day still have discomfort in - what the physician called - my middle ear. Ask the boat cleaning divers about their concerns. No swimming area at all!

I spoke to the harbor master about studies to determine exactly what is causing the pollution. He stated that there have been no comprehensive studies to determine the cause(s) of the pollution. The obvious would be the leaking gas stored below the marina by one of the gas companies, broken sewer lines, no control over the heads (toilets) on the boats, and lack of adequate circulation.

The leaking gas can be seen on Mindinao between South Coast Corinthian Yacht club and the parking lot of Santa Monica Windjammers Yacht club. The constant bubbling has been there for a couple years since I first noticed it.

Broken sewer lines: Fixing the known broken sewer lines will not tell the whole story.

No control over defecation into the marina by boat owners. Catalina puts blue dye in each toilet (head). Flushing blue dye into the bay of Avalon gets you tossed out and a $500.00 fine. This is a good idea. Make it $1,000.00 and a big boot!

Mother's Beach is so contaminated that is is closed to all swimmers!!!

Adequate circulation: Do we want to pollute the Santa Monica Bay any more than it already is? The Party boats, were photographed by the Sierra Club dumping raw sewage into a manhole which leads into the ocean. When it rains, the City of Los Angeles runoff goes into the sewers and into Santa Monica Bay via Ballogna Creek which is just next to the Marina. I know the Army Corps of Engineers does the reports and did the reports for Marina del Rey. I am almost certain that they did not recommend putting the opening of the marina next to the L.A. City flood control/sewer outlet. It looks like a penny pinching - let the next generation deal with it situation.

Who's to help? The Federal Government - it is really their property. The County of Los Angeles is the guardian of the land donated as a small craft people's facility (take a good look at what has happened to obstruction to the marina by high rise construction). The State of California is responsible for not keeping tabs on the county and their contracts with private developers. Please listen to the Sierra Club. These people have done their homework. Please pay attention. Please do not send me one of those "Thank you for your interest boiler plate letters".

I was born here in Los Angeles. My Father was born here. His Father was born here. We have seen the damage and feel helpless. We feel like the land has been pillaged and plundered. We weep for the death of the innocent small craft owners and local people that have every right to access the beach and swim in clean, safe water. Who ever said the meek shall inherit the earth did not know Los Angeles.

Sincerely yours,

Carole L. Walsh

B-54

Carole Lee Walsh, R.N.
AW2 Enterprises, Inc.
P O Box 9177
Marina del Rey, CA 90295
Phone: 310 827 6510 or 818 308 9400
Fax 818 308 9401
Email: americawest2@adelphia.net

B-55

3435 Wilshire Boulevard
Suite 320
Los Angeles, CA 90010-1904

SIERRA CLUB
FOUNDED 1892
Angeles Chapter

(213) 387-4287 phone
(213) 387-5383 fax
www.angeles.sierraclub.org

Feb. 1, 2005

California Coastal Commission
South Coast District Office
200 Oceangate Blvd. 10th floor
Long Beach, CA 90802-4325

Attn: Pam Emerson

Re: LCP Review for Marina del Rey

The Conservation Committee of the Airport-Marina Group of the Sierra Club has significant initial concerns with regard to the California Coastal Commission's LCP Review for Marina del Rey (MDR):

We concur with the primary stated objective of the MDR-LCP that the Marina shall be maintained as a small-craft harbor for recreational uses, with visitor-serving facilities provided as a secondary purpose.

- Development of high-rise luxury hotel and residential buildings is not congruent with the stated objectives. The Sierra Club supports maintaining access for small boats, and recreational water uses.
- Open space is also a priority, and should include the use of native plants in public park areas.
- The great blue heron rookery at the end of Fiji Way and the wetland on Parcel 9 should be officially designated as ESHA and protected.
- Public walkways should allow for contiguous walking access around the Marina.
- Water quality must be enhanced and monitored, to return to safe and healthy water conditions.
- Air quality is also of concern, because of growing traffic and congestion from current and proposed development, as well as diesel pollution from boats using the Marina.
- Illegal dumping of waste discharges from boats must be stopped.
- Dredging of the channel has impacts that must be considered, such as the potential release of contaminated sediments, and the protection of marine life that inhabits the channel and its bottom.
- The greater Los Angeles community enjoys fishing off jetties in the Marina, yet there is a question as to the safety of eating fish from these waters that needs to be studied.
- Public outreach and notification for the LCP review and workshop was not adequate.

B-56

Additional issues of concern:

- Cumulative impacts of current, proposed and future development in Marina del Rey and the surrounding areas have not been adequately addressed.
- LCP language on cultural resources and tribal rights is outdated, and needs to reflect current federal and state codes and regulations, i.e. SB 18, which was signed into law in 2004.

Overall, the Sierra Club supports the conservation of open space and habitat areas for birds and marine wildlife, more public access and lower cost visitor-serving facilities, restoration of water quality and a curb on large development in Marina del Rey.

Sincerely,

Leslie Purcell

Leslie Purcell
Conservation Chair, Sierra Club Airport-Marina Group
11924 W. Washington Blvd., Los Angeles, CA 90066
310-737-1111

LEXSEE 466 U.S. 198

SUMMA CORP. v. CALIFORNIA EX REL. STATE LANDS COMMISSION ET AL.

No. 82-708

SUPREME COURT OF THE UNITED STATES

466 U.S. 198; 104 S. Ct. 1751; 80 L. Ed. 2d 237; 1984 U.S. LEXIS 56; 52 U.S.L.W. 4433; 14 ELR 20464

February 29, 1984, Argued
April 17, 1984, Decided

PRIOR HISTORY:

CERTIORARI TO THE SUPREME COURT OF CALIFORNIA.

DISPOSITION:

31 Cal. 3d 288, 644 P. 2d 792, reversed and remanded.

DECISION:

Lagoon whose title was confirmed by federal patent to original Mexican grantees held not subject to public trust easement.

SUMMARY:

The city of Los Angeles brought a state court suit against the fee owner of the Ballona Lagoon, joining the state of California as a defendant as required by state law, and asserting an easement in the Ballona Lagoon. The state filed a cross complaint alleging that upon its admission to the union it had acquired an interest in the lagoon, that it held this interest in trust for the public, and that it had granted this interest to the city of Los Angeles. The trial court ruled in favor of the city and the state, finding that the lagoon was subject to the public trust easement claimed by them, so as to give them the right to construct improvements in the lagoon without exercising the power of eminent domain or compensating the owners. The Supreme Court of California affirmed the trial court's ruling *(31 Cal 3d 288).*

On certiorari, the United States Supreme Court reversed. In an opinion by Rehnquist, J., expressing the views of Burger, Ch.J., and Brennan, White, Blackmun, Powell, Stevens and O'Connor, JJ., it was held that even assuming that Ballona Lagoon was part of tidelands subject by Mexican law to the public trust easement, the state's claim to such a servitude must have been presented in the federal patent proceeding in order to survive the issue of a fee patent to the original Mexican grantees.

Marshall, J., did not participate.

LAWYERS' EDITION HEADNOTES:

[***LEdHN1]
PRIVATE LAND CLAIMS § 194
federal patents -- state easement --
Headnote: [1A] [1B] [1C] [1D]

A California public trust easement, which applies to all land which were tidelands when California became a state, irrespective of the present character of the land, which gives the state an overriding power to enter upon the property and possess it, to make physical changes in the property, and to control how the property is used, and which allows the landowner to retain legal title but allows him control of little more than the naked fee, since any proposed private use is subject to the right of the state or any member of the public to assert the state's public trust easement, cannot survive the patent proceedings conducted pursuant to the Act of March 3, 1851 (9 Stat 631) implementing the Treaty of Guadalupe

Def of Public Trust Easement

B-58

Hidalgo and confirming title to the original Mexican grantees.

[***LEdHN2]
APPEAL § 520
jurisdiction -- federal question --
Headnote: [2A] [2B]

While questions of riparian rights under federal patents issued under the Act of March 3, 1851 (9 Stat 631) do not raise a substantial federal question merely because the conflicting claims are based on such patents, a case is within the United States Supreme Court's jurisdiction where the question presented is whether the provisions of the 1851 Act operate to preclude California from asserting a public trust easement over a lagoon patented thereunder to the original Mexican grantees.

[***LEdHN3]
STATES, TERRITORIES, AND POSSESSIONS § 120
equal footing --
Headnote: [3]

The Federal Government cannot dispose of a right possessed by the state under the equal footing doctrine of the United States Constitution.

[***LEdHN4]
WATERS § 14
tidelands -- federal patent --
Headnote: [4]

An ordinary federal patent purporting to convey tidelands located within a state to a private individual is invalid, since the United States holds such tidelands only in trust for the state.

[***LEdHN5]
WATERS § 31
beds -- conveyance --
Headnote: [5A] [5B]

While alienation of the beds of navigable waters will not be lightly inferred, property underlying navigable waters can be conveyed in recognition of an international duty.

SYLLABUS:

Petitioner owns the fee title to the Ballona Lagoon, a narrow body of water connected to a manmade harbor located in the city of Los Angeles on the Pacific Ocean. The lagoon became part of the United States following the war with Mexico, which was formally ended by the Treaty of Guadalupe Hidalgo in 1848. Petitioner's predecessors-in-interest had their interest in the lagoon confirmed in federal patent proceedings pursuant to an 1851 Act that had been enacted to implement the treaty, and that provided that the validity of claims to California lands would be decided according to Mexican law. California made no claim to any interest in the lagoon at the time of the patent proceedings, and no mention was made of any such interest in the patent that was issued. Los Angeles brought suit against petitioner in a California state court, alleging that the city held an easement in the Ballona Lagoon for commerce, navigation, fishing, passage of fresh water to canals, and water recreation, such an easement having been acquired at the time California became a State. California was joined as a defendant as required by state law and filed a cross-complaint alleging that it had acquired such an easement upon its admission to the Union and had granted this interest to the city. The trial court ruled in favor of the city and State, finding that the lagoon was subject to the claimed public trust easement. The California Supreme Court affirmed, rejecting petitioner's arguments that the lagoon had never been tideland, that even if it had been, Mexican law imposed no servitude on the fee interest by reason of that fact, and that even if it were tideland and subject to servitude under Mexican law, such a servitude was forfeited by the State's failure to assert it in the federal patent proceedings.

Held: California cannot at this late date assert its public trust easement over petitioner's property, when petitioner's predecessors-in-interest had their interest confirmed without any mention of such an easement in the federal patent proceedings. The interest claimed by California is one of such substantial magnitude that regardless of the fact that the claim is asserted by the State in its sovereign capacity, this interest must have been presented in the patent proceedings or be barred. Cf. *Barker v. Harvey, 181 U.S. 481; United States v. Title Ins. & Trust Co., 265 U.S. 472; United States v. Coronado Beach Co., 255 U.S. 472.* Pp. 205-209.

COUNSEL:

Warren M. Christopher argued the cause for petitioner. With him on the briefs were Henry C. Thumann, Zoe E. Baird, William M. Bitting, and Steven W. Bacon.

Deputy Solicitor General Claiborne argued the cause for the United States as amicus curiae urging reversal. With him on the brief were Solicitor General Lee, Assistant Attorney General Dinkins, Dirk D. Snel, and Richard J. Lazarus.

Nancy Alvarado Saggese, Deputy Attorney General of California, argued the cause for respondents. With her on the brief for respondent State of California were John K. Van De Kamp, Attorney General, and N. Gregory Taylor, Assistant Attorney General. Gary R. Netzer, Ira

Reiner, and Norman L. Roberts filed a brief for respondent City of Los Angeles. *

* Edgar B. Washburn and Nancy J. Stivers filed a brief for the California Land Title Association as amicus curiae urging reversal.

Briefs of amici curiae urging affirmance were filed for the National Audubon Society et al. by Palmer Brown Madden and Linda Agerter; and for Amigos de Bolsa Chica by Lynda Martyn.

Briefs of amici curiae were filed for the State of Texas by Jim Mattox, Attorney General, David R. Richards, Executive Assistant Attorney General, and Jim Mathews, R. Lambeth Townsend, and Ginny Agnew, Assistant Attorneys General; and for the Pacific Legal Foundation by Ronald A. Zumbrun and John H. Findley.

JUDGES:

REHNQUIST, J., delivered the opinion of the Court, in which all other Members joined except MARSHALL, J., who took no part in the decision of the case.

OPINIONBY:

REHNQUIST

OPINION:

[*199] [***240] [**1753] JUSTICE REHNQUIST delivered the opinion of the Court.

Petitioner owns the fee title to property known as the Ballona Lagoon, a narrow body of water connected to Marina del Rey, a manmade harbor located in a part of the city of [*200] Los Angeles called Venice. Venice is located on the Pacific Ocean between the Los Angeles International Airport and the city of Santa Monica. The present case arises from a lawsuit brought by respondent city of Los Angeles against petitioner Summa Corp. in state court, in which the city alleged that it held an easement in the Ballona Lagoon for commerce, navigation, and fishing, for the passage of fresh waters to the Venice Canals, and for water recreation. The State of California, joined as a defendant as required by state law, filed a cross-complaint alleging that it had acquired an interest in the lagoon for commerce, navigation, and fishing upon its admission to the Union, that it held this interest in trust for the public, and that it had granted this interest to the city of Los Angeles. The city's complaint indicated that it wanted to dredge the lagoon and make other improvements without having to exercise its power of eminent domain over petitioner's property. The trial court ruled in favor of respondents, finding that the lagoon was subject to the public trust easement claimed by the city and the State, who had the right to construct improvements in the lagoon without exercising the power of eminent domain or compensating the landowners. The Supreme Court of California affirmed the ruling of the trial court. *City of Los Angeles v. Venice Peninsula Properties, 31 Cal. 3d 288, 644 P. 2d 792 (1982).*

[***LEdHR1A] [1A] [***LEdHR2A] [2A]In the Supreme Court of California, petitioner asserted that the Ballona Lagoon had never been tideland, that even if it had been tideland, Mexican law imposed no servitude on the fee interest by reason of that fact, and that even if it were tideland and subject to a servitude under Mexican law, such a servitude was forfeited by the failure of the State to assert it in the federal patent proceedings. The Supreme Court of California ruled against petitioner on all three of these grounds. We granted certiorari, *460 U.S. 1036 (1983),* and now reverse that judgment, holding that even if it is assumed that the Ballona Lagoon was part of tidelands subject by Mexican law to the servitude described by the Supreme [*201] Court of California, the State's claim to such a servitude must have been presented in the federal patent proceeding in order to survive the issue of a fee patent. n1

[***LEdHR2B] [2B]

n1 Respondents argue that the decision below presents simply a question concerning an incident of title, which even though relating to a patent issued under a federal statute raises only a question of state law. They rely on cases such as *Hooker v. Los Angeles, 188 U.S. 314 (1903), Los Angeles Milling Co.* v. *Los Angeles, 217 U.S. 217 (1910),* and *Boquillas Land & Cattle Co.* v. *Curtis, 213 U.S. 339 (1909).* These cases all held, quite properly in our view, that questions of riparian water rights under patents issued under the 1851 Act did not raise a substantial federal question merely because the conflicting claims were based upon such patents. But the controversy in the present case, unlike those cases, turns on the proper construction of the Act of March 3, 1851. Were the rule otherwise, this Court's decision in *Barker v. Harvey, 181 U.S. 481 (1901),* would have been to dismiss the appeal, which was the course taken in *Hooker,* rather than to decide the case on the merits. See also *Beard v. Federy, 3 Wall. 478 (1866).* The

B-60

opinion below clearly recognized as much, for the California Supreme Court wrote that "under the Act of 1851, the federal government succeeded to Mexico's right in the tidelands granted to defendants' predecessors upon annexation of California," *31 Cal. 3d, at 298, 644 P. 2d, at 798,* an interest that "was acquired by California upon its admission to statehood," *id., at 302, 644 P. 2d, at 801.* Thus, our jurisdiction is based on the need to determine whether the provisions of the 1851 Act operate to preclude California from now asserting its public trust easement.

The 1839 grant to the Machados and Talamantes contained a reservation that the grantees may enclose the property "without prejudice to the traversing roads and servitudes [servidumbres]." App. 5. According to expert testimony at trial, under Las Siete Partidas, the law in effect at the time of the Mexican grant, this reservation in the Machados' and Talamantes' grant was intended to preserve the rights of the public in the tidelands enclosed by the boundaries of the Rancho Ballona. The California Supreme Court reasoned that this interest was similar to the common-law public trust imposed on tidelands. Petitioner and *amicus* United States argue, however, that this reservation was never intended to create a public trust easement of the magnitude now asserted by California. At most this reservation was inserted in the Mexican grant simply to preserve existing roads and paths for use by the public. See *United States v. Coronado Beach Co., 255 U.S. 472, 485-486 (1921); Barker v. Harvey, supra;* cf. *Jover v. Insular Government, 221 U.S. 623 (1911).* While it is beyond cavil that we may take a fresh look at what Mexican law may have been in 1839, see *United States v. Perot, 98 U.S. 428, 430 (1879); Fremont v. United States, 17 How. 542, 556 (1855),* we find it unnecessary to determine whether Mexican law imposed such an expansive easement on grants of private property.

[*202] [**1754] Petitioner's [***241] title to the lagoon, like all the land in Marina del Rey, dates back to 1839, when the Mexican Governor of California granted to Augustin and Ignacio Machado and Felipe and Tomas Talamantes a property known as the Rancho Ballona. n2 The land comprising the Rancho Ballona became part of the United States following the war between the United States and Mexico, which was formally ended by the Treaty of Guadalupe Hidalgo in 1848. 9 Stat. 922. Under the terms of the Treaty of Guadalupe Hidalgo the United States undertook to protect the property rights of Mexican landowners, Treaty of Guadalupe Hidalgo, Art. VIII, 9 Stat. 929, at the same time settlers were moving into California in large numbers to exploit the mineral wealth and other resources of the new territory. Mexican grants encompassed well over 10 million acres in California and included some of the best land suitable for development. H. R. Rep. No. 1, 33d Cong., 2d Sess., 4-5 (1854). As we wrote long ago:

[*203] "The country was new, and rich in [***242] mineral wealth, and attracted settlers, whose industry and enterprise produced an unparalleled state of prosperity. The enhanced value given to the whole surface of the country by the discovery of gold, made it necessary to ascertain and settle all private land claims, so that the real estate belonging to individuals could be separated from the public domain." *Peralta v. United States, 3 Wall. 434, 439 (1866).*

See also *Botiller v. Dominguez, 130 U.S. 238, 244 (1889).*

n2 The Rancho Ballona occupied an area of approximately 14,000 acres and included a tidelands area of about 2,000 acres within its boundaries. The present-day Ballona Lagoon is virtually all that remains of the former tidelands, with filling and development or natural conditions transforming most of much larger lagoon area into dry land. Although respondent Los Angeles claims that the present controversy involves only what remains of the old lagoon, a fair reading of California law suggests that the State's claimed public trust servitude can be extended over land no longer subject to the tides if the land was tidelands when California became a State. See *City of Long Beach v. Mansell, 3 Cal. 3d 462, 476 P. 2d 423 (1970).*

The Mexican grantees acquired title through a formal process that began with a petition to the Mexican Governor of California. Their petition was forwarded to the City Council of Los Angeles, whose committee on vacant lands approved the request. Formal vesting of title took place after the Rancho had been inspected, a Mexican judge had completed "walking the boundaries," App. 213, and the conveyance duly registered. See generally *id.*, at 1-13; *United States v. Pico, 5 Wall. 536, 539 (1867).*

To fulfill its obligations under the Treaty of Guadalupe Hidalgo and to provide for an orderly settlement of Mexican land claims, Congress passed the

Act of March 3, 1851, setting up a comprehensive claims settlement procedure. Under the terms of the Act, a Board of Land Commissioners was established with the power to decide the rights of "each and every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican government. . . ." Act of Mar. 3, 1851, § 8, ch. 41, 9 Stat. 632. The Board was to decide the validity of any claim according to "the laws, usages, and customs" of Mexico, § 11, while parties before the Board had the right to appeal to the District Court for a *de novo* determination of their rights, § 9; *Grisar v. McDowell, 6 Wall. 363, 375* [**1755] *(1868),* and to appeal to this Court, § 10. Claimants were required to present their claims within two years, however, or have their claims barred. § 13; see *Botiller v. Dominguez, supra.* The final decree of the Board, or any patent issued under the Act, was also a conclusive adjudication of the rights of the claimant as against the United States, but not against the interests of third parties with superior titles. § 15.

In 1852 the Machados and the Talamantes petitioned the Board for confirmation of their title under the Act. Following a hearing, the petition was granted by the Board, App. 21, and affirmed by the United States District Court on appeal, [*204] *id.*, at 22-23. Before a patent could issue, however, a survey of the property had to be approved by the Surveyor General of California. The survey for this purpose was completed in 1858, and although it was approved by the Surveyor General of California, it was rejected upon submission to the General Land Office of the Department of the Interior. *Id.*, at 32-34.

In the confirmation proceedings that followed, the proposed survey was readvertised and interested parties informed of their right to participate in the proceedings. n3 The property [***243] owners immediately north of the Rancho Ballona protested the proposed survey of the Rancho Ballona; the Machados and Talamantes, the original grantees, filed affidavits in support of their claim. As a result of these submissions, as well as a consideration of the surveyor's field notes and underlying Mexican documents, the General Land Office withdrew its objection to the proposed ocean boundary. The Secretary of the Interior subsequently approved the survey and in 1873 a patent was issued confirming title in the Rancho Ballona to the original Mexican grantees. *Id.*, at 101-109. Significantly, the federal patent issued to the Machados and Talamantes made no mention of any public trust interest such as the one asserted by California in the present proceedings.

n3 It is plain that the State had the right to participate in the patent proceedings leading to confirmation of the Machados' and Talamantes' grant. The State asserts that as a "practice" it did not participate in confirmation proceedings under the 1851 Act. Brief for Respondent California 16, n. 17. In point of fact, however, the State and the city of Los Angeles participated in just such a proceeding involving a rancho near the Rancho Ballona. See *In re Sausal Redundo and Other Cases*, Brief for General Rosecrans and State of California et al., and Resolutions of City Council of Los Angeles, Dec. 24, 1868, found in National Archives, RG 49, California Land Claims, Docket 414. Moreover, before the Mexican grant was confirmed, Congress passed a statute specially conferring a right on all parties claiming an interest in any tract embraced by a published survey to file objections to the survey. Act of July 1, 1864, § 1, ch. 194, 13 Stat. 332.

The public trust easement claimed by California in this lawsuit has been interpreted to apply to all lands which were [*205] tidelands at the time California became a State, irrespective of the present character of the land. See *City of Long Beach v. Mansell, 3 Cal. 3d 462, 486-487, 476 P. 2d 423, 440-441 (1970).* Through this easement, the State has an overriding power to enter upon the property and possess it, to make physical changes in the property, and to control how the property is used. See *Marks v. Whitney, 6 Cal. 3d 251, 259-260, 491 P. 2d 374, 380-381 (1971); People v. California Fish Co., 166 Cal. 576, 596-599, 138 P. 79, 87-89 (1913).* Although the landowner retains legal title to the property, he controls little more than the naked fee, for any proposed private use remains subject to the right of the State or any member of the public to assert the State's public trust easement. See *Marks v. Whitney, supra.*

[***LEdHR1B] [1B] [***LEdHR3] [3] [***LEdHR4] [4]The question we face is whether a property interest so substantially in derogation of the fee interest patented to petitioner's predecessors can survive the patent proceedings conducted pursuant to the statute implementing the Treaty of Guadalupe Hidalgo. We think it cannot. The Federal Government, of course, cannot dispose of a right possessed by the State under the equal-footing doctrine of the [**1756] United States Constitution. *Pollard's Lessee v. Hagan, 3 How. 212 (1845).* Thus, an ordinary federal patent purporting to convey tidelands located within a State to a private individual is invalid, since the United States holds such tidelands only in trust for the State. *Borax, Ltd.* v. *Los Angeles, 296 U.S. 10, 15-16 (1935).* But the Court in *Borax* recognized that a different result would follow if the private lands had been patented under the 1851 Act. *Id.*, at 19. Patents confirmed under the authority of the

1851 Act were issued "pursuant to the authority reserved to the United States to enable it to discharge its international duty with respect to land which, although tideland, had not passed to the State." *Id., at 21.* See also *Oregon ex rel. State Land Board v. Corvallis Sand & Gravel Co., 429 U.S. 363, 375 (1977); Knight v. United States Land Assn., 142 U.S. 161 (1891).*

[*206] This fundamental distinction reflects an important aspect of the 1851 Act enacted by Congress. While the 1851 Act was intended to implement this country's obligations under the Treaty of Guadalupe Hidalgo, the 1851 Act also served an overriding purpose of providing repose [***244] to land titles that originated with Mexican grants. As the Court noted in *Peralta v. United States, 3 Wall. 434 (1866),* the territory in California was undergoing a period of rapid development and exploitation, primarily as a result of the finding of gold at Sutter's Mill in 1848. See generally J. Caughey, California 238-255 (2d ed. 1953). It was essential to determine which lands were private property and which lands were in the public domain in order that interested parties could determine what land was available from the Government. The 1851 Act was intended "to place the titles to land in California upon a stable foundation, and to give the parties who possess them an opportunity of placing them on the records of this country, in a manner and form that will prevent future controversy." *Fremont v. United States, 17 How. 542, 553-554 (1855);* accord, *Thompson v. Los Angeles Farming Co., 180 U.S. 72, 77 (1901).*

[***LEdHR5A] [5A]California argues that since its public trust servitude is a sovereign right, the interest did not have to be reserved expressly on the federal patent to survive the confirmation proceedings. n4 Patents issued [**1757] pursuant to the 1851 Act were, [*207] of course, confirmatory patents that did not expand the title of the original Mexican grantee. *Beard v. Federy, 3 Wall. 478 (1866).* But our decisions in a line of cases beginning with *Barker v. Harvey, 181 U.S. 481 (1901),* effectively dispose of California's [***245] claim that it did not have to assert its interest during the confirmation proceedings. In *Barker* the Court was presented with a claim brought on behalf of certain Mission Indians for a permanent right of occupancy on property derived from grants from Mexico. The Indians' claim to a right of occupancy was derived from a reservation placed on the original Mexican grants permitting the grantees to fence in the property without "interfering with the roads, crossroads and other usages." *Id., at 494, 495.* The Court rejected the Indians' claim, holding:

"If these Indians had any claims founded on the action of the Mexican government they abandoned them by not [*208] presenting them to the commission for consideration, and they could not, therefore, . . . 'resist successfully any action of the government in disposing of the property.' If it be said that the Indians do not claim the fee, but only the right of occupation, and, therefore, they do not come within the provision of section 8 as persons 'claiming lands in California by virtue of any right or title derived from the Spanish or Mexican government,' it may be replied that a claim of a right to permanent occupancy of land is one of far-reaching effect, and it could not well be said that lands which were burdened with a right of permanent occupancy were a part of the public domain and subject to the full disposal of the United States. . . . Surely a claimant would have little reason for presenting to the land commission his claim to land, and securing a confirmation of that claim, if the only result was to transfer the naked fee to him, burdened by an Indian right of permanent occupancy." *Id. at 491-492.*

[***LEdHR5B] [5B]

n4 In support of this argument the State cites to *Montana v. United States, 450 U.S. 544 (1981),* and *Illinois Central R. Co.* v. *Illinois, 146 U.S. 387 (1892),* in support of its proposition that its public trust servitude survived the 1851 Act confirmation proceedings. While *Montana* v. *United States* and *Illinois Central R. Co.* v. *Illinois* support the proposition that alienation of the beds of navigable waters will not be lightly inferred, property underlying navigable waters can be conveyed in recognition of an "international duty." *Montana v. United States, supra, at 552.* Whether the Ballona Lagoon was navigable under federal law in 1850 is open to speculation. The trial court found only that the present-day lagoon was navigable, App. to Pet. for Cert. A-52, while respondent Los Angeles concedes that the lagoon was not navigable in 1850, Brief for Respondent Los Angeles 29. The obligation of the United States to respect the property rights of Mexican citizens was, of course, just such an international obligation, made express by the Treaty of Guadalupe Hidalgo and inherent in the law of nations, see *United States v. Moreno, 1 Wall. 400, 404 (1864); United States v. Fossatt, 21 How. 445, 448 (1859).*

The State also argues that the Court has previously recognized that sovereign interests need not be asserted during proceedings confirming private titles. The State's reliance on *New Orleans v. United States, 10 Pet. 662 (1836),* and *Eldridge v. Trezevant, 160 U.S. 452*

(1896), in support of its argument is misplaced, however. Neither of these cases involved titles confirmed under the 1851 Act. In *New Orleans* v. *United States*, for example, the Board of Commissioners in that case could only make recommendations to Congress, in contrast to the binding effect of a decree issued by the Board under the 1851 Act. Thus, we held in that case that the city of New Orleans could assert public rights over riverfront property which were previously rejected by the Board of Commissioners. *New Orleans v. United States, supra, at 733-734.* The decision in *Eldridge v. Trezevant, supra,* did not even involve a confirmatory patent, but simply the question whether an outright federal grant was exempt from longstanding local law permitting construction of a levee on private property for public safety purposes. While the Court held that the federal patent did not extinguish the servitude, the interest asserted in that case was not a "right of permanent occupancy," *Barker v. Harvey, 181 U.S., at 491,* such as that asserted by the State in this case.

The Court followed its holding in *Barker* in a subsequent case presenting a similar question, in which the Indians claimed an aboriginal right of occupancy derived from Spanish and Mexican law that could only be extinguished by some affirmative act of the sovereign. *United States v. Title Ins. & Trust Co., 265 U.S. 472 (1924).* Although it was suggested to the Court that Mexican law recognized such an aboriginal right, Brief for Appellant in *United States* v. *Title Ins. & Trust Co.*, O. T. 1923, No. 358, pp. 14-16; cf. *Chouteau v. Molony, 16 How. 203, 229 (1854),* the Court applied its decision in *Barker* to hold that because the Indians failed to assert their interest within the timespan established by the 1851 Act, their claimed right of occupancy was barred. The Court declined an invitation to overrule its decision in *Barker* because of the adverse effect of such a decision on land titles, a result that counseled adherence to a settled interpretation. *265 U.S., at 486.*

[*209]

[***LEdHR1C] [1C]Finally, in *United States v. Coronado Beach Co., 255 U.S. 472 (1921),* the Government argued that even if the landowner had been awarded title to tidelands by reason of a Mexican grant, a condemnation award should be reduced to reflect the interest of the State in the tidelands which it acquired when it entered the Union. The Court expressly rejected the Government's argument, holding that the patent proceedings were [***246] conclusive on this issue, and could not be collaterally attacked by the Government. *Id., at 487-488.* The necessary result of the *Coronado Beach* decision is that even "sovereign" claims such as those [**1758] raised by the State of California in the present case must, like other claims, be asserted in the patent proceedings or be barred.

[***LEdHR1D] [1D]These decisions control the outcome of this case. We hold that California cannot at this late date assert its public trust easement over petitioner's property, when petitioner's predecessors-in-interest had their interest confirmed without any mention of such an easement in proceedings taken pursuant to the Act of 1851. **The interest claimed by California is one of such substantial magnitude that regardless of the fact that the claim is asserted by the State in its sovereign capacity, this interest, like the Indian claims made in *Barker* and in *United States* v. *Title Ins. & Trust Co.*, must have been presented in the patent proceeding or be barred.** Accordingly, the judgment of the Supreme Court of California is reversed, and the case is remanded to that court for further proceedings not inconsistent with this opinion.

It is so ordered.

JUSTICE MARSHALL took no part in the decision of this case.

REFERENCES: Return To Full Text Opinion Go to Supreme Court Brief(s) Go to Oral Argument Transcript

78 Am Jur 2d, Waters 402

US L Ed Digest, Private Land Claims 194; Waters 14, 31

L Ed Index to Annos, Waters

ALR Quick Index, Waters and Watercourses

Federal Quick Index, Waters and Watercourses

B-64

LEXSEE

CITY OF LOS ANGELES, Plaintiff, Cross-defendant and Respondent, v. VENICE PENINSULA PROPERTIES, Defendant and Appellant. THE STATE OF CALIFORNIA EX REL. STATE LANDS COMMISSION, Defendant, Cross-complainant and Respondent, v. SUMMA CORPORATION et al., Cross-defendants and Appellants

No. B034790

Court of Appeal of California, Second Appellate District, Division Two

205 Cal. App. 3d 1522; 253 Cal. Rptr. 331; 1988 Cal. App. LEXIS 1086

November 22, 1988

SUBSEQUENT HISTORY:

[***1] Modification of Opinion on Denial of Rehearing December 21, 1988. Respondent's Petition for Review by the Supreme Court was Denied March 2, 1989. A Petition for a Rehearing was Denied December 21, 1989, and the Opinion was Modified to Read as Printed Above. Mosk, J., and Broussard, J., were of the Opinion that the Petition should be Granted.

PRIOR HISTORY: Superior Court of Los Angeles County, No. C868223, Samuel Greenfield, Judge.

DISPOSITION:

The judgment is reversed and the matter is remanded to the trial court with directions to enter a new and different judgment declaring that neither the City nor the State has any right to an easement in the affected property. City to bear costs on appeal.

CASE SUMMARY:

PROCEDURAL POSTURE: On rehearing following remand, defendants property owners challenged a judgment from the Superior Court of Los Angeles County (California) in favor of plaintiffs, city and state, in an action for a declaration of a public trust easement in certain tidelands.

OVERVIEW: Plaintiffs, city and state, filed an action to have a public trust easement declared as to tidelands owned by defendant property owners. The trial court rendered a judgment for plaintiffs, and defendants appealed claiming that the exercise of a public trust easement over patented Mexican grant land would amount to inverse condemnation. On rehearing following remand from the state supreme court, the court held that plaintiffs did not have a public trust easement for commerce, fishing, and navigation in the property because they never had sovereign title to the property. The court held that a public trust easement only existed over lands to which plaintiff state had acquired title by virtue of its sovereignty upon admission to the Union. The court found that plaintiff state did not acquire such title to defendants' lands, which were the subject of a prior Mexican land grant and were later patented by the United States government. Therefore, the court reversed the superior court judgment and remanded the case to the superior court with directions to enter a new and different judgment declaring that plaintiffs did not have any right to an easement in the affected property.

OUTCOME: The court reversed the superior court judgment entered in favor of plaintiffs, city and state, holding that without sovereign title, plaintiffs did not have a public trust easement in defendant property owners' tidelands and there was no evidence to support the other subordinate easements, which the trial court attempted to create.

LexisNexis(R) Headnotes

B-65

Environmental Law > Natural Resources & Public Lands > Public Trust Doctrine
[HN1] Tidelands are lands between the mean high tide and mean low tide, whereas submerged lands are those seaward of the mean low tide and not uncovered in the ordinary ebb and flow of the tide.

Environmental Law > Natural Resources & Public Lands > Public Trust Doctrine
[HN2] The so-called tidelands public trust doctrine is a creature of United States and California law and is an incident of sovereign title in tideland property.

Environmental Law > Natural Resources & Public Lands > Public Trust Doctrine
[HN3] The public trust easement only exists over lands to which California acquired title by virtue of its sovereignty upon admission to the Union. California did not acquire such title to lands, which were the subject of a prior Mexican land grant and later patented by the United States government in accordance with its obligations under the treaty of Guadeloupe Hidalgo.

Real & Personal Property Law > Deeds & Recording > Deed Types & Covenants of Title
[HN4] The patent of the government is evidence of title and is conclusive against the government and all persons claiming under it. The patent is a deed of the United States and operates as a quit claim of any interest the United States may have reserved in the land. It establishes in the grantee full and complete title to the property.

Real & Personal Property Law > Deeds & Recording > Deed Types & Covenants of Title
[HN5] A federally patented Mexican land grant can embrace tidelands.

Real & Personal Property Law > Deeds & Recording > Deed Types & Covenants of Title
[HN6] 1945 Cal. Stat. 1513 granted to the City of Los Angeles as successor to the City of Venice all right, title, and interest of the State of California held by said state by virtue of its sovereignty in and to all the tidelands and submerged lands. That statute, however, excepted any property held under, through or from a Mexican grant or patent.

Real & Personal Property Law > Deeds & Recording > Deed Types & Covenants of Title
[HN7] 1917 Cal. Stat. 77, which effected the original conveyance of the state's interest to the City of Venice, provides that nothing contained herein shall in any way affect any property held or claimed under, through or from a Mexican grant or patent therefor within the present boundaries and jurisdiction of said city.

Environmental Law > Zoning & Land Use > Eminent Domain Proceedings
[HN8] In the absence of an express dedication to public use, it must be presumed that no property owner in fact desires, without compensation, to dedicate his property to public use to the extent that he would lose, for all times, his right to make private use thereof.

COUNSEL:

Sherman L. Stacey for Defendant and Appellant.

James K. Hahn, City Attorney, Edward C. Dygert and Norman L. Roberts Assistant City Attorneys, for Plaintiff, Cross-defendant and Respondent.

O'Melveny & Myers, Jack B. Hicks III, Todd Littleworth, William A. Dorland, Hill, Farrer & Burrill, John N. McLaurin, William M. Betting and Steven W. Bacon for Cross-defendants and Appellants.

Washburn, Kemp & Wagensil and Edgar B. Washburn as Amici Curiae on behalf of Cross-defendants and Appellants.

John K. Van de Kamp, Attorney [***2] General, N. Gregory Taylor, Assistant Attorney General, Shunji Asari, Robert G. Collins and Nancy Alvarado Saggese, Deputy Attorneys General, for Defendant, Cross-complainant and Respondent.

JUDGES:

Opinion by Compton, J., with Roth, P. J., and Fukuto, J., concurring.

OPINIONBY:

COMPTON

OPINION:

[*1525] [**332] On March 25, 1981, we filed an opinion in this case which directed reversal of a judgment of the trial court which had been entered in favor of the State of California (State) and its successor in interest, City of Los Angeles (City).

The thrust of the claim of the State and City and the judgment entered on that claim by the trial court was that a public trust easement existed on certain privately held property in what is known as the Ballona Lagoon.

Subsequently, the California Supreme Court granted hearing and rendered an opinion upholding the judgment

of the trial court. That decision was ultimately overturned by the United States Supreme Court in an opinion filed April 17, 1984 (*Summa Corp. v. California (1984) 466 U.S. 198 [80 L.Ed.2d 237, 104 S.Ct. 1751]).* The matter was remanded to the Supreme Court of California "for further proceedings not inconsistent [***3] with [the opinion of the United States Supreme Court]."

On May 19, 1988, the California Supreme Court transferred the cause to this court "with directions to decide the appeal in the light of the decision of the United States Supreme Court."

Thereafter, we were advised that the City and State had negotiated a settlement with one of the property owners, Summa Corporation, and we were requested to dismiss the appeal.

[*1526] Since the easement claim by the City and State affected property owners other than Summa Corporation, and since the dismissal of the appeal would have the effect of permitting the erroneous judgment entered by the trial court to stand, we denied the request and calendared the matter for oral argument.

Having heard the argument and reviewed our former opinion, the briefs previously filed, as well as the opinion of the United States Supreme Court, we conclude that the proper course of procedure is to adopt the language of our former opinion and remand the matter to the trial court and direct entry of judgment against the City and the State. The parties will then be free to effectuate any settlement agreement they care to make unfettered by the former judgment [***4] of the trial court.

[**333] At issue on this appeal is whether, by virtue of the so-called California Tidelands Trust Doctrine, the State and its successor in interest, the City, can assert an easement for commerce, navigation and fishery over land which was part of a Mexican land grant and patented by the United States government pursuant to the Act of 1851. n1 We hold that neither the State nor the City possess such an easement over the property in question here.

n1 The Act of 1851 was enacted by Congress to implement the treaty of Guadalupe Hidalgo, by which treaty the government of Mexico ceded to the United States the area which now constitutes the State of California. The Act of 1851 established a mechanism for settling the claims of Mexican citizens to land within the ceded territory.

The instant case involves two lots which are depicted on a subdivision map as Lot C of the Del Rey subdivision, and Lot R of the Silver Strand subdivision. These lots underlie what is now popularly referred to as the Ballona Lagoon (Lagoon) [***5] located in the Marina Del Rey area of the city.

The Lagoon in its present configuration is a narrow elongated area covered by very shallow water and is separated from the ocean by a strand or bar of beach sand. Its entire length lies within 1,000 yards of the ocean. It connects to the Venice Canals n2 to the northwest and to the ocean channel entrance to Marina Del Rey on the southeast.

n2 The Venice Canals were part of an unrelated early subdivision and were designed to provide waterway frontage and access to the lots in the subdivision. The property in question here is not part of that subdivision.

Historically, the name Ballona Lagoon referred to a much larger area than that covered by the property here involved and was part of what was once Rancho Ballona. That additional area is now dry land as a result of filling, development and natural conditions.

[*1527] Rancho Ballona was granted to Augustin and Ignacio Machado and Philipe and Tomas Talamantes in 1839 by the then Governor of the Californias, which area [***6] was part of Mexico. Following the cession of California to the United States by Mexico, the United States in 1873 patented the title of the Machados and Talamantes to Rancho Ballona pursuant to the Act of 1851.

The Summa Corporation, Venice Peninsula Properties, and other individuals (hereafter the property owners) are the present fee owners of Lots C and R and derive their title from the original Mexican grantees. The Southern California Gas Company n3 owns a recorded easement for two pipelines which traverse the property.

n3 Southern California Gas Company is now known as Pacific Enterprises.

The first attempt to establish a public easement over the property did not occur until 1965, when the City filed the instant action for declaratory relief and to quiet title. By virtue of said easement, the City asserts the right to dredge, construct sea walls, and to make improvements in the Lagoon without the necessity of exercising the power of eminent domain. These proposed

improvements would require relocation of the [***7] Southern California Gas Company pipelines.

According to the City's complaint, it is entitled to a public trust easement for commerce, navigation and fishery for the reason that the Lagoon is part of the tidelands and is navigable ocean water. As a fallback position, the City also claimed an easement based on express or implied dedication.

The State of California was named as a defendant pursuant to *Public Resources Code section 6308* which requires that the state be joined as a necessary party defendant whenever a City brings an action involving tidelands that have been granted to it in trust by the Legislature.

The State filed a cross-complaint for declaratory relief and to quiet title in itself. In reality, however, the interests of the City and the State of California are compatible with each other and are not adverse. We will, for the sake of convenience, therefore, refer to these governmental entities as the State.

[**334] The trial court rendered a judgment for the State declaring (1) the existence of the public trust easement for navigation, commerce and fisheries in, over and upon the waters of the Lagoon up to the line of the mean high tide; (2) an easement for passage of fresh [***8] sea water through the Lagoon to the [*1528] Venice Canals; (3) an easement for water recreation; (4) a right in the State and its successors and assigns to open, dredge, construct sea walls, etc., without requirement of the exercise of eminent domain or payment of compensation; (5) a paramount right in the State over the pipeline easement of the Southern California Gas Company; and (6) an easement in the City for public streets and waterways. In summary, however, it can be said that all of the enumerated rights and easements granted to the State by the trial court are simply incidental to and are subsumed by the public trust easement.

Since we conclude that there is no evidence in the record to support any theory of express or implied dedication, the resolution of this appeal turns on whether the State can assert the public trust easement for commerce, navigation and fishery.

In 1852, pursuant to the provisions of the Act of 1851, the Machados and the Talamantes petitioned the Board of Land Commissioners (Board) for confirmation of their title. The Board, after hearing, confirmed title in the petitioners in 1854. The Board's decision was affirmed by the United States District [***9] Court, and the decision became final in 1856.

The confirmation and patent process next called for a survey of the boundaries of the Rancho. By the time this survey was conducted, certain landmarks referred to in the original grant had disappeared.

Objections by adjoining Rancho owners to the results of the survey resulted in some 17 years of litigation. The litigation mainly concerned the northwestern borders of the grant which had been marked in the original grant by gullies or barrancas, and the southern boundary, which had as one of its landmarks, a low marshy area or creek (estero) which was described as opening into an inner bay.

During the litigation in the patent proceedings this inner bay was described by the commissioner of the land office as not being an arm of the sea. Several witnesses, who testified concerning the boundaries of Rancho Ballona, described the inner bay as pasture land which was periodically flooded by fresh water overflow.

There is no question that the patent which was ultimately issued embraced within its boundaries the entire Lagoon. The westerly boundary of the Rancho was fixed at the high water mark on the westerly side of the sand bar or ridge [***10] which separates the present Lagoon from the ocean.

[*1529] **(1) (2) (See fn. 4.)** The State concedes that the property owners have valid fee title to Lots C and R, but contends that such title is subject to the public trust easement because they were tidelands or submerged lands prior to the original grant. n4

n4 [HN1] Tidelands are lands between the mean high tide and mean low tide, whereas submerged lands are those seaward of the mean low tide and not uncovered in the ordinary ebb and flow of the tide. (*City of Long Beach v. Mansell (1970) 3 Cal.3d 462 [91 Cal.Rptr. 23, 476 P.2d 423].)*

Although only Lots C and R are involved in the instant litigation, the State asserts that the entire Lagoon, as it existed at the time of the grant, was and still is subject to the public trust easement. Thus, according to the State, even those areas which are now dry land and developed would be so burdened.

For this reason, the California Land Title Association has appeared on appeal as amicus [***11] curiae in support of the property owners. That organization points out that there are a number of areas throughout the State, which are similar to the property in question here, on which title insurance has been issued in reliance on the inviolability of the Mexican land grants.

According to the property owners and amicus, if the State, at this late date, can assert a public trust easement

over patented land, the result would be chaotic, especially [**335] as to land which has been developed without previous objection by the State.

The property owners concede that the federal regulatory power over navigable waters applies to patented Mexican grant land. The property owners also concede that under the Coastal Act, the State of California can regulate the use of such land by the owners. They contend, however, that the recognition of the existence of the public trust easement directly affects the title to such property and its exercise in the manner in which the State proposes here would render the naked fee title valueless and would amount to inverse condemnation.

[HN2] The so-called tidelands public trust doctrine is a creature of United States and California law and is an incident of sovereign [***12] title in tideland property.

"Upon the acquisition of the territory from Mexico the United States acquired the title to tide lands equally with the title to upland; but with respect to the former they held it only in trust for the future States that might be erected out of such territory." (*Knight v. United Land Association (1891) 142 U.S. 161, 183 [35 L.Ed. 974, 982, 12 S.Ct. 258].)*

[*1530] Thus California acquired title to navigable waterways and tidelands by virtue of its sovereignty when admitted to the Union in 1850. (*Borax, Ltd. v. Los Angeles (1935) 296 U.S. 10 [80 L.Ed. 9, 56 S.Ct. 23].)* This exercise of sovereignty was as a trustee for the public rather than in a proprietary capacity. (*City of Long Beach v. Mansell, supra, 3 Cal.3d 462; People v. California Fish Co. (1913) 166 Cal. 576 [138 P. 79]; People v. Kerber (1908) 152 Cal. 731 [93 P. 878]; Ward v. Mulford (1867) 32 Cal. 365.)*

"The control of the State for the purposes of the [***13] trust can never be lost, except as to such parcels as are used in promoting the interests of the public therein, or can be disposed of without any substantial impairment of the public interest in the lands and waters remaining." (*Illinois Central Railroad Co. v. Illinois (1892) 146 U.S. 387, 453 [36 L.Ed. 1018, 1042, 13 S.Ct. 110];* also see *United States v. Coronado Beach Co. (1921) 255 U.S. 472 [65 L.Ed. 736, 41 S.Ct. 378]; Whitney v. United States (1901) 181 U.S. 104 [45 L.Ed. 771, 21 S.Ct. 565]; United States v. Cambuston (1858) 61 U.S. (20 How.) 59, 63 [15 L.Ed. 828, 830].)*

"As to tide-lands, although it may be stated as a general principle . . . that the titles acquired by the United States to lands in California under tide-waters, from Mexico, were held in trust for the future State, so that their ownership and right of disposition passed to it upon its admission into the Union, that doctrine cannot apply to such lands as had been previously granted to other parties by the former government, or subjected [***14] to trusts which would require their disposition in some other way." (*San Francisco v. Le Roy (1891) 138 U.S. 656, 670-671 [34 L.Ed. 1096, 1101, 11 S.Ct. 364].)*

(3a) Our reading of the cases leads us to conclude that [HN3] the public trust easement only exists over lands to which California acquired title by virtue of its sovereignty upon admission to the Union. California did not acquire such title to lands which were the subject of a prior Mexican land grant and later patented by the United States government in accordance with its obligations under the treaty of Guadalupe Hidalgo.

The nature and effect of the patent issued pursuant to the act of 1851 has been well described by both the United States and California Supreme Courts. [HN4] The patent of the government is evidence of title and is conclusive against the government and all persons claiming under it. The patent is a deed of the United States and operates as a quit claim of any interest the United States may have reserved in the land. It establishes in the grantee full and *complete* title to the property. (*Beard v. Federy (1866) 70 U.S. (3 Wall.) 478 [18 L.Ed. 88];* [***15] *Teschemacher v. Thompson (1861) 18 Cal. 11.)*

[*1531] Further, there appears to be no question but that [HN5] a federally patented Mexican land grant could embrace tidelands. The State concedes this and it has been so held in *United States v. Coronado Beach Co., supra,* [**336]. *255 U.S. 472,* and *San Francisco v. Le Roy, supra, 138 U.S. 656.*

In *United States v. Coronado Beach Co., supra, 255 U.S. 472,* we find language which in our opinion is controlling of the issue of whether the patented fee title is subject to an unreserved servitude which exists only as an adjunct of sovereignty. That case involved land which had been granted by the Mexican government to one Carrillo and patented by the United States government to Carrillo. The grant covered a portion of North Island in San Diego County and included tidelands bounded seaward to the "anchorage for ships."

The United States, in attacking the validity of the patent as to tideland property, argued that, as here, California became a state prior to the date of the patent and thus [***16] its sovereignty over the land existed in spite of the later patent. The Supreme Court there declared that California's title, upon becoming a state, was subject to prior Mexican land grants and that California title was held in abeyance pending determination of the validity and boundaries of the Mexican grant in proceedings established by the Act of 1851.

B-69

Further, the United States in that case, challenged the boundaries of the grant insofar as it embraced tidelands. The Supreme Court's answer to that contention was that in the confirmation proceedings there was jurisdiction to decide the issues, right or wrong, and ". . . however arrived at [the decision] was adopted by the United States for its grant and it cannot now be collaterally impeached." (*United States v. Coronado Beach Co., supra, 255 U.S. 472, 488 [65 L.Ed. 736, 742].)*

(4) It must be emphasized that in the confirmation and patent proceedings under the Act of 1851, the United States was always a party and in a position to assert any interest it claimed to have in the property including any easement claimed by virtue of sovereignty. This is especially significant in the case [***17] at bench because the character of the land was, itself, an issue in the confirmation proceedings and was at that point determined not to be tidelands. Thus it was error for the trial court here to permit evidence to be introduced to controvert that determination.

In *United States v. Title Ins. Co. (1924) 265 U.S. 472 [68 L.Ed. 1110, 44 S.Ct. 621],* the Supreme Court of the United States dealt with the claims of certain Indians to the right to occupy land which was the subject of a federally patented Mexican land grant. The Indians' right to occupancy was [*1532] said to have existed under Mexican law and it was contended that it survived or continued after the patenting process, even though no such reservation was mentioned in the patent.

The Supreme Court, relying on its former decision in *Barker v. Harvey (1901) 181 U.S. 481 [45 L.Ed. 963, 21 S.Ct. 690],* rejected the claim and held that any such right of occupancy would have had to have been asserted in the patenting process. The court at page 492 *[45 L.Ed. at page 968]* stated: "[A] claimant [***18] would have little reason for presenting to the land commission his claim to land, and securing a confirmation of that claim, if the only result was to transfer the naked fee to him, burdened by an Indian right of permanent occupancy."

(3b) The above cited cases are a complete answer to the State's argument here that only the fee title was settled by the patent process and that the public trust easement exists independent of that patent process. It is difficult for us to see how the patent can be described as settling in the grantee a full and *complete* title, while at the same time holding that it was burdened by a servitude of the magnitude of that asserted by the State in this action.

Inasmuch as California never acquired sovereign title to land which was the subject of a prior grant by the Mexican government, the public trust easement, which is an adjunct of sovereignty and a creature of United States and California law, never arose.

The State, by way of a corollary argument, contends that under Mexican law the tidelands could not be subject to private ownership. Thus it argues that there existed under Mexican law a doctrine similar [**337] to the California Tidelands Trust Doctrine and [***19] that by virtue of that doctrine, the public trust easement passed to the United States upon cession of California by the government by Mexico.

(5) We need not here discuss the Mexican law because any contention that Mexican law is controlling of the scope and effect of the United States patenting process has been laid to rest by decisions of the United States and California Supreme Courts.

In the case of *Moore v. Smaw (1861) 17 Cal. 199,* the United States sought to claim mineral rights in land which was part of a Mexican land grant patented by the United States under the Act of 1851. The argument there was that under Mexican law, mineral rights did not pass to the grantee but instead remained with the government. The California Supreme [*1533] Court rejected that argument by declaring that there was nothing in the Act of 1851 which restricted the operation of the patents to the interest acquired by claimants from the former government. The court held that all the interest of the United States, whatever it may have been, and everything connected with the soil or any portion of it, or everything lying over it or under it, was conveyed to the grantee by the [***20] United States in the patent process.

In *Thompson v. Los Angeles Farming & Milling Co. (1901) 180 U.S. 72 [45 L.Ed. 432, 21 S.Ct. 289],* an attempt was made to invalidate a federal patent under the Act of 1851 by asserting that Mexican law, at the time of the grant, gave the Governor of California no authority to dispose of certain land in question. The contention was that the Mexican grant was, in effect, void and that the federal patent was likewise void. The Supreme Court in rejecting that argument stated it was the purpose of the Act of 1851 to give final and complete repose to titles. "It was enacted not only to fulfil our treaty obligations to individuals, but to settle and define what portion of the acquired territory was public domain . . . . Upon the confirmation of the claim by the commissioners or by the District or Supreme Court, a patent was to issue and be conclusive against the United States." (*Id. at pp. 77-78 [45 L.Ed. at p. 435].)*

The California Legislature has clearly recognized the highly protected status of the Mexican land grant -- a status which inures from a treaty [***21] obligation of the United States -- in its enactment by which the State's

B-70

interest in the tidelands was conveyed to the City of Los Angeles, as a successor to the City of Venice.

[HN6] Chapter 1513 of the Statutes of 1945, granted to the City of Los Angeles as successor to the City of Venice "*all right, title and interest of the State of California* held by said State by virtue of its sovereignty in and to all the tidelands and submerged lands . . . ." That statute, however, contained the following: ". . . excepting any property held under, through or from a Mexican grant or patent . . . ."

[HN7] Chapter 77 of the Statutes of 1917, which effected the original conveyance of the State's interest to the City of Venice similarly provided that ". . . nothing contained herein shall in any way affect any property held or claimed under, through or from a Mexican grant or patent therefor within the present boundaries and jurisdiction of said city . . . ."

(3c) We conclude that the State does not have a public trust easement for commerce, fishing and navigation in the Lagoon, since it never had [*1534] sovereign title to the property. That conclusion dictates that the judgment must be reversed since [***22] the record here is devoid of any evidence to support a finding of express or implied dedication or any other basis for the various subordinate easements which the trial court attempted to create.

(6) The evidence is quite clear that according to an environmental impact report prepared by the City itself, the Venice Canals, as late as 1972 and for a considerable period of time prior thereto, were stagnant and polluted bodies of water with little, if any, fresh sea water flow through the Lagoon. Inasmuch as the State, under our holding here, has no right to dredge or improve the flow through the Lagoon, an easement simply for sea water flow would be worthless.

(7) As to the claim that the public has obtained a prescriptive right to use the Lagoon for recreational purposes under the rationale of *Gion v. City of Santa Cruz* [**338] *(1970) 2 Cal.3d 29 [84 Cal.Rptr. 162, 465 P.2d 50]*, we find that case to be inapplicable.

Contrary to the situation in *Gion*, the Lagoon here is neither a "beach or shoreline" nor a public road, nor as we have indicated, is it a part of navigable ocean waters. Further, there is no evidence of public use which even approximates [***23] the extent of the public use in *Gion*.

(8) [HN8] In the absence of an express dedication to public use, it must be presumed that no property owner in fact desires, without compensation, to dedicate his property to public use to the extent that he would lose, for all times, his right to make private use thereof.

Here it is undisputed that the property owners did not in fact intend to dedicate the property to public use. They posted "no trespass" signs as evidence of that lack of intent. In our opinion, they should not now be penalized simply because they did not erect an unsightly and forbidding fence manifesting a continuing hostility to even sporadic and limited public use. To imply an intent to dedicate, under these circumstances, would defy logic, ignore reality and stand equity on its head.

The City contends that its ability to control the property in question is extremely important to the citizens of Los Angeles and the public at large.

[*1535] It must be remembered that the City has at all times possessed the power of eminent domain by which it could have acquired the right in the property which it seeks.

The constitutional provision which prohibits the taking of private property [***24] for public use without just compensation is to ensure that the cost of public facilities be spread among the members of the public and that individual property owners not be required to bear more than their fair share of the burden.

This litigation was commenced in 1965. It seems evident that the cost to the taxpayers of this protracted litigation aimed at circumventing the Constitution and which has consumed some 23 years far exceeds the cost for which the property could have been acquired had the City in 1965 simply exercised its power of eminent domain.

The judgment is reversed and the matter is remanded to the trial court with directions to enter a new and different judgment declaring that neither the City nor the State has any right to an easement in the affected property. City to bear costs on appeal.

To: California Coastal Commission,
From John Davis
RE: LCP MDR Review 2/2/05

RECEIVED
South Coast Region
FEB 3 2005
CALIFORNIA
COASTAL COMMISSION

Dear Commission,

Please date stamp this letter. It is an adndum to my submission at the Long Beach Coastal Commission Office on 2/1/05. Please consider it as one submission.

This question must be answered in the review process as well as those in the letter of 2/1/05.

Why did the Coastal Commission Mapping Staff fail to use the best list list of properties owned by the United States as recommended by NOAA in attachment D of the Coastal Zone Management Program for California.

Why did the Coastal Commission Mapping Staff fail to obtain or loose those smaller scale maps of lands excluded from the coastal zone that were obtainable from the Army Corp of Engineers upon request.

Why did the Coastal Commission Mapping Staff substitute "map notes" on larger scale Coastal Zone maps that do not show the boundries of lands excluded from the Coastal Zone in the CaCZMP for those smaller more detailed maps called for in attachment D.

How can the County, a sub set of the State of California claim that Summa vs CA applies to state owned lands? The County attempts to act like a business. The lands are supposed to be owned by the State Lands Commission.

What was the response to the letter from L.A. County to the Lands Commission?

Thank you,

John Davis

Included as attachments:

1. U.S. House of Representatives Document 389.
2. Deed from Los Angles County to the U.S.
3. Sea Grant paper on MDR
4. Letter from CCC Staff
5. Letter from CCC Counsel
6. CaCZMP attachment D
7. CCC Wetlands Map of MDR

B-72

8. Letter from County to Lands Commission
9. Summa vs CA
10. LA County Letter

Sincerely,
John Davis
PO 10152 Marina del Rey CA. 90295

1

B-74

83d Congress, 2d Session } HOUSE OF REPRESENTATIVES { Document No. 389

PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

LETTER

FROM

THE SECRETARY OF THE ARMY

TRANSMITTING

A LETTER FROM THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY, DATED AUGUST 8, 1952, SUBMITTING A REPORT, TOGETHER WITH ACCOMPANYING PAPERS AND AN ILLUSTRATION, ON A PRELIMINARY EXAMINATION AND SURVEY OF HARBOR AT PLAYA DEL REY, CALIF., AND A REVIEW OF REPORTS ON PLAYA DEL REY INLET AND BASIN, VENICE, CALIF., AS AUTHORIZED BY THE RIVER AND HARBOR ACT APPROVED ON AUGUST 26, 1937, AND REQUESTED BY A RESOLUTION OF THE COMMITTEE ON COMMERCE, UNITED STATES SENATE, ADOPTED ON JUNE 2, 1936

MAY 13, 1954.—Referred to the Committee on Public Works and ordered to be printed, with one illustration

DEPARTMENT OF THE ARMY,
Washington 25, D. C., May 11, 1954.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: I am transmitting herewith a report dated August 8, 1952, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a preliminary examination and survey of Harbor at Playa del Rey, Calif., and a review of reports on Playa del Rey Inlet and Basin, Venice, Calif., with a view to determining whether any improvement of the locality is warranted at the present time, authorized by the River and Harbor Act approved on August 26, 1937, and requested by a resolution of the Committee on Commerce, United States Senate, adopted on June 2, 1936.

47022—54——1

B-75

In accordance with section 1 of Public Law 14, 79th Congress, the views of the State of California and the Department of the Interior are set forth in the enclosed communications.

The Bureau of the Budget advises that while there is no objection to submission of the report to Congress, authorization of the improvement recommended therein would not be in accord with the program of the President unless the Federal participation is limited to 50 percent of the cost of the general navigation facilities. The complete views of the Bureau of the Budget are contained in the attached copy of its letter.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

COMMENTS OF THE BUREAU OF THE BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., April 28, 1954.

The honorable the SECRETARY OF THE ARMY.

MY DEAR MR. SECRETARY: Your letter dated March 20, 1953, states that no modifications or revisions need be made from the standpoint of general policy or procedure in the 27 final proposed reports of the Chief of Engineers pending in the Bureau of the Budget on January 20, 1953. One of these is the report on the project at Playa del Rey, Calif. This report had been authorized by the River and Harbor Act approved on August 26, 1937, and requested by a resolution of the Committee on Commerce, United States Senate, adopted on June 2, 1936. Acting Secretary Johnson submitted the report to this office on August 19, 1952.

The Chief of Engineers recommends, subject to certain conditions of local cooperation, the provision of a harbor at Playa del Rey, Calif. First costs to the United States, including aids to navigation, are estimated at $6,193,000 by the Board of Engineers for Rivers and Harbors. First costs to local interests are estimated at $19,427,000. It is noted that the Board's estimate of $25,620,000 for total first costs is based largely on cost estimates made in 1948. On this basis, annual costs are computed to be $933,025. Annual benefits are estimated at $1,296,000. The resulting benefit-cost ratio is 1.4.

The Chief of Engineers considers the proposed Federal participation in the project appropriate "if it is the intent of Congress to provide Federal assistance in the development of recreational boating facilities of the type proposed in this report."

The President in his 1955 budget message stated that, "to the greatest extent possible, the responsibility for resource development, and its cost, should be borne by those who receive the benefits." The benefits from Playa del Rey harbor evidently will be largely local in character. While it is recognized that under the proposed plan local interest will be required to spend large sums for lands,

B-76

piers, bulkheads, floats, paving, and other facilities, they would be making no contribution to the cost of the general navigation features of the project. The vessel berthing and shore works are items which traditionally have been furnished by local interests in the case of all navigation improvements to insure effective use of the facilities provided by the Federal Government.

We believe that the Federal share of the costs of all recreational harbors should be limited to not more than 50 percent of the first cost of providing the general navigation facilities. In the case of Playa del Rey the general facilities appear to include the jetties, entrance channel, interior channel, and central basin.

Accordingly, while there would be no objection to submission of the report on Playa del Rey Harbor to Congress, authorization of the improvement recommended therein would not be in accord with the program of the President unless the Federal participation is limited to 50 percent of the cost of the general navigation facilities.

Sincerely yours,

DONALD R. BELCHER, *Assistant Director.*

COMMENTS OF THE STATE OF CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS,
Sacramento, June 26, 1952.

Gen. LEWIS A. PICK,
Chief of Engineers,
Department of the Army, Washington, D. C.

DEAR SIR: Your proposed report on a review of reports on and preliminary examination and survey of Playa del Rey Inlet and Basin, Venice, Calif., was received on April 7, 1952, and transmitted on the same date to the division of water resources of this department for review and report thereon.

The report of the division of water resources has been received and is transmitted herewith in accordance with the provisions of Public Law 14, 79th Congress, 1st session.

I concur in the recommendations contained in the report of the division of water resources and it is requested that said report be considered as expressing the views and recommendations of the State of California on your proposed report on a review of reports on and preliminary examination and survey of Playa del Rey Inlet and Basin, Venice, Calif. It is further requested that the report of the division of water resources, dated June 26, 1952, on this subject be transmitted to the President of the United States and to the Congress along with the other material that may be so transmitted.

Very truly yours,

FRANK B. DURKEE,
Director of Public Works.

B-77

Review by State Division of Water Resources of Proposed Report of the Chief of Engineers, United States Army, on Playa del Rey Inlet and Basin, Venice, Calif.

INTRODUCTION

In accordance with the provisions of section 1 of Public Law 14, 79th Congress, the proposed report of the Chief of Engineers, United States Army, on Playa del Rey Inlet and Basin, Venice, Calif., together with the reports of the Board of Engineers for Rivers and Harbors and of the district and division engineers, was transmitted by the Chief of Engineers on March 31, 1952, to Mr. Frank B. Durkee, director of public works, the official designated by Gov. Earl Warren as his representative in such matters. The report was received and referred to the State engineer on April 7, 1952, for review and report thereon. Thereafter, the reports were transmitted by the State engineer to Seth Gordon, director, department of fish and game; Rufus W. Putnam, executive officer of the State lands commission; Newton B. Drury, chief, division of beaches and parks of the department of natural resources; and G. T. McCoy, State highway engineer.

Authority for report

The report was prepared pursuant to a resolution adopted June 2, 1936, which reads as follows:

> *Resolved by the Committee on Commerce of the United States Senate*, That the Board of Engineers for Rivers and Harbors, created under section 3 of the River and Harbor Act approved June 13, 1902, be, and is hereby, requested to review the reports on Playa Del Rey Inlet and Basin, Venice, California, printed in House Document No. 1880, 64th Congress, 2d session, with a view to determining whether any improvement of the locality is warranted at the present time.

Further authorization was contained in Public Law 392, 75th Congress, approved August 26, 1937, which reads in part as follows:

> Sec. 4. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, * * * harbor at Playa Del Rey, California * * *.

A review of reports on Playa del Rey Inlet and Basin, Venice, Calif., and preliminary examination of the harbor at Playa del Rey, Calif., dated May 26, 1939, was submitted by the district engineer in accordance with the foregoing authorizations. The district engineer's report was reviewed by the Board of Engineers for Rivers and Harbors, and a report of survey scope was authorized by the Chief of Engineers on April 6, 1944, to determine the advisability and cost of improvement and the local cooperation required.

Recommendations of the Chief of Engineers

The following is quoted from the proposed report of the Chief of Engineers now under review:

> After full consideration of the reports secured from the district and division engineers, and after affording local interests full opportunity to be heard, the Board recommends provision of a harbor at Playa del Rey, Calif., to consist of 2 entrance jetties each about 2,300 feet long; an entrance channel 20 feet deep, 600 feet wide, and 1,925 feet long; an interior channel 20 feet deep, 600 feet wide, and 5,600 feet long; a central basin 10 feet deep; and 2 side basins 20 feet deep and 10 side basins 10 feet deep, separated by mole-type piers; the dredged material to be utilized for construction of the piers and for deposition on adjacent lowlands and beaches; all generally in accordance with the plan of the district engineer and the comments herein, and with such modifications thereof as in the discretion

B-78

of the Chief of Engineers may be advisable; at an estimated cost to the United States of $6,151,000 for construction and $25,000 annually for maintenance, subject to the condition that local interests agree to (*a*) provide without cost to the United States all rights-of-way necessary for construction and maintenance of the improvement and furnish suitable spoil-disposal areas for initial work and subsequent maintenance when and as required; (*b*) secure and hold in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; (*c*) relocate oil wells and relocate and construct public utilities as required; (*d*) construct a bulkhead around basin K and stone revetment on the side slopes of the remaining basins; (*e*) extend the north jetty at Ballona Creek to a length sufficient to hold the fill to be placed on the beach to the north thereof; (*f*) provide adequate berthing and other facilities for small craft; (*g*) provide adequate parking areas, access roads, and landscaping of the piers; (*h*) establish a public body to regulate the use and development of the harbor facilities which shall be open to all on equal terms; (*i*) dredge or bear the actual cost of dredging the 12 side basins; (*j*) maintain and operate the entire project except aids to navigation, entrance jetties, and project depths in the entrance channel, the interior channel, and in the central basin; and (*k*) hold and save the United States free from damages due to the construction and maintenance of the improvement; and also subject to the condition that adoption of a project as recommended shall not relieve local interests of responsibility for stabilization of beach fill along the shores of Santa Monica Bay with such Federal assistance as may be authorized following completion of the cooperative beach erosion control study now in progress. The local cooperation is estimated to cost $19,427,000.

3. The proposed improvements are designed to meet recreational boating needs and are not significant from the standpoint of commercial navigation. The preponderance of benefits accruing to local interests as compared with general benefits of the type which warrant Federal participation is reflected in the relatively large non-Federal expenditures contemplated as compared with the proposed Federal costs. The proportion of Federal and non-Federal participation recommended by the Board of Engineers for Rivers and Harbors is considered appropriate if it is the intent of Congress to provide Federal assistance in the development of recreational boating facilities of the type proposed in this report. Subject to this, I concur in the views and recommendations of the Board. I further recommend that any authorizing legislation provide that construction shall not be initiated until conditions are such that the work will not interfere with the effort needed to meet existing and prospective emergency requirements.

Description of area

Playa del Rey is located in the central portion of the coast of Santa Monica Bay, about 26 miles upcoast by water from Los Angeles Harbor, and 3 miles downcoast from Santa Monica Harbor. The site proposed for the small craft harbor consists of about 1,200 acres of salt marshlands lying immediately north of the Ballona Creek flood-control channel and south of the Venice district. It is included within the incorporated area of the city of Los Angeles.

In 1903, as part of a real estate development, a series of canals was dredged in the Venice area. Many of these canals have since been filled and utilized for city streets, but the main canal still traverses the proposed harbor site, paralleling the coast and connecting with tide gates in the Ballona Creek channel. There is no navigable connection between the sloughs of the proposed harbor area and the ocean, and the Venice canals are utilized only by rowboats. The Federal Government completed the Ballona Creek flood-control channel and jetties in 1938. This trapezoidal channel is 200 feet wide, with stone paved sides on 1 on 3 slopes. The original random stone jetties at the mouth of the channel were extended by the city of Los Angeles in 1946, and are now about 1,350 feet in length. The harbor site includes a part of the Venice oilfield. Production from this field has declined from a peak exceeding 40,000 barrels per day in the discovery year of 1930 to about 2,300 barrels per day during 1946. About 40 wells have been

B-79

abandoned due to low production and salt-water intrusion, leaving 111 wells on low production.

Local interests consider that the proposed harbor at Playa del Rey would be an integral unit of an adopted general plan for development of the Santa Monica Bay shoreline. This plan includes widening and improving beaches, providing adequate bath houses, parking areas, picnic facilities, special recreation centers, bathing and wading beaches, fishing piers, youth organization camps, tourist parks with cabin and trailer accommodations, and a bird refuge.

Cost of proposed works

In the report of the district engineer, the total first cost of the project is given as $25,603,000, with a Federal first cost of $9,098,000 and non-Federal first cost of $16,505,000. The total annual carrying charges would be $919,920, and the annual benefits would be $1,529,000. The benefit-cost ratio of the proposed harbor project would be 1.7 to 1.

The Board of Engineers for Rivers and Harbors, in reviewing the report of the district engineer, reevaluated the costs and benefits estimated by the district engineer. In considering both the evaluated and intangible benefits, the Board stated in its report that the Federal interest in the proposed improvement would be served by Federal participation to the extent of providing and maintaining the entrance jetties, entrance channel, interior channel, and central basin shown on the maps accompanying the district engineer's report, all at an estimated first cost of $6,151,000 for construction exclusive of aids to navigation, and $25,000 annually for maintenance, with local interests providing and maintaining all other works including dredging of the side basins at an estimated first cost of $19,427,000.

The Board of Engineers for Rivers and Harbors also reduced the benefits allocated by the district engineer to sport fishing vessels from $280,000 to $47,000, making the total annual benefits $1,296,000. Subsequent to the submission of the report by the district engineer, the United States Coast Guard submitted a revised estimate of $42,000 for first cost of aids to navigation, an increase of $17,000, making a total first cost of the project of $25,620,000. The total annual carrying charges are estimated by the Board to be $933,025, of which $277,555 is Federal, and $655,470 is non-Federal, giving a benefit-cost ratio of 1.4. The recommendation of the Board of Engineers for Rivers and Harbors as to Federal participation is concurred in by the Chief of Engineers.

Local contributions

At its meeting on April 25, 1946, the City Council of Los Angeles adopted a report declaring that the public interest and welfare of the city of Los Angeles and vicinity require the provision of additional small craft facilities by means of construction of a small craft harbor at Playa del Rey, assisting the Federal Government in such undertaking by assuming those obligations required under Federal law in connection [redacted] project.

By resolu[redacted]pted September 28, 1948, and June 7, 1949, the Board of Su[redacted] of the County of Los Angeles declared that the public interest and welfare of the county of Los Angeles and its citizens require that provision be made for additional small craft facilities by means of construction of a small craft harbor at Playa del

B-80

Rey. The Board agreed, insofar as it is authorized by law and the favorable vote of the electorate to do so, to assume the following obligations in connection with the Playa del Rey Harbor project:

(1) Provide without cost to the United States all lands, easements, and rights-of-way for the construction and maintenance of the proposed improvements;

(2) Hold and save the United States free from all claims for damages arising from the construction or operation of the improvement;

(3) Assume the cost of alteration, relocation, or rebuilding of highways and highway bridges, or arrange for the alteration, relocation, or rebuilding of these highways and highway bridges without cost to the United States;

(4) Assume the cost of relocation or reconstruction of utilities or drainage structures;

(5) Contribute in cash or equivalent work, the cost of a steel sheet pile bulkhead and stone revetment required in the side basins;

(6) Provide without cost to the United States all necessary slips and slip facilities and facilities for the repair, service, and supply of small craft on terms reasonable and equal to all;

(7) Secure and hold for public interest lands bordering on the proposed improvement to a depth sufficient for the proper functioning of the harbor;

(8) Furnish assurances satisfactory to the Secretary of War that the area will be improved by the construction of slips, utilities, repair facilities, and other appurtenant works, without cost to the United States and at a rate that will result in complete development of the harbor area within a reasonable time in accordance with plans and time schedules to be approved by the Secretary of War;

(9) Assume the cost of extending the upcoast jetty at Ballona Creek flood-control channel.

(10) Operate and maintain the entire project except aids to navigation, entrance jetties, and project depths in the entrance and interior channels, and in central basin.

According to the report of the Board of Engineers for Rivers and Harbors, local interests were advised of the reduction in financial participation by the Federal Government in the first cost of the project and, at a public hearing held by the Board of Engineers for Rivers and Harbors in the area of the desired improvement, local interests indicated they would endeavor to cooperate in the work of improvement to the extent considered necessary by the Board.

COMMENTS BY STATE AGENCIES

The proposed report of the Chief of Engineers on survey, navigation Playa del Rey Inlet and Basin, Venice, Calif., has been reviewed. As a result of this review and study, the following comments are respectfully submitted:

Division of Water Resources

The following is quoted from the district engineer's report concerning the effect of the construction of the project on saline contamination of the ground waters of the west coast basin:

50. *Saline contamination.*—An investigation was made concerning the effects of the proposed harbor on saline contamination of underground water. This investigation indicated that (1) sea water has already contaminated the ground water

B-81

within most of the area that would be occupied by the harbor: (2) further landward progress of this contamination depends primarily on the rate of withdrawal of ground water in the vicinity of the harbor site and on the steepness of the landward gradient produced by this withdrawal; and (3) introduction of sea water by constructing the harbor would not modify existing ground-water conditions.

Available information confirms conclusion No. 1 of the district engineer, as quoted above. Fieldwork in the area disclosed the following information:

1. Three active irrigation wells are situated within the perimeter of the proposed site. An additional 7 active irrigation wells are situated within 3,000 feet of the perimeter of the harbor. A total of 26 active irrigation wells are located within the area investigated, the most distant well being situated about 9,000 feet from the harbor perimeter.

2. Partial analyses of water samples obtained in April 1952 from 2 active water wells located within the perimeter of the proposed harbor show 640 and 486 parts per million chloride, respectively. The chloride content of ocean water is about 18,000 parts per million.

Water samples from 2 other active wells located within 2,000 feet of the perimeter contained 213 and 355 parts per million chloride, respectively. Samples from 2 more wells located 3,700 and 8,400 feet east of the eastern perimeter contained 216 and 284 parts per million chloride, respectively.

3. A rapid crop survey covering the area in the vicinity of the proposed Playa del Rey Harbor project indicates approximately 1,200 acres of truck crops are presently irrigated from wells. Based on an assumed consumptive-use factor of 1.7 acre-feet per acre and an assumed irrigation efficiency of 50 percent, annual consumption is about 2,000 acre-feet and well water production about 4,000 acre-feet per annum.

The district engineer's quoted conclusion No. 2 is likewise believed to be essentially correct concerning the present situation. Saline contamination of ground water in the Playa del Rey area was first noted in wells near the ocean in the 1920's. Coincident with increased pumping draft in the west coast basin, accompanied by further lowering of the water table below sea level, the saline intrusion progressively moved inland until by 1945–46 the limit of 500 parts per million of chloride contamination was from 1½ to 2 miles from the ocean in the Playa del Rey area.

Water level measurements in Ballona Gap in the spring of 1950 indicated the water table to be sloping inland from the coastline with a maximum gradient of about 6 feet per mile.

The proposed harbor overlies an important aquifer known as the "50-foot gravel," so named because the average depth of its base is about 50 feet below ground surface. In the vicinity of the site of the harbor the top of this aquifer is 40 to 45 feet below land surface. A study of the logs of 14 wells located within one-half mile of the perimeter of the harbor site indicates the aggregate thickness of relatively impervious material contained in the sediments overlying the aquifer to vary from 0 to 16 feet. Average aggregate thickness of clay above the aquifer is about 9 feet. In general, a large percentage of the impermeable material above the 50-foot gravel occurs near the land surface.

The General Plan of Improvement (enclosure 1 of the report) indicates dredgings to a depth of 20 feet below sea level, representing excavation to a total depth of roughly 25 feet below the present land

B-82

surface. Such dredging will obviously decrease the thickness of impermeable material lying between the floor of the harbor and the top of the water-bearing zone, thereby decreasing the resistance offered to the percolation of sea water into the aquifer.

From the foregoing observations, it is believed that the quoted conclusion No. 3 of the district engineer is contrary to what may be expected if the harbor is constructed, and that construction of the harbor would aggravate the present conditions of sea-water intrusion and endanger the water quality of wells located near its perimeter in the following ways:

1. By reducing (through dredging) the thickness of relatively impermeable materials which lie between the surface and the top of the 50-foot gravel aquifer.
2. By increasing the landward slope of the water table and consequently the rate of landward flow of saline water. This slope would be increased as a result of moving the shoreline inland through construction of the harbor.
3. By decreasing the lateral distance that sea water must travel to reach producing wells.

It is believed that if this project is pursued, the ruination of water wells in the immediate vicinity of the harbor should be contemplated. However, the present landward sloping water table indicates that the threat of ocean water pollution already exists at these wells. Also, lands presently irrigated in the vicinity are rapidly being subdivided, and these subdivisions are being served with domestic water imported from outside sources. For these reasons, and because of the probable increase in property values due to the harbor project, ultimate benefits may offset the possible damage to the limited ground-water supply.

Division of Highways

G. T. McCoy, State highway engineer, by communication dated June 11, 1952, submitted the following:

State highway routes will not be directly affected by the recommended plan of the harbor improvement. The proposed development plan of the local planning commission includes provisions for access parkway facilities which will cross and connect with U. S. 101, State Route 60. It is understood that such development involving interchanges or alterations affecting the State highway will be undertaken as part of the obligations of the local interests without commitment of the Division of Highways to costs thereof. The Division of Highways' attitude with respect to the project will, we assure you, be cooperative.

State Lands Commission

Col. Rufus W. Putnam, executive officer of the State Lands Commission, submitted the following comments on April 15, 1952:

The jurisdiction of the tide and submerged lands adjacent to the proposed harbor development is in the city of Los Angeles by legislative grant. No State lands under the jurisdiction of the State Lands Commission are affected by the proposed development.

Department of Fish and Game

Seth Gordon, director, Department of Fish and Game, by communication dated June 6, 1952, submitted the following:

We do not believe the project would have any harmful effect on the fisheries. However, the benefit figures given for sport-fishing operations (p. 33) are optimistic. Operations at Palya del Rey would draw fishermen away from other landings rather than add new fishermen, it is believed.

It would affect a small waterfowl marsh.

47022—54——2

B-83

Department of Natural Resources

Newton B. Drury, chief, Division of Beaches and Parks of the Department of Natural Resources, on June 18, 1952, stated that the thoughts expressed in the comments previously submitted to the district engineer on January 6, 1949 still reflect the reaction of the division to the project.

The comments, submitted by Gen. Warren T. Hannum, director of natural resources, on January 6, 1949, are as follows:

(*a*) It is found that plan of development as proposed in the district engineer's report would provide a greatly needed harbor for light craft vessesl, and as a harbor refuge for such craft cruising along the coast.

(*b*) That the proposed harbor development is in general in conformity with the county master plan as approved by the State Park Commission.

(*c*) That there is no State cooperation proposed in the plan, the city of Los Angeles having expressed its desire and willingness to meet the requirements of local cooperation as set forth by the district engineer.

(*d*) That the incidental benefits to the State park system, due to the deposit of sand on the beaches both upcoast and downcoast from the proposed entrance jetties would be very great.

It is recommended therefore, that the report be approved with a favorable comment indicating the advantages to the State park system from the deposit of sand on the Santa Monica beaches.

CONCLUSIONS

The following conclusions are submitted with respect to improvements recommended by the Chief of Engineers in his proposed report on Playa del Rey Inlet and Basin, Venice, Calif., giving consideration to (*a*) need for the project (*b*) engineering feasibility and effectiveness of the proposed works, and (*c*) economic justification for the project:

1. The improvements will provide a desirable addition to small-craft facilities along the southern California coast. The project is an integral part of the general plan for development of the shoreline of Santa Monica Bay.

2. Local interest in and approval of the project have been demonstrated by resolution of the city council of the city of Los Angeles, and by resolution of the Board of Supervisors of the County of Los Angeles, giving assurance that the county will assume those non-Federal contributions and obligations in connection with the project which are required by Federal law.

3. The improvements appear to be of sound and adequate design and feasible of construction and operation.

4. Construction of the proposed harbor will introduce ocean water inland a distance of more than 1 mile, and increase the rate of saline contamination of ground waters of the west coast basin. Except in this respect, the proposed works will not conflict with any beneficial consumptive use, present or future, of water for domestic, municipal, stock water, irrigation, mining, or industrial purposes.

RECOMMENDATIONS

It is recommended that the plan of improvement for the small-craft harbor at Playa del Rey Inlet and Basin, Venice, Calif., as recommended by the Chief of Engineers, be authorized for construction, and that Federal funds be appropriated for the purpose.

SACRAMENTO, CALIF., *June 26, 1952.*

A. D. EDMONSTON,
State Engineer.

B-84

COMMENTS OF THE DEPARTMENT OF THE INTERIOR

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., July 25, 1952.

Lt. Gen. LEWIS A. PICK,
Chief of Engineers, Department of the Army,
Washington, D. C.

MY DEAR GENERAL PICK: This is in response to your letter of March 31 transmitting for review by the Department of the Interior copies of your proposed report on the Playa del Rey Inlet and Basin, Calif. Your letter also transmitted copies of the reports of the Board of Engineers for Rivers and Harbors and of the district and division engineers.

Your proposed report recommends that the Federal Government undertake the construction of a harbor at Playa del Rey, Calif., for the use of small boats, subject to deferment of construction until conditions are such that the project would not interfere with existing or prospective emergency requirements on the national economy. The improvement would consist of two entrance jetties, an entrance channel, an interior channel, a central basin, 12 side basins, and a number of piers. The cost to the United States of the improvement would be $6,151,000 for construction, exclusive of aids to navigation, and $25,000 annually for maintenance. The construction cost to local interests for the improvement would total an additional $19,427,000.

The harbor would be built almost wholly for the benefit of pleasure craft owned by private individuals in the Los Angeles area. The benefits from the construction of the harbor are shown to be $1,529,000 annually in the report of the district engineer, of which $805,000 are designated as "general (Federal) benefits" and $724,000 as local (non-Federal) benefits. Those benefits classed as Federal consist of $450,000 for recreational harbor benefit, $75,000 for prevention of boat damage, and $280,000 for increased fish catch. The Board of Engineers for Rivers and Harbors, however, finds the latter figure excessive and reduces it in the Board's report to $47,000. In our view this is the only legitimate Federal benefit from the project. We have serious doubts that prevention of boat damage or recreational harbor benefits to local boatowners can be classed by any stretch of logic as "general Federal benefits."

We note that the proposed report of the Chief of Engineers indicates that the Department of the Army also has serious question as to the soundness of a policy of spending Federal funds on a single-purpose project primarily for the benefit of local pleasure craft owners. Paragraph 3 of this proposed report states that the proportion of Federal and non-Federal participation is considered appropriate "if it is the intent of Congress to provide Federal assistance in the development of recreational boating facilities of the type proposed in this report."

Should the proposed project be constructed in accordance with the plan presented in the report, it can be expected that hundreds of other communities will seek the same type of project with comparable Federal participation. It therefore seems to us important that a policy covering this point with respect to projects of the Corps of Engineers be clearly established. It is suggested that the final draft of the report of the Chief of Engineers contain a suitable recommendation on this matter.

B-85

Paragraph 49 of the district engineers report covers the effect of the harbor improvement on wildlife resources. It is noted that the Fish and Wildlife Service of this Department in a letter of April 26, 1946, indicated that no objection will be interposed to construction of the project on account of the elimination of certain wildlife habitat. The district engineer also received a letter from the regional director of the Fish and Wildlife Service dated September 14, 1949, commenting on the project. It is suggested that these letters from a part of the enclosures accompanying the survey report when it is transmitted to the Bureau of the Budget and to the Congress. I endorse the position taken in these communications to the district engineer from the Fish and Wildlife Service.

Opportunity to review and comment on the reports is sincerely appreciated.

Sincerely yours,

MASTIN G. WHITE,
Acting Secretary of the Interior.

REPORT OF THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington 25, D. C., August 8, 1952.

Subject: Playa del Rey Inlet and Basin, Venice, Calif.
To: The Secretary of the Army.

1. I submit herewith for transmission to Congress the report of the Board of Engineers for Rivers and Harbors in response to resolution of the Committee on Commerce of the United States Senate, adopted June 2, 1936, requesting the Board to review the reports on Playa del Rey Inlet and Basin, Venice, Calif., printed in House Document No. 1880, 64th Congress, 2d session, with a view to determining whether any improvement of the locality is warranted at the present time. It is also in review of the reports on preliminary examination and survey of harbor at Playa del Rey, Calif., authorized by the River and Harbor Act approved August 26, 1937.

2. After full consideration of the reports secured from the district and division engineers, and after affording local interests full opportunity to be heard, the Board recommends provision of a harbor at Playa del Rey, Calif., to consist of 2 entrance jetties each about 2,300 feet long; an entrance channel 20 feet deep, 600 feet wide, and 1,925 feet long; an interior channel 20 feet deep, 600 feet wide, and 5,600 feet long; a central basin 10 feet deep; and 2 side basins 20 feet deep and 10 side basins 10 feet deep, separated by mole-type piers; the dredged material to be utilized for construction of the piers and for deposition on adjacent lowlands and beaches; all generally in accordance with the plan of the district engineer and the comments herein, and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable; at an estimated cost to the United States of $6,151,000 for construction and $25,000 annually for maintenance, subject to the condition that local interests agree to: (*a*) provide without cost to the United States all rights-of-way necessary for construction and maintenance of the improvement and furnish suitable spoil-disposal areas for initial work and subsequent main-

B-86

tenance when and as required; (*b*) secure and hold in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; (*c*) relocate oil wells and relocate and construct public utilities as required; (*d*) construct a bulkhead around basin K and stone revetment on the side slopes of the remaining basins; (*e*) extend the north jetty at Ballona Creek to a length sufficient to hold the fill to be placed on the beach to the north thereof; (*f*) provide adequate berthing and other facilities for small craft; (*g*) provide adequate parking areas, access roads, and landscaping of the piers; (*h*) establish a public body to regulate the use and development of the harbor facilities which shall be open to all on equal terms; (*i*) dredge or bear the actual cost of dredging the 12 side basins; (*j*) maintain and operate the entire project except aids to navigation, entrance jetties, and project depths in the entrance channel, the interior channel, and in the central basin; and (*k*) hold and save the United States free from damages due to the construction and maintenance of the improvement; and also subject to the condition that adoption of a project as recommended shall not relieve local interests of responsibility for stabilization of beach fill along the shores of Santa Monica Bay with such Federal assistance as may be authorized following completion of the cooperative beach-erosion-control study now in progress. The local cooperation is estimated to cost $19,427,000.

3. The proposed improvements are designed to meet recreational boating needs and are not significant from the standpoint of commercial navigation. The preponderance of benefits accruing to local interests as compared with general benefits of the type which warrant Federal participation is reflected in the relatively large non-Federal expenditures contemplated as compared with the proposed Federal costs. The proportion of Federal and non-Federal participation recommended by the Board of Engineers for Rivers and Harbors is considered appropriate if it is the intent of Congress to provide Federal assistance in the development of recreational boating facilities of the type proposed in this report. Subject to this, I concur in the views and recommendations of the Board. I further recommend that any authorizing legislation provide that construction shall not be initiated until conditions are such that the work will not interfere with the effort needed to meet existing and prospective emergency requirements.

LEWIS A. PICK,
Lieutenant General, Chief of Engineers.

REPORT OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS

CORPS OF ENGINEERS, UNITED STATES ARMY,
BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington 25, D. C., October 30, 1951.

Subject: Playa del Rey Inlet and Basin, Venice, Calif.
To: The Chief of Engineers, Department of the Army.

1. This report is submitted in response to the following resolution adopted June 2, 1936:

Resolved by the Committee on Commerce of the United States Senate, That the Board of Engineers for Rivers and Harbors, created under section 3 of the River and Harbor Act approved June 13, 1902, be, and is hereby, requested to review the reports on Playa del Rey Inlet and Basin, Venice, Calif., printed in House Document No. 1880, 64th Congress, 2d session, with a view to determining whether any improvement of the locality is warranted at the present time.

B-87

It is also in review of the reports on preliminary examination and survey of harbor at Playa del Rey, Calif., authorized by the River and Harbor Act approved August 26, 1937.

2. Playa del Rey is on Santa Monica Bay on the coast of California, 20 miles northwest of Los Angeles Harbor. The proposed harbor site consists largely of salt marsh and lowlands traversed by a number of canals and sloughs with depths varying from 2 to 10 feet below mean lower low water. It is separated from Santa Monica Bay by a narrow beach. There is no navigable outlet from the proposed harbor site to Santa Monica Bay. Ballona Creek flows through an artificial channel along the southerly side of the proposed harbor. A tide gate connecting the interior canals and sloughs with Ballona Creek provides a drainage outlet through Ballona Creek and inlet to Santa Monica Bay. The mean range of tide in Santa Monica Bay is 3.7 feet and the extreme range is 10.5 feet. The Venice district of the city of Los Angeles adjoins the proposed harbor on the north. There is no existing Federal project for improvement for navigation at Playa del Rey. There is, however, an existing Federal flood-control project for Ballona Creek which forms part of a comprehensive approved plan for flood control and other purposes for Los Angeles County drainage area, California. It includes construction of channel improvements along Ballona Creek; 2 stone jetties extending into the ocean for approximately 800 feet; highway and railroad bridges; and a tide gate connecting the proposed harbor site with Ballona Creek. Construction of these improvements was completed in 1940. In 1946 the city of Los Angeles extended the jetties 580 feet in connection with a beach-widening program. In times past, local interests constructed canals in the Venice area, constructed sheet-pile jetties on each side of the Ballona Inlet, and made an unsuccessful attempt to dredge an interior basin.

3. The general tributary area, which includes all of metropolitan Los Angeles, is bounded by a line extending from Oxnard through Bakersfield and Bishop, Calif., to Tonopah and Las Vegas, Nev., and back through Needles and Beaumont to San Clemente, Calif. The immediate tributary area comprises 638 square miles of metropolitan Los Angeles extending from the Pacific Ocean to the San Gabriel Mountains and from San Fernando Valley to El Segundo. The estimated population of this immediate area was 2,307,725 in 1946, including 1,522,702 within the city limits of Los Angeles. Principal activities are petroleum production and refining, motion-picture production, manufacturing, and farming. A part of the proposed harbor would extend over the Del Rey Hills and Venice areas of the Playa del Rey oilfield. There is no water borne freight traffic and no terminal or transfer facility at Playa del Rey. Rowboats are used occasionally on the canals within the proposed harbor site. The region is served by railroads and highways.

4. Local interests request provision by the United States of a harbor for small craft at Playa del Rey as part of a comprehensive plan for park and beach development including recreational boating facilities. Various specific requests were advanced by local interests in connection with the plan of improvement but these evolved during the course of the investigation to substantially the plan presented by the district engineer. Local interests point out the need for adequate facilities for small craft in the Santa Monica Bay area and nearby districts,

B-88

the overcrowding in existing harbors, the desirability of separating recreational boating areas from commercial and naval waters, and the favorable economic effect of such an improvement including the benefits to be derived from land reclamation.

5. The district engineer finds there is need for additional harbor facilities for small craft in southern California, particularly in the Santa Monica Bay area. He estimates that, on the basis of the California average of 2.79 boats per 1,000 population, the immediate tributary area would sustain about 6,500 small craft, and on the basis of the Los Angeles average of 1.6 per 1,000 population, the remainder of the tributary area would sustain an additional 960 craft. He points out that the number of craft using the harbor probably would greatly exceed these figures inasmuch as the tributary area contains a high percentage of persons most able to own small craft, and the population is steadily increasing. He concludes that the present and future needs of the tributary area require an improvement with an ultimate capacity of 8,000 craft and estimates that half the ultimate capacity will be reached within 5 years after construction of the improvement. Basing his calculations upon the distribtuion of existing boatowners within the area, he estimates 1,000 would transfer from other harbors, of which 20 would be from Santa Monica Harbor, 400 from Los Angeles Harbor, and 580 from Newport Bay Harbor. He estimates that the remaining 7,000 would be new vessels. Although the improvement is designed for an ultimate capacity of 8,000 craft, the district engineer conservatively bases the estimate of benefits on the 4,000 craft expected to be realized a few years after construction. His cost estimates are based upon construction to provide for the ultimate capacity of 8,000 craft, except that the costs for berthing facilities are based upon construction of the initial 4,000 berths. The cost of the remaining 4,000 berths will be more than offset by the benefits from this additional number of boats. The district engineer considers that the proposed improvement at Playa del Rey is the most suitable for making recreational harbor facilities in Santa Monica Bay available to the largest number of boatowners at the least cost. He states that recovery of petroleum from the existing oilfield could be continued by relocating the wells.

6. The district engineer's plan of improvement provides for construction of an entrance channel 1,925 feet long and an interior channel 5,600 feet long, each 20 feet deep and 600 feet wide, the entrance channel to be protected by 2 jetties, each 2,300 feet long; a central basin 10 feet deep; 2 side basins 20 feet deep and 10 side basins 10 feet deep, separated by mole-type piers; and for certain work to be done by local interests. The dredged material would be used to construct the mole-type piers and to reclaim adjacent lowlands and beaches. The district engineer estimates the total first cost of the proposed plan at $25,603,000, of which the Federal first cost is $9,073,000 for construction and $25,000 for aids to navigation; and the non-Federal first cost is $16,505,000 for lands and rights-of-way including disposal areas, relocation of oil wells, relocation and construction of public utilities, construction of a bulkhead and stone revetments, provision of berthing and other facilities for small craft, development of the area surrounding the harbor for park and recreational purposes, and extension of the north jetty at Ballona Creek. The Federal annual carrying charge is estimated at $395,550, including

B-89

$25,000 for annual maintenance of the 2 entrance jetties and of project depths in the entrance and interior channels and in the central basin. The net non-Federal annual carrying charge is estimated at $524,370 after deducting $190,600, returns from slip rentals. The total annual carrying charge is $919,920. The district engineer estimates the average annual benefits from the proposed improvement at $1,529,000, comprising $215,000 from land enhancement due to fill, $16,000 from decreased cost of mosquito control, $280,000 from increased fish catch from sport fishing activities, $75,000 from prevention of storm damage to small craft, $43,000 from decreased automobile travel and decreased boat maintenance resulting from transfer of vessels from distant harbors, and $900,000 from recreational benefits to owners of new vessels. The benefit-cost ratio is 1.7. The district engineer recommends adoption of a project to establish a harbor in accordance with his proposed plan subject to the conditions that local interests give assurances satisfactory to the Secretary of the Army that they will secure and hold in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; provide without cost to the United States rights-of-way, including disposal areas; assume the cost of relocating oil wells and the cost of relocating and constructing public utilities; construct a bulkhead around one basin and stone revetment on the side slopes of the remaining basins; extend the north jetty at Ballona Creek; provide adequate berthing and other facilities for small craft; develop the harbor area for park and recreational purposes; establish a public body empowered to regulate the use, growth, and free development of the harbor facilities, open to all on equal and reasonable terms; prepare definite plans and schedules for construction of small craft facilities, subject to approval by the Secretary of the Army; maintain and operate the entire project, except entrance jetties, project depths in the entrance and interior channels and in the central basin, and aids to navigation; and hold and save the United States free from all claims for damages arising from construction or operation of the project. The division engineer concurs.

7. With respect to the effect of the improvement on adjacent shorelines, the district engineer finds that the shores of Santa Monica Bay down coast of the Santa Monica breakwater have been deprived of normal littoral nourishment since construction of the breakwater in 1933, and that the Playa del Rey jetties, 3 miles south of the breakwater, would act as a complete littoral barrier and would benefit the shore to the north. The plan of improvement proposed by the district engineer provides for deposition of 10,130,000 cubic yards of material, dredged from the harbor, on the beaches immediately upcoast of the Playa del Rey jetties and downcoast between Playa del Rey and Ballona Creek jetties, and deposition of 3,200,000 cubic yards of material downcoast of the Ballona Creek jetties. Disposal of the dredged material on the downcoast beaches as proposed would provide adequate nourishment for many years, and thereafter the beaches can be maintained in their advanced position by mechanical bypassing of material, a method now being considered in a cooperative beach erosion control study between the United States and the State of California. The Beach Erosion Board concurs in the conclusions of the district engineer as to the effect of the proposed improvement on the adjacent shorelines. It points out that adoption of the project

B-90

as recommended shall not relieve local interests of responsibility for stabilization of beach fill along the shores of Santa Monica Bay with such Federal assistance as may be authorized following completion of the cooperative beach erosion control study now in progress.

8. The Board of Engineers for Rivers and Harbors was not convinced of the advisability of the United States participating in the improvement to the extent recommended by the reporting officers and questioned whether local interests were in agreement as to operational control and sponsorship of the improvement. The Board so notified local interests and they requested a public hearing. At the hearing held by the Board in the area of the desired improvement, local interests indicated they would endeavor to cooperate in the work of improvement to the extent considered necessary by the Board and would agree among themselves in the matter of operational control and sponsorship of the improvement. The commander, 11th Coast Guard District, stated in a communication that a harbor at Playa del Rey would serve as a refuge, would make available a harbor from which Coast Guard patrol and rescue craft could operate, and would tend to relieve the congestion and contribute to general maritime safety in the Los Angeles-Long Beach area. Subsequent to the public hearing, the Hughes Aircraft Co. advised the Board that the proposed improvement would interfere with a contemplated expansion of its facilities and a proposed runway extension. The company was given an opportunity to furnish information in support of its claim but no evidence of importance has been received. The Board also requested the views of the Department of the Air Force and the Civil Aeronautics Administration concerning the claim of the Hughes Co. A communication from the Office, Deputy Chief of Staff, Department of the Air Force, states that the present plans of the Air Force do not contemplate expansion of the Hughes Co. which would result in conflict with the proposed harbor improvement for Playa del Rey, Calif. The Deputy Administrator of Civil Aeronautics, Civil Aeronautics Administration, states in a communication that study by its regional office reveals that no aircraft operation difficulties or conflicts will result by the development and operation of the proposed improvement.

VIEWS AND RECOMMENDATIONS OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS

9. The Board of Engineers for Rivers and Harbors concurs in the views of the reporting officers that a need exists for a harbor with an ultimate capacity of 8,000 small craft in the vicinity of Playa del Rey, Calif. The plan recommended by the district engineer together with work to be performed by local interests will provide a suitable improvement. Total prospective benefits are sufficient to justify the expenditure required. The Board believes that in addition to the evaluated benefits resulting directly from construction of the small-boat harbor, benefits would accrue to local interests from the use of the area as a park facility. It can be expected that the area will be visited and enjoyed by many persons in no way connected with small-boat commerce. Considering both the evaluated and intangible benefits, the Board is of the opinion that the Federal interest in the proposed improvement would be served by Federal participation to

B-91

the extent of providing and maintaining the entrance jetties, entrance channel, interior channel, and central basin shown on the maps accompanying the district engineer's report, all at an estimated first cost of $6,151,000 for construction exclusive of aids to navigation, and $25,000 annually for maintenance, with local interests providing and maintaining all other works including dredging of the side basins at an estimated first cost of $19,427,000. Local interests state they will meet the requirements of local cooperation as indicated by the Board. Benefits from 35 sport fishing vessels are estimated by the district engineer as $280,000, which is $8,000 per vessel. Basing its conclusions on investigations of this type of fishing, the Board finds that a total of $47,000 is more reasonable. The total annual benefits would then amount to $1,296,000. The Board of Engineers for Rivers and Harbors has carefully considered the data presented by the district engineer and Beach Erosion Board with respect to the effect of the improvement on the adjacent shoreline. It is of the opinion—after taking into account the stabilizing effect on the upcoast beaches, the effect of the existing Ballona Creek jetties, and the deposition on adjacent beaches of approximately 13,330,000 cubic yards of material dredged from the harbor, including the deposition of 3,200,000 cubic yards downcoast of the Ballona Creek jetties—that the beneficial effects to the adjacent shoreline would more than offset any adverse effects that would occur. The Board agrees with the Beach Erosion Board that accomplishment of the improvement shall not modify the relative responsibility of local interests and the United States in connection with any work which may be authorized for stabilization of adjacent beaches following completion of the cooperative beach erosion control study now in progress. Subsequent to submission of the report by the district engineer the United States Coast Guard submitted a revised estimate of $42,000 for the first cost of aids to navigation, an increase of $17,000. The total first cost then becomes $25,620,000. With the distribution of costs as proposed by the Board, including the new estimate for aids to navigation, the total annual carrying charge becomes $933,025 of which $277,555 is Federal and $655,470 is non-Federal. The benefit-cost ratio is 1.4.

10. The Board accordingly recommends provision of a harbor at Playa del Rey, Calif., to consist of 2 entrance jetties each about 2,300 feet long; an entrance channel 20 feet deep, 600 feet wide, and 1,925 feet long; an interior channel 20 feet deep, 600 feet wide, and 5,600 feet long; a central basin 10 feet deep; and 2 side basins 20 feet deep and 10 side basins 10 feet deep, separated by mole-type piers; the dredged material to be utilized for construction of the piers and for deposition on adjacent lowlands and beaches; all generally in accordance with the plan of the district engineer and the comments herein, and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable; at an estimated cost to the United States of $6,151,000 for construction and $25,000 annually for maintenance, subject to the condition that local interests agree to: (*a*) provide without cost to the United States all rights-of-way necessary for construction and maintenance of the improvement and furnish suitable spoil-disposal areas for initial work and subsequent maintenance when and as required; (*b*) secure and hold in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; (*c*) relocate oil wells and relocate

B-92

and construct public utilities as required; (*d*) construct a bulkhead around basin "K" and sto revetment on the side slopes of the remaining basins; (*e*) extend the north jetty at Ballona Creek to a length sufficient to hold the fill to be placed on the beach to the north hereof; (*f*) provide adequate berthing and other facilities for small craft; (*g*) provide adequate parking areas, access roads, and landscaping of the piers; (*h*) establish a public body to regulate the use and development of the harbor facilities which shall be open to all on equal terms; (*i*) dredge or bear the actual cost of dredging the 12 side basins; (*j*) maintain and operate the entire project except aids to navigation, entrance jetties, and project depths in the entrance channel, the interior channel, and in the central basin; and (*k*) hold and save the United States free from damages due to the construction and maintenance of the improvement; and also subject to the condition that adoption of a project as recommended shall not relieve local interests responsibility for stabilization of beach fill along the shores of Santa Monica Bay with such Federal assistance as may be authorized following completion of the cooperative beach erosion control study now in progress.

For the Board:

G. J. NOLD,
Major General, Chairman.

REPORT OF THE DISTRICT ENGINEER

SYLLABUS

The district engineer finds that there is need for additional small-craft facilities Santa Monica Bay. He finds that the provision of such facilities at Playa del is practicable, that the site is the one most suitable for construction of a small- t harbor near the Los Angeles metropolitan area, and that the facilities would used to capacity.

The district engineer estimates the tangible benefits at $1,529,000 a year and large intangible benefits would accrue. He estimates the total first cost of project at $25,603,000 (including $25,000 costs to the United States Coast rd for aids to navigation), and the annual charges at $919,920. The benefit- ratio would be 1.7 to 1.

The district engineer recommends that a project be adopted to establish a or for small-craft navigation at Playa del Rey, Calif., to consist of two harbor ance jetties; an entrance channel 600 feet wide and 20 feet deep; an interior nel 600 feet wide, 5,600 feet long, and 20 feet deep; 2 side basins 20 feet deep a central basin and 10 side basins 10 feet deep separated by mole-type piers; deposition of dredged material in the mole-type piers, on adjacent lowlands, along beach frontage; all at an estimated Federal first cost of $9,073,000, sive of aids to navigation, and $25,000 annually for maintenance; subject e condition that local interests shall give assurances satisfactory to the tary of the Army that the required cooperation will be furnished, such eration to be performed by a competent and duly authorized public body, cially able to accomplish the obligations so assumed and empowered to ate the use, growth, and free development of the harbor facilities with the rstanding that such facilities shall be open to all on equal terms. The red local cooperation would consist of: (1) Securing and holding in the c interest, lands bordering on the proposed development to a width sufficient roper functioning of the harbor; assuming the cost of all rights-of-way, ling disposal areas, the cost of relocating oil wells, and the cost of relocating onstructing public utilities; constructing stone revetments, a vertical bulk- and an extension of the upcoast jetty at Ballona Creek flood-control channel; ding adequate facilities for operating, berthing, maintaining, repairing, ing, and supplying small craft; and for developing the harbor area for park creational purposes, all at an estimated non-Federal first cost of $16,505,000; eparing definite plans and construction schedules for the construction of

B-93

small-craft facilities, including development of the mole-type piers, which sl be subject to approval by the Secretary of the Army; (3) maintaining and op ating the entire project except aids to navigation, entrance jetties, and proj depths in the entrance and interior channels and in the central basin; and holding and saving the United States free from all claims for damages arising fr the construction or operation of the project works.

DEPARTMENT OF THE ARMY,
CORPS OF ENGINEERS,
LOS ANGELES DISTRICT,
Los Angeles, Calif., August 16, 1948.

Subject: Survey of harbor at Playa del Rey, Calif.
Through: Division engineer, South Pacific Division, Oakland, Calif.
To: The Chief of Engineers, Department of the Army.

AUTHORITY

1. This report is submitted pursuant to a resolution adopted June 1936, which reads as follows:

Resolved by the Committee on Commerce of the United States Senate, Tl the Board of Engineers for Rivers and Harbors, created under section 3 of River and Harbor Act approved June 13, 1902, be, and is hereby, requested review the reports on Playa Del Rey Inlet and Basin, Venice, Calif., printed House Document No. 1880, 64th Congress, 2d session, with a view to determin whether any improvement of the locality is warranted at the present time—

and to River and Harbor Act, Public Law 392, 75th Congress, a proved August 26, 1937, which reads in part as follows:

SEC. 4. The Secretary of War is hereby authorized and directed to cause p liminary examinations and surveys to be made at the following-named localiti * * *:

* * * * * * *

Harbor at Playa Del Rey, Calif.

* * * * * * *

(In accordance with United States Geological Survey maps and wi local usage, the harbor under consideration is designated in this rep as Playa del Rey.)

2. A review of reports on Playa del Rey Inlet and Basin, Veni Calif., and preliminary examination of harbor at Playa del Rey, Cali dated May 26, 1939, submitted by the district engineer in accordan with the resolution and act quoted above, was reviewed by the Boa of Engineers for Rivers and Harbors. This report of survey scope w authorized by the Chief of Engineers in letter of April 6, 1944, to det mine the advisability and cost of improvement and the local cooper tion required.

DESCRIPTION

3. *Charts and maps.*—Playa del Rey inlet and vicinity are show on United States Coast and Geodetic Survey charts 5101 and 5144; Venice Quadrangle, United States Geological Survey of 1923; and maps, enclosures 5 [1] and 6 [1] of this report.

4. *General.*—Playa del Rey is located in the central part of San Monica Bay on the coast of southern California, 26 miles by wat northwesterly (upcoast) from Los Angeles Harbor, 3 miles sout easterly (downcoast) from Santa Monica Harbor, and about 4 miles southeasterly of San Francisco Bay. The Venice district, seaside resort annexed to the city of Los Angeles in November 192 adjoins the proposed harbor area on the north. The business cent

[1] Not printed.

B-94

of the city of Los Angeles is 15 miles inland to the east. A considerable portion of the area immediately north of Ballona Creek consists of the Venice Slough and canals which drain into the ocean through the outlet of Ballona Creek flood-control channel. This area comprises about 1,513 acres of salt marsh and low farm and residential lands located in the area between the Venice district and the Ballona Creek flood-control channel, and between United States Highway 101 Alternate (Lincoln Boulevard) and the Pacific Ocean. The farm and residential land, except the strip of residential and commercial property adjacent to the beach, is subject to flooding by moderate rainfall. The farmland is along the west side of Highway U. S. 101 Alternate, and the residential property is concentrated along the shoreline and between Washington Street and Venice Boulevard. The salt-marsh area comprises about 1,200 acres.

5. *Depth of water.*—The water depths in the canals and in the connecting sloughs vary from 2 feet to 10 feet below mean lower low water. The elevation of the salt-marsh area averages about 3 feet above mean lower low water.

6. *Tides.*—In Santa Monica Bay the mean tide range is 3.7 feet, the diurnal range is 5.6 feet, and the extreme range is about 10.5 feet.

7. *Exposure and weather.*—Severe ocean winds are rare in the immediate vicinity, as in all southern California coastal waters. Offshore ocean storms of varying intensities occur generally during the period December to March, inclusive, and may cause large ground swells, The ocean front is unprotected except to a small degree by Point San Vicente and by Santa Catalina Island (approximately 30 miles offshore) on the south, and by the trend of the coast and by Point Dume on the northwest. Prevailing winds are principally westerly and southwesterly and seldom attain storm violence, as indicated by the wind rose on map, enclosure 1. During the winter southerly offshore winds occasionally cause destructive wave action.

8. In general, the climate is mild and uniform. A summary of average annual wind and weather conditions and a tabulation showing the number of days each month during 1944 and 1945 that small-craft warnings were posted for the area is given in the following tables.

Average annual meteorological conditions in vicinity of Playa del Rey Harbor, Calif.

Month	Sunshine (percent)	True wind velocity (miles per hour)				Number of days—					
		Average hourly velocity	Prevailing direction	Maximum velocity	Direction of maximum velocity	Clear	Partly cloudy	Cloudy	With precipitation (0.01 inch or more)	Thunderstorms	Dense fog
January	70	6.1	NE	38	NE	15	9	7	6	(1)	1
February	68	6.6	NE	34	NW	13	8	7	6	(1)	2
March	68	6.2	SW	37	SW	13	10	8	6	1	2
April	68	6.0	SW	34	W	12	11	7	4	(1)	2
May	65	5.9	SW	30	W	11	14	6	2	(1)	2
June	70	5.7	SW	28	SW	13	14	3	1	(1)	3
July	78	5.6	SW	21	SW	16	14	1	(1)	(1)	3
August	79	5.5	SW	25	SE	19	11	1	(1)	(1)	3
September	77	5.4	SW	31	S	17	11	2	1	(1)	3
October	76	5.5	SW	28	NE	18	9	4	2	(1)	3
November	79	5.8	NE	35	NE	18	8	4	3	(1)	2
December	73	6.2	NE	35	NE	17	8	6	6	(1)	1
Year	72	5.9	W	.....	.....	182	127	56	37	5	27

[1] Less than 1 day.

B-95

Small-craft storm warnings posted

Month	Year—	
	1944	1945
	Days	*Days*
January	6	3
February	10	8
March	3	6
April	6	5
May	3	0
June	1	0
July	0	0
August	0	0
September	2	1
October	0	2
November	6	6
December	6	8
Total for year	43	37

9. *Navigation.*—There is no navigable connection between the ocean and the Venice canals and connecting sloughs. The ocean outlet is through a steel and concrete tide gate which connects the canals with the Ballona Creek flood-control channel. The canals are occasionally navigated only by small rowboats.

10. The only natural harbor in the southern California area is San Diego Bay, 133 miles to the south. Newport Bay Harbor was created in the tidal outlet of Santa Ana River by diverting the river from the harbor, dredging, and constructing jetties at the harbor entrance. This port is used primarily for recreational craft but has limited facilities for commercial fishing.

11. Los Angeles and Long Beach Harbors are two of the principal Pacific coast commercial harbors. During the war years, 1941–45, many owners of small craft who had been using these harbors were required to find mooring facilities in other harbors. The harbor departments of both Los Angeles and Long Beach are reluctant to assign space to smallcraft and do so only on short-time leases subject to cancellation. The operation of small craft in a commercial and naval harbor is hazardous to the small craft and is a nuisance to the commercial or naval interests.

12. Redondo Beach Harbor has a partially sheltered area of about 20 acres but this area is exposed to southerly storms. Boats anchoring in this harbor are extensively damaged each year.

13. Santa Monica Harbor, which originally comprised 92 acres, is now shoaled to 46 acres. The harbor area is partially protected by an offshore breakwater which was constructed by local interests in 1934. This breakwater has not been maintained and has deteriorated to a considerable extent. About 64 fishing boats and 21 recreational craft are moored within the lee of the breakwater. Because of insufficient mooring space and the poor protection afforded during storms, over 100 small boats are stored on the adjacent Santa Monica pier and several fishing boats anchor outside the breakwater. Boat losses in the harbor have been high in the past years, and marine-insurance agencies are very reluctant to insure boats anchored there. The master plan for shoreline development of Los Angeles County provides for removal of the existing breakwater at Santa Monica Harbor.

14. The numl
metropolitan ar

Number of sma

Long Beach	
Los Angeles	
Newport Bay	
Redondo Beach	
Santa Monica	
Alamitos Bay	
Total	

[1] Estimated by Long B
[2] Exclusive of about 100

15. *General trib*
posed harbor at
tary area include
enclosed by a lin
Bishop, Calif., to
Needles and Bea

16. *Immediate*
Playa del Rey, c
metropolitan Los
to any other exis
tends from the Pa
the San Fernando
5.[1] It includes
Burbank, Culver
Monrovia, Monte
San Gabriel, San
and part of the c
Hollywood, Nort
comprises 16 perc
the population of t
tax. The populat
mediate tributary

[1] Not printed.

B-96

14. The number of small craft moored at harbors in the Los Angeles metropolitan area are shown in the following table:

Number of small craft in Los Angeles metropolitan area, California (1946)

Harbor	Number of pleasure craft	Number of commercial fishing craft	Total
Long Beach	285	[1] 100	[1] 385
Los Angeles	779	272	1,051
Newport Bay	1,888	600	2,488
Redondo Beach	0	50	50
Santa Monica	21	64	[2] 85
Alamitos Bay	0	0	0
Total	2,973	1,086	4,059

[1] Estimated by Long Beach Harbor Department.
[2] Exclusive of about 100 boats stored on pier and several fish boats moored outside breakwater.

TRIBUTARY AREA

15. *General tributary area.*—The area generally tributary to the proposed harbor at Playa del Rey is shown on enclosure 6.[1] The tributary area includes all of metropolitan Los Angeles and the entire area enclosed by a line extending from Oxnard through Bakersfield and Bishop, Calif., to Tonopah and Las Vegas, Nev., and back through Needles and Beaumont to San Clemente, Calif.

16. *Immediate tributary area.*—The area immediately tributary to Playa del Rey, comprising about 638 square miles, is that part of metropolitan Los Angeles which lies closer to the proposed harbor than to any other existing or proposed harbor. In general, this area extends from the Pacific Ocean to the San Gabriel Mountains, and from the San Fernando Valley to El Segundo, shown as zone 1 on enclosure 5.[1] It includes the cities of Arcadia, Alhambra, Beverly Hills, Burbank, Culver City, El Monte, El Segundo, Glendale, Inglewood, Monrovia, Monterey Park, Pasadena, South Pasadena, San Fernando, San Gabriel, San Marino, Santa Monica, Sierra Madre, and Vernon, and part of the city of Los Angeles with its suburbs of Van Nuys, Hollywood, North Hollywood, and West Los Angeles. This area comprises 16 percent of Los Angeles County, contains 67 percent of the population of the county, and contributes 60 percent of the county tax. The population of cities and unincorporated areas of the immediate tributary area is shown in the following tables:

[1] Not printed.

B-97

Population of cities in the immediate tributary area

City	1930 census	Percent gain	1940 census	Percent gain	1946 estimate [1]	Approximate distance from Playa del Rey
						Miles
Arcadia	5,216	74.9	9,122	53.5	14,003	35
Alhambra	29,472	32.1	38,935	10.9	43,174	23
Beverly Hills	17,429	53.9	26,823	5.2	28,217	10
Burbank	16,662	106.1	34,337	80.2	61,859	24
Culver City	5,669	58.3	8,976	51.3	13,580	5
El Monte	3,479	35.4	4,746	33.8	6,349	28
El Segundo	3,503	6.7	3,738	52.8	5,710	3
Glendale	62,736	31.6	82,582	14.0	94,134	20
Inglewood	19,480	54.6	30,114	32.9	40,034	6
Los Angeles	1,[illegible],205	21.5	[2] 1,342,885	13.4	[2] 1,522,702	13
Van Nuys [3]			20,298	32.0	26,784	17
Hollywood [3]			142,262	10.7	157,491	15
North Hollywood [3]			24,449	48.0	36,179	20
West Los Angeles [3]			58,690	27.2	74,649	7
Monrovia	10,809	17.6	12,807	37.5	14,863	37
Monterey Park	6,406	33.2	8,531	20.6	10,291	23
Pasadena	76,086	7.6	81,864	9.7	89,789	25
South Pasadena	13,730	4.6	14,356	10.6	15,880	22
San Fernando	7,567	20.2	9,094	13.6	10,322	22
San Gabriel	7,224	64.3	11,867	25.0	14,828	28
San Marino	3,730	119.2	8,176	29.8	10,598	26
Santa Monica	37,146	44.0	53,500	18.5	63,398	5
Sierra Madre	3,550	29.0	4,581	20.7	5,529	35
Vernon	1,269	−33.0	850	13.0	961	18
Total	1,436,368	25.9	1,8[illegible]61	15.5	2,088,839	

[1] Estimate by Los Angeles County Regional Planning Commission.
[2] Includes the population of only that part of the city of Los Angeles in zone 1.
[3] Included in population figures for Los Angeles.

Population in unincorporated areas in the immediate tributary area

Area	1940 census	Percent gain	1946 estimate [1]	Approximate distance from Playa del Rey
				Miles
Belvedere and East Los Angeles	71,541	12.2	80,289	20
Burbank and Glendale [2]	11,866	26.5	15,007	25
El Monte and San Gabriel [3]	52,565	35.9	71,459	25
Pasadena [4]	32,419	26.4	40,990	28
West Los Angeles	6,361	75.1	11,141	7
Total	174,752	25.2	218,886	
Total for cities	1,807,961	15.5	2,088,839	
Grand total (zone 1)	1,982,713	16.4	2,307,725	

[1] Estimate by Los Angeles County Regional Planning Commission.
[2] Area includes districts of La Crescenta, Verdugo City, Montrose, and La Canada.
[3] Area includes districts of Temple City, Wilmar, Rosemead, Potrero Heights, Garvey, and Duarte.
[4] Area includes districts of Altadena and Lamanda Park.

17. The 1945 assessed valuation of taxable property in the immediate tributary area, as shown on the records of the Los Angeles County assessor, is given in the following table:

B-98

Assessed valuation of property in the immediate tributary area

Location	Type of property			Total
	Land	Improvements	Personal	
Arcadia	$4, 820, 780	$6, 725, 120	$861, 460	$12, 407, 360
Alhambra	10, 579, 815	14, 271, 120	4, 105, 710	28, 956, 645
Beverly Hills	25, 332, 265	27, 456, 200	5, 959, 080	58, 747, 545
Burbank	14, 787, 325	28, 135, 030	21, 294, 340	64, 216, 695
Culver City	3, 671, 565	6, 536, 090	9, 930, 650	20, 138, 305
El Monte	1, 261, 355	1, 498, 600	286, 500	3, 046, 455
El Segundo	2, 476, 770	12, 286, 020	4, 109, 895	18, 872, 685
Glendale	28, 689, 455	31, 945, 810	5, 217, 345	65, 852, 610
Inglewood	8, 956, 325	12, 097, 180	1, 900, 030	22, 953, 535
Los Angeles (zone 1)	509, 057, 855	431, 732, 610	133, 171, 255	1, 073, 961, 720
Monrovia	2, 887, 655	3, 553, 520	1, 034, 990	7, 476, 165
Monterey Park	2, 065, 530	2, 266, 610	297, 840	4, 629, 980
Pasadena	32, 955, 175	34, 308, 160	9, 330, 755	76, 594, 090
South Pasadena	4, 121, 025	4, 965, 440	708, 630	9, 795, 095
San Fernando	1, 926, 710	2, 019, 710	461, 590	4, 408, 010
San Gabriel	3, 432, 360	5, 508, 330	665, 450	9, 606, 140
San Marino	6, 459, 050	9, 985, 800	1, 759, 740	18, 204, 590
Santa Monica	19, 860, 570	21, 445, 290	5, 638, 245	46, 944, 105
Sierra Madre	1, 203, 055	1, 436, 220	231, 390	2, 870, 665
Vernon	9, 994, 525	15, 745, 190	31, 488, 950	57, 224, 665
Total	694, 539, 165	673, 918, 050	238, 451, 845	1, 606, 907, 060
Unincorporated areas	74, 316, 165	60, 804, 135	29, 660, 555	164, 780, 855
Grand total	768, 855, 330	734, 720, 185	268, 112, 400	1, 771, 687, 915

18. *Occupations, resources, and industries.*—The principal industries in the area immediately tributary to Playa del Rey are petroleum production and refining; motion picture production; airplane construction; automobile assembly; manufacture of tires and rubber goods, furniture, and apparel; and agriculture. Statistical data are not available for the gross value of manufacturing and agriculture in the immediate tributary area. However, the entire county of Los Angeles contributes toward the support of each small-craft harbor within the metropolitan area, and Playa del Rey would receive its share. The gross output for Los Angeles County in 1939 was in excess of $3,800 million from industry and commerce and $76 million from agriculture. Data subsequent to 1939 were not available because of wartime restrictions.

19. *Transportation.*—The tributary area is served by the Southern Pacific, Union Pacific, Pacific Electric, and the Atchison, Topeka & Santa Fe Railroads, and by 1 foreign and 4 domestic passenger airlines and 6 freight airlines. The harbor site is served by the Pacific Electric Railway and by municipal and Pacific Electric buslines connecting Playa del Rey with the beach cities and with the center of Los Angeles. United States Highway No. 101 Alternate (Lincoln Blvd.) and several secondary highways pass through the proposed harbor area and connect with the network of State, county, and city highways.

20. *Bridges.*—There are no bridges, existing or planned, in the area of the proposed harbor at Playa del Rey. Several bridges crossing the Ballona Creek flood-control channel are planned by local interests as a part of the park development outside the harbor area.

B-99

PRIOR REPORTS

21. The only published report concerning harbor improvements in the vicinity of Playa del Rey is listed in the following table:

List of prior reports

Report	Published as—	Recommendation
Preliminary examination of Playa del Rey Inlet and Basin dated Nov. 4, 1916.	H. Doc. No. 1880, 64th Cong., 2d sess.	Improvement not advisable at that time.

OTHER IMPROVEMENTS

22. *Navigation.*—Navigation improvements in the area resulted from early attempts by local interests to create a commercial harbor at Playa del Rey and from the construction of canals as a part of a real estate development. In 1887 the Ballona Harbor Improvement Co. constructed sheet-pile jetties on each side of the inlet and attempted to dredge an interior basin. The dredge was inadequate and the enterprise was abandoned.

23. Beginning in 1903 the Beach Land Co. dredged a series of canals in the Venice area and constructed tide gates in the inlet. After the tide gates were destroyed by storms many of the canals were artificially filled to create city streets in lieu of the canals which had failed to attain popularity.

24. *Flood control.*—The Federal Government completed the Ballona Creek flood-control channel and jetties in 1938. This project was constructed in part under the Emergency Relief Act of 1935 and the remainder under the Flood Control Act approved June 22, 1936. The lower reach of the flood-control channel constitutes the southerly boundary of the proposed harbor area. In this section the channel is trapezoidal, 200 feet wide at the bottom with side slopes of 1 on 3. The side slopes are paved with one-man stone supported by a fill of dumped stone at the toe of paving. The invert is not paved. The jetties at the entrance are random stone, and the voids between the stones above mean lower low water have been filled with concrete to a depth of 3 feet. The jetties as originally constructed were about 775 feet long, measured from mean high-tide line, and are 340 feet from centerline to centerline. The jetties were extended 580 feet in 1946 by the city of Los Angeles. The crest width is 16 feet and the elevation at the crest is 13 feet above mean lower low water. The side slopes are 1 on 1.5. A steel and concrete tide gate was installed to connect the main Venice canal with the flood-control channel. The cost of Ballona Creek Channel (including entrance jetties and tide gate) was about $7 million.

25. *Petroleum production.*—In 1930 an oilfield was discovered in this area and about 151 producing wells have been drilled. The field has been in production continuously since that time. In recent years salt water has encroached in the field and production has been reduced so that about 40 wells have been abandoned, leaving only 111 on low production. The daily production of the entire field is reported to have been 2,300 barrels during 1946, whereas the peak daily production exceeded 40,000 barrels in November 1930. A part of the proposed

harbor area would be over t
or Venice area of the Pla
zone, the lower zone, is pr
older ocean front area, pr
zone and from a relatively
acquisition of all oil rights i
sidered, it would be feasibl
production to continue in t
harbor function. In the in
it would be more desirable t
from offset wells equipped
abandon the field. Local i
tlement of the oil rights.

26. *Proposed shoreline im*
a bond issue of $10 million,
area and the State of Cali
total of $21 million, which
plete sewage-treatment plan
ing plant and outfall sew
of the site for the sewage-
has excavated 14,100,000 cu
it on the beach between Oce
This resulted in a general wi
our that distance. The de
step in the overall plan for
the Ballona Creek jetties 58
outlet from the shoaling ca

27. Local interests consid
Rey would be an integral u
Santa Monica Bay shoreline
local interests includes the f
beaches, adequate bathhou
special recreation centers, sa
ing pools, fishing piers, you
cabin and trailer accommod
the wildlife now inhabiting t
highways along the improve
completed plans for the cons
to facilitate access to the be
would avoid the congested n
the distance to be traveled a
beach recreation and park a
Playa del Rey from any loca

28. The city of Los Angel
York City to prepare an ec
purposes on the entire bea
harbor, at a cost of $35,000.

TERMINAL A

29. There are no terminal

30. Santa Monica Harbor,
at Playa del Rey, has termi
mercial fishing and recreation

B-100

harbor area would be over the Del Rey Hills area and the ocean front or Venice area of the Playa del Rey oilfield. Only one productive zone, the lower zone, is present in the Del Rey Hills area. In the older ocean front area, production is obtained both from the lower zone and from a relatively shallow zone, the upper zone. Although acquisition of all oil rights in fee within the proposed harbor was considered, it would be feasible to redrill a part of the wells and to allow production to continue in those wells that would not interfere with the harbor function. In the interest of conservation of mineral resources, it would be more desirable to continue petroleum recovery by redrilling from offset wells equipped with low-height surface pumps than to abandon the field. Local interests do not anticipate difficulty in settlement of the oil rights.

26. *Proposed shoreline improvements.*—The city of Los Angeles voted a bond issue of $10 million, to which other cities in the metropolitan area and the State of California have added $11 million, making a total of $21 million, which will be used for the construction of a complete sewage-treatment plant at Hyperion to replace the present screening plant and outfall sewer. In connection with the preparation of the site for the sewage-treatment plant, the city of Los Angeles has excavated 14,100,000 cubic yards of dune sand, and has deposited it on the beach between Ocean Park and El Segundo (about 5.5 miles). This resulted in a general widening of the beach about 450 feet throughout that distance. The deposit of this material constitutes the initial step in the overall plan for beach improvement. The city extended the Ballona Creek jetties 580 feet seaward to protect the flood-control outlet from the shoaling caused by the new beach fill.

27. Local interests consider that the proposed harbor at Playa del Rey would be an integral unit of the plan for the development of the Santa Monica Bay shoreline. The plan of development proposed by local interests includes the following features: Widened and improved beaches, adequate bathhouses and parking areas, picnic facilities, special recreation centers, salt-water bathing pools and children's wading pools, fishing piers, youth organization camps, tourist parks with cabin and trailer accommodations, and a bird sanctuary to perpetuate the wildlife now inhabiting the area. In addition to scenic and through highways along the improved beach front, local authorities also have completed plans for the construction of a highway and freeway system to facilitate access to the beach areas. The proposed freeway system would avoid the congested metropolitan areas and would shorten both the distance to be traveled and the time required to reach the proposed beach recreation and park area and the proposed harbor facilities at Playa del Rey from any locality within the immediate tributary area.

28. The city of Los Angeles has employed a consulting firm of New York City to prepare an economic analysis and report for financing purposes on the entire beach development, including the proposed harbor, at a cost of $35,000.

TERMINAL AND TRANSFER FACILITIES

29. There are no terminal or transfer facilities at Playa del Rey.

30. Santa Monica Harbor, 3 miles upcoast from the proposed harbor at Playa del Rey, has terminal and transfer facilities for small commercial fishing and recreational craft at the municipal pier. This pier

B-101

is partially protected by the Santa Monica breakwater. The breakwater has deteriorated to such an extent that the harbor probably would be abandoned if facilities for small craft are constructed at Playa del Rey. The construction of additional terminal facilities in Santa Monica Bay is impracticable because of the unprotected shoreline.

EXISTING PROJECT

31. There has never been a Federal navigation project at Playa del Rey.

IMPROVEMENTS DESIRED

32. *Public hearings.*—Two public hearings were held in Venice, Calif., by the district engineer to consider the advisability of improving Playa del Rey, one on July 29, 1936, and the other on August 12, 1938, in connection with the preliminary examination report. The hearings were attended by public officials, real estate and other business interests, and representatives of various civic organizations, as well as the general public.

33. *Improvements desired by local interests.*—At the public hearing on August 12, 1938, the Regional Planning Commission of Los Angeles County and local civic organizations requested that a small-craft harbor be provided at Playa del Rey by the United States. The improvements desired by the regional planning commission consisted of (1) extending the jetties of the Ballona Creek flood-control outlet a distance of 800 feet; (2) constructing 2 jetties 1,475 feet in length to provide a second entrance to the interior basin; (3) dredging an interior basin about 1 square mile in area to a depth of 15 feet below mean lower low water, connected by an entrance channel to Ballona Creek flood-control channel; (4) dredging the Ballona Creek entrance and the second entrance to a depth of 15 feet below mean lower low water; (5) constructing secondary roads, miscellaneous drainage structures, and utilities; (6) constructing boat facilities and recreational park improvements; and (7) purchasing rights-of-way and land. The total cost estimated by local interests in 1938 was $9,750,000.

34. *Local interests' justification of the desired project.*—Local interests are unanimous in desiring improvement of Playa del Rey Inlet and Basin for small-craft navigation. They offer the following considerations in support of the navigation improvements.

(*a*) There is need for added mooring space for small craft in Santa Monica Bay, in view of the increasing scarcity of small-craft anchorage areas in Los Angeles Harbor and because of the inconvenience attending the use of that harbor.

(*b*) The desired improvements are required for recreation and small-craft boating by people living in the northern part of Los Angeles County, which includes the heavily-populated Los Angeles city area, as well as Hollywood, Beverly Hills, Culver City, Inglewood, Santa Monica, and other suburban districts.

(*c*) The improvement would be an effective aid in the development of the boatbuilding industry.

(*d*) The improvement would satisfy an increasing need for small-craft facilities, create a widespread economic benefit through an increase in permanent employment and in business, and cause an increase in values of both real estate and other property, thereby increasing the tax base.

B-102

(*e*) Indirect benefits would accrue from reclaiming a large swamp area, which would result in an improvement of conditions affecting public health and in the stimulation of development of 5 or 6 square miles of partially developed land. The development of these areas would increase the taxable wealth.

35. Small-craft owners in the Los Angeles metropolitan area state that the proposed harbor at Playa del Rey is required because of unsatisfactory conditions in Los Angeles and Long Beach Harbors, such as overcrowding of available space, decrease in number of berths because of increasing commercial and naval requirements, short-term leases, high maintenance costs, long distances from the ocean, and inadequate automobile parking facilities.

COMMERCE AND VESSEL TRAFFIC

36. *Commerce.*—There is no existing commerce at Playa del Rey Inlet and Lagoon. Future commerce at the proposed harbor would consist of recreational small craft, excurison boats, and commercial sport-fishing boats. Representatives of the city of Los Angeles and of Los Angeles County state that in their opinion the proposed small-craft harbor should be used only by recreational craft and that provision should be made for commercial fishing interests at other ports. No commercial fish canneries would be permitted in the harbor area, and no facilities would be provided for the unloading of fresh fish for transshipment by truck to canneries outside the area.

37. The population of 2,308,000 in the tributary area of Playa del Rey gives an indication that about 6,500 boats would be available for berthing in the harbor. This number is based on the average number of craft in California for each 1,000 population.

38. Inasmuch as the area tributary to Playa del Rey contains a high percentage of persons most able to own small craft, it is expected that the number of 6,500 boats would be considerably exceeded. The records of the Los Angeles County assessor show that there are 2,300 small craft now owned by residents of the immediate tributary area. It is conservatively estimated that within 1 year after completion of the project, 1,000 boats would be transferred from other harbors to Playa del Rey Harbor, and that within 5 years after completion of the project, 3,000 new craft would be constructed, sold to individual owners, and based in the proposed harbor. This figure does not include new boats that would be constructed or purchased by residents outside the immediate tributary area (zone 1). The population of the area outside zone 1, but which logically would be tributary to Playa del Rey rather than to one of the other existing or proposed harbors in the area, exceeds 600,000 persons. This would create an additional potential boat reserve of 960 new craft. To be prepared for future requirements, the proposed harbor would have a capacity of 8,000 craft. It is estimated that 35 of the boats would be commercial sport-fishing vessels carrying charter parties or making regularly scheduled runs.

39. Playa del Rey Harbor would be open to all craft as a port of refuge in case of emergency. Furthermore, the harbor would be used by visiting craft from San Diego Bay, Newport Bay Harbor, Los Angeles and Long Beach Harbors, and Redondo Beach Harbor, and as a port of call for small craft making the longer trips to Santa

B-103

Barbara, Monterey, and San Francisco, and for northern small craft cruising in southern waters.

40. *Vessel traffic.* There is no vessel traffic at Playa del Rey other than an occasional rowboat on the Venice canals. Numerous boats cruise in the open sea adjacent to the shore.

DIFFICULTIES ATTENDING NAVIGATION

41. In the vicinity of Playa del Rey, westerly and southwesterly winds prevail most of the year, but there are intermissions of calm during autumn and winter, as indicated by the wind rose on map, enclosure 1. The most severe storms are produced by the occasional southerly winds which occur in winter. The prevailing westerly winds seldom become more than moderate gales.

42. There are no adequately protected areas for small craft in Santa Monica Bay. Partial protection is provided at Redondo Beach, 8 miles to the south, and at Santa Monica, 3 miles to the north, of the site of the proposed harbor at Playa del Rey. At Redondo Beach the harbor formed by the breakwater consists of only about 20 acres of semiprotected area. The breakwater provides protection from westerly storm waves, but craft in its lee are exposed to the southerly storms. During these storms about 10 craft are washed ashore at Redondo Beach each year.

43. At Santa Monica Harbor an area of about 46 acres is partially protected by an offshore breakwater 2,000 feet in length. The breakwater was constructed by the city of Santa Monica in 1934 and has so deteriorated that storm waves break over the structure and create rough water within the harbor area. An average of 50 boats a year break loose from their moorings and are washed ashore. About 20 percent of these boats are a complete loss, as the surf breaks up the beached craft. It is improbable that the breakwater structure will be restored and maintained, mainly because the inadequate facilities and the restricted-water area cannot be remedied owing to site limitations.

44. All small-craft navigation in Santa Monica Bay is endangered by the lack of an adequate harbor of refuge.

SPECIAL SUBJECTS

45. *Shoreline changes.*—Pursuant to section 5 of the River and Harbor Act approved August 30, 1935 (Public Law 409, 79th Cong.), a detailed investigation was made with a view to determining probable effect of the proposed improvement upon the adjacent shoreline. A full report of the investigation is contained in enclosures 19 [1] and 20.[1] Specific studies undertaken included a geological investigation to determine general trends in physiographic development of the coastal area, a determination of wave characteristics, surveys to trace the movement of beach material, investigation of the effect of existing structures, analysis of slopes of artificial fills made on southern California beaches, and an estimation of littoral characteristics in the Santa Monica Bay area.

46. Conclusions reached in the investigation of shore effects are quoted as follows:

[1] Not printed.

B-104

(*a*) The shores of Santa Monica Bay downcoast from Santa Monica breakwater have been deprived of normal littoral nourishment since construction of Santa Monica breakwater in 1933.

(*b*) Proposed jetties at Playa del Rey would act as a complete littoral barrier for a considerable period of time and would benefit the shore to the north by preventing further littoral loss from that area. Beach fill made in this area with material dredged from Playa del Rey Harbor would assist in completion of the comprehensive shore development planned by the city of Los Angeles.

(*c*) Between Ballona Creek jetties and proposed Playa del Rey jetties, the shore would stabilize after minor realinement.

(*d*) Downcoast from Ballona Creek, establishment of a feeder beach would be required to provide nourishment for shores to the south, and to prevent depletion of the fill recently completed by the city of Los Angeles. Deposit of 3,200,000 cubic yards along 5,000 feet of shore would be expected to provide adequate supply for a period of about 20 years.

(*e*) Future maintenance of Santa Monica Bay shores between Santa Monica breakwater and Playa del Rey may be accomplished by periodic replenishment of a suitably located feeder beach, or by removal of the breakwater and reestablishment of normal littoral transport at Santa Monica.

(*f*) Shores downcoast from Ballona Creek can be maintained in their advanced position by mechanical bypassing of sand past the proposed harbor entrance or by periodic deposit of sand from inland areas on the feeder beach. The most economic method can best be determined after the plan for maintenance of upcoast beaches has been established.

47. *Field surveys.*—Hydrographic and topographic surveys of the harbor and adjacent shore areas were made in March and April 1945, and during 1948. The surveys included the area from Washington Street to the Playa del Rey Hills and extended from Highway U. S. 101 Alternate (Lincoln Blvd.) seaward to about the 40-foot-depth contour. Shore topography was traced from aerial photographs and existing maps. The character of materials to be dredged was determined from auger borings.

48. *Coordination with other improvements.*—The improvement would not involve flood control, water power, water supply, or other subjects that could be coordinated with the improvement to compensate the United States for expenditures made. The project is an integral part of an overall plan of improvement of the beach areas by municipal and county agencies.

49. *Effect on wildlife.*—Construction of the proposed harbor would eliminate existing marshlands of some wildlife value. However, the Fish and Wildlife Service by letter dated April 26, 1946, state that no objection will be interposed to the construction of the project. Local representatives of the Fish and Wildlife Service state that few game birds occupy the area because of oil pollution which results from the operation of the oil field. Local interests propose to construct a bird refuge about 800 feet wide and 2,500 feet long adjacent to the flood-control channel as a part of the overall park development to provide for the shore birds nesting in the area. Principal among these birds are killdeer, sandpiper, stilt, and tern. In addition there are many other species of birdlife which are not dependent on the area. To

B-105

provide for the continuation of this existing birdlife, local interests should construct the bird refuge simultaneously with the construction of the harbor.

50. *Saline contamination.*—An investigation was made concerning the effects of the proposed harbor on saline contamination of underground water. This investigation indicated that (1) sea water has already contaminated the ground water within most of the area that would be occupied by the harbor; (2) further landward progress of this contamination depends primarily on the rate of withdrawal of ground water in the vicinity of the harbor site and on the steepness of the landward gradient produced by this withdrawal; and (3) introduction of sea water by constructing the harbor would not modify existing ground-water conditions.

51. *Harbor lines.*—Harbor lines have not been established in Santa Monica Bay. The plan considered would not adversely affect the future establishment of harbor lines.

52. *Aids to navigation.*—If the proposed harbor is constructed, the district Coast Guard officer, 11th Coast Guard District, recommends the installation of coded lights on the seaward ends of the proposed harbor jetties, the installation of a fog signal on the upcoast jetty, and installation of additional lights at the beginning of the curve on each jetty. Three light buoys would be required to mark the turns in the basin channel. The district Coast Guard officer estimates the total cost of aids to navigation at $25,000.

PLANS OF IMPROVEMENT

53. *Plans considered.*—In determining the best plan of improvement the district engineer gave consideration to the desires of local interests as stated at the public hearings, to the more recent desires of local interests as developed by conferences, to modifications suggested by experienced small-craft operators, and to the requirements of navigation interests in general.

54. The plan originally proposed by local interests included a symmetrically arranged U-shaped harbor which had two entrances and capacity for about 5,200 craft. Local interests now believe that a harbor of that capacity would be inadequate to meet all the demands for anchorage, berthing, and maneuvering, and for adequate servicing and concessionary facilities; therefore, a modified elliptical area approximately 6,500 feet by 6,300 feet was proposed for consideration. The elliptical harbor would have capacity for about 8,000 craft. The two entrances were decided to be undesirable, as a stretch of beach about 2,100 feet long would be rendered inaccessible except by boat. This isolated island would not conform to the general plan of improvement approved by the Los Angeles City Council.

55. Combining the entrance channel with the Ballona Creek flood-control outlet would prove unsatisfactory, from the standpoint of navigation and maintenance of harbor depths. To eliminate both the isolated beach and entrance through the flood-control outlet, local interests proposed a curving entrance adjacent to the flood-control outlet. However, experienced small-craft operators state that a curved entrance is difficult to navigate, especially in foggy or heavy weather. Accordingly, consideration was given to straightening the proposed entrance. This would result in a long and rather wide en-

B-106

trance that would require a large area which would not make the most efficient use of the available space. Also, with a southerly side entrance, boats based in the northerly portion of the proposed harbor would be required to travel an excessive distance to reach the ocean. Furthermore, any entrance at the southerly side would subject the southerly shore of the proposed harbor to unfavorable and destructive wave conditions during storms.

56. The plan considered by the district engineer, which comprises a single, short, central entrance, would adequately overcome all the undesirable features of the side entrance.

57. The plans for side basins bordering the main central basin were modified so that the long axes of most side basins would be radial to the central basin. This modification would facilitate berthing small craft in the side basins.

58. All factors affecting the design of the harbor at Playa del Rey were discussed with interested local agencies, and the plan of improvement considered by the district engineer is the plan now desired by all responsible local interests. The plan has been approved by the Los Angeles City Council, the city planning commission, the city engineer, the Los Angeles County Board of Supervisors, the county regional planning commission, and the county engineer.

59. *Recommended plan.*—The plan recommended by the district engineer provides for the following principal features, as shown on enclosure 1.

(*a*) An entrance channel about 1,925 feet long and 600 feet wide, dredged to a depth of 20 feet below mean lower low water.

(*b*) Two random-stone jetties, each 2,300 feet in length.

(*c*) A 300-foot extension to the upcoast jetty at Ballona Creek flood-control channel outlet.

(*d*) A main interior channel 600 feet wide and 5,600 feet long, and two southerly side basins (designated C and K), all dredged to a depth of 20 feet below mean lower low water.

(*e*) A central basin and 10 additional side basins (designated A, B, D, E, F, G, H, I, J, and L), all dredged to a depth of 10 feet below mean lower low water.

(*f*) Disposal of material dredged from the proposed harbor, amounting to about 20,360,000 cubic yards, to construct solid-fill mole-type piers between the side basins, to reclaim lowlands adjacent to the harbor, and to provide about 160 acres of land by widening the beach as permanent beach improvement upcoast from the harbor entrance and to provide a separate feeder beach south of Ballona Creek flood-control channel for nourishment of the downcoast shore.

(*g*) Vertical bulkhead around side basin K, and random-stone revetment on the slopes of the remaining side basins and the central basin.

(*h*) Slips and facilities for berthing, servicing, supplying, and repairing small craft.

(*i*) Roads, parking areas, administration buildings, comfort stations, landscaping, clubhouses, and all other facilities required for a modern recreational small-craft development.

60. Under the general plan, 11 mole-type piers and the entrance abutments would divide the bay into 12 side basins with a capacity for berthing 8,000 small craft at slips. See exhibit 1, enclosure 16,[1]

[1] Not printed.

B-107

for a diagrammatic sketch of the arrangement of slips used to determine the capacity of the harbor. Ultimate development of a typical mole arrangement proposed by local interests is shown on enclosure 4,[1] "General plan of harbor," by the Los Angeles City Planning Commission. The pierheads would be reserved for concessions, such as gasoline and oil stations, small stores, cafes, and boat clubs. The pier between basins marked D and E on the general plan, enclosure 1, would be used for harbor administration. The pier on each side of basin K would be reserved for boat-repairing facilities and other commercial purposes. The pier between basins A and B would be used by marine-outing clubs. Parking areas are located wherever space permits. The harbor area is considered as that section encircled by the perimeter road. Justification of all features of design and all items included in the recommended project are contained in enclosure 16.[1]

FIRST COST AND ANNUAL CHARGES

61. *Estimate of first cost.*—The total first cost of the improvements, based on 1948 prices, is estimated at $25,603,000, of which $16,505,000 would be borne by local interests and $9,098,000 by the United States. Details of the estimate are given in enclosure 16 [1] and are summarized in the following table:

Estimate of first cost, Playa del Rey, Calif.

Federal costs:	
Corps of Engineers:	
Dredging entrance channel and interior basins and filling lowlands	$5, 090, 000
Stone jetties, entrance channel	2, 168, 680
Subtotal	7, 258, 680
Engineering and contingencies, 25± percent	1, 814, 320
Total	9, 073, 000
U. S. Coast Guard: Aids to navigation	25, 000
Total Federal 1st cost	9, 098, 000
Non-Federal costs:	
Stone jetty extension, Ballona Creek	126, 450
Stone revetment, interior basins	388, 500
Vertical bulkhead, boat repair basin	1, 314, 400
Landscaping mole-type piers	25, 670
Administration building	150, 000
Floats, slips, light and water facilities	860, 000
Paving (parking areas)	736, 050
Paving (roads)	911, 650
Relocation of Venice sewer and constructing mains and laterals	2, 150, 000
Public utilities, relocation and construction of water and electric lines, and removal of oil pipelines	1, 200, 000
Subtotal	7, 862, 720

[1] Not printed.

B-108

Estimate of first cost, Playa del Rey, Calif—Continued

Non-Federal costs—Continued		
Engineering and contingencies, 25± percent		$1, 965, 280
Total non-Federal, except land and rights-of-way		9, 828, 000
Land and improvements	$4, 410, 500	
Drilling offset wells and capping existing wells	1, 422, 000	
Subtotal	5, 832, 500	
Contingencies, 10± percent	583, 300	
Acquisition cost, about 10 percent of land and rights-of-way	441, 200	
Subtotal	6, 857, 000	
Less immediate salvage value of improvements	−180, 000	6, 677, 000
Total non-Federal cost		16, 505, 000
Total Federal cost		9, 098, 000
Total first cost of project		25, 603, 000

62. *Estimate of annual charges.*—In computing the interest charges, it was assumed that the construction would require 3 years. The salvage value of all improvements is assumed to be nominal or negligible at the expiration of the useful life of the project, estimated at 50 years. However, the net salvage value of the land is estimated at $3,352,000. This amount is equal to the total estimated value, immediately after filling and prior to construction of any improvements, of filled lands within the taking area described as areas B and C in enclosure 17.[1] The salvage value of the 160 acres of new beach to be constructed is not assumed to be creditable to this project inasmuch as nourishment of this beach would be provided for under the master plan for beach development by the city and county of Los Angeles, Calif. In computing the non-Federal carrying charges the estimated returns from improvements represent only the net return from slip rentals after deduction of operation and maintenance costs, as shown in the following table. This net return is based on using 50 percent of the estimated total annual return from slip rental for 4,000 boats, as follows:

Boat size	Percent	Number of boats	Estimated annual slip charge	Total
Under 20 feet	43.1	1,724	$56.00	$96,544
20 feet to 35 feet	41.6	1,664	102.00	169,730
36 feet to 50 feet	11.6	464	146.50	67,976
51 feet to 100 feet	2.9	116	253.00	29,350
Over 100 feet	.8	32	550.00	17,600
Total	100.0	4,000		381,200
Estimated operation and maintenance costs				190,600
Estimated direct net returns from improvement				190,600

[1] Not printed.

B-109

63. The estimated annual charges for the improvements are given in the following table:

Estimated annual charges for Playa del Rey Harbor, Calif.

(*a*) Federal investment:	
(1) Corps of Engineers	$9, 073, 000
(2) U. S. Coast Guard	25, 000
(3) Total Federal 1st cost (see estimate of 1st cost)	9, 098, 000
(4) Interest during ½ of construction period: 3 percent of item (*a*) (3) for 1.5 years	409, 410
(5) Total Federal investment to be justified by benefits and subject to amortization	9, 507, 410
(*b*) Federal annual charges:	
(1) Interest at 3 percent of item (*a*) (5)	285, 220
(2) Amortization for 50 years at 3 percent: 0.00887 times item (*a*) (5)	84, 330
(3) Maintenance	[1] 26, 000
(4) Total Federal annual charges	395, 550
(*c*) Non-Federal investment:	
(1) Funds to be contributed or cost of improvements to be undertaken by local interests	9, 828, 000
(2) Value of rights-of-way to be furnished	6, 677, 000
(3) Total non-Federal 1st cost (see estimate of 1st cost)	16, 505, 000
(4) Interest during ½ of construction period: 3.5 percent of item (*c*) (3) for 1.5 years	866, 510
(5) Gross non-Federal investment to be justified by benefits	17, 371, 510
(6) Less net salvage value of land	−3, 352, 000
(7) Net non-Federal investment subject to amortization	14, 019, 510
(*d*) Non-Federal annual charges:	
(1) Interest at 3.5 percent of item (*c*) (5)	608, 000
(2) Amortization for 50 years at 3.5 percent: 0.00763 times item (*c*) (7)	106, 970
(3) Maintenance	([2])
(4) Gross non-Federal annual charges	714, 970
(5) Less estimated direct net returns from slip rentals	−190, 600
(6) Net non-Federal annual charges	524, 370
(*e*) Total estimated annual charges	919, 920

Summary of 1st costs and annual charges

Item	First cost	Interest	Investment	Annual charges	Annual maintenance
Federal	$9, 098, 000	$409, 410	$9, 507, 410	$395, 550	[1] $26, 000
Non-Federal	16, 505, 000	866, 510	17, 371, 510	524, 370	([2])
Total	25, 603, 000	1, 275, 920	26, 878, 920	919, 920	[1] 26, 000

[1] Includes $1,000 maintenance by U. S. Coast Guard.
[2] Estimated $190,600 income from slip rentals to be used for operation and non-Federal maintenance.

B-110

ESTIMATES OF AVERAGE ANNUAL BENEFITS

64. *Increased value of filled land.*—In constructing a harbor at Playa del Rey, the Federal Government would dredge approximately 20,360,000 cubic yards of material to provide about 717 acres of water area. The dredged material would be deposited to fill adjacent lowlands and to create additional beach land. Local interests plan to develop the adjacent area as an all-year beach resort and recreation center. The artificial widening of the beach would result in an immediate increase in value of the filled area. The low, undeveloped land between Ballona Creek and the Playa del Rey Hills and the marshland in the harbor area would be reclaimed and would increase in value. In estimating the benefits that would result from filling low lands pursuant to construction of the proposed harbor at Playa del Rey, only those areas that would be filled with material dredged from the harbor have been considered. The estimated increase in value of the areas reclaimed or filled in no way reflects any enhancement in value that would accrue to the land by virtue of its proximity to the proposed harbor.

65. The water area for the proposed harbor would be created by dredging about 717 acres of marsh and low land. An estimated additional 844 acres of land would be filled with the dredged material as listed below:

	Acres
Area A: South of Ballona Creek	358
Area B: Mole-type piers	203
Area C: West of Lincoln Blvd	123
New beach	160
Total	844

The average annual benefits from the increased value of land by reason of filling only are estimated at $215,000. Further details concerning benefits from increased land value are given in enclosure 17.[1]

66. *Mosquito control savings.*—The site of the proposed harbor consists of low, marshy land with inadequate provisions for drainage and, as a result, a large area of water is almost stagnant. The Ballona Creek Mosquito Abatement District spends about $21,000 annually on mosquito control. Approximately 75 percent of these funds would be spent in the area to be improved. The elimination of this problem by the filling of marsh areas or by improvement of drainage would provide an annual benefit of $16,000. In addition to tangible monetary benefits, conditions affecting public health would be improved by the elimination of mosquito breeding areas. (See enclosure 17.[1])

67. *Benefits from navigation.*—The benefits that would accrue to the proposed harbor project from navigation are dependent on the type and number of craft that would use the facility. Based on the records of similar developments in California and on reports from small-craft manufacturers on their backlog of orders for new craft, the anticipated number of boats would exceed 6,500. According to local interests and boat manufacturers, if accommodations were available, 10,000 new craft would be built in the next few years. The proposed harbor at Playa del Rey would have a capacity of 8,000 small craft. However, in computing the recreational benefit that would accrue from navigation, the number of new craft of average

[1] Not printed.

B-111

size that would be based in the harbor has been estimated to be only 3,000. The proposed Playa del Rey Harbor would be open to all craft as a port of refuge and as a port of call by many small craft. Additional tangible benefits that would accrue from the navigation features of the proposed project are automobile travel savings, boat maintenance savings, prevention of boat damage, and increased fish catch. Some of the intangible navigation benefits which would accrue from the project are, increase in the recreational activities of the community, creation of additional business opportunities, increase in safety of navigation, and increase in opportunity for boatowners to operate their small craft.

68. *Recreational harbor benefit.*—The monetary benefit from the recreational use of a small-craft harbor is estimated to be the annual income from a capital investment equivalent to the average value of the small-craft fleet at that harbor. On the basis of an average value of $6,000 each, the monetary benefit that would result from the estimated minimum fleet of 3,000 new small craft that would occupy the proposed Playa del Rey Harbor, is estimated at $900,000. (See enclosure 17.[1])

69. *Automobile travel savings.*—Most boatowners living in the area tributary to Playa del Rey (zone 1) are unable to anchor their boats at Santa Monica Harbor and must keep them at Los Angeles Harbor, Long Beach Harbor, Newport Bay Harbor, or at some more distant port because of the lack of proper harbor facilities in Santa Monica Bay. The actual monetary saving of automobile operating costs by the estimated 1,000 boatowners who would transfer their boats from one of the more distant harbors to Playa del Rey Harbor is estimated at $35,000. (See enclosure 17.[1])

70. *Boat maintenance savings.*—The boatowners living in the area tributary to Playa del Rey whose craft are moored in the commercial harbors of Los Angeles or Long Beach would benefit by having a recreational harbor. Provision of such a harbor would result in a saving through decreased maintenance costs to small craft because of their removal from sources of contamination as exists in a commercial harbor. The annual savings in maintenance cost by the estimated 400 boatowners who would transfer their boats from Los Angeles and Long Beach Harbors to Playa del Rey Harbor is estimated at $8,000. (See enclosure 17.[1])

71. *Prevention of boat damage.*—Small craft in Santa Monica Bay are exposed to the sudden and sometimes moderately severe storms that occur annually during the period December to March, inclusive. Records of past storms indicate that about 60 small craft are beached annually by storms because of the lack of a safe anchorage area. The proposed Playa del Rey and Redondo Beach Harbors would replace existing inadequate facilities and offer refuge to all small craft operating in Santa Monica Bay. The total annual benefit from the prevention of this damage to small craft that would be creditable to the proposed Playa del Rey Harbor is estimated at $75,000. (See enclosure 17.[1])

[1] Not printed.

B-112

72. *Increased fish catch.*—Fish caught by sport fishermen add to the national wealth to the extent that this fish catch finds its way into the national food supply. From the records of operators of sport-fishing boats, it is estimated that an additional 2,800,000 pounds of fish would be caught each year because of the estimated increased number of sport-fishing boats that would operate from the proposed Playa del Rey Harbor. In addition to trips made by patrons of sport-fishing boats, the estimated increased number of individual boat owners would take an additional fish catch for which no benefit is claimed. The monetary average annual benefit from fish caught by sport fishermen is estimated at $280,000. For additional details of benefits from fish catch. (See enclosure 17.[1])

73. *Intangible benefits.*—Intangible benefits (those not susceptible of monetary evaluation) that would accrue under the plan of improvement considered are large. Benefits would result from increased safety of small-craft navigation in the Santa Monica Bay area by providing a port of refuge for transient craft and a safe port for anchorage of home craft. The pleasure of small-craft operation would be increased by the provision of an adequate facility close to the greatest number of small-craft owners in the Los Angeles metropolitan area and separated from the activities of a large commercial and naval port.

74. Construction of the navigation facility proposed at Playa del Rey Harbor would increase the use of adjacent waters and neighboring ports by small craft because of an additional place to visit, which would increase the pleasure derived from operation of recreational craft. This, in turn, would create new business, additional tax income, and new opportunities for industry in the manufacture, repair, and servicing of additional craft in established harbors. These benefits cannot be evaluated because of the difficulty of determining the proportion of increased use of the established harbors that would be due to the construction of the new facility.

75. Large intangible benefits would also accrue by reason of increased land values in areas adjacent to the proposed harbor, primarily the Venice area and the partially developed area located between Highway U. S. 101 Alternate and Culver City. The proposed harbor constitutes one unit of a large resort and recreation area planned by local interests that would extend from El Segundo to Topanga Canyon on Santa Monica Bay, and a large part of the increased land values would be creditable to that project. The creation of an all-year beach playground would attract visitors from all parts of the country, afford new opportunity for travel, and create an additional economic benefit to the beach communities.

76. *Summary of tangible benefits.*—The average annual tangible benefits that would accrue under the plan considered are summarized in the following table. A detailed analysis of benefits is given in enclosure 17.[1]

[1] Not printed.

B-113

Estimated average annual tangible benefits from improvements considered, Playa del Rey, Calif.

Type of benefit	General (Federal)	Local (non-Federal)	Total
Other than navigation:			
Increased value of filled land	0	$215,000	$215,000
Mosquito control savings	0	16,000	16,000
Subtotal	0	231,000	231,000
Navigation:			
Recreational harbor benefit	$450,000	450,000	900,000
Automobile travel savings	0	35,000	35,000
Boat maintenance savings	0	8,000	8,000
Prevention of boat damage	75,000	0	75,000
Increased fish catch	280,000	0	280,000
Subtotal	805,000	493,000	1,298,000
Total	805,000	724,000	1,529,000

COMPARISON OF BENEFITS AND COSTS

77. The total cost of the proposed improvement is estimated at $25,603,000. The total annual carrying charges would be $919,920. The annual benefits would be $1,529,000. The benefit-cost ratio of the proposed harbor project would be 1.7 to 1. In addition to the tangible benefits there would be considerable intangible benefits which, while not susceptible of monetary evaluation, are worthy of consideration.

PROPOSED LOCAL COOPERATION

78. At the public hearings local interests expressed a willingness to cooperate in the cost of the project. The formation of a recreation and harbor district was proposed for the purpose of meeting financial requirements through sale of bonds. One object of the report being prepared by the firm of consulting engineers employed by local interests is to determine the best methods of financing the beach development and harbor projects. The city of Los Angeles and the county of Los Angeles, by resolutions, furnished as enclosure 18,[1] agreed to assume the following obligations: (1) Provide all rights-of-way for construction and maintenance of improvements; (2) hold and save the United States free from all claims for damages resulting from the construction or operation of the improvement; (3) assume the cost of alteration, relocation, or rebuilding of highways and highway bridges, or arrange for the alteration, relocation, or rebuilding of these highways and highway bridges; (4) assume the cost of relocation or reconstruction of utilities or drainage structures; (5) contribute in cash or equivalent work, the cost of constructing a vertical bulkhead, stone revetments in all basins, and extension of the north jetty at Ballona Creek; (6) provide without cost to the United States all necessary slips and facilities for repair, service, maintenance, and supply of small craft; (7) secure and hold for the public interest, lands bordering the proposed development to a width sufficient for proper functioning of the harbor; (8) furnish assurances satisfactory to the Secretary of the Army that the area will be improved in accordance with plans and time schedules to be approved by the Secretary of

[1] Not printed.

B-114

the Army; and (9) maintain and operate the entire project except aids to navigation, entrance jetties, project depths in the entrance and interior channels and the central basin, with the understanding that all facilities shall be open to all on equal terms.

ALLOCATION OF COSTS

79. The distribution of costs between Federal and non-Federal interests is based on (1) the distribution of local and general benefits, (2) the ability of local interests to pay, and (3) consideration of the general nature of the work items. Accordingly, of the total first cost of the proposed project estimated at $25,603,000, the United States would provide those items of construction that would benefit navigation in general, comprising the construction of entrance jetties and aids to navigation, and the dredging of channels and basins, all at an estimated Federal first cost of $9,098,000, as itemized in the preceding paragraph, "Estimates of first cost." Local interests would provide the items of local cooperation named in the preceding paragraph, "Proposed local cooperation," all at an estimated non-Federal first cost of $16,505,000, and as itemized in the preceding paragraph, "Estimates of first cost." The United States would maintain the entrance jetties, aids to navigation, and harbor depths in the entrance and interior channels and in the central basin, all at an estimated annual cost of $25,000 for the Corps of Engineers, and $1,000 for the United States Coast Guard. Non-Federal annual maintenance would be paid from operating revenues.

DISCUSSION

80. Local interests base justification for the project on (1) the lack of adequate facilities for small-craft navigation in the Santa Monica Bay area, (2) the desirability of separating small craft and recreational boating from commercial and naval waters, (3) the need for facilities to permit growth of recreational and commercial small-craft operation, (4) requirements for safety of small-craft operation in Santa Monica Bay, and (5) the favorable economic effect that development of small-craft operation and the provision of an adequate small-craft facility would have on the community.

81. The district engineer concurs in general with the statements made by local interests concerning justification of the project. However, in determining the extent of the tributary area, consideration was given to the proposed improvement of the small-craft harbor at Redondo Beach, 8.2 miles downcoast from the proposed harbor at Playa del Rey. The protection afforded by Santa Monica breakwater is inadequate and gives the boatowner a false sense of security. City officials of Santa Monica have stated that the structure will not be maintained. Consideration also was given to the existing harbors at Los Angeles, Long Beach, and Newport Bay. Accordingly, only that portion of the general tributary area that is closer to Playa del Rey than to any other existing or proposed harbor has been considered in determining the need for, or the benefits that would result from, a navigation project at Playa del Rey.

82. Recovery of petroleum from the Venice oilfield could be continued by relocating existing oil wells so as not to interfere with operation of the proposed harbor.

B-115

83. Annual tangible benefits from the navigation improvement would be $215,000 from increased value of filled land, $16,000 from cost of mosquito control savings, $900,000 from recreational harbor benefits, $35,000 from automobile travel savings, $8,000 from boat maintenance savings, $75,000 from prevention of boat damage, and $280,000 from increased fish catch, a total of $1,529,000 a year.

84. In addition to the tangible benefits, the proposed navigation project would result in large intangible benefits which have considerable weight in justification of the project. The intangible benefits would include the noncalculable benefits from (1) the increased safety of navigation, (2) the recreational value of an all-year small-craft harbor near the largest concentration of boatowners in the Los Angeles metropolitan area, (3) the promotion of general welfare by the increase in opportunities for employment, and (4) increase in land values in the vicinity of the proposed harbor area that would be partially attributable to the proposed navigation improvement.

85. The estimated total first cost of the proposed navigation project is $25,603,000. Of this amount, $16,505,000 would be borne by local interests. The total annual charges would be $919,920 and the total annual benefits $1,529,000. The benefit-cost ratio is 1.7 to 1.

86. The project considered by the district engineer meets the present desires of local interests. The project has the approval of the city of Los Angeles and Los Angeles County. The harbor project forms one unit of the master plan of the county of Los Angeles for shoreline development. The project is also one unit of the plan of the city of Los Angeles for the development of the shoreline between El Segundo and Topanga Canyon. This plan was approved by the Los Angeles City Council. The overall plan of development proposed by the city of Los Angeles is included as enclosure 11.[1]

87. Departures from the original plans desired by local interests were made by the district engineer to provide better navigation conditions within the proposed harbor and entrance channel, to make more efficient use of the dredged water area, and to reduce the total cost of the proposed improvements.

88. Both the city of Los Angeles and the county of Los Angeles have expressed their desire and willingness to cooperate with the Federal Government by sharing in the cost of the project through fulfilling all items of local cooperation required. Either the city or county of Los Angeles would be able to meet the requirements of local cooperation through direct bond issue or formation of a harbor district. The State of California has adopted a policy of assisting local bodies in meeting items of cooperation for flood control required by the Federal Government, as evidenced by the State Water Resources Act approved July 19, 1945, appropriating $30 million for that purpose. The State also has a policy of cooperating with local public bodies on a matching basis in the acquisition of beaches. It is reasonable to assume that these policies will be extended to include other Federal projects.

89. An investigation of the small-craft harbors in southern California indicates an urgent need for additional facilities. Newport Bay Harbor is the only first-class small-craft harbor in the southern California

[1] Not printed.

B-116

area. An integrated recreational marine park and small-craft harbor project at Mission Bay, San Diego, Calif. (120 miles downcoast), was authorized by act approved July 24, 1946. A review of reports on Redondo Beach Harbor is in progress. These harbors would be inadequate to meet the demand for berthing small craft in southern California. Shipbuilding and ship brokerage firms in the Los Angeles area have a backlog of small-craft orders that would increase the number of small craft in southern California coastal waters at the rate of 3,000 boats a year for the next 2 years, provided berths are furnished for these craft. It is reasonable to assume that this trend would continue. Boatbuilders state they are unable to consummate sales of small craft because berthing space is not available. The limited facilities for small craft in Los Angeles and Long Beach Harbors are constantly subject to encroachment by commercial and naval needs.

90. The history of established harbors shows that construction of a new harbor does not result in the transfer of commercial facilities from the existing ports, but tends to increase the facilities in the older established ports in addition to encouraging establishment of new port facilities in a new harbor.

91. A detailed study of the probable effects of the proposed jetties at Playa del Rey upon the adjacent shoreline revealed that between the cities of Santa Monica and Redondo Beach, the shore is now receiving inadequate natural nourishment for maintenance of stable shore alinement. The predominate direction of littoral drift is downcoast throughout this area. The proposed jetties would act as a complete barrier to littoral drift for a considerable period of time and would benefit the shore upcoast therefrom by preventing further littoral loss. From the proposed Playa del Rey Harbor entrance to the existing upcoast Ballona Creek jetty, the shoreline would become stable after minor realinement. Downcoast from Ballona Creek to Redondo breakwater, no natural littoral supply would be available. Nourishment by mechanical means would be necessary to prevent erosion. The most suitable permanent plan for maintaining this area cannot be determined until a plan for maintaining beaches upcoast from Playa del Rey is established. Studies are now in progress with a view to determining the most suitable permanent plan for maintenance of all of the Santa Monica Bay shores. Many interests are involved and considerable time probably will elapse before such a plan is put into effect. In order to insure nourishment of the shore downcoast from Ballona Creek pending a permanent solution to the problem, the proposed plan of improvement includes the establishment of a feeder beach below Ballona Creek by depositing 3,200,000 cubic yards of material that would be dredged from Playa del Rey Harbor. It is estimated that this quantity of material will be adequate to provide normal maintenance in the downcoast area for approximately 10 years.

CONCLUSIONS

92. The district engineer concludes that:

(*a*) There is need for additional small-craft facilities in southern California and, in particular, in Santa Monica Bay.

(*b*) The improvement would be used to capacity within a period of years after its completion.

B-117

(*c*) The proposed harbor would not seriously impair the recovery of petroleum from the existing Venice oilfield.

(*d*) The proposed harbor would augment existing harbors, and, while adjustment in small-craft berthing and business would be made, they would not intentionally reduce the use of existing harbors or conflict in any manner with the development of the proposed improvement at Redondo Beach.

(*e*) The proposed harbor jetties would intercept downcoast littoral drift for a considerable period of time. Other improvements in Santa Monica Bay have altered the natural regimen of littoral forces and a comprehensive plan is required to maintain stability of the shoreline. Provision of a feeder beach in accordance with the proposed plan of improvement would prevent harmful effect upon adjacent shorelines by the proposed jetties pending completion of the comprehensive beach-development plan. The harbor would have a stabilizing effect on the upcoast beaches expected to be improved. The general effect of the proposed harbor on the beaches probably would be beneficial.

(*f*) An adequate navigation facility can best be provided by constructing entrance jetties and dredging an entrance channel and interior basins.

(*g*) The plan considered is the best plan for making recreational harbor facilities in Santa Monica Bay available to the largest number of boatowners and potential owners in southern California at the least cost.

(*h*) The project for small-craft navigation is justified.

(*i*) In view of the nature of the work and the distribution of benefits, it would be appropriate for the Federal Government to pay the entire cost of constructing aids to navigation, the entrance jetties, and dredging the channels and basins, all at an estimated total Federal first cost of $9,073,000 for work to be accomplished by the Corps of Engineers.

(*j*) Local interests should pay the cost of extending the upcoast Ballona Creek jetty; constructing a vertical bulkhead; revetting the side slopes of all the basins; providing all slips and other facilities for operating, berthing, maintaining, repairing, servicing, and supplying small craft; constructing all roads, pavements, and parking facilities; providing all rights-of-way, including the cost of relocating existing oil wells, all at an estimated total first cost of $16,505,000.

(*k*) The proposed project would be constructed over a period of 3 years and about $3,073,000 should be made available initially, $3 million the second year, and $3 million the third year.

RECOMMENDATIONS

93. The district engineer recommends that a project be adopted to establish a harbor for small-craft navigation at Playa del Rey, Calif., as follows: construct two harbor entrance jetties; extend the upcoast jetty of Ballona Creek flood-control channel; dredge an entrance and interior channel, an interior central basin, and side basins, and deposit the dredged material in areas to be reclaimed for mole-type piers, in lowlands, and along beach frontage; construct stone revetment and vertical bulkheads; construct adequate harbor facilities for operating,

B118

berthing, maintaining, repairing, servicing, and supplying small craft; relocate and provide utilities and sewage facilities; and relocate existing oil recovery facilities; all at an estimated total first cost of $25,603,000.

94. The district engineer recommends that the United States provide the 2 harbor entrance jetties; an entrance channel 600 feet wide and 20 feet deep; an interior channel 600 feet wide, 5,600 feet long, and 20 feet deep; 2 side basins 20 feet deep and a central basin and 10 side basins 10 feet deep separated by mole-type piers; and deposition of dredged material in the mole-type piers, on adjacent lowlands, and along beach frontage; all at an estimated Federal first cost of $9,073,000, exclusive of aids to navigation, and $25,000 annually for maintenance.

95. The district engineer further recommends that adoption of the project be subject to the conditions that local interests shall give assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished, such cooperation to be performed by a competent and duly authorized public body, financially able to accomplish the obligations so assumed and empowered to regulate the use, growth, and free development of the harbor facilities with the understanding that such facilities shall be open to all on equal terms. The required local cooperation would consist of (1) securing and holding in the public interest lands bordering on the proposed development to a width sufficient for proper functioning of the harbor; assuming the cost of all rights-of-way, including disposal areas, the cost of relocating oil wells, and the cost of relocating and constructing public utilities; constructing stone revetments, a vertical bulkhead, and an extension of the upcoast jetty at Ballona Creek flood-control channel; providing adequate harbor facilities for operating, berthing, maintaining, repairing, servicing, and supplying small craft; and for developing the harbor area for park and recreational purposes, all at an estimated non-Federal first cost of $16,505,000; (2) preparing definite plans and construction schedules for the construction of small-craft facilities, including development of the mole-type piers, which shall be subject to approval by the Secretary of the Army; (3) maintaining and operating the entire project except aids to navigation, entrance jetties, and project depths in the entrance and interior channels and in the central basin; and (4) holding and saving the United States free from all claims for damages arising from the construction or operation of the project works.

A. T. W. MOORE,
Colonel, Corps of Engineers, District Engineer.

B-119

[First endorsement]

SOUTH PACIFIC DIVISION,
CORPS OF ENGINEERS,
UNITED STATES ARMY,
OAKLAND ARMY BASE,
Oakland 14, Calif., August 22, 1949.

Subject: Survey of Harbor at Playa del Rey, Calif. (Basic: August 16, 1948.)

To: Chief of Engineers, Department of the Army, Washington 25, D. C.

1. I concur in the conclusions and recommendations of the district engineer.

2. I have reviewed the economics of the report and consider reasonable the district engineer's estimates of total annual benefits amounting to $1,529,000 and total annual charges amounting to $910,920, indicating a favorable benefit-cost ratio of 1.7 to 1.

DWIGHT F. JOHNS,
Colonel, Corps of Engineers, Division Engineer.

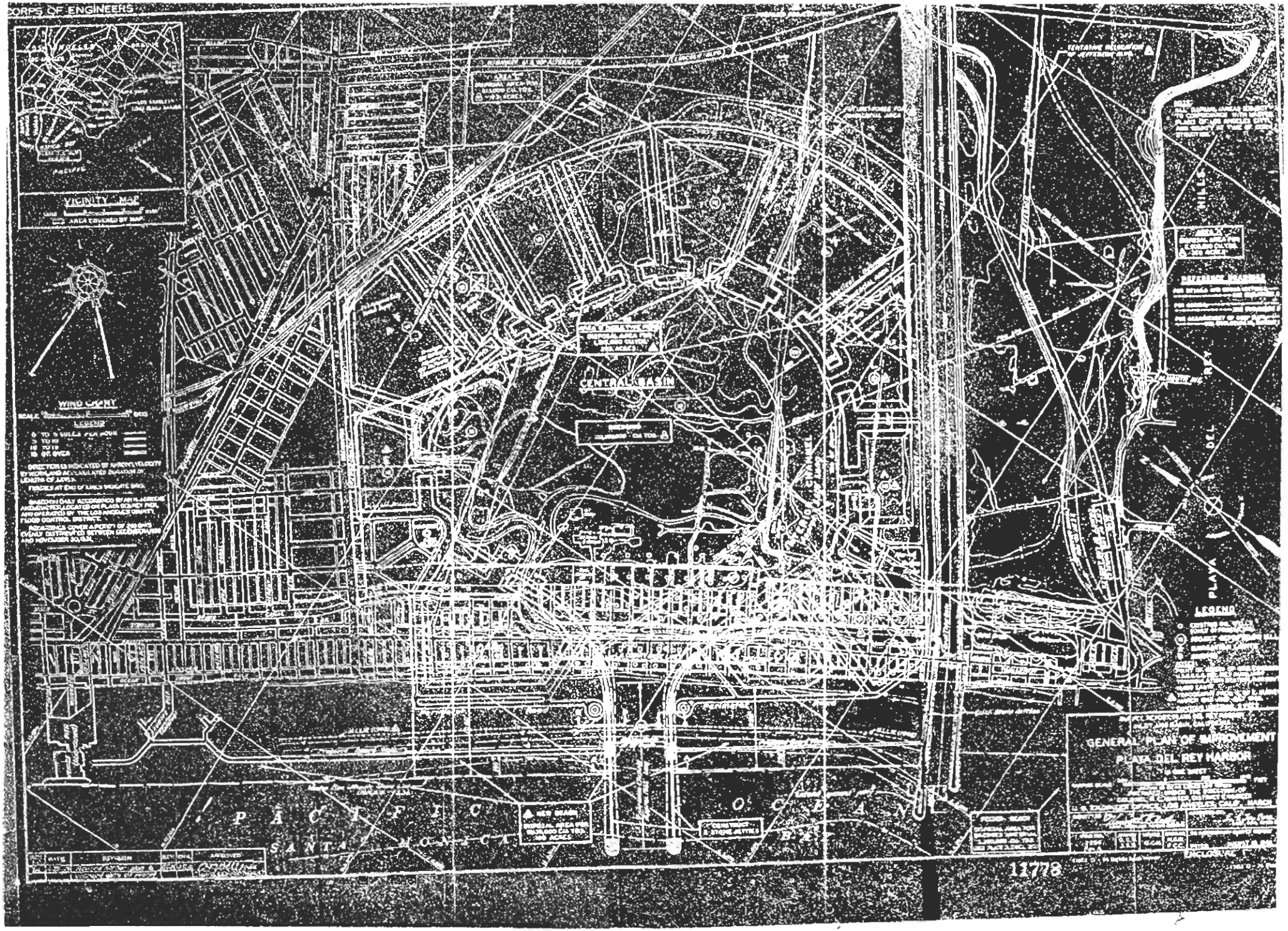
LIST OF ENCLOSURES MADE IN CONNECTION WITH THE REPORT OF THE DISTRICT ENGINEER

(Only enclosure 1 printed)

No.	Title
1.	General plan of improvement.
2.	Details and cross sections.
3.	Borings.
4.	General plan by Los Angeles City Planning Commission.
5.	Immediate tributary area.
6.	Tributary area accessible to small-craft harbor development.
7.	Permit-drawing showing proposed beach fill.
8.	Distribution of boatowners.
9.	Sardine and mackerel fishing localities.
10.	Cost tabulation on small-boat navigation.
11.	Proposed development plan, Santa Monica Bay shoreline.
12.	Cost estimate of shoreline development.
13.	Photographs.
14.	Correspondence and data submitted by local interests.
15.	Letters from boatbuilders.
16.	Bases for design and cost estimates.
17.	Benefits from improvements.
18.	Resolutions by local interests.
19.	Geology.
20.	Shoreline effect.

O

B-120


CORPS OF ENGINEERS
VICINITY MAP
WIND CHART
LEGEND
CENTRAL BASIN
PACIFIC OCEAN
SANTA MONICA BAY
PLAYA DEL REY
LEGEND
GENERAL PLAN OF IMPROVEMENT
PLAYA DEL REY HARBOR
11778

B-121

2

B-122

105 3882 BOOK D296 PAGE 840

RECORDING REQUESTED BY AND MAIL TO
P.B.D.
Rm 1049 - Hall of Records

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
59 Min. Past 10 A.M. DEC 5 1960
HAYDEN C. LEE, COUNTY RECORDER

PERPETUAL RIGHT OF WAY AND EASEMENT

THIS DEED, made this 18th day of November, 1958, between the **COUNTY OF LOS ANGELES**, a body corporate and politic, party of the first part, and the **UNITED STATES OF AMERICA**, party of the second part, **WITNESSETH:**

FREE

WHEREAS, in the Rivers and Harbors Act of Congress approved September 3, 1954, Title I of Public Law 780, 83d Congress, second session, provision was made for the improvement of Playa del Rey Inlet and Harbor, Venice, California, in accordance with a project set forth in House Document No. 389, 83d Congress, second session, subject to the condition that local interests furnish free of cost to the United States all lands, easements and rights of way needed for the improvement; and

WHEREAS, the party of the first part is the owner in fee simple of a tract of land situated in the County of Los Angeles, State of California, more particularly described as follows:

> That portion of the City of Los Angeles, County of Los Angeles, State of California, and that portion of the unincorporated territory of said county, within the following described boundaries:
>
> Beginning at the most northerly corner of Lot 22, Block 18, Del Rey Beach, as shown on map recorded in Book 6, page 186, of Maps, in the office of the recorder of said county; thence South 59°40'22" West along the northwesterly line of said lot and its southwesterly prolongation 1064.88 feet to the center line of Ocean Front Walk, 12 feet wide, shown unnamed adjoining Lot D on the northeast, on said map of Del Rey Beach; thence South 30°10'00" East along said center line 1067.03 feet to the southeasterly boundary of that certain parcel of land described in deed to County of Los Angeles recorded as Document No. 2508, on April 10, 1957 in Book 54260, page 75, of said Official Records; thence North 61°19'14" East along said southeasterly boundary 327.71 feet to that certain 4837.50 feet radius curve in said southeasterly boundary; thence northeasterly along said last mentioned curve 461.25 feet; thence North 55°51'27" East along said southeasterly boundary 263.31 feet to the northeasterly line of said Del Rey Beach; thence North 55°51'27" East along the southeasterly line of that certain parcel of land described in deed to County of Los Angeles, recorded as Document No. 3564, on April 1, 1957, in Book 54687, page 164, of said Official Records, a distance of, 1513.15

B-123

feet to a line parallel with and 520 feet easterly, measured at right angles, from a certain course which bears North and passes through a point in the northwesterly line of said last mentioned certain parcel of land distant North 55°51'27" East thereon 1301.12 feet from the northeasterly line of said Del Rey Beach; thence North along said last mentioned parallel line 811.13 feet; thence West 20 feet to a line parallel with and 500 feet easterly, measured at right angles, from said certain course; thence North along said last mentioned parallel line 4763.68 feet to a line parallel with and 430 feet southerly, measured at right angles, from the center line of the 60 foot strip of land described in deed to Southern California Railway Company, recorded in Book 810, page 230, of Deeds, in the office of said recorder; thence North 77°07'44" West along said last mentioned parallel line 1017.80 feet; thence West 7.77 feet to a line parallel with and 500 feet westerly, measured at right angles, from said certain course; thence South along said last mentioned parallel line 4543.92 feet to the beginning of a curve concave to the west tangent to said last mentioned course and having a radius of 1750 feet; thence southerly along said last mentioned curve 451.48 feet to a radial which bears South 75°13'06" East to said last mentioned curve; thence North 75°13'06" West along said last mentioned radial 20.00 feet to the beginning of a curve concave to the northwest and concentric to said last mentioned curve; thence southwesterly along said last mentioned curve 1374.67 feet to a radial which bears South 29°41'27" East to said last mentioned curve; thence South 59°33'23" West 165.27 feet to the northeasterly line of said Del Rey Beach; thence North 29°11'54" West along said northeasterly line 22.22 feet to the point of beginning.

AND WHEREAS, the said tract of land is needed in connection with the aforesaid improvement,

NOW, THEREFORE, for a good and valuable consideration, the receipt of which is hereby acknowledged, and the benefits to the party of the first part which will result from the proposed improvement of Playa del Rey Inlet and Harbor, the party of the first part does hereby grant, bargain, sell, and convey unto the party of the second part, and its assigns, the perpetual right and easement to enter upon, dig, or cut away and remove any or all of the hereinbefore described tract of land as may be required for the construction and maintenance of the aforesaid work of improvement or any enlargement thereof, and to maintain the portion cut away and removed as a part of the navigable waters of the United States. RESERVING HOWEVER, to the party of the

B-124

first part, its successors and assigns, all such rights and privileges in said tract of land as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the party of the second part.

TO HAVE AND TO HOLD the said rights and easements unto the party of the second part, The United States of America, and its assigns, for the purposes aforesaid, forever. And the said party of the first part, for itself and for its successors and assigns, does hereby covenant with the party of the second part that it has sufficient rights, interest and title to the afore-granted premises to convey a permanent right of way and easement to the United States of America; that it has good right to sell and convey the same as aforesaid; and that it will warrant and defend the title of the same to the said party of the second part, and its assigns, against the lawful claims and demands of all persons.

IN WITNESS THEREOF, The County of Los Angeles has caused this instrument to be executed by the Chairman of its Board of Supervisors, and its County Clerk, and its official seal to be hereunto affixed, pursuant to Order of the Board of Supervisors of the County of Los Angeles authorizing such execution, this 17th day of December, 1958.

COUNTY OF LOS ANGELES, a body corporate and politic

By [signature]
Chairman of the Board of Supervisors of Los Angeles County

ATTEST:

HAROLD J. OSTBY, County Clerk of the County of Los Angeles, State of California, and ex officio Clerk of the Board of Supervisors of said County

By [signature]
Deputy Clerk

This is to certify that this document covers County land lies within the meaning of Section 6103 of the Government Code.
HAROLD J. OSTBY, County Clerk
[signature]

B-125

B-126

STATE OF CALIFORNIA
County of Los Angeles

BOOK D296 PAGE 843

On this 8th day of November, A. D., 1958, before me HAROLD J. OSTLY, County Clerk and Clerk of the Superior Court in and for the County of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared

Burton W. Chace, known to me to be the Chairman of Board of Supervisors of the County of Los Angeles and the person who executed the within instrument on behalf of the County therein named, and acknowledged to me that such County executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.

HAROLD J. OSTLY, County Clerk

By [illegible] Deputy

[illegible]

3

B-127

MARINA DEL REY STUDY

WORKING PAPER 1B THE DEVELOPMENT OF THE MARINA

COASTAL ZONE PLANNING AND MANAGEMENT PROJECT
UNIVERSITY OF SOUTHERN CALIFORNIA SEA GRANT PROGRAM • LOS ANGELES, CALIFORNIA

B-128

THE DEVELOPMENT OF MARINA DEL REY

Marina del Rey Study
Coastal Zone Planning and Management Project
University of Southern California
Sea Grant Program

Prepared by
George P. Schultz, Associate Professor of
Urban and Regional Planning
Margarita P. McCoy, Research Associate in Urban and
Regional Planning
Kevin J. O'Brien, Research Assistant in
Urban and Regional Planning

With the assistance of
Robert J. MacNicholl and Wilbert C.F. Chee,
Research Assistants in Urban and
Regional Planning

Cover photograph by Gwen Halvorson

This work was supported by a Grant No. 2-35227 from the National Sea Grant Program, U.S. Department of Commerce, to the University of Southern California.

Sea Grant Publication No. USC-SG-5-72

B-129

CONTENTS

PREFACE	.....	iii
CHAPTER I.	INTRODUCTION	5
	Stages of development Important public issues	
CHAPTER II.	THE PRE-DEVELOPMENT ERA	11
	Natural topography Early development schemes Basic marina plans County plans and Corps of Engineers plans Madigan-Hyland plan Nicholson plan Corps of Engineers: Design Memorandum No. 1	
CHAPTER III.	INITIAL DEVELOPMENT (1956-62).....	36
	Economic studies Analysis methods Development costs Public and private roles Land acquisition Land use plans, 1960	
CHAPTER IV.	LATER DEVELOPMENT (1962-71).....	81
	The critical period Land use plan, 1967 The land use study Current conditions Considerations for future planning	
APPENDIX:	MAJOR REFERENCE DOCUMENTS	112

B-130

CONTENTS

PREFACE	.....	iii
CHAPTER I.	INTRODUCTION	5
	Stages of development Important public issues	
CHAPTER II.	THE PRE-DEVELOPMENT ERA	11
	Natural topography Early development schemes Basic marina plans County plans and Corps of Engineers plans Madigan-Hyland plan Nicholson plan Corps of Engineers: Design Memorandum No. 1	
CHAPTER III.	INITIAL DEVELOPMENT (1956-62).....	36
	Economic studies Analysis methods Development costs Public and private roles Land acquisition Land use plans, 1960	
CHAPTER IV.	LATER DEVELOPMENT (1962-71).....	81
	The critical period Land use plan, 1967 The land use study Current conditions Considerations for future planning	
APPENDIX:	MAJOR REFERENCE DOCUMENTS	112

PREFACE

This working paper is one of a series focused on the Marina del Rey being prepared as part of the Coastal Zone Planning and Management Project at the University of Southern California. The overall project has been conducted jointly by the Center for Urban Affairs and the Graduate Program of Urban and Regional Planning under a grant from the U.S. Department of Commerce to the U.S.C. Sea Grant Program. This paper was undertaken to provide an orderly, accurate presentation of the decision process which has led to the Marina's present status.

We believe that the study will be of value to the Los Angeles County Department of Small Craft Harbors in its future Marina development activities. Although the department has been our principal source of information, an outsider's view of past events is sometimes useful. The principal value, however, will accrue to other coastal communities which are considering marina development but do not have the experience which Los Angeles has gained.

Obviously, there are many aspects of the Marina which we have not investigated in depth here. Among these are current activity patterns, developer behavior, environmental conditions, effects on surrounding areas, and the internal governance of the Marina. Furthermore, it has not been our intention to identify individuals who have advocated various

B-132

policies. Other papers in the series will deal with many of these factors.

We would like to thank the following people at the Los Angeles County Department of Small Craft Harbors for their cooperation in providing reference documents and for the time they spent with us in interviews: Victor Adorian, Director; Donald Deise, Assistant Director; James Quinn, Chief of Operations and Development; Leo Bialis, Harbor Controller; and Richard Landon, Property Manager. Ben H. Southland, of Gruen Associates, who represented this consulting firm in their land use planning for the Marina, offered a number of valuable insights concerning its development.

We also recognize the important roles played by Ronald Linsky, Director of Sea Grant Programs at U.S.C.; Jerome Milliman, Director of the Center for Urban Affairs; and Professor Robert Warren in making the initial contacts which allowed us to proceed on this study.

B-133

CHAPTER I. INTRODUCTION

The Marina del Rey, on Santa Monica Bay in Los Angeles County, is one of the largest man-made small craft harbors in the world, containing 375 acres of land and 405 acres of water. It is expected to have about 6,000 boats in slips and hundreds more in dry storage. Beyond this, it is a small community in itself with a resident population of 10,000 and a seasonal daytime population of about 30,000. The residential accommodations are supplemented by extensive commercial facilities including a shopping center, office buildings, and many restaurants. Public investment to date has been over $36,000,000 which has been funded by federal and county contributions as well as a revenue bond issue of $13,000,000. Total private investment is expected to reach $160,000,000 or more. Today the project is clearly a financial success for the County, both in terms of internal revenues and increased tax income.

The site of the Marina is totally owned by Los Angeles County but most of the land and some of the water area is leased to private developers. The County Department of Small Craft Harbors, the Small Craft Harbor Commission and the Marina Design Control Board regulate both the form of development and the operations of the lessees.

Obviously, this financially successful project has required extensive and continuous planning effort. The pattern of decisions must be seen as a dynamic process. Plans have been modified considerably over a

long period of time and will continue to change. Each action taken by the County and by developers was a response to possibilities and constraints at a specific point in time, as they were perceived by particular groups. Some comments will be made here concerning the significance of Marina development decisions for its users, the surrounding area, and the community as a whole. However, a more complete critique of the decision process will appear in a later working paper.

Stages of development

The stages of Marina development and planning will be presented in a roughly chronological sequence. The first stage, up to 1956, covers early schemes for use of the Marina site and the planning which led up to a tentative decision for extensive public investment in a small craft harbor there.

During the second stage, 1956-62, detailed economic studies were conducted to estimate the costs and revenues from the Marina. Arrangements for the use of general fund and revenue bonds were established for financing public expenditures. The land needed for Marina development was acquired by the County and construction of the basic form of the Marina was undertaken. In 1960, the first complete land use plan was prepared. Procedures for leasing land and water parcels were defined. Finally, the first lessees built their own structures and began to operate.

A third stage began in 1962 with a period of great difficulty brought on by storm damage and problems with financing. Up to 1967, every decision concerning the Marina had to be made with the goal of increasing revenues in order to meet debt service requirements. At present, many private structures and their arrangement reflect the market and financing conditions existing during this critical period which made low cost development necessary. More recent projects are of higher quality and higher cost. A revised land use plan was prepared in 1967 which updated the original plan. The new plan took account of experience gained during the intervening period, as well as the rapidly changing market conditions.

Currently the County contracts, when necessary, with economic and land use planning consultants who undertake studies and make recommendations to ensure that the continuing development of the Marina will be effective.

Important Public Issues

The Marina today appears to be a remarkably successful operation. However, from the point of view of public policy, a number of issues should be considered which will be relevant to decision-making concerning other marinas. While we will not attempt to answer these questions in this descriptive paper, they have guided the selection of information to be presented.

The first issue is whether the Marina del Rey site should have been used

for a small craft harbor or for some other purpose. It can be assumed that local governments today must be constantly searching for revenue producing development. Rarely is a project carefully analyzed to determine whether its overall effect on the community will be the most favorable of all possible uses. Apparently, little consideration was given to uses other than a small craft harbor for this site and the possibilities for alternative uses were discarded long ago. Some other uses which might have been considered are industry, low density residence, a more or less natural estuary and park, and a recreation area like Marineland or even Disneyland. We are not necessarily suggesting that these uses are more suitable for the Marina site, but that a wide range of possibilities should be examined for all coastal zone sites.

Given that a marina has been assigned to the site, it should be considered whether the overall layout and the land use pattern have been handled well. For example, could the surge problem during the 1962-63 period have been avoided by better channel planning? Does the channel and basin arrangement result in acceptable water quality? Is the percent of the site filled as land appropriate? Have internal roads, links to external streets, and parking been well organized? Are high and low rise buildings properly balanced and arranged? Are residential and transient population densities too high or too low?

Another category of issues concerns the financial and operating arrangements of the Marina. Were the public subsidies from the Federal government and the County general fund appropriate? Were the revenue bond issue and state loan handled well? Have leasing arrangements been fair and in the best interest of the County? Are public services adequate? Are Marina users paying their share of service costs?

Finally we come to the question of who should have the ultimate decision-making responsibility for marinas and other coastal zone development. If, as in the present case, the Department of Small Craft Harbors is given a major role in planning one would expect that water recreation uses, especially pleasure boating facilities, would be given precedence whenever possible. However if an agency with responsibility for all activities in the coastal zone were making decisions, perhaps a different land use scheme would have resulted.

In the remaining chapters of this report, we will turn to the chronolgy of Marina development.

FOOTNOTES

1 Note that boating dominated the early plans, but as time has passed, residential and other "landside" development have been allowed to expand considerably because of the need to pay back the revenue bonds. Apparently boat slips alone would not support the cost of the Marina.

CHAPTER II. THE PRE-DEVELOPMENT ERA

Natural Topography

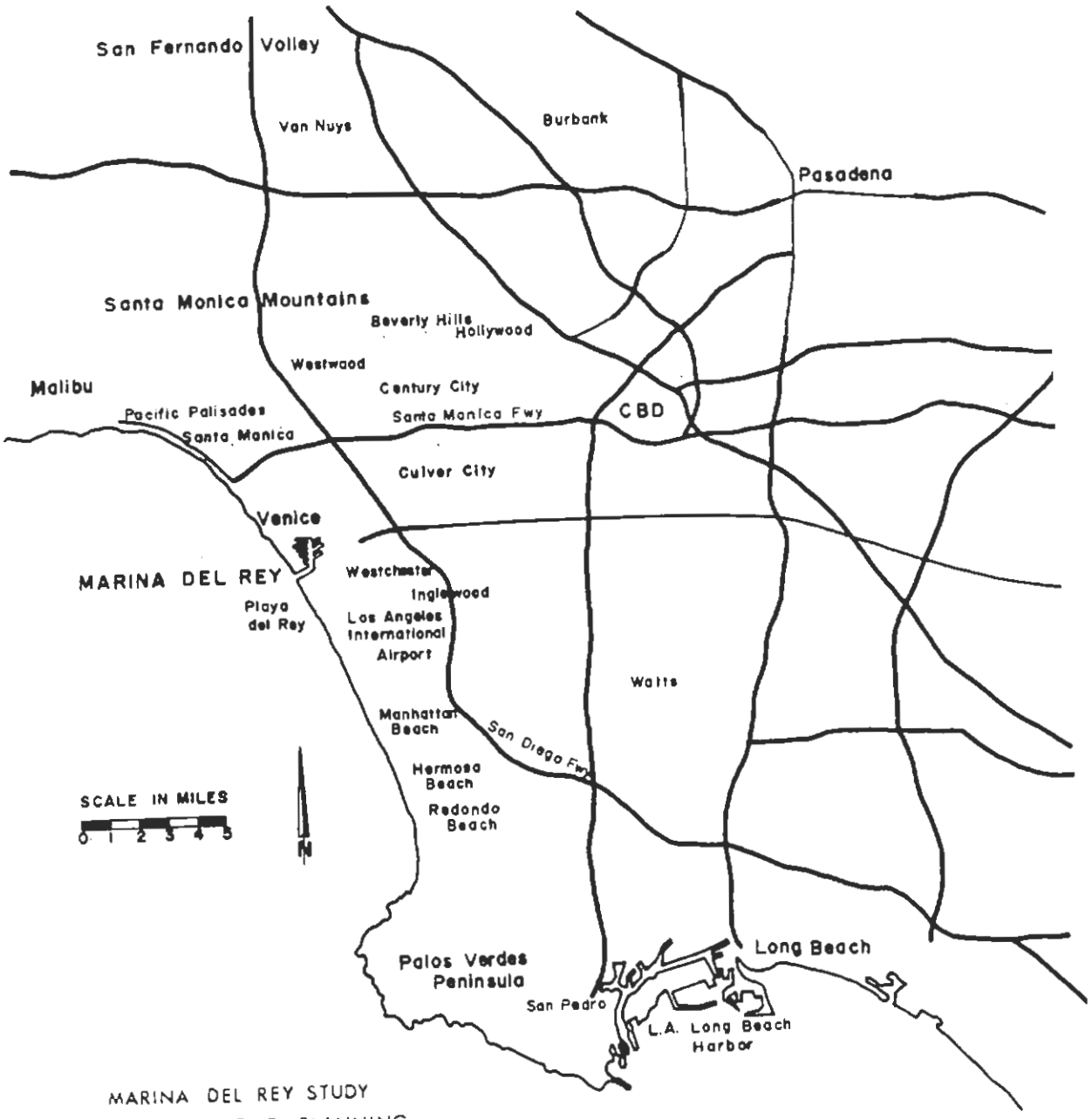
Marina del Rey is located at the southern end of an area of beachfront lowlands which extend south from Pacific Palisades to the bluffs of Playa del Rey. Toward the east, the land slopes gradually upward to the Baldwin Hills, four miles inland. Until recently, the Marina area was known as Playa del Rey Inlet. Early in the 1800's the inlet had formed the mouth of the Los Angeles River but later the river rerouted itself so that it now enters the sea at Long Beach.

The concrete lined Ballona Creek Flood Control Channel, just south of the Marina site, was constructed in 1938. After the construction of the flood control channel, the Marina area was described as "1513 acres of salt marsh and low farm and residential lands." Residences were clustered along the shore since the area inland was subject to flooding by even moderate rainfall.[1]

Early Development Schemes

Indians once inhabited the area of the present Marina. There was fresh water from Ballona Creek, hunting and fishing were good, and there were clams in the lagoon. When Southern California came under the jurisdiction of the Spanish, the area was part of a large rancho used for raising cattle. The Rancho la Ballona, named for the town of Bayona in Spain, gave its name to Ballona Creek.

GENERAL LOCATION MAP



MARINA DEL REY STUDY
COASTAL ZONE PLANNING
AND MANAGEMENT PROJECT
UNIVERSITY OF SOUTHERN CALIFORNIA

Source: California State Division of Highways

B-141

Moses Wicks, a real estate speculator began construction of a commercial harbor on the site in 1887. Although only 35, Wicks had been successful in land dealings after his graduation from law school and was able to capitalize $300,000 for the venture. The Santa Fe Railroad built a rail line to service the port and a pile-lined channel was begun. Construction proceeded to the point of creating a basin suitable for small boats before a collapse of the real estate market left the speculators without customers and stopped the construction.[2] The channel quickly deteriorated and the basin filled in until it was no longer naviagble.

In 1892 Abbot Kinney bagan developing the Venice area, complete with canals with the intention of replicating the character of Venice, Italy. This transformed what had been an ownerless beach into a vacation resort. Kinney remained active in the development of Venice throughout his life and was one of the successors to Wicks in encouraging the development of a harbor at Playa del Rey Inlet. His exact role here is not known, but in 1916 he made a statement of support and encouragement of the construction of a harbor in the House Document No. 1880 of the 64th Congress. This document reported the findings of the Corps of Engineers in studying the feasibility of such a commercial harbor.[3] The Corps' preliminary examination determined there was no justification for such a major undertaking. The commerce projected for such a harbor was uncertain since the site of the present area harbor at San Pedro and

Long Beach was considered far superior. Although it was thought that a small craft harbor might be useful, there was no provision for federal participation in such a project at that time.[4] Abbot Kinney's son, Thornton, tried to encourage the construction of a naval base at Playa del Rey in 1921 but failed to gain recognition for the project.[5]

The Venice canals connected with the sea at Playa del Rey Inlet. After the construction of the Ballona Creek Flood Control Channel, tide gates into the channel became the only opening from the canals to the sea. The marshes drained into the canals and the canals into the channel.

As Venice grew, development crept southward towards Ballona Creek. Houses were built along the beach in the area known as the peninsula, so named because of the salt marshes behind the beach. A bridge over Ballona Creek at Pacific Avenue connected the peninsula with Playa del Rey. In 1930, a profitable oil well was discovered and soon 151 oil wells dotted the peninsula and the western side of the marshlands. The production of these wells decreased from a peak of 40,000 barrels a day in 1930 to 2,300 barrels a day in 1946 and their existence at that time was not seen as a serious obstacle to the construction of the marina.[6]

A proposal for a harbor was again raised in 1937 when Congress approved the Rivers and Harbors Act, Public Law 75-392, which "authorized and directed to cause a preliminary survey to be made ..." at Playa del Rey

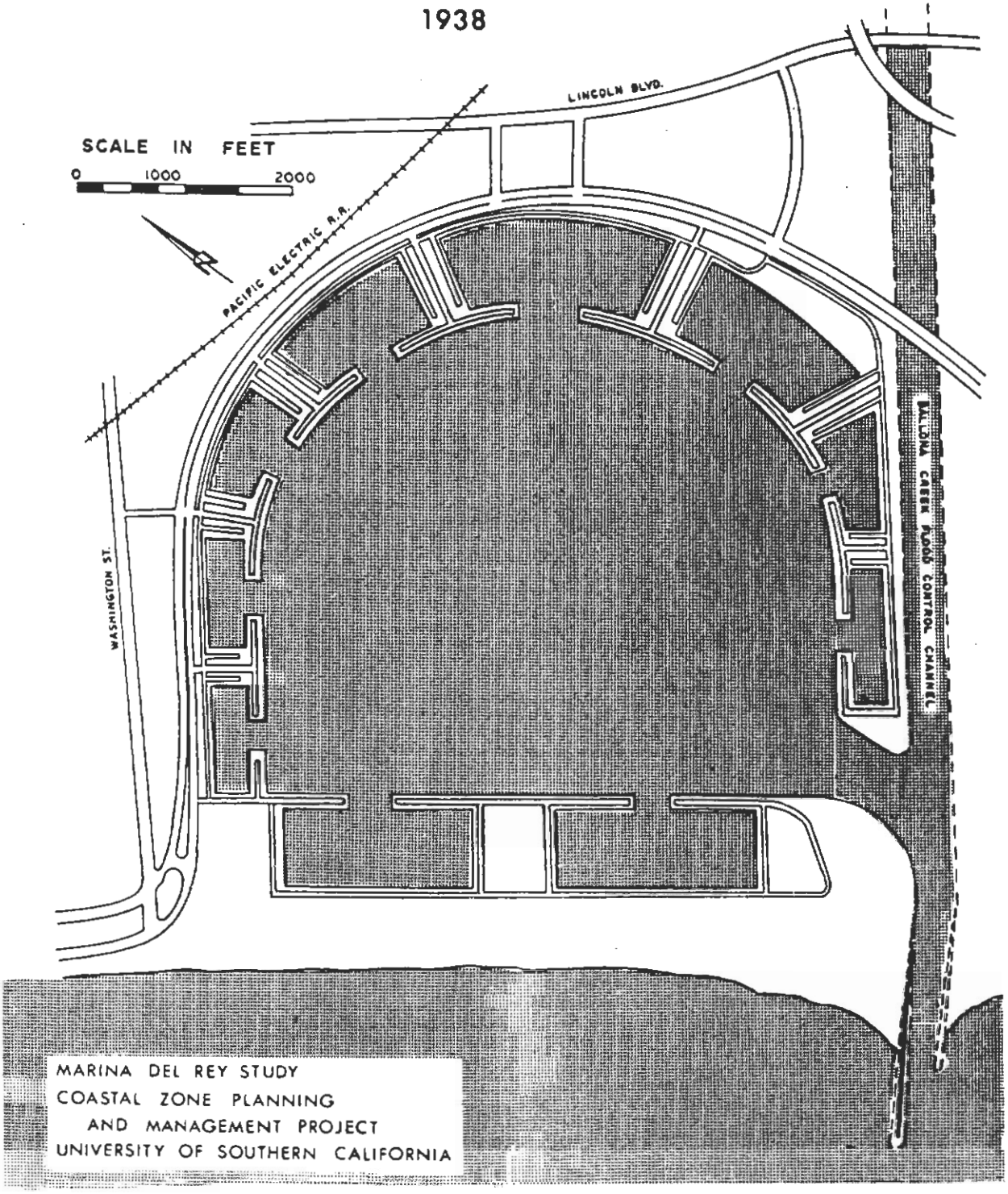
Inlet.[7] Before the Corps of Engineers undertook the study, they requested that a certain amount of information be provided by the community. Accordingly, the Los Angeles County Regional Planning Commission was authorized to provide the information. For the first time, the proposal was for the construction of a recreational harbor, a concept which was made possible by Public Law 72-16 which had defined the term commerce to include "the use of waterways by seasonal passenger craft, yachts, houseboats, fishing boats, motor boats and other similar water craft whether or not operated for hire."

It is not known who inspired the inclusion of Playa del Rey Inlet in the 1937 Law. By this time, however, the perceived local need for recreational facilities, coupled with the unusual suitability of the area for small craft harbor development seems to have created a predisposition for the harbor among many groups.

Basic Marina Plans

The Regional Planning Commission produced a report in 1938 which envisioned a large open body of water (435 acres) surrounded by ten smaller berthing areas created by mole type piers jutting into the central basin. It's estimated cost was $9,750,000. The harbor was to accomodate 5,000 boats and include automobile garages, parking spaces, water and electrical outlets, restrooms, yacht clubs, boat repair

REGIONAL PLANNING COMMISSION PLAN
1938



Adapted from: L.A. County Regional Planning Commission, Report on Proposed Recreation Harbor at Playa del Rey, 1938.

B-145

facilities, sport fishing boats, administration buildings, and possibly civic buildings such as a post office or library.[8] The physical plan was not based on thorough analysis, but was thought to be reasonable in light of the needs of the boating public. The amount of business assumed for the Marina was based on extrapolations from the demand for services at existing harbors. The final report, accompanied by a review of the findings of George F. Nicholson, consulting engineer, was completed in August 1938.[9] At this time, the Corps of Engineers was expected to begin their survey. World War II, however, delayed their action and the survey was not authorized until April 6, 1944.[10]

County plans and Corps of Engineers plans

The early plans for the marina at Playa del Rey Inlet were as speculative as the Marina itself. The plan developed by the Regional Planning Commission in 1938 and updated later as part of the Master Plan of Shoreline Development, was designed to provide needed information for the Corps of Engineers. The Corps wanted to know what kind of harbor the local community wanted. They wanted to know what activities would take place in the Marina and what interests would be served. The Corps of Engineers was unfamiliar with evaluating a recreational harbor proposal since they had been previously involved only in commercial harbor construction. Similarly, the Regional Planning Commission was not accustomed to dealing with the issues peculiar to a recreational harbor. At any rate,

they were reacting to a particular request for information on a project which could be fit into county plans but which was not yet adopted or thought to be imminent. Their plan drawings show little regard for property lines or city boundaries. The planners seem to have assumed that much more planning would be done before any marina would be built.

The action of the Regional Planning Commission and the pending action by the Corps of Engineers probably increased in people's minds the likelihood of a marina at Playa del Rey Inlet. The Shoreline Planning Association of California urged preliminary studies for such a marina. In response, the City of Los Angeles commissioned a study of the recreational development of the Los Angeles shoreline to be done by a private consultant, Madigan-Hyland.[11] The consultant postulated the future existence of the Marina del Rey to the point of saying that it would probably be open in 1953. Again the planners assumed that someone else would do more detailed plans for the Marina. Madigan-Hyland apparently based its projections on the plan developed by the Corps of Engineers. The Corps had not published its report yet but the general plan which accompanied the Corps' findings had been drawn in 1946, so that it was available to the consultants.

The Corps of Engineers report was finally completed in 1949.[12] The major purpose of this study was to determine whether or not the federal government would participate in the construction of the Marina. For this reason its plans

were more specific than any others had been. The plans, however, covered only the construction of the waterways and left land use and accompanying facilities out of their considerations. Only as it affected channel design did the Corps indicate the existence of boat repair yards, administration buildings and boating clubs.[13]

The harbor designed by the Corps of Engineers was similar to that envisioned by the Regional Planning Commission. There was to be a large central basin connected to the sea by a single channel. Twelve side basins with a capacity of 8000 boats would be twenty feet deep and be served by a twenty foot deep interior channel from the entrance. The rest of the water area was to be ten feet deep. The deeper areas were to be for boat repair, perhaps to accomodate larger commercial boats which would be harbored elsewhere.

Madigan-Hyland Plan.

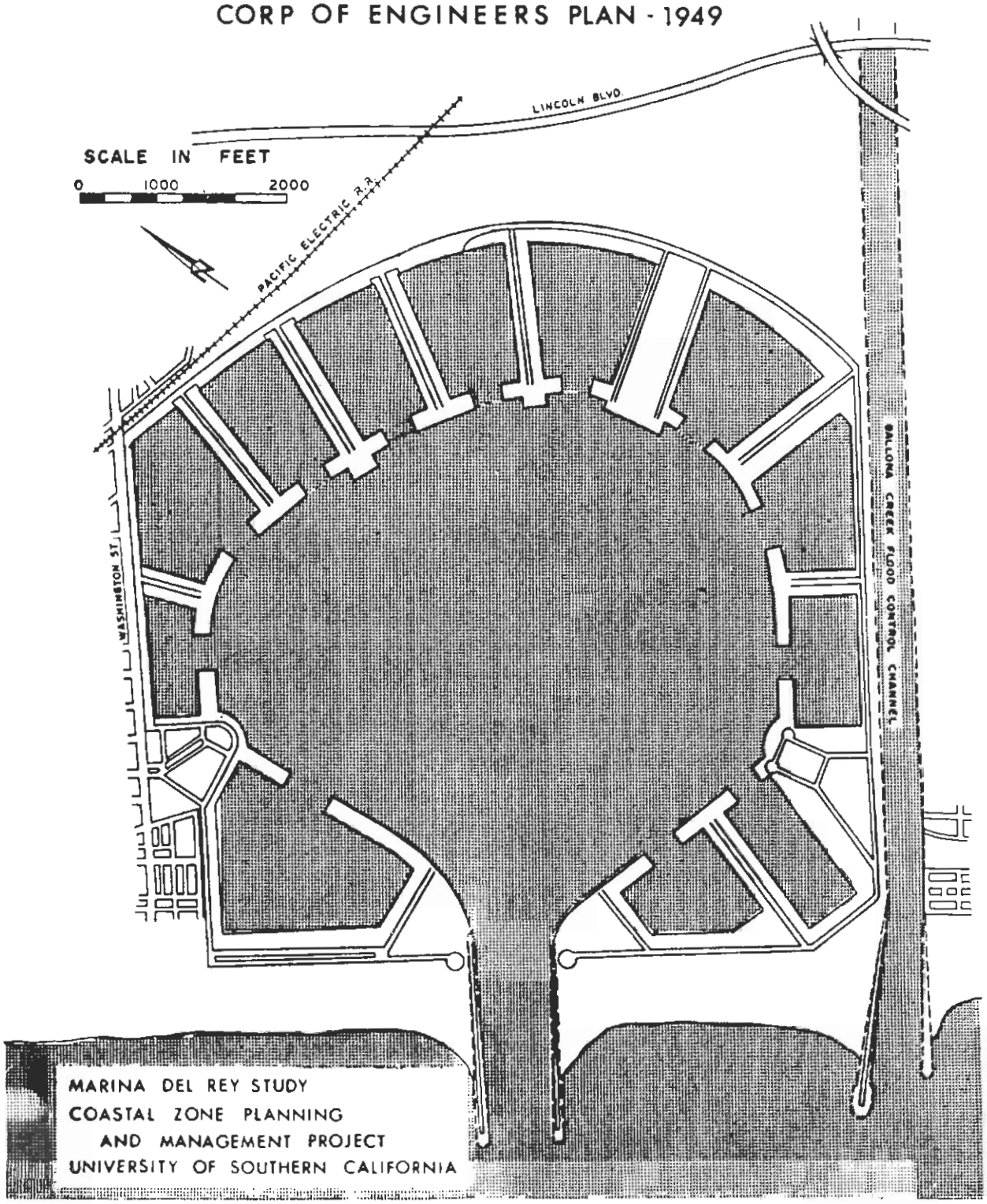
The Madigan-Hyland plan for the coastline also was finished in 1949. Since theirs was a study of the entire Los Angeles County coast, Madigan-Hyland described the facilities to be included in the Marina primarily in relation to the entire County's coastal recreational facilities. It is not known if the consultant had been asked to determine what type of facilities should be specifically included in the Marina, or if they merely wished to influence the eventual planners of the Marina to give consideration to regional recreational needs.

Madigan-Hyland determined the number of parking spaces needed for a marina would be 1.5 spaces for each of 80% of the boat slips plus 1400 parking spaces for the general public. They apparently felt the public should have access to the Marina even if only for sight seeing. They suggested, however, that the way to pay for such public parking would be to collect a fee at the Marina entrance. No one but a boat owner with a pass would get into the Marina without paying.

While Madigan-Hyland probably based their recommendations for land and water use on a plan similar to that shown in the Corps of Engineers Plan of 1949, it is difficult to reconcile the activities and facilities they specify with the areas provided in the plan.

The major emphasis in the report is on the 8,000 small craft to be docked in slips located within bays built around the periphery of the circular harbor. Two additional bays are planned for marine related commercial and recreational use. The support facilities thought to be required for 8,000 craft are described, but no indication is given of the space allocated for these facilities. Two of the bays shown on the plans are adjacent to Washington Street, two to Ballona Creek Flood Control Channel, three back on to the ocean beach, and only four of the remaining five bays have any contiguous land area available for the location of the 11,000 parking spaces, the marine supply stores, restaurants, bars, and retail commercial facilities which are noted as

CORP OF ENGINEERS PLAN - 1949



Adapted from: U.S. Engineer Office, "General Plan of Improvement, Playa del Rey Harbor" Los Angeles, 1949.

B-150

necessary. The area which lies between Lincoln Boulevard and the marina's circumferential road is approximately 125 acres and would be inadequate for even a small share of the facilities described.

Four of the thirteen moles shown are large enough to accomodate harbor administration and maintenance operations as well as marine repair yards, but the remaining moles are only large enough to provide for a minimal number of the storage lockers to be rented to boat owners. Space on the moles is not sufficient for the garages recommended for rental to boat owners for their cars and paraphernalia, nor is it possible to find such space within feasible distance from the slips.

Numerous other discrepancies between narrative and plan are apparent, so that it is obvious that Madigan-Hyland's textual report on the Marina, considered by itself or in conjunction with the Corps of Engineers plan for the area, cannot be regarded as a complete land use plan. Again, it must have been assumed that other agencies would complete the planning work necessary before actual construction of the Marina.

While Madigan-Hyland's report had been addressed to County coastal recreational needs, the Corps of Engineers Plan, developed at the same time, concerned only the Marina. The major purpose of the report was to present a benefit-cost analysis to justify the federal government's participation in the Marina's construction. Considering tangible benefits only, they

estimated that the benefit-cost ratio resulting from the proposed marina development would be 1.4 to 1. Along with this figure it is mentioned that federal participation is further legitimized by a higher percentage of marina costs to be borne by local interests, rather than by the federal government. The amount necessary to construct half of the main navigational features was finally recommended as the federal government share.[14]

In 1954, Congress passed Public Law 83-780 which "adopted and authorized to be prosecuted" the recreational harbor at Playa del Rey Inlet.[15] This decision had been recommended by the Secretary of the Army on the basis of the 1949 report by the Corps of Engineers. The legislation approved federal participation in the project in the event that the local authorities decided to go ahead with it.

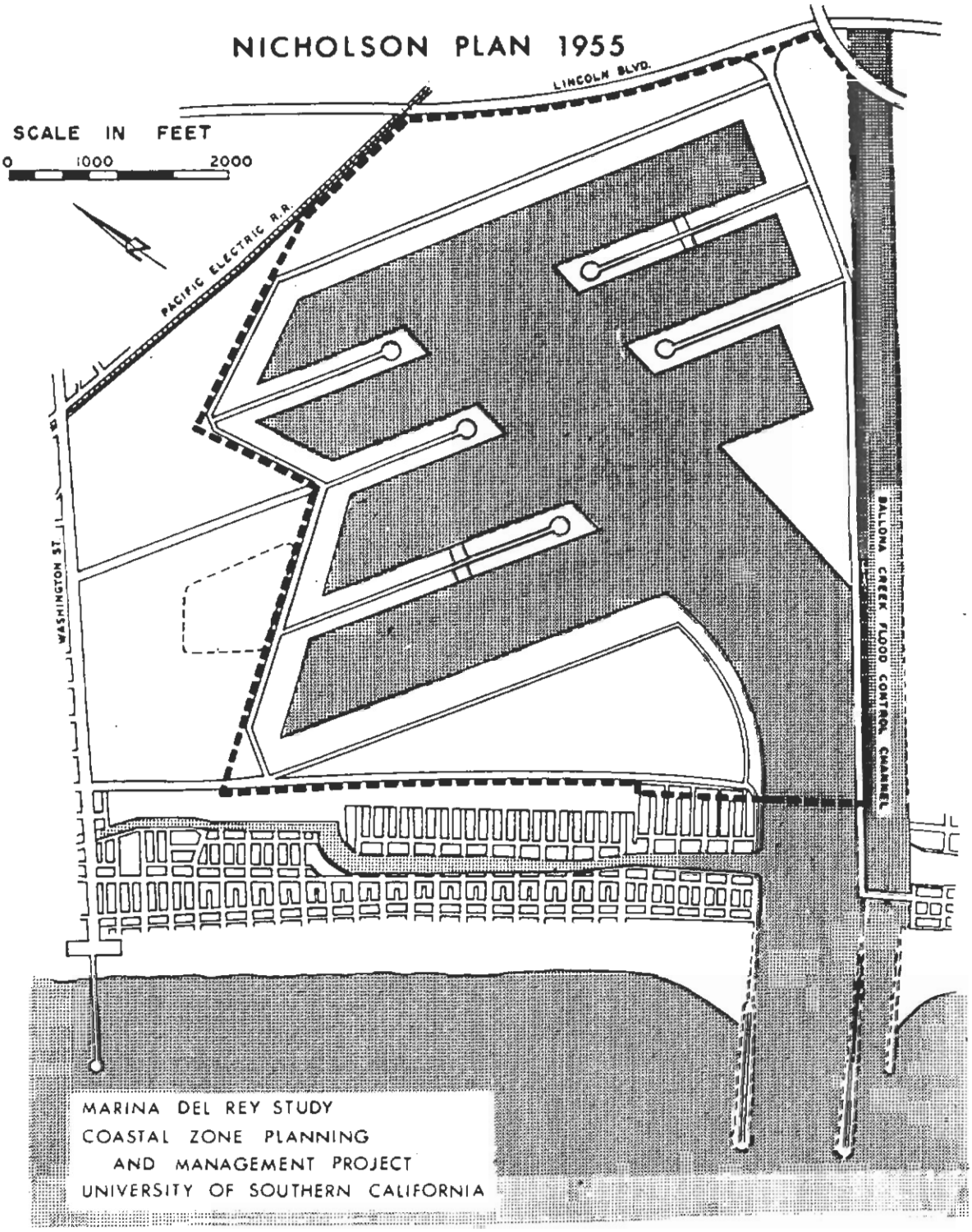
Nicholson's Plans

In response to the federal support provided by Public Law 83-780 the Los Angeles County Board of Supervisors hired George F. Nicholson, consulting engineer, to prepare a schematic plan for a marina accompanied by an economic feasibility study. The Nicholson plan was a radical departure from the Corps of Engineers Plan of 1949. The Nicholson Plan eliminated the large central basin which characterized the earlier plans. The basin, it was reported was not required for navigation nor would it

be appropriate to the area the Marina was planned to occupy, a much smaller area than was previously contemplated. Also, it was thought that the mole design in the Corps of Engineers Plan would constrict the flow of water within the mooring basins.[16] Nicholson's Plan therefore, employed a straight main channel 1,000 feet wide with six side basins each 600 feet wide and one 625 feet wide. The plan was to accomodate 6000 boats in the water with dry storage for 2000. The entrance channel was moved so as to be directly adjacent to, but separate from Ballona Creek. This was done to avoid isolating a stretch of beach between Ballona Creek and the entrance channel. Ballona Creek was kept separate from the channel in order to avoid the difficult task of dismantling the existing jetty and to avoid the debris that the flood control channel carries.[17]

Beaches were planned at the end of four of the mooring basins with substantial parking areas for the public using the beaches.[18] Boat launching and boat repair also figured in the design. It was intended that motels would be located near the beaches on sites leased to private interests. Restaurants, yacht clubs, gas stations (auto and boat) and a large salt water lagoon and beach sand stockpile area completed the plan.

The radically different configuration of Nicholson's first plan for the harbor was decided upon, then, in order to provide: 1) protection against silting, 2) convenient land access, 3) reduced water contamination and 4) lower land acquisition costs.



Adapted from: George F. Nicholson, Schematic Plan, Long Beach, Calif. 1955

B-154

This plan was based on the assumption that the County could acquire all the land adjacent to and north of Ballona Creek from the ocean east to Lincoln Boulevard. A triangular parcel of land in the northeast section of the present marina which contained a salt pond was not included. The proposed boundary on the north side of the marina conformed partially to the boundary of the County of Los Angeles. The land with the salt pond, Lake Los Angeles, was within the City of Los Angeles and was used for recreation. Its cost was considered excessive and therefore it was excluded from the project area.[19]

The orientation of the side basins was determined in large part by the Venice Interceptor Sewer which ran directly across the middle of the Marina. It was planned to build the Marina in stages so that the first phase would include dredging the waterways up to the point at which the sewer line crossed the main channel. The sewer line thus ran along what was to become a mole on either side of the main channel.

The change in the basic round form of the Marina to Nicholson's design proposal did more than merely make for more efficient use of land and water area. The new design precluded the use of the Marina by small boats seeking protected waters for recreational boating. This greatly changed the character of the Marina from the traditional recreational harbor, to a berthing harbor whose waters are used only for entrance and exit. The Corps of Engineers commented on this loss of a sailing basin but said that the plan was acceptable

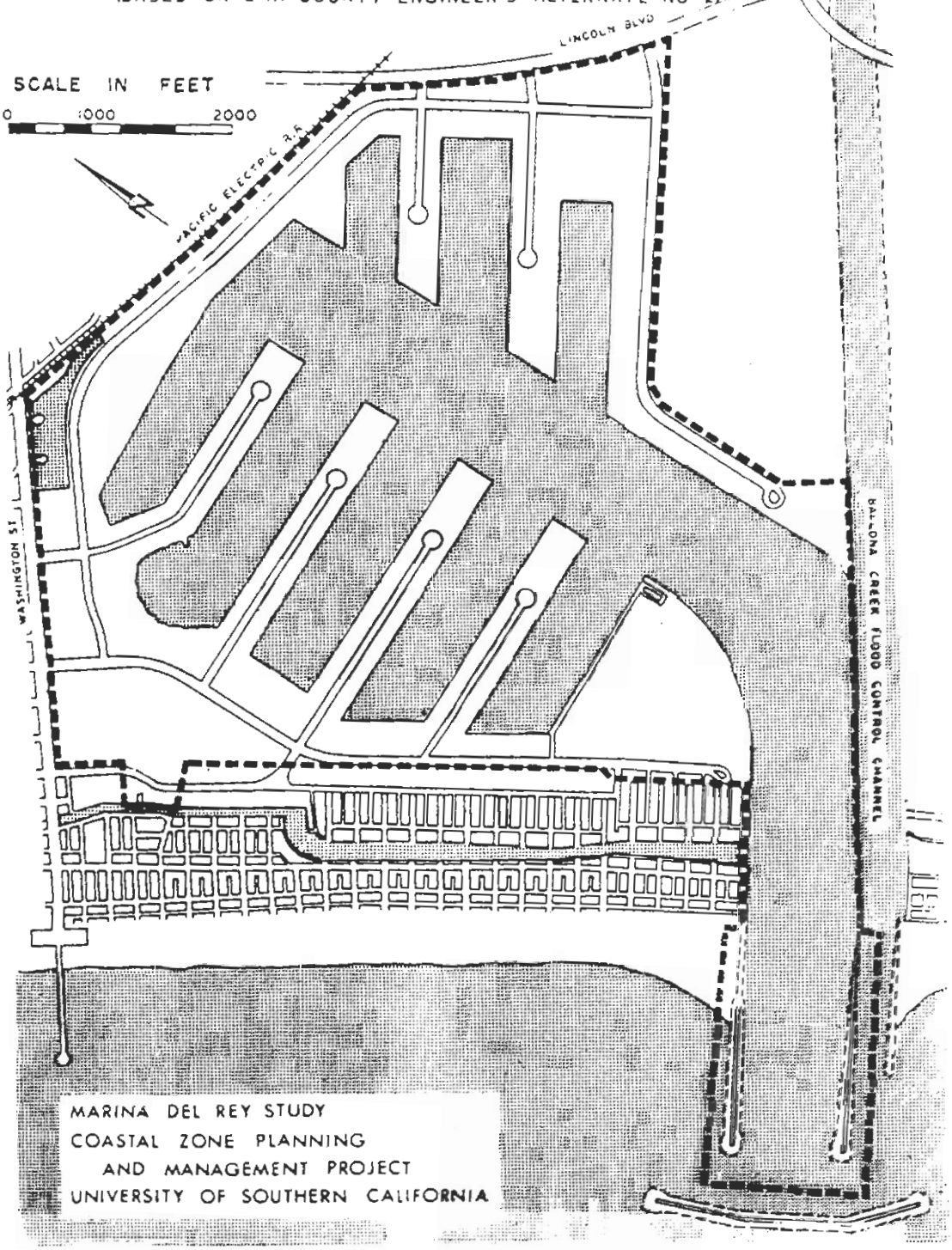
if cost had to be the governing factor.

This was perhaps the first example in Marina del Rey planning in which a policy decision for the public recreation facility imitated the private market: it is expensive to build a marina, therefore it should be designed only for those who can afford such expense. The change by Nicholson's plan eliminated a large part of the boating public--those who owned small boats which are unsuited for use in the open sea. By making the Marina primarily a berthing harbor, the Plan in effect limited its use to sea-going and therefore larger, more expensive boats.

The change in the character of the Marina is never acknowledged in any Marina plan documents. No consideration is given to the fact that the change would alter the demand for launching facilities, or that it might affect the optimal boat capacity for which the Marina should be planned. Looking back, it is believed that demand for slips for large boats was being expressed then and that small boats could be accomodated at inland lakes.

This is not meant to imply that land and cost construction are not valid, but only to say that within those constraints, certain harbors are possible, other are not. If the harbor is changed, the goals and the client which the harbor is to serve should be re-evaluated in these terms. If the goals and clients change, it should be the result of a conscious

FINAL CORPS OF ENGINEERS PLAN 1956
(BASED ON L. A. COUNTY ENGINEER'S ALTERNATE NO 2)



Adapted from: U.S. Army Corps of Engineers, Design Memorandum No. 1, General Design for Playa del Rey Inlet and Harbor, L.A.1956.

B-157

policy decision rather than as an accident of design.

Nicholson submitted his plan to the County Engineers on October 23, 1955. Almost immediately the plan was revised. The Engineer's office made up three alternative plans. Alternate No. 1 was apparently very similar to Nicholson's original; Alternate No. 2 was drawn to appraise the use of additional land in the marina plan, and it conforms closely to the plan of the Marina today; Alternate No. 3 showed only two mooring basins on the east side of the main channel.[20] Nicholson was asked to render an opinion on the alternatives. He stated that he preferred his original scheme as modified by Alternate No. 1, but that Alternate No. 2 "should be given consideration if the additional land in the City of Los Angeles south of Washington Street and the Pacific Railway is added to the site."[21] He did say, however, that Alternate No. 2 would: 1) permit advantage in making street connections with Washington Street, 2) be better for boat races because the main channel is longer, 3) be added protection from southwest storms, and 4) take advantage of the salt water pond on the property on the north side of the marina.

Alternate No. 2 moved the north end of the main channel westward so that there was a sharper turn to the left when entering the marina from the sea. The channel was made wider and the side basins were changed so as to fit better in the new area. More water area was created in

the larger plan and therefore more cost for dredging was expected. The drawing of the new plan showed no industrial area and little commercial area. Instead, the larger areas on the perimeter of the marina were designated as future residential development.

On February 21, 1956 the Los Angeles County Board of Supervisors adopted Alternare No. 2 as the plan the county intended to use. The projected public and private cost of the Marina were estimated by Nicholson to be $24,351,000 for Nicholson's Plan of 1955 and $26,188,000 for Alternate No. 2.[22,23] The increase in cost was due mainly to the greater water area and the consequently lengthened bulkheads etc. Also the increased capacity caused higher costs allotted to mooring facilities and restrooms.

Alternate No. 2 was then sent to the Corps of Engineers for approval.[24] Simultaneously a revenue bond proposal was prepared for the November 1956 ballot which would give the County the authority to issue bonds to pay for its share of the cost of the marina.

Corps of Engineers: Design Memorandum No. 1.

In 1956, the Corps of Engineers, using the County's Alternate No. 2 produced their Design Memorandum No. 1.[25] This document defined the parts of the project for which the federal government was to be responsible. It set the engineering specifications for the exact outline of the water area, the depth of the water, the type of jetty to be built, etc.

The Memorandum reviews the discussions of cooperative arrangements between the federal and county governments which appear in House Document 389, 1954; in Public Law 83-780, 1954; and in the supporting text for Alternate No. 2. The document then defines more precisely the particular responsibilities each party would have. It also states that the federal government would pay for fifty percent of the main navigational features i.e. the main channel and entrance jetties.

The Corps of Engineers was in communication with the County government so that the County Board of Supervisors was able to adopt a resolution on October 23, 1956 (before Design Memorandum No. 1 was published in November 1956) which agreed to the terms of participation and the responsibilities which the County would have.[26]

On November 6, 1956, the voters of Los Angeles County passed a proposition allowing the County to issue revenue bonds for the construction of the Marina. The bonds were not issued until 1959, but acquisition of property and actual construction began before that. The date of the start of construction of the entrance jetties was December 1957.[27]

Before much progress on jetty construction had been made, the Corps of Engineers prepared Addendum No. 1 to their General Design Memorandum. The addendum made changes stemming from Corps observations and requests by local interests and consultants.[28] Boat launching

facilities were moved to the basin closest to the entrance on the east side of the main channel which necessitated making that basin narrower and shorter. The basin originally intended for boat launching was made wider. No reason is given for this change. The entrance channel was made deeper to minimize the wave effect caused by shallower water near the bend in the channel. The northern edge of the water area was moved slightly to make it conform to the city-county boundary line which passed through the Marina. The road system was changed so that better use could be made of the land area in the marina. The section of the perimeter road, which ran along the southern entrance jetty and crossed Ballona Creek at Pacific Avenue was eliminated from the plan.

As construction progressed the City of Los Angeles and the County of Los Angeles cooperated to make all the land within the Marina fall under County jurisdiction. The County adopted a resolution requesting that the area at the north end of the Marina adjacent to Washington Street be put under County jurisdiction while the City passed an ordinance to remove that land from within the boundaries of the city.[29] The ownership of the land was held by the County during this entire process.

Another section adjacent to the Marina remains within the City of Los Angeles. The beachfront property all along the west side of the Marina, known as the Venice "peninsula" is within the City. The portion of the entrance channel which passes through this strip also lies within city boundaries. In this

area, the city has adopted a special ordinance which allows the County Harbor Patrol to handle law enforcement in the channel.[30]

FOOTNOTES

1 House Document 389, 83rd Congress, 2nd Session. Playa del Rey Inlet and Basin, Venice, California (May 1954).

2 Department of City Planning, Los Angeles, California, A History of the Venice Area, (Oct. 1969) p. 6.

3 House Document No. 1880, 64th Congress, Preliminary Examination of Playa del Rey Inlet and Basin, Venice, California, (1916).

4 House Document 389, p. 5.

5 A History of the Venice Area, p. 19.

6 House Document 389, p. 26, 27.

7 P.L. 75-392, 75th Congress, 1st Session, (August 1937).

8 Regional Planning Commission, Report on Proposed Recreational Harbor at Playa del Rey, (June 1938).

9 Venice Evening Vanguard, "The Story of a Harbor Told Chronologically," (Venice, Calif.: April 26, 1957).

10 House Document 389, p. 4, 20.

11 Madigan-Hyland, Recreational Development of the Los Angeles Area Shoreline, (New York: 1949), pp. 95-97.

12 House Document 389.

13 Ibid., Plan.

14 House Document 389 p. 6.

15 Public Law 83-780, 83rd Congress (1954).

16 George F. Nicholson, Schematic Plan, Small Boat Harbor Development, Marina del Rey (Long Beach, California: Oct. 1955) p. 2.

17 Ibid., p. 23.

18 Ibid., p. 4.

19 George F. Nicholson, Letter evaluating Alternate Plan No. 2 (Long Beach: December 12, 1955).

20 Ibid., p. 1.

21 Ibid., p. 2.

22 Nicholson, (Oct. 1955) Schematic Plan, p. 30-32.

23 Nicholson, (Oct. 1955) Alternate Plan No. 2, p. 6.

24 Corps of Engineers, Design Memorandum No. 1, (Los Angeles: November 1956) p. 5.

25 Ibid.

26 Venice Evening Vanguard.

27 Gruen Associates, Marina del Rey: Land Use Study (Los Angeles: March 1967) mimeo 59 pp. Part I, p. 4.

28 Corps of Engineers, Addendum No. 1 to Design Memorandum No. 1 (Los Angeles: January 1957).

29 Los Angeles City Ordinance 11973 (August 7, 1961).

30 Los Angeles City Ordinance 139, 030 (September 19, 1969).

CHAPTER III. INITIAL DEVELOPMENT (1956-1962)

Economic Studies

Along with the plans for the physical development of the Marina del Rey site, Los Angeles County asked its consultants to determine whether the project would be economically feasible and desirable for the County.[1] The major questions apparently were:

1) Is it suitable for the County to purchase land and carry out the basic public works needed for a marina at this site?
2) If the County can do this, what should its further role be in development and operation of the Marina?
3) What pattern of land and water use would be most desirable for County government and for the community as a whole?
4) Presuming that some of the funds needed for capital investment would be borrowed, how much would be required and what is the most appropriate mechanism for borrowing?

The answers to such questions depend largely on estimates made concerning capital costs, operating costs, revenues, and benefits to the community resulting from the Marina. The "opportunity costs" of benefits foregone from other projects which might have been undertaken in lieu of the Marina and from other possible internal arrangements of the Marina should also be considered.

The first detailed economic study was conducted by George F. Nicholson, Consulting Engineer, in 1956 for the County Engineer.[2] This study displays two schematic plans, Alternate No. 2, based on a County Engineer's proposal, is much like the form of the Marina as it exists today. Costs, revenues, and benefits were estimated for a thirty year period. Two years later, Coverdale and Colpitts, Consulting Engineers, prepared a report for the Board of Supervisors. They took as given the plan presented as Alternate No. 2 in Nicholson's report and his cost estimates for it.[3] They also introduced some refinements into the long-run financial analysis. In 1959, Coverdale and Colpitts rechecked the principle data and modified some of their estimates. This later report was submitted to Stone and Youngberg, Municipal Financing Consultants in San Francisco.[4]

In 1960, Gruen Associates, Architects, Engineers, and Planners produced land use studies based on updated information concerning costs and revenues, which strongly influenced the County's leasing program.

Analysis Methods.

There are two basic ways of structuring the analysis of the desirability of any public investment. Cost-revenue analysis considers estimates of the dollar expenditures and revenues for a particular governmental unit to see if the project is financially feasible. A governmental unit often feels it can justify certain projects only if they pay for themselves. This was apparently true for Marina del Rey.[5]

Cost-benefit analysis takes into account all of the gains and losses, intangible as well as tangible, sustained by a defined population group, such as the population of Los Angeles County. Much of the criticism of public projects such as urban renewal, highway construction, etc. results from governmental use of costs and revenues while citizens are looking at costs and benefits.

The Nicholson and Coverdale-Colpitts studies use the cost-revenue framework almost exclusively. There were attempts, in the Nicholson and the Corps of Engineers reports to identify benefits and to compute an annual benefit-cost ratio.[6] These do not appear to be serious studies. No information is provided about the methods for benefit estimation, the list of intangible benefits is obviously incomplete, and intangible costs are not discussed. Furthermore, an increase in tax revenue is listed as the major local benefit--$1,417,810 out of $1,997,886 total local benefits. But most of these taxes are merely a transfer, for County residents, from the private to the public sector. Since such a transfer does not add anything to the community well-being, it cannot be called a benefit to the County. Only taxes from visitors residing outside the County are a benefit even in this limited sense.

Unfortunately, even after it is clear that a project is financially feasible, i.e., that it will more than break even in the long run, government often

continues to make decisions about the project as if profit maximization were the only goal. It would seem more reasonable to set reaching the break-even point as a necessary condition for undertaking some projects. Beyond this point, the criteria should shift to costs and benefits for the community as a whole. The distribution of benefits among population subgoups should also be examined.

Of course we cannot ignore the difficulty of getting some projects to the break-even point. Marina del Rey was such a project. For example, in 1956 it was necessary for the Small Craft Harbor Commission to obtain a loan from the County general fund to meet cost of operations after bond requirements were met. Until 1966 it was not clear that private investors would be able to get financing for their proposed development. Today, however, the project is clearly a financial success.

Development Costs

The overall development costs for a marina depend on the size of the project and the extent to which new waterways, landforms, and structures vary from previously existing conditions. Capital costs can be divided into six categories: planning, site acquisition, basic structures, secondary structures and landscaping, buildings, and interest. The following information about the costs in these categories is taken from the Nicholson and Coverdale-Colpitts reports, the "Marina del Rey Reporter," and the "Marina del Rey Fact Sheet." Some figures are consultants' estimates and

some are actual costs. The latter were used when available since early estimates are likely to be inaccurate.

Planning. This includes all engineering, economic, and land use studies done up to 1959. Actual expenditure: $543,000.[7] The cost of later land use plans are not known.

Site acquisition. Nicholson used the County Engineer's estimate of 1954 which indicated a total land cost of $2,000,000.[8] In 1959, after acquisition, actual land acquisition costs were found to be $9,286,834 with clearance costs an additional $2,433,000.[9] Of this total, the State of California provided a loan of $2,000,000.[10] Los Angeles County paid the remainder out of its general fund. The great discrepency between estimated and actual costs was apparently due to inflation and the growing awareness of the site's potential value between 1954 and the time of purchase in 1958-1960.

Basic structures. The dredging of channels and basins, the construction of jetties, rip-rap, and mole bulkheads were estimated by Nicholson to cost $9,697,000.[11] The actual cost is not available.

A breakwater was added to the project after storms caused extensive damage to boats and slips in the winter of 1962-63. This resulted in an additional cost of $4,200,000.

The Federal government paid a total of $4,600,000 toward dredging, construction of the main navigational features, and construction of the breakwater.[12]

Secondary structures. The estimate made by Nicholson for roads, walkways, parking areas, the boat launching facility, sewers, utilities and landscaping was $3,361,000.[13] The actual cost is not available. These publicly owned structures were paid for by County government and the revenue bond issue. The perimeter road system was paid for out of County Road funds in the amount of $775,000.

Buildings and slips. Most buildings in the Marina are owned by lessees--apartments, restaurants, stores, etc. as are all privately used boat slips. Public buildings include the administration building, Coast Guard Station and restrooms.

Up to July 1971, $105,000,000 had been invested by private developers. The County expects total private investment to reach $160,000,000 or more when all sites are being used.[14] This is vastly greater than Nicholson's 1956 estimate for private investment which was $11,747,000.[15]

Interest during construction. The Nicholson study did not include any amount for interest due on loans during the period of construction when no revenues are being received. This is properly a capital cost, as the Coverdale and Colpitts study points out.[16] They proposed that five years

interest be included in the bond issue which is intended to cover capital costs. This amounted to $3,437,500.

Capital cost summary. It is difficult to compare categories within the cost estimates with actual costs since they have not been aggregated in a consistent manner. However we can display the total capital costs, estimated and actual, for the Federal government, the County Road Fund and Los Angeles County.[17]

	Federal	County Road Fund	County	Total
Nicholson (1956 estimate)	2,177,000		12,264,000	14,441,000
Coverdale & Colpitts (1959 estimate)	2,320,000		17,120,000	19,440,000
Dept. of Small Craft Harbors (1971 actual)	4,600,000	775,000	30,875,000*	36,250,000

*These "County costs" include the $13,000,000 in revenue bonds which is really a private investment in the Marina.

Obviously, the actual public costs are greater than early estimates. A large part of this is due to inflation but another part is the result of increased intensity of development beyond early expectations. The cost of private development, as mentioned earlier, may be 15 times as much as originally predicted. A higher investment of private funds requires a higher investment of public funds for support facilities.

B-121

Operating costs. The annual costs to be borne by the County in operating Marina del Rey are a function of the scale and intensity of development, the range of activities occurring there, and the degree of involvement by County agencies.

Coverdale and Colpitts suggested that the Department of Small Craft Harbors limit its role to "...the administration of leases and the collection of rents, supervision of the aquatic activities, and maintenance of utilities, and that with one exception (public parking), the County will not be involved in any operation of facilities producing revenues."[18] Apparently this is the County's policy today. Therefore, public operating costs should be relatively low.

The Nicholson study listed the following annual operating costs for County government.[19]

Maintenance	39,144
Utilities	5,000
Depreciation	56,820
Administration	87,000
	$187,964

Coverdale and Colpitts' report states that the Department of Small Craft Harbors expected to spend the following amounts annually:[20]

Salaries and Wages	285,000
Other Maintenance and Operation Costs	121,000
	$406,000

This is in addition to a sum of $24,000 per year which would be used for new capital improvements.

B-172

Coverdale and Colpitts also suggested that total capital expenditures should be increased to $450,000 to cover the cost of additional ground maintenance and the salaries of traveling auditors who would periodically examine the books of lessees.[21]

Revenues. The Marina was to receive from lessees either a minimum land rent or payment of a percentage of their gross income, which ever was greater.[22] Some direct income from parking lots, etc. would also accrue to the Marina. The County as a whole would receive sales taxes and property taxes on the "possessory interest" of the lessees. Obviously the amount of these revenues will depend on the types of enterprise which have been developed and their financial success.

The Nicholson report provides the estimates shown in the table on the next page for the Marina after all development is complete.[23]

Coverdale and Colpitts used a similar system for categorizing revenues. They did a much more thorough job of explaining how estimates were made. Their estimates for complete development, expected by 1964 are shown in the table on page 46.[24] To reduce risk to the County, Coverdale and Colpitts suggested a minimum annual rental for each lessee to be set at $.06 per s.f. of land regardless of his gross income.[25] This would at least meet the County's annual operating and interest charges.

According to a recent report of the Department of Small Craft Harbors,

Annual Revenue Estimates--George F. Nicholson, 1956

Activity	Units	Gross Income	Rate	County Revenue
Mooring slips	5,400 slips	$1,944,000	25%	$501,000
Boat storage and launching	2,000 boats stored 10,000 launching	120,000	25%	30,000
Marina chandlers		2,700,000	4%	120,000
Restaurants		2,000,000	4%	80,000
Motels	510,000 s.f.		$.15/s.f.	76,500
Boat repair	250,000 s.f.		$.10/s.f.	25,000
Sport fishing	115,000 passengers	400,000	10%	40,000
Industrial and commercial uses	2,500,000 s.f.		$.10/s.f.	250,000
Clubs	64,000 s.f.		$.10/s.f.	64,000
Trailer courts	400,000 s.f.		$.10/s.f.	40,000
Fuel sales	2,520 motor boats	252,000		12,000
Boat sales		2,000,000	3%	60,000
Permits				15,000
Public telephones			9½%	30,000
Parking	2,167 meters		$24/meter	52,000
Total annual county revenue				$1,338,500

B-114

Annual Revenue Estimates--Coverdale and Colpitts, 1959

Activity	Units	Gross Income	Rate	County Revenue
Anchorages-slips	6,100 slips	$1,976,400	25%	494,100
Boat storage and launching	3,000 boats stored 72,000 launchings	324,000	25%	81,000
Marine chandlers		1,825,000	6%	109,500
Restaurants	2 independent 4 club 20 snack bars	4,000,000	5%	200,000
Boat repair		2,000,000	6%	120,000
Boat sales	$5,700,000 sales	460,000 (commissions)	20%	92,200
Fuel sales	4,000,000 gallons		$.03/gal.	120,000
Clubs	3,200 members	576,000	15%	86,400
Cabanas	1,000 units	2,700,000	15%	405,000
Cabana-trailers	650 units	592,000	20%	120,000
Parking				304,000
Miscellaneous	39 sport fishing boats 10 stores, etc.			135,000
Total annual county revenues				$2,267,200

B-175

revenues now exceed $3 million annually and are increasing.[26] It is interesting to note that estimates for revenues did not change as much due to the effects of inflation as did the estimates for costs. Some of this stability is due to fixed lease conditions.

Economic justification. For a project such as Marina del Rey to be financially feasible to the County on a cost-revenue basis, the sum of discounted future net revenues must exceed total expenditures.[27] This is roughly equivalent to the basic model used by Coverdale-Colpitts with respect to the bond issue. It shows that the estimated revenues for 15 years will more than repay a bond issue of $12,500,000 and compound interest of $5\frac{1}{2}$% each year on the outstanding bonds.[28] At the same time a reserve fund could be accumulated from excess revenues in the amount of $1,877,000. Using another repayment scheme, if total debt service payments, interest and principle were kept level for thirty years, a reserve fund in excess of $40,000,000 could accumulate.[29] The major differences (1) between pure cost-revenue analysis and the Coverdale and Colpitts approach are the cash-flow problem which became extremely important in this case and (2) the fact that only a limited part of the costs and revenues are considered.

Coverdale and Colpitts point out that their study is based on a conservative estimate of revenues. By 1959 they had revised their revenue estimates upward so that the 15 year scheme showed payment of a $13,000,000 bond

issue with a $4,479,000 reserve fund accumulation.[30]

Public and Private Roles

In this section, we will bring together information about public and private support of Marina del Rey development.

Federal. The U.S. Army Corps of Engineers paid for 50% of the cost of design and construction of the Marina's general navigational facilities. This includes channel dredging, jetties, and the breakwater. In addition the Corps contributes to the maintenance of these features.

The U.S. Coast Guard installed and maintains aids-to-navigation outside the channels. The Coast Guard also operates a rescue station at the Marina.

State. The State of California has supported the Marina in several ways. The first is through planning done by the Small Craft Harbors Commission and the Division of Small Craft Harbors. In 1962, they commissioned a state-wide master plan for boating facilities, which was completed in 1964.[31] Basically it is a long-range plan for Marinas as "harbors of refuge." The document also includes a survey of present and projected boat ownership and a description of existing facilities. The State also provided a loan of $2,000,000 to the County to pay part of the cost of land acquisition. These funds were provided from the State Lands Act

Fund, which was essentially General Fund money. The loan was authorized by State Assembly Bill 1784 in 1957. The loan period is 35 years after the first payment with an interest rate of 3 percent on the unpaid balance from the time of the loan. The first payment is expected before July 1972. At least one-half of the Marina's net revenues, after revenue bond requirements are met, must be applied to this loan.

County. The total share of Marina capital costs to be paid by Los Angeles County amounts to $17,875,000.[32] Of this, $15,875,000 apparently came entirely from the County general fund. The $2,000,000 State loan is included in the amount. An additional $13,000,000 was derived from the sale of revenue bonds in 1959. A large part of the general funds were needed to cover the cost of land acquisition and clearance beyond $2,000,000. In addition, some general fund money was loaned to the Marina to meet maintenance and operating expenses when revenues were not sufficient. This amount has since been paid back. Special State legislation and a resolution of bondholders was necessary to allow the latter expenditures.[33]

The construction of the peripheral road system, which cost $775,000 was paid for out of the County Road Fund.

In addition to the capital investments listed above, the County obviously has continuing costs associated with internal operations of the

Marina such as the provision of public services. The need for improvement of major streets near the Marina is also due in part to traffic generated by it. All such costs, whether paid by the State, County, or City must be considered in estimating the overall effect of Marina development.

The revenue bond principal and interest are to be paid off no later than October, 1999. The loan from the County general fund was to be repaid next in priority after operating and maintenance costs and bond interest payments. Presumably there is no obligation to repay the remaining County investment directly. However the estimated net increase in County taxes due to the development of the Marina may cover past and future general fund contributions by 1999. Property taxes for 1970-71 were $4,100,000 with an additional $330,000 in sales taxes and $55,000 in motel bed taxes.[34]

The revenue bond approach was approved by Los Angeles County in 1956 when two-thirds of the voters accepted a proposition stating: "Shall the Board of Supervisors of the County of Los Angeles be authorized to adopt the revenue bond method of financing small boat harbor improvements and facilities for public convenience in conjunction therewith, as provided by in Chapter 14, Part 2, Division 2, Tittle III of the Governmental Code of the State of California?"[35]

This allows the County, after the approval of the Board of Supervisors, to sell bonds for the construction of additional marinas. The amount of indebtedness is limited only by bond buyers' willingness to invest, which is in turn dependent on the expected demand for marina facilities, the soundness of the County's proposal, and the interest rate offered.[36] However, the County can be expected to be conservative since it must be concerned with its financial rating.

Bonds for the Marina del Rey were each of $1000 denominations, carrying an interest rate of 5.6 percent. They are to be redeemed according to an increasing schedule beginning with $130,000 in 1965 and ending with $810,000 in 1999.[37]

A number of accounts were established by the Bond Resolution to assure proper financial behavior from year to year. For example, the Bond Interest Reserve Account must contain an amount "...equal to the greater of (a) $250,000 or (b) the aggregate amount of interest due and payable on all bonds at the time outstanding on the next three succeeding interest payment dates."[38] Other accounts are Bond Interest, Bond Redemption, Maintenance and Operation Reserve, Construction, State Payment, County Rental, Replacement, and Improvement accounts. In total, these requirements amounted to about $3,000,000. Funds in these accounts may be invested in general obligation bonds of the United States government.[39]

The County may not incur additional indebtedness for development of the Marina del Rey except under specified conditions. No part of the Marina may be used by any public or private organization without compensation to the County.[40]

Private. Developers of Marina land and water facilities must obtain private financing for their projects. Some large developers may use their own resources but ordinarily they rely on lending institutions. This means that the projects must be well justified financially.

Each prime lessee obtains the use of a land and/or water parcel by competitive bid, usually for 60 years. His project must meet requirements established by the Director of the County Department of Small Craft Harbors, the County Engineer and the Marina Design Control Board. Minimum rental rates vary with the type of land or water use, but ordinarily the rate is a percent of gross receipts of the lessee. Subleases are allowed with the approval of the Director, and are quite common.[41] All leases contain provisions for periodic renegotiation in order to make adjustments for changing economic conditions.[42]

The Department of Small Craft Harbors regularly audits the accounts of the lessees to see that proper payment is being made to the County. Prices charged by lessees must be approved by the Director as being "...fair and reasonable, based on the following considerations. First,

that the property...is intended to serve a public use and to provide needed facilities to the public at a fair and reasonable cost; second that Lessee is entitled to fair and reasonable return upon his investment..."[43]

Improvements and personal property of lessees are subject to property taxation, as is possessory interest in leases.[44]

Land Acquisition

It was mentioned earlier that the area north of the Ballona Creek Flood Control Channel was low enough so that it was susceptable to periodic flooding. For this reason much of the land there was devoted to low intensity uses such as agriculture, oil fields, and gun club hunting preserves. In addition there were many large parcels which would simplify acquisition. It is not surprising therefore that this area was often considered for a large, ocean-oriented development. Originally, the proposed small craft harbor was to have been a City and County of Los Angeles project. The Los Angeles City Council adopted a report declaring that in the publics' interest the City and Council required provision of additional small craft facilities. In 1948, the County Board of Supervisors adopted a similar resolution. It was suggested that the County proceed with initial acquisition and development of the pilot phase, within County territory. If this initial work proved successful, then a harbor authority would be created under a joint powers agreement to carry out development of the remainder of the proposed development.

In 1949, the County began to withold from sale all property within the proposed Marina site which was taken by it because of tax delinquency.[45] It was hoped that the State would purchase the required land and lease it to the County but the State Attorney General ruled that this was not possible. In 1958, the County was able to obtain the $2,000,000 State loan for land acquisition, to augment the County's investment.

On October 23, 1956, the Los Angeles County Board of Supervisors issued a formal order instructing the County Counsel to file condemnation action on all private property rights within the approved site of the proposed Playa del Rey Inlet and Harbor.[46]

Between March 1957 and January 1963 several hundred parcels were purchased by the County. Many of these parcels were on land near the beach which had been subdivided for residential use. The larger parcels were further inland and were often owned by corporations or clubs. The latter comprise most of the total of about 800 acres.

Land Use Plans, 1960

On May 1, 1960 Gruen Associates submitted A Development Plan for Marina del Rey Small Craft Harbor to Los Angeles County. Some revisions were made on September 15, 1960.[47] The introduction to the development plan states that, "The basic land use plan, the technical details and economic aspects of the Marina del Rey project have already been studied by the Department of Small Craft Harbors, Coverdale and Colpitts, George F. Nicholson and Associates, and the U.S. Corps of Engineers."[48] The Gruen work, therefore, is based on a study and review of previous efforts.[49] Although it is true that the outlines of the Marina, both exterior boundaries and land/water lines, were set at the time that the Gruen development plan was undertaken, and that several important land and water use policies seem to have been agreed upon by the County and previous consultants prior to Gruen's work, it remained for this plan to allocate recommended uses to specific areas; to detail the parcelling of land; to relate activities, facilities, revenue potentials, densities and circulation within the Marina; and finally, to consider the whole in relation to the surrounding area. Thus the Gruen plan is the first comprehensive land use planning effort applied to the Marina, and undoubtedly the major planning influence on its eventual development.

Leasable areas. In considering the Gruen plan, parallels naturally appear between its recommendations and those made in previous studies, referred to above. The parallels must not be drawn too closely with regard to the areas

allocated for specific uses, since the gross areas assumed by the consultants varied somewhat.

Gross Area in Marina del Rey (square feet)

Nicholson Plan	33,715,440	50
Alternate Plan No. 2	39,988,080	51
Corps of Engineers, Design Memorandum No. 1	35,893,440	52
Gruen Associates	33,976,800	53

In their economic feasibility study, Coverdale and Colpitts did not provide a figure for gross area, but use instead figures for square feet of leasable areas.

Leasable Area in Marina del Rey (square feet)

	Land	Water	Total	
Coverdale and Colpitts	12,908,000	6,106,000	19,014,000	54
Gruen Associates	17,472,723	6,337,766	23,810,489	55

Based on a figure of 35,893,440 square feet, Coverdale and Colpitts estimated approximately 16,969,440 square feet in non-leasable area such as roads, public parking lots, public recreational areas, administration centers, etc. Gruen Associates allowed only 10,166,311 square feet to be non-leasable out of 33,976,800 square feet gross area. A few

of the reasons that Gruen was able to reduce non-leasable area in comparison with the Coverdale and Colpitts estimate are as follows:

1. The area actually acquired was almost 2,000 square feet less than the 1958 estimate of area to be acquired.
2. Elimination of two of the three public beaches proposed in Alternate No. 2 on which Coverdale and Colpitts' recommendations are based.[56]
3. Elimination of three recreational areas proposed in Alternate No. 2.[57]
4. Reduction in acreage allotted to administration facilities.[58]
5. A more efficient internal circulation plan which is estimated to have eliminated approximately a mile of roads.

A single factor increasing non-leasable area is public parking, for which 1,349,300 square feet is provided in the Gruen Revised Development Plan and only 1,006,000 square feet in Coverdale and Colpitts recommendation.

Thus, working with a gross area smaller by 1,916,000 square feet than the area of Alternate No. 2, Gruen Associates achieved a leasable, or revenue-producing area larger by approximately 4,791,000 square feet than that estimated by Coverdale and Colpitts, based on the Alternate No. 2.

While part of this increase may be attributable in increased efficiency of the site arrangement, a major part must be considered the result of a change in policy regarding the ratio of revenue producing use to non-revenue producing use of Marina acreage. The need to meet development

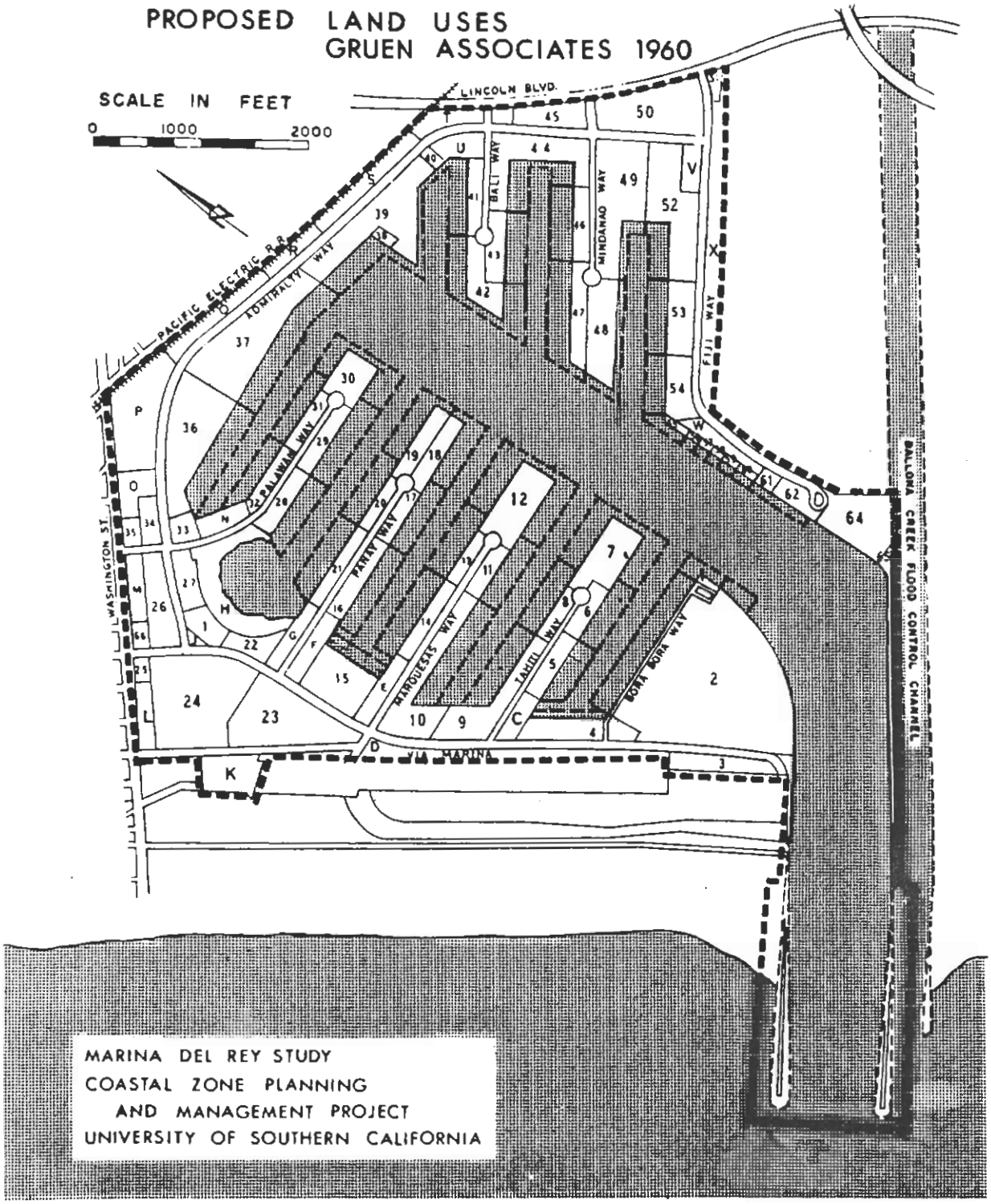
and financing charges may have dictated this altered policy, which required the elimination of two public beaches and three recreational areas.

The Gruen land use plan. In general, the Gruen Plan is based on the standard planning policy of separation of uses. The west side of the Marina was planned for boat anchorages and related residential uses, the east side for marine-related and general commercial areas: boat launching facilities, sports fishing, piers and hotels and motels, with marine-related industrial uses located along a section of the southeastern boundary.[59] The plan, with the single exception of the remaining public beach, thus separated the activity patterns of the boat-owning and resident users of the Marina from the more casual boaters, visitors and shoppers.

Protection of slip renters and residents in the Marina from the general public was a matter of concern to several of the consultants. Madigan-Hyland recommended toll gates at Marina entrances, for which renters would have a pass.[60] Coverdale and Colpitts suggested that a curfew on the use of public parking, and thus on nonrenting members of the public in the Marina was "essential (so) that such activities of the public should not interfere with the comfort and convenience of those on leased property, especially those in cabanas and cabana-trailers, and others living on the site."[61] The Gruen approach, that of separating activities

is less rigid than either toll gates or a curfew hour, and is far more sensitive to the implications of publicly owned property.

Specific allocations of use to land and water parcels is shown on the plan, and in the accompanying tables. Some sectors of the Development Plan of more than routine interest to this study will be considered below.



SOURCE: VICTOR GRUEN ASSOCIATES

B-188

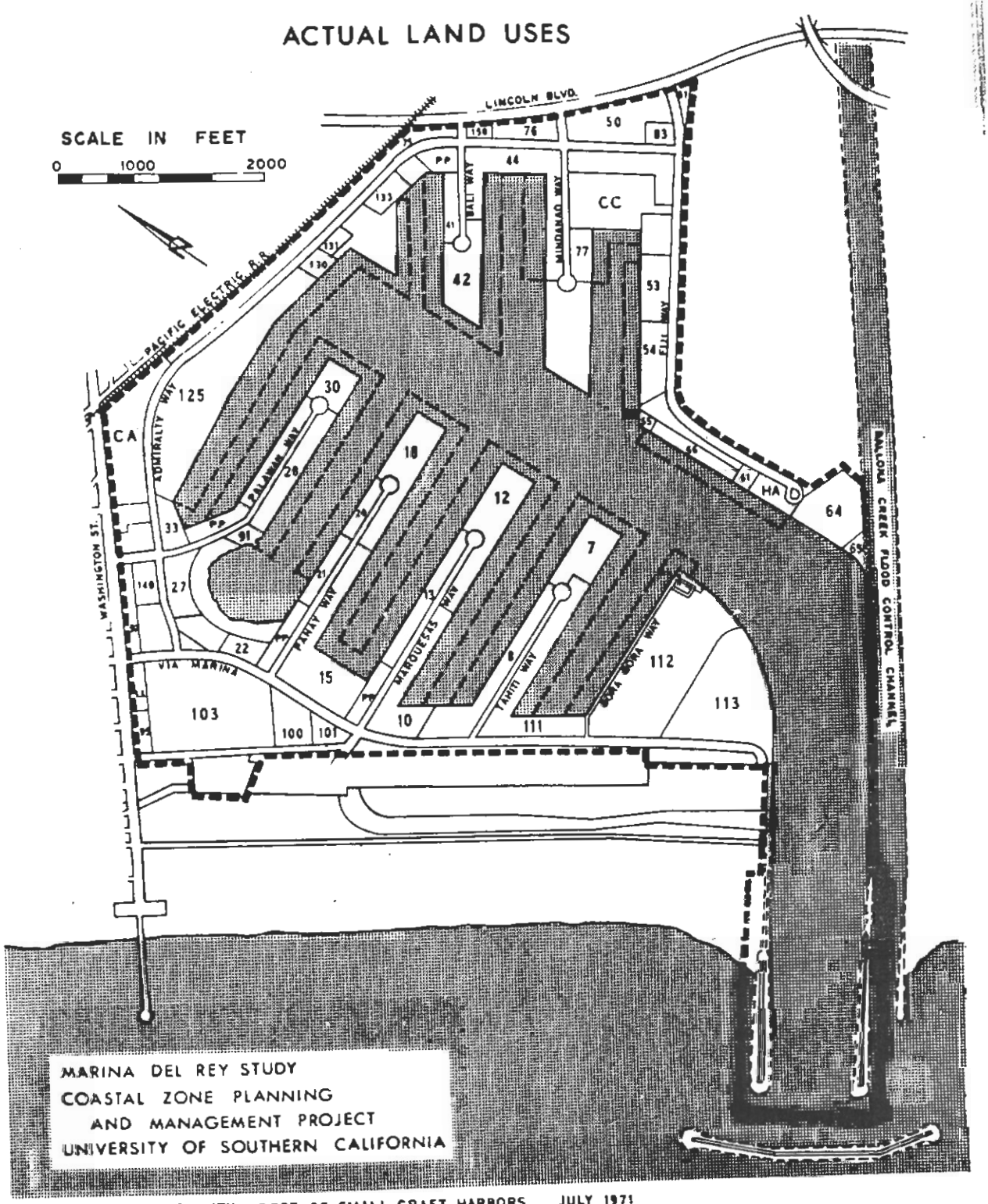
Proposed Land Uses - Gruen Associates 1960

Parcel Number	Land Use	Parcel Number	Land Use
1	Fuel Dock-Related Uses	2	Hotel-Motel-Restaurant-Club-Related Use Anchorage-Related Uses
3	Cabanas-Apartments	4	Boatel-Cabanas-Apartments Anchorage-Related Uses
5	Anchorage-Related Uses	6	Anchorage-Related Uses
7	Cabanas-Restaurant-Club Anchorage-Related Uses	8	Anchorage-Related Uses
9	Boatel-Cabanas Anchorage-Related Uses	10	Boatel-Cabanas Anchorage-Related Uses
11	Anchorage-Related Uses	12	Cabanas-Restaurant-Club Anchorage-Related Uses
13	Anchorage-Related Uses	14	Anchorage-Related Uses
15	Boatel-Cabanas Anchorage-Related Uses	16	Anchorage-Related Uses
17	Anchorage-Related Uses	18	Cabanas-Restaurant-Club Anchorage-Related Uses
19	Cabanas-Restaurant-Club Anchorage-Related Uses	20	Anchorage-Related Uses
21	Anchorage-Related Uses	22	Misc. Retail-Concessions
23	Motel-Hotel-Restaurant Trailer-Cabanas if Zoning Permits	24	Hotel-Motel-Restaurant Trailer-Cabanas if Zoning Permits
25	Gasoline Station	26	Hotel-Motel-Restaurant

Parcel Number	Land Use	Parcel Number	Land Use
27	Cabanas-Coffee Shop-Misc. Retail-Concessions	28	Anchorage-Related Uses
29	Anchorage-Related Uses	30	Cabanas-Restaurant-Club Anchorage-Related Uses
31	Anchorage-Related Uses	32	Anchorage-Related Uses
33	Restaurant	34	Drive-In Restaurant, Etc.
35	Gasoline Station	36	Cabanas-Apartments-Motel Coffee Shop-Anchorage Related Uses
37	Cabanas-Apartments-Motel Coffee Shop-Anchorage Related Uses	"0"	(Add to Parcel 37)
38	Fuel Dock-Related Uses	39	Hotel-Apartment-Restaurant Marina Sales-Related Uses Anchorage-Related Uses
"S"	(Add to Parcel 39)	40	(Reserved for Fire Station)
41	Anchorage-Related Uses	42	Boatel-Cabanas-Restaurant Clubs-Anchorage-Related Uses
43	Anchorage-Related Uses	44	Portable Boats and/or Marine Sales-Related Uses Portable Boats and/or Anchorage
45	Motel-Commercial-Related Uses	46	Anchorage-Related Uses
47	Anchorage-Related Uses	48	Portable Boats (Storage & Launching) Related Uses
49	Portable Boats (Storage & Launching) Related Uses Portable Boats (Trailer Boats)	50	Shopping Center-Office Building

Parcel Number	Land Use	Parcel Number	Land Use
51	Gasoline Station-Carwash Repairs-etc.	52	Portable Boats (Storage & Launching) Trailer Boats and/or Boat Repair-Anchorage Related Uses
53	Boat Repair-Anchorage Related Uses	54	Boat Repair-Anchorage-Related Uses
55	Fuel Dock-Related Uses	56	Sports Fishing-Related Uses
57	Sports Fishing-Related Uses	58	Sports Fishing-Related Uses
59	Sport Fishing-Related Uses	60	Sport Fishing-Related Uses
61	Restaurant & Guest Docks	62	Administration Building
64	Trailer-Cabanas-Apartments & Related Uses	65	University Boat House
66	Gasoline Station	67	Medical Building
A	Public Parking	B	Park Site
C	Public Parking	D	Buffer Strip
E	Public Parking	F	Public Parking
G	Public Parking	H	Public Beach
I	Public Parking	J	Park Site
K	Experimental Garden & Maintenance	L	Public Parking
M	Public Parking	N	Public Parking
O	Public Parking	P	Drainage Basin
Q	See Parcel "37"	R	Public Parking
S	See Parcel "39"	T	Public Parking
U	Public Parking	V	Public Parking
W	Public Parking	X	Buffer Strip

ACTUAL LAND USES



MARINA DEL REY STUDY
COASTAL ZONE PLANNING
AND MANAGEMENT PROJECT
UNIVERSITY OF SOUTHERN CALIFORNIA

SOURCE: L A COUNTY DEPT. OF SMALL CRAFT HARBORS JULY 1971

B-193

ACTUAL LAND USE 1971

PARCEL NUMBER	LAND USE	PARCEL NUMBER	LAND USE
1	Union Oil Marine Fuel Dock	7	Tahiti Marina
8	Islander Marina	10	Neptune Marina Donkin's Restaurant
12	Deauville Marina Captain's Wharf Restaurant	13	Villa Del Mar Marina
15	Bar Harbor Marina	18	Dolphin Marina Randy Tar Restaurant
20	Trade Winds Marina Pacific Mariners Yacht Club	21	Holiday Del Rey Marina
22	Foghorn Harbor Inn Chuck's Steak House	27	Jamica Bay Inn Kelley's Steak House Marina Area Chamber of Commerce
28	Mariners Bay Slip Rental Venice Yacht Club	30	Del Rey Yacht Club
33	Lobster House Restaurant	41	Del Amo Marine Center
42	Marina Del Rey Hotel Windjammer Restaurant Don the Beachcomber	44	Cyrano's Restaurant Corinthian & Windjammers Yacht Club Santa Monica Yacht Club
50	Marina Shopping Center U.S. Post Office Mr. "D" Restaurant Marina Del Rey Theater	51	Union Oil Service Station
53	Chris Craft Pacific	54	Windward Yacht & Repair
55	Union Oil Marine Fuel Dock	56	Fisherman's Village El Torito Restaurant Port D' Italy Restaurant

PARCEL NUMBER	LAND USE	PARCEL NUMBER	LAND USE
61	Pieces of Eight Restaurant	64	Villa Venetia Apartments
65	U.C.L.A. Boat House	75	Del Rey Professional Building, Bird Conservation Area
76	Airport-Marina Freeway Building	77	Stor-a-Boat
83	Central Directory East Entrance	91	Sail Boat Rental/Storage
95	Bratskeller Restaurant	97	Shopping Center West
100/101	Del Rey Shores North/South	103	South Bay Club Apartments
111	Marina Point Harbor	112	Pacific Harbor Apartments
113	Mariners Village	125	Marina City Corporation Second Storey Restaurant The Basement Discotheque
130	Charley Brown's Restaurant	131	The Fiasco Restaurant
132	California Yacht Club	133	Surety National Bank The Warehouse Restaurant
140	The Admirality Apartments	150	Marina Federal Savings & Loan
BB	Loyola Boat House	CC	Launching Ramp
LL	Central Directory-North Entrance	PP	Parking
HA	Harbor Administration U.S. Coast Guard	CA	Conservation Area

Residential uses. Probably the greatest deviation in the Marina as planned from the Marina as developed appears to be in the very large number of permanent residents living in Marina apartments. By the end of 1970 there were 2,223 residential units at the Marina, with 5,095 planned for completion by mid 1972. Yet apartments were not mentioned in any of the consultant work of preliminary planning for the Marina. Rather, "cabanas" were considered feasible.

Alternate No. 2 shows the moles and basins surrounded by areas labelled "future residential development." Indeed Nicholson's criticism of the scheme included the comment that, "There appears to be an overemphasis on residential development and insufficient areas set aside for commercial and recreational development."[62] Yet, in Nicholson's work, only motels and trailers are mentioned as residential units. Presumably the Marina was to be surrounded by a most extensive trailer park.

Coverdale and Colpitts include only cabanas and cabana trailers as residential units. They describe cabana areas as available for "living quarters such as are provided in motels as well as in individual cabanas."[63] Cabana trailer areas are "not in the nature of trailer parks. They are not intended for the itinerant trailer owner. The trailer, once located at the site, must remain there."[64] Coverdale and Colpitts make it clear that the majority of occupants of both areas are expected to be permanent residents: they provide no recommendation for trailer parks.

Gruen Associates include motel-hotels, boatel-cabanas and trailers in their categories of living accomodations in the Marina, with varying densities and height limitations assigned to them.

Much of the consultants' seeming confusion in defining residential structures, as well as their omission of apartments from approved land uses, stems from legal advice provided to the County to observe caution in locating apartments in the Marina. It was uncertain at that time that apartments would be considered a proper use of public land acquired for a small craft harbor.[65] This made it difficult to obtain title insurance for apartments.

Gruen handled this problem by categorizing residences as boatels or cabanas which are "primarily a home ashore for persons spending as much time afloat as possible."[66] Height regulations for these living accomodations were three stories when located at either end of a mole. The central sections of moles were reserved for anchorages and related use. Structures on parcels located between the western Marina boundary and the peripheral road had no height limitations applied to them. Suggested uses for these parcels were motels, hotels, and cabanas and varying densities were supplied for each of them. All parcels at the north end of the Marina were similarly zoned and unrestricted as to height. Apartments were not mentioned in the May 1, 1960 plan.

Among the revisions to the original Gruen development plan, submitted in September of 1960, the word "apartment" was added to the suggested uses for six parcels, all except one located in the northern and western areas enjoying unrestricted height zoning. Because of the definitions used, the varied density regulation, and the distribution of height restrictions, no changes were necessitated by the addition of the apartment category. In effect, it had already been provided for.

This initiation of approved locations for apartments began a broadening policy for this use so that, at present, apartments fill most of the parcels in the northern and western sections on both mole and peripheral locations. There are no cabanas, cabana-trailers or house trailer parks in the Marina.

Non-revenue producing areas. In 1960, when the Gruen plan was presented to the County, the most urgent consideration for the Marina was to insure that it produced enough revenue to meet the financial obligations incurred by the bonds. The plan is responsive to this pressure. Gruen Associates have worked toward minimizing non-revenue/productive land and water area in relation to areas planned for uses which would return a profit to the County.[67]

It would be poor government policy, however, to exclude the general public entirely from a recreational project acquired and developed in large part with

public funds. Gruen Associates recognized the problem of establishing a balance between the County's financial responsibility to private investors and its need to satisfy some recreational demands for the general public.

In essence, the Gruen approach to this problem was to require that by efficiency, by good planning practice and by closely administered controls, a minimum area allotted for public use would return a maximum satisfaction of public demand.

Parks and recreation: Of the total 17,472,723 square feet of land in the Marina, Gruen allocated approximately 2.2% for "Parks and Recreation" (Including Beach, Buffers, etc.) as follows:[68]

Parcel	Use	Development Plan (May 1960)[69]	Revised Development Plan (Sept. 1960)[70]
B	Park Site	18,000 sq. ft.	14,725 sq. ft.
D	Buffer Strip	43,000 sq. ft.	14,863 sq. ft.
H	Beach	380,000 sq. ft.	280,604 sq. ft.
J	Park Site	17,200 sq. ft.	18,170 sq. ft.
X	Buffer Strip	59,800 sq. ft.	62,797 sq. ft.
	Total	518,000 sq. ft.	391,159 sq. ft.

A serious effort is given to making this small area an effective increment in the development plan.

B-199

Los Angeles Lake, a salt water lake of approximately 364,000 square feet included in Alternate No. 2 provides the largest area in the Marina for public recreation. Every square foot is planned for use; a sand beach and picnic area, calm water for swimming bordering the beach, and for sailing dinghy-size boats in the wazer between the basin docks and the swimming area make up the facility. Two motels are placed to border the beach. A launch area is provided on the beach for hand-carried small boats. Two of the four public restrooms in the entire Marina are located here. Concessions provide rental boats, sailing instruction and refreshment and the whole is supported by 392,040 square feet of parking area, enough for 1150 cars.

Landscape areas: The importance of creating attractive surroundings in the limited areas open for public use is underscored in the Gruen plan. Public parking lots are to include planting areas. Buffer strips bordering the peripheral road are to be landscaped, as is a small site at the main entrance, where a memorial plaque will provide a theme center. A tiny park located on the main channel will provide a pleasant site for boat watchers. Parcels for private use bordering the peripheral road carry mandatory landscaping provisions. Planted divider strips on public roads, underground utility lines, strict sign controls, architectural and design review of all structures, and the prohibition of any curb parking would work together to provide a pleasant prospect for the visitor wherever he was permitted to travel within the Marina.

B-200

Planting charts and detailed design diagrams for public areas are included in the plan. Recognizing the difficult soil and climate conditions for planting, Gruen proposed an experimental nursery to develop hardy stock for supply to landscaped areas. All of these provisions lie within the control and are the responsibility of the Marina. Gruen emphasizes that proper design and maintenance of public area "will contribute much to the enjoyment of the Marina and act as an incentive to lessees to provide equally pleasant facilities."[71]

Unfortunately, the plans for beautification of public areas remain largely unfulfilled.

Portable boat launching: Unlike other consultants, Gruen Associates did not believe that portable boat launching would be a remunerative use of Marina land. They foresaw that the amount of space on land required to park cars and trailers, and the amount of protected water area required for boat maneuvering and boats waiting for retrieval would be extremely expensive in terms of Marina resources. Nonetheless they recognized that, as with public recreation areas, this demand from the non-renting general public would have to be met to some extent. In the Gruen development plan 1,197,800 square feet was allocated for portable boat facilities.

After submission, the original plan was evaluated by the Department of

Small Craft Harbors in consultation with Coverdale and Colpitts, economic consultants, as well as Gruen Associates, the authors of the Plan. Replies from more than 200 questionnaires, mailed by the County to prospective lessees for Marina parcels, were examined and considered. The changes made to the original plan were minor, such as the provision for three gas stations rather than two, or revised areas for specific parcels. All of these changes are reviewed in A Development Plan: Revised, submitted by Gruen to the County on September 15, 1960 which, together with the original Plan, constitute the final Master Plan for the Marina.

The provisions for portable boat launching submitted in the original Development Plan met with the criticism that there was more demand for portable boat launching than the plan provided for. Gruen did not accede to the demand but recommended instead that optional use for portable boats be added to the approved uses of two parcels in an adjoining basin. This was done, but the demand for portable boat launching facilities has never been great enough to require more than the facilities originally provided. This is generally attributable to boating conditions at the Marina. Neither the crowded Marina channels nor the often rough open ocean immediately beyond the breakwater provide suitable conditions for sailing boats under 15 feet in length. Fishing in the area is poor and no protected space is allotted for waterskiing.

Conclusions. It is difficult to retain much flexibility in land uses, short of

rebuilding, for a limited area requiring a high intensity of uses such as the Marina. Only two possibilities for flexibility were noted in the Gruen development plan: the first was for portable boat launching facilities, and the second for public parking, which was provided on a generous basis with the comment that any excess could easily be converted to other uses, should the need arise.

The economic necessity which precluded large areas for public use, and required intensive private development of revenue productive areas in the Marina was effectively met by the Gruen plan. It is the achievement of this goal which will make it most difficult to change activities and clients for the Marina when the priorities of needs are seen to change. Rebuilding may take place in private leaseholds at any time. However, increases in public space can be expected only when the Marina's debts are paid, and the demands of the general public can be accorded equal importance with those of private investors.

FOOTNOTES

1 The earlier Corps of Engineers reports had been oriented toward the concerns of the federal government.

2 George F. Nicholson and Associates, Marina del Rey Economic Study (Long Beach, California: 1956).

3 Coverdale and Colpitts, Report on the Economic Feasibility of a Proposed Marina del Rey Small Craft Harbor at Los Angeles, (New York: 1958).

4 Coverdale and Colpitts, Supplementary Report (New York: 1959).

5 There are public projects which are carried out without regard to the ability to repay costs, e.g. in public schools, hospitals.

6 Nicholson (1956) p. 76.

7 Coverdale and Colpitts (1959) Tabulation 2 (Revised).

8 Nicholson (1956) p. 66.

9 Coverdale and Colpitts (1959) Tabulation 2 (Revised). A discussion of the land acquisition process may be found in the next section of this paper.

10 "Marina del Rey Reporter" (September 1970) p. 3.

11 Nicholson, p. 60-61. Note that all Nicholson's estimates include a percentage for contingencies and engineering design (p.72).

12 "Marina del Rey Reporter" (Sept. 1970) p.3.

13 Nicholson (1956) p. 60-61.

14 "MdR Fact Sheet" (July 1971).

15 Nicholson (1956) pp. 60-61.

16 Coverdale and Colpitts (1958) p. 50.

17 See Nicholson (1956) p. 66; Coverdale and Colpitts (1959) Tabulation 2 (Revised); and "MdR Reporter" (Sept. 1970) p. 3.

18 Coverdale and Colpitts (1958) pp. 21-22. Currently, this County also operates the portable boat launch facility.

19 Nicholson (1956) p. 57.

20 Coverdale and Colpitts (1958) pp. 48-49.

21 Coverdale and Colpitts (1958) pp. 21-22.

22 The leases are usually for a 60 year period with terms subject to renegotiation after 10 or 21 years and every 10 years thereafter, depending on the amount of lessee investment.

23 Nicholson (1956) pp. 41-50.

24 Coverdale and Colpitts (1958) pp. 26-47 and Exhibit 3; Coverdale and Colpitts (1959) Tabulation 3 (Revised).

25 Coverdale and Colpitts (1958) p. 24.

26 "Marina del Rey Fact Sheet" (July 1971).

27 This criterion is often written as:

$$\sum_{t=0}^{T} \frac{R_t - C_t}{(1+i)^t} > C_o$$

C_o: initial investment

C_t: annual costs, year t

R_t: annual revenues, year t

i: market interest rate

T : last year of planning period

28 Coverdale and Colpitts (1958) p. 53 and Exhibit 5.

29 Ibid., p. 53 and Exhibit 6.

30 Coverdale and Colpitts (1959) Exhibit 5 (Revision No. 2).

31 Leeds, Hill, and Jewitt, California Small Craft Harbors and Facilities Plan (San Francisco: 1964). This study was supported by a "701" planning grant to the State from the U.S. Department of Housing and Urban Development.

32 "Marina del Rey Reporter" (Sept. 1970) p.3.

33 County of Los Angeles, Department of Small Craft Harbors, "Summary of Experience in Small Craft Harbor Planning and Operation," (1966), p. 5.

34 Los Angeles Times, "Richer, 'Fatter Marina' Marina Seen By Chace in '72," (December 19, 1971).

35 Board of Supervisors, County of Los Angeles. Marina del Rey Revenue Bonds of 1959 (Los Angeles: September 8, 1959; amended September 15 and November 10, 1959) p. 1.

36 Note that revenue bonds normally carry a higher interest rate than general obligation bonds since the former depend on the success of a single project rather than the "full faith and credit" of the County.

37 Ibid., p. 7.

38 Ibid.,p. 8.

39 Ibid., p. 16.

40 Ibid., p. 15

41 Standard lease form for parcels in the Marina del Rey Small Craft Harbor (n.d.).

42 Los Angeles County, Department of Small Craft Harbors, Information for Bidders, Revision (December 1961).

43 "Standard Lease Form," (n.d.) p. 18.

44 Los Angeles County, Department of Small Craft Harbors, Information for Bidders, Revision (December 1961).

45 Venice Evening Vanguard, "Story of a Marina..." (April 26, 1957).

46 Corps of Engineers, (1956) p. 22.

47 Gruen Associates, Planning & Design, A Development Plan for Marina del Rey Small Craft Harbor (Beverly Hills, California: May 1, 1960) and Development Plan, Revised, for Marina del Rey Small Craft Harbor (September 15, 1960).

48 Gruen Associates (May 1, 1960), p. A.

49 Ibid.

50 Nicholson (1956) p. 78

51 Ibid.

52 Corps of Engineers, Design Memorandum No. 1 (Los Angeles: November 1956) p. 8.

53 Gruen Associates (May 1, 1960) p. L.U.-1.

54 Coverdale and Colpitts (1958) Exhibit 2.

55 Gruen Associates (May 1, 1960) p. L.U.-2.

56 George F. Nicholson, Small Boat Harbor Development, Marina del Rey, Alternate Schematic Plan No. 2 (Long Beach, California: 1955) 6 pp. mimeo.

57 Ibid.

58 Gruen Associates (Sept. 15, 1960) p. 5.

59 Gruen Associates (May 1, 1960) p. L.U.-26.

60 Madigan-Hyland, Recreational Development of the Los Angeles Area Shoreline (1949) p. 95.

61 Coverdale and Colpitts (1958) p. 23.

62 Nicholson, Alternate No. 2 (1955) p. 2.

63 Coverdale and Colpitts (1958) pp. 39-40.

64 Ibid., p. 41.

65 Interview with Mr. Ben H. Southland, Gruen Associates, Nov. 19, 1971.

66 Gruen Associates (May 1, 1960) p. L.U.-23.

67 Ibid., p.L.U.-35.

B-207

68 Ibid., p. L.U. -20.

69 Ibid., pp. L.U. -31-32.

70 Gruen Associates (Sept. 15, 1960) pp. 31-32.

71 Gruen Associates (May 1, 1960) p. L.D.-2.

CHAPTER IV. LATER DEVELOPMENT (1962-71)

The Critical Period

The County's economic consultants had been optimistic about rapid development of Marina enterprises after the basic and secondary public improvements were complete. Nicholson's schedule indicated full private development almost immediately.[1] Coverdale and Colpitts expected this to occur after three years of operation.[2]

However, private development was limited at first. The Marina was opened to boat traffic in the summer of 1962. The Coverdale and Colpitts prediction, upon which the bond repayment schedule was based, implied that total annual County income would reach $2,000,000 by 1965. Actually, income in the fiscal year 1965-66 was only about $1,000,000. This was not sufficient to meet the minimum operating expenses and debt service requirements.[3] The Marina had to borrow $500,000 over a three year period from the County general fund to meet its obligations. As mentioned earlier, State legislation and a resolution of bondholders was required to do this.[4]

Unfortunately, this situation was not just a matter of slow response to the part of private developers. There had been some fundamental problem which jeopardized the overall success of the Marina project. The most dramatic problem was the "surge" problem which began soon after the Marina opened, but became especially difficult in the winter of 1962-63. Apparently, storms in the Pacific produced high waves which entered

through the wide entrance channel. Furthermore, the waves were augmented by reflection from the channel walls. The most critical wave action occurred in the side basins nearest the entrance.[5]

Considerable damage was done to boats and slips at this time. Ultimately about $5,600,000 in damage suits were threatened against the County.[6] In addition, it was reported that:

> Reputable waterfront contractors have refused to accept even temporary responsibility for construction in the interior basins until positive protection of the harbor is in place. Maritime insurance agents are refusing to write hull insurance for boats berthing in the harbor. Property damage insurance recently has increased significantly for Los Angeles County lessees. Manufactures of floating equipment are refusing to guarantee their protection against wave conditions in Marina del Rey.[7]

Still, ultimately, only one settlement for $50,000 and another of unknown amount were paid.[8] These events discouraged potential developers of both water and land oriented enterprises. Fortunately the Corps of Engineers was already considering studies of the Marina using a scale model and wave action machine.[9] These studies were soon complete and recommendations were made. The Corps proposed the construction of a breakwater across the channel entrance and the sealing of the south jetty. This was expected to reduce the maximum wave height within the Marina to two feet.[10] The cost was about $4,600,000, with equal shares paid by Federal and County governments. By 1956, this project was completed and has apparently been successful in eliminating the surge problem.

B-210

Another environmental problem was particularly apparent at that time. Heavy concentrations of "red tide" made up of algae which discolor the water, have an unpleasant odor, and can poison fish and shellfish, appeared all along the coast and affected the Marina area.[11] No cure has been found for this periodic phenomenon although there have been no serious "red tides" recently.

During the "critical period", title companies were being cautious about insuring titles to land leased from the County. The terms of the revenue bond resolution required "active public use" of the Marina by sublessees. This was interpreted to mean that subleases for questionable uses could not be written for periods longer than one year and that the County could require a 25 percent annual turnover in sublessees.

An additional expense for lessees also appeared with a ruling from the Los Angeles County Tax Assessor that the land they had leased, as well as the structures they owned would be subject to property tax. A tax on "possessory interest" in leased land had to be paid by each lessee. This resulted in property taxes said to be about 60% higher than the amounts anticipated at the time leases were signed.[12]

All of these factors combined to put many lessees in financial jeopardy. In May 1962, the Marina del Rey Lessees Association was formed to see what could be done. At this time some lessees were ready to cancel

their contracts, preferring to take their losses rather than incur greater losses under the undue hardship conditions which they perceived.[13] Later they met with the Los Angeles County Assessment Appeals Board and worked out mutually acceptable arrangements. This led to some reduction of the possessory interest tax based on the time remaining on leases.

By 1967, most Marina problems had been resolved, consumer demand had increased and considerable new development had taken place. Revenues were sufficient to cover current costs, interest on bonds, and to retire bonds according to the required schedule. The period from 1962-67 had been a difficult one. During this time, much of the negotiation with lessees about private development took place and the policies established then continue to affect current decisions.

Land Use Plan 1967

In 1967 Gruen Associates completed a revised Land Use Study.[14] This was a review of Marina development that had taken place, under the original Plan, an evaluation of problems then current, and an examination of alternative planning strategies for the solution of those problems.

When this Land Use Study was begun, the Marina was still in a critical period of economic development. Revenues were not sufficient to cover bond payments as well as operating expenses.

Income Statement[15]

Fiscal Year 1965-66

Gross rents	$1,095,851
Small Craft Harbor Expenses	724,068
Net Income	371,783
Bond Payments	$ 728,000
Deficit	356,717

According to the data then available to Gruen, the deficit was expected to drop to $175,000 for the fiscal year 1966-67, and to $100,000 the following year. It was expected that after 1968, loans from the County general fund would no longer be needed to meet the deficit.[16] It is clear, then, that the highest priority in planning for the Marina had still to be given to its potential for revenue production.

Leasing problems. Many of the difficulties which slowed the development of the Marina were discussed in the previous section of this chapter. The result of these difficulties was a period of low return from under-developed County real estate resources which extend for a longer period than had been anticipated.

In 1967, 53 leases for Marina land had been awarded, and 17 parcels still remained unleased and vacant.[17] In terms of development, only 35 parcels were considered to be fully developed: 10 leased parcels were vacant and 12 were only partially developed.[18] The 17 unleased

parcels were, of course, vacant. The visible effect of 39 empty or underdeveloped parcels on the Marina was to give it a dispersed and under-used appearance discouraging to investors.

County leasing arrangements for Marina properties stipulated three levels of rent which might be paid. The lowest rent was "holding rent" based on 1/3 of the specified square foot rent for a parcel. It was intended for the initial period in which the leased parcel was either undeveloped or under construction. In either case the parcel was incapable of producing a return for the lessee.[19]

"Square foot rent," sometimes called "minimum rent", was to be charged when construction was complete. The facility on the parcel was assumed to be in operation, but not yet successful. Each parcel was assigned a minimum square foot rent for land which varied, according to location and use, from 6 to 30 cents per square foot.[20] It was hoped that minimum rents would cover all costs to the County, including financing costs, for the operation of the Marina.

The normal return to the County was from "percentage rents", based on percentages of gross receipts earned on each successful parcel.[21] The specific percentage to be charged varied according to the type of business in which the lessee was engaged. Originally, the percentages of gross receipts to be charged ranged from 5% to 25%.[22] This schedule was revised in 1961 to range from $1\frac{1}{4}$% to 20%.[23]

B-214

Rents for each developed parcel were to be based on either square foot rents or percentage rents, whichever was greater, thus insuring that the County would cover its costs as soon as a parcel moved beyond the holding rent stage of its operation. Time limits for paying holding rents were specified in leases.[24] Had these time limits on holding rents been strictly enforced, Marina deficits would have been reduced, if not eliminated. General economic conditions, financing difficulties and the threat of lessee withdrawal made it impolitic to insist on these time constraints.

In 1967, 41 parcels in the Marina had been leased.[25] Eleven of the 41 were paying percentage rent, indicating a profitable operation for the County. Ten parcels were paying minimum rent, assumed to be a break-even level of revenue return for the County. Twenty were paying holding rent, which produced a net loss for the County.

Gruen noted that if all unleased parcels were let at minimum rent they would provide additional annual income to the County of only $184,145. This would not cover current deficits. Furthermore, there was no indication that parcels leased in the future would be developed, and thus move from holding to minimum rents, any more quickly than the parcels already leased. At holding rent, all parcels available for lease would bring in only an additional $61,380 per year.[26]

If, on the other hand, the 20 parcels then paying holding rent were developed to pay minimum rent, additional annual County income would amount to $447,509, a sum more than sufficient to cover annual deficits.

Emphasis, therefore, should be placed on encouraging more rapid completion of improvements on parcels already leased rather than on putting all parcels out for bid. The study recognizes the difficulty to the County of speeding development on leased parcels, since initiation of further construction must lie with the lessee. It was suggested, however, that the County encourage the development of temporary improvements such as public tennis courts or recreational areas on leased parcels. These uses would also provide the appearance of activity. Some income would be obtained by lessees while they awaited favorable financing opportunities for more intensive development. Landscaping, placed so as to be usable on sites destined for future completion, would mature in readiness for final development. This would enhance the appearance of the Marina in the interval. Finally, higher intensity use of parcels already in operation should be encouraged.

The break-through year, in which the Marina achieved an acceptable level of revenue was 1967. So far as is known, neither the temporary uses nor the landscaping improvements were implemented since the problems which suggested them did not continue.

Strategies for the future. Reviewing the analysis of rents, the Gruen study

B-216

recommended against making the unleased parcels available for lease indiscriminately. Pointing out that undeveloped parcels, both leased and unleased, provided an opportunity for flexibility in strategies for revenue maximization, the study recommended that alternate strategies be examined to achieve a goal of optimum balance of land use. "This does not mean that the current land use plan and policies be rejected, but that certain emphases might be changed."[27]

Gruen considered 14 parcels as potential leaseholds and recommended that light of them be withheld from leasing for a time. Four of these parcels were designated as public parking to be converted to other uses as deemed necessary. Four parcels for commercial use should also be withheld. The remaining six, planned for a drive-in restaurant, two gas stations, and anchorages, apartments and related uses were to be leased immediately.

Recommendations for leasing were based partially on location, since key parcels which were empty detracted greatly from the appearance of the Marina. Another consideration was apparently needed. For example gas stations were needed to serve Marina residents and visitors. Proven operational success was also a factor, as in the case of anchorages and apartments.

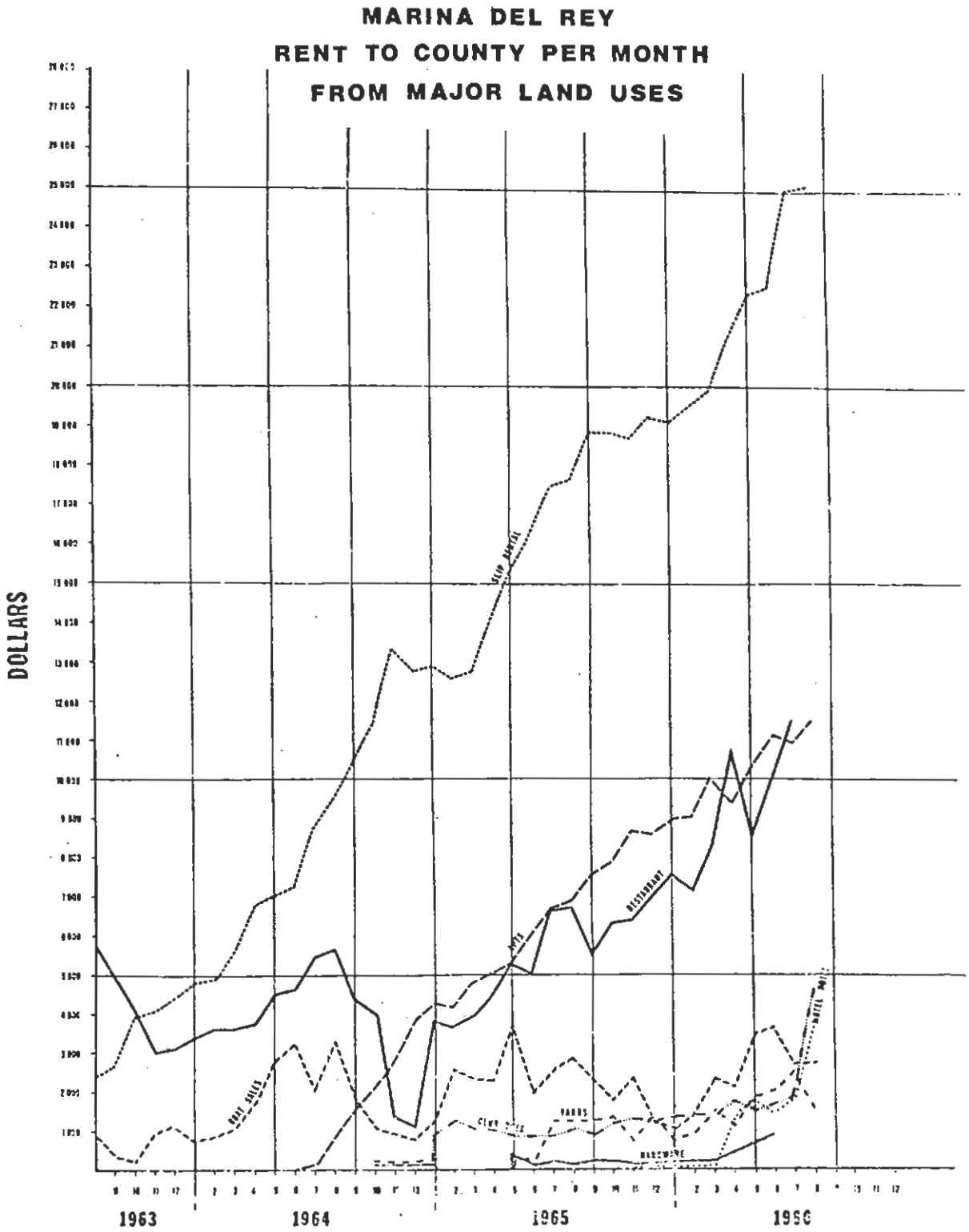
Recommendations for withholding parcels from leasing were based on

the need to reevaluate some land uses in the light of experience up to that time. Recommendations of particular interest to this study will be considered below.

Analysis of land use revenues. Examination of rents received by the County from August 1963 through August 1966, as shown on the following charts, indicates that boat slips, restaurants and apartments were the most revenue productive uses to the County. Relating area to revenue, rents received per square foot clearly show restaurants to be the most productive use, returning $.44 in rent per square foot. Boat slips produced $.41 per square foot if land alone is figured, but only $.08 if land and water area is considered. Apartments returned $.105 per square foot. No attempt is made to relate County costs for various uses to the rents received.

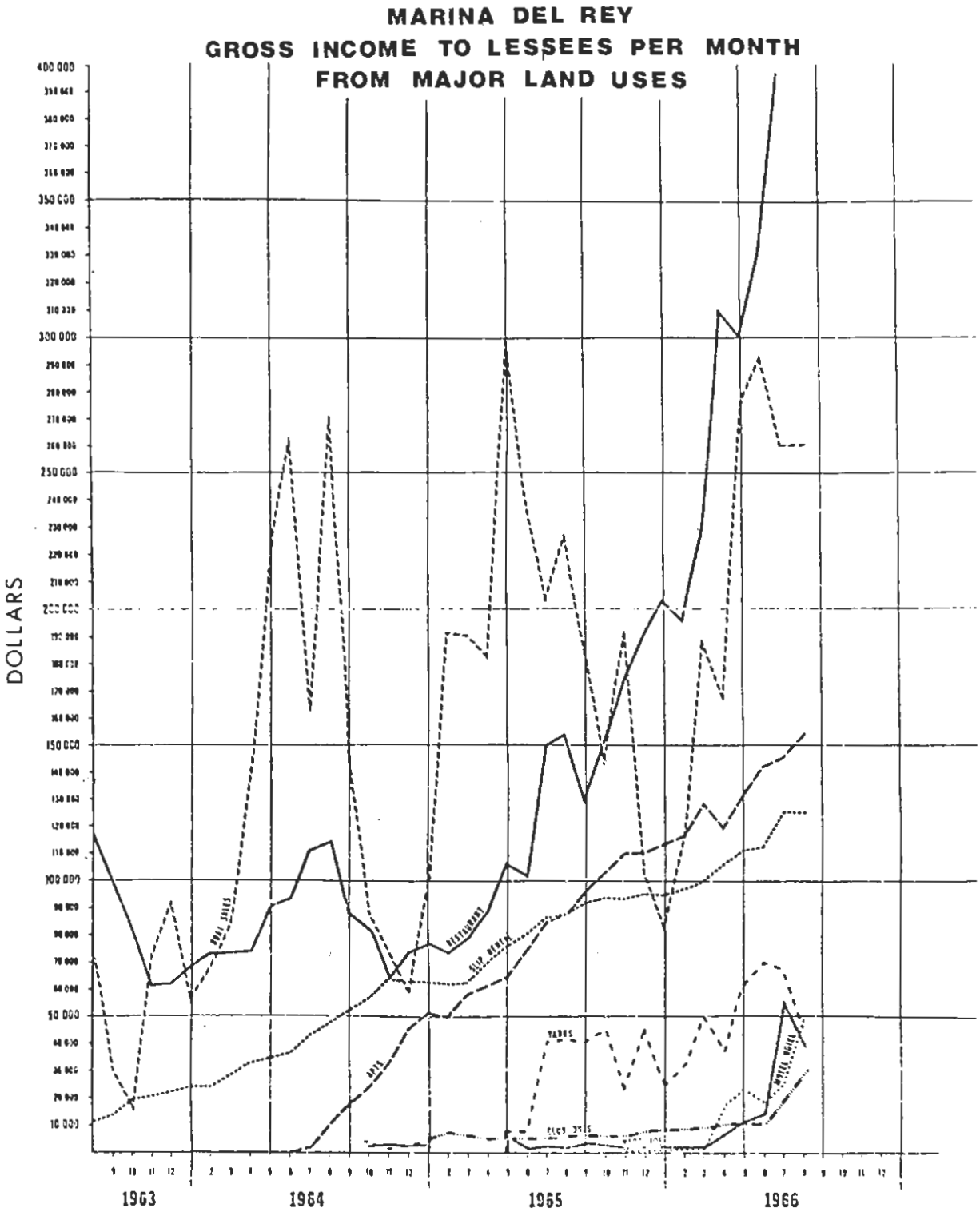
The analysis of revenues must be viewed in relation to several factors: gross revenues on which percentage rents are based, the percentages charged for varying uses and the areas of land required to produce the receipts. Thus, for example, restaurants are a highly intensive land use, producing the highest gross receipts in the Marina, $3,445,013 in 1965-66, but returning only $119,931 in rents at 3% of gross receipts. Boat slips, however, which grossed only $1,252,500 during the same period returned $250,495 on the basis of 20% of gross receipts charged as percentage rent.[28] Ideally, costs to the County in terms of differing services required should

B-218



Source: Gruen Associates, Marina del Rey: Land Use Study, Los Angeles (March 1967)

B-219



Source: Gruen Associates, Marina del Rey: Land Use Study, Los Angeles (March 1967)

B-220

be figured into the land use revenue analysis to give a true assessment of productivity. The Land Use Study does not provide these figures, but in making recommendations for future planning strategies the study does consider the opportunity costs which would result if balanced and efficient land use were ignored.

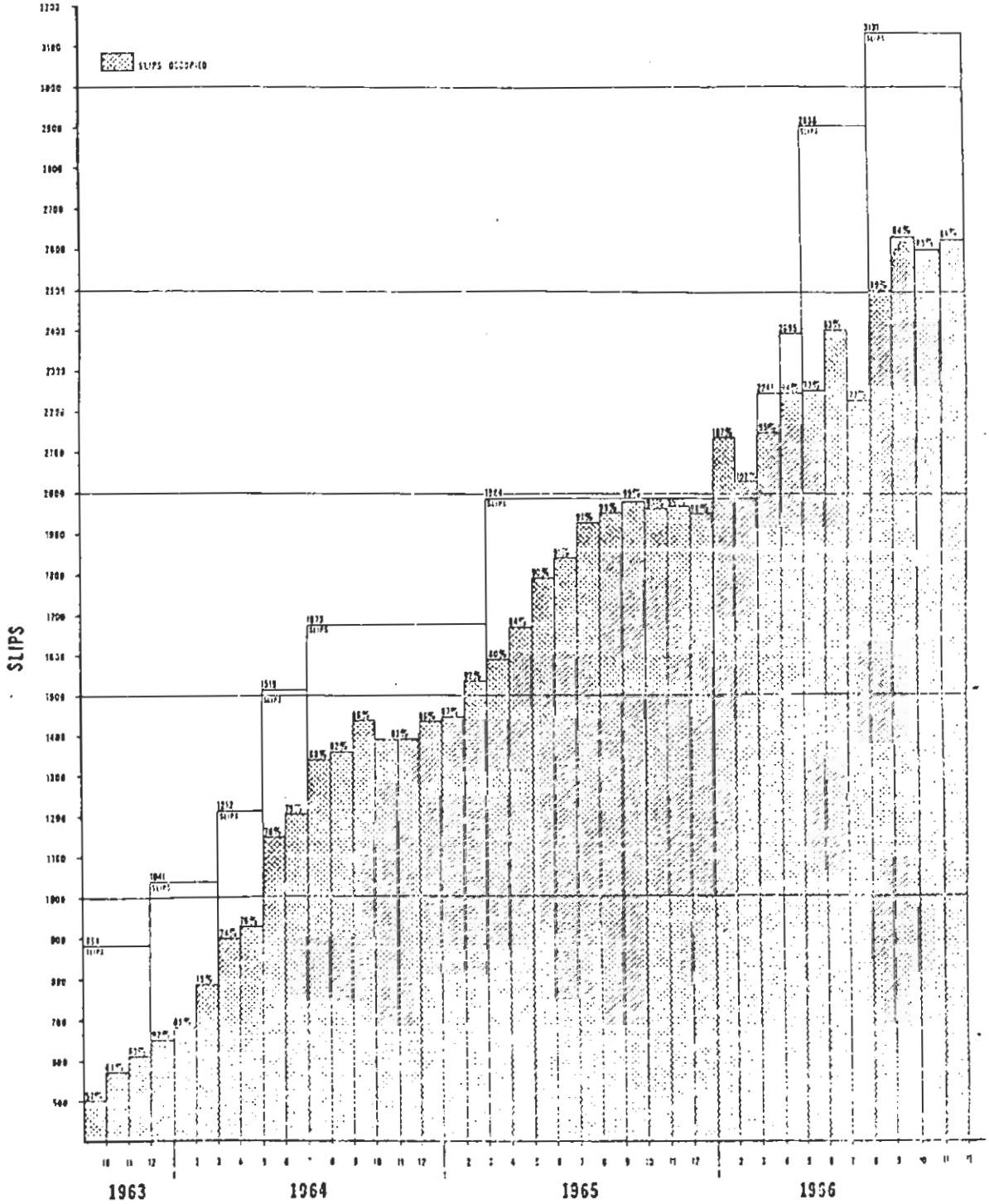
The Land Use Study

In general the Land Use Study responds to the financial pressures still prevalent in Marina operations by recommending further development of those land uses which have proved profitable. Anchorages were, of course, the prime purpose for Marina development and were, in addition, a profitable enterprise, producing the largest single source of revenue in 1965-66. The Study recommends that more slips be provided as current occupancy reaches 90%. The following chart shows how occupancy tends to rise to meet newly constructed capacity.

Boat sales, a use related to anchorage, were also a highly successful operation, grossing $2,278,289 in 1965-66, but returning only $27,262 to the County because of the $1\frac{1}{4}$% rent charged on the gross receipts. Gruen sees the demand for boat sales as being directly related to the number of slips available. This, coupled with the low return, leads to a recommendation that the area available for boat sales be increased only in proportion to anchorages available.

B-221

MARINA DEL REY
SLIPS OCCUPANCY



Source: Gruen Associates, Marina del Rey: Land Use Study, Los Angeles (March 1967)

B-222

Two anchorages are operated by private clubs who are prime lessees. All others are operated by private developers providing anchorages alone or in conjunction with apartments. In all cases, slip rental is separate from club membership or apartment leases. The diseconomy of anchorages in terms of land use revenue analysis lies in their low intensity of area use. Disappointing returns from prime lessees led to a recommendation against leasing directly to more private clubs. To reduce diseconomies of anchorages to the Marina, and to increase revenues from prime mole land, Gruen recommended increased intensity of use of the land area of all anchorage parcels: "There is a case for permitting an increased intensity of development and a wider range of uses on many parcels. The use of deck parking, the construction of apartments and other uses on anchorage parcels should be considered, subject, of course to adequate road and access capacities."[29]

This recommendation represents a major departure from the original Land Use Plan of 1960 which proposed intensive use only on the ends and bases of moles. That this recommendation was followed is indicated by current development. The constraint to consider access capacities, however, was not followed is documented in the 1971 Gruen circulation study.[30] There is noted that a pressing need

exists to provide more space for circulation for automobiles, bicycles and pedestrians within the Marina in the north-west area. It also noted that no land remains for the required improvement to circulation facilities.

Restaurants, as stated, were a highly successful enterprise and the 1967 recommendation regarding restaurants is to "increase as soon as possible."[31] Elsewhere in the Study, however, caution is expressed that in following trends for land use based on enterprises of proven profitability, market saturation for particular uses may occur.[32] Restaurants proved to be such a case. Restaurants and other non-boating functions are being discouraged now.

At the time of the Land Use Study, 726 apartment units existed in the Marina and the County projected a capacity of 3,586 units. By 1972 there were 4,502 units and the County had approved a total of 5,632 proposed units, well above the 1967 estimated capacity.

Although the 1967 work approved the extension of apartments, recommending that this use also should "increase as soon as possible," it noted some opportunity costs. Motels, hotels, boatels and cabanas had not received significant development in the Marina. At the time of the Study three motels containing 232 rooms operated in the Marina and the use was so new that significant data had not been developed. Nonetheless, residential accomodations of this type are far more revenue intensive in terms of gross receipts per square foot than are apartments, and the percentage rent

charged is the same for both types of residence. Land used for apartments which could have been set aside for hotels, motels or cabanas, therefore, represents a potential loss of revenue to the Marina. More hotels and motels are now being attracted to the Marina.

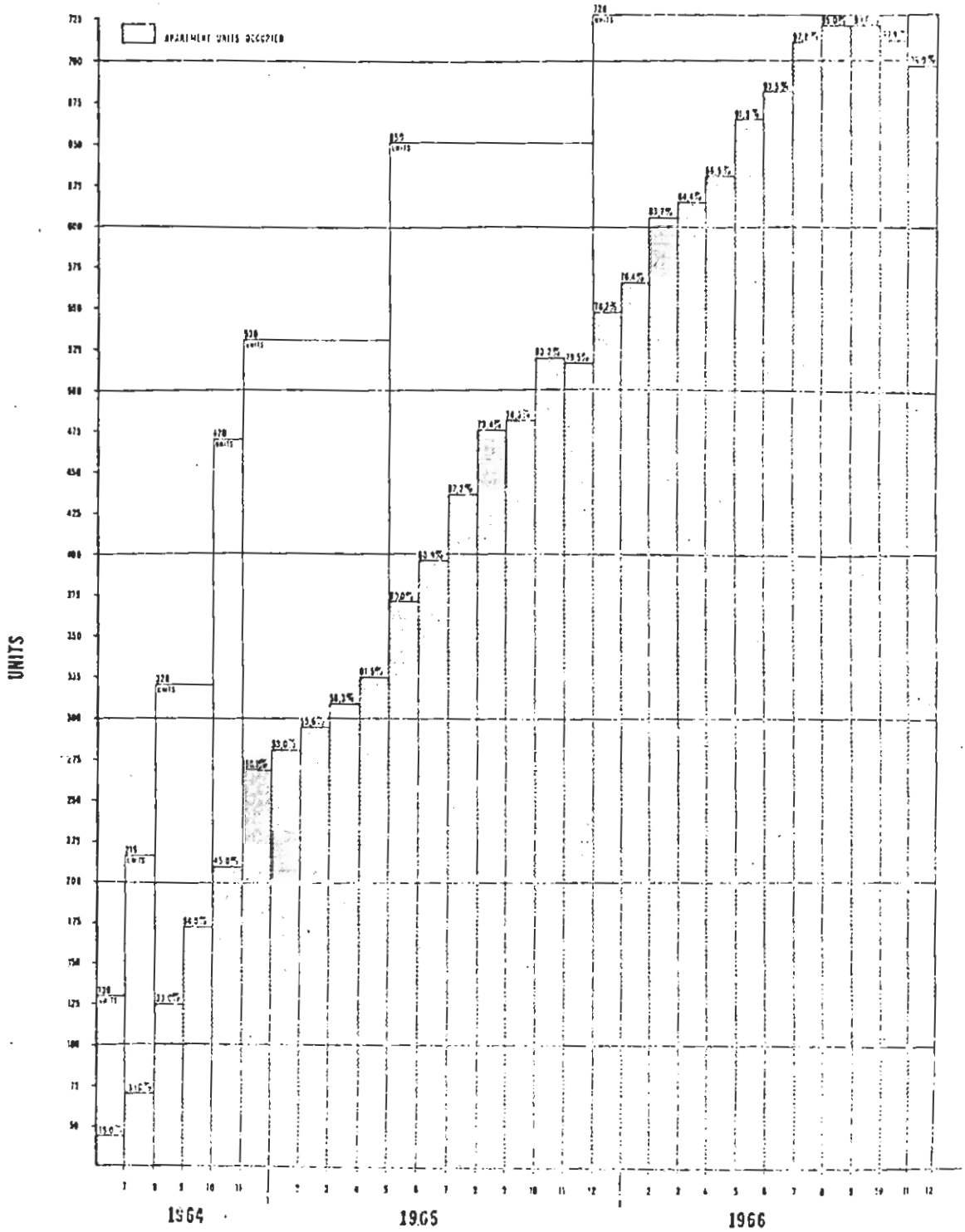
The apartments developed early in the Marina's history were of less expensive construction and less luxurious design than those constructed at a later date. Rents for the early apartments are lower than are rents for those of a later date, so that County revenue, based on $7\frac{1}{2}$% of gross receipts are less for the older units. The early apartments are seen to have "missed their market" and this, too, represents an opportunity cost.[33]

In summary, the basic land use scheme for the Marina was changed from a planned water-related recreation facility to become a residential real estate development. Although the Land Use Plan does not address the question, some costs must be figured for this basic change which resulted in the construction of a County-owned city. The tendency to allow almost unlimited development of apartments with high population densities is primarily responsible for the change in purpose and function of Marina development.

Costs due to this change result from (1) the provision of larger public utilities needed for the greater capacities than were originally planned; (2) provision of County services for the protection and

B-225

MARINA DEL REY
OCCUPANCY OF APARTMENTS



Source: Gruen Associate, Marina del Rey: Land Use Study, Los Angeles (March 1967)

B-226

welfare of a far larger permanent population than was originally considered; (3) the blurring of the separation of activities designed into the original plan as commercial facilities were approved in the residential and boating oriented western sector; (4) peak hour congestion of circulation requiring provision of enlarged streets and construction of sidewalks or, where this is not possible due to spatial limitation, the costs occasioned by the diseconomies of congestion; and (5) the costs of friction between residents, boaters, and visitors as the unplanned intensities and activity patterns cause conflict and threaten to diminish user satisfaction in the Marina.

Conclusion. The Land Use Study of 1967 was presented coincidentally with the first evidences of the alleviation of the basic problem it sought to solve. County revenue from the Marina rose sharply in 1967, erasing at long last, the annual deficit which had been expected to continue for several more years. Nonetheless, many of the Study's recommendations to optimize revenue return remained appropriate and were implemented by the County.

Had the authors of the Study known of the imminent financial success of the Marina, the emphasis might have shifted, thus altering the recommendations. But even in the face of the high priority for revenue return, the study included many recommendations for the improvement of public areas. Gruen continued to exhort the

County to enforce sign and landscaping requirements on leased parcels and to provide the amenities for public areas which had been an important part of the original Plan. They proposed additional public recreational areas. They deplored the lack of focus and the esthetic mediocrity of the developing Marina.[34] Unlike the recommendations to optimize revenue, these recommendations were evidently not generally accepted since only one of them is being implemented by the County. Nine acres on Mindanao have been withdrawn from leasable status and are currently being developed as a public park.

Current Conditions

Following the critical period, boat owners and investors began to have confidence in the Marina and development began on a large scale. At the beginning of 1968, Los Angeles County Supervisor Burton Chace was able to announce that the Marina was operating in the black.[35] A $1,001,000 allocation by the County to cover the expected deficit for 1968 was cancelled and the financial solvency of the Marina was heralded. The years beginning with 1968 saw intense and rapid development. In that year, two-thirds of the slip area and one-third of the land area were developed. Four years later, there are only three parcels left in the Marina to be developed.

Development. As noted above, the decisions and compromises which had

had to be made during the critical period together with the constraints imposed by the bond resolution were the forces which most characterized the development which now took place. Apartments, restaurants, banks, clothing stores and similar non-recreational uses not only were included in the Marina, but began to be the dominant characteristic of this public recreational facility.

In June 1968, Fisherman's Village was announced and construction began soon afterward. It has since become the chief attraction for the general public. Aside from the public beach, Fisherman's Village offers the only facilities which tourists and visitors can use that are integrally linked to the waterfront. It is a collection of gift shops, restaurants and snack bars built in the fashion of a Cape Cod fishing village. However, this area is entirely commercial; you must spend in order to avail yourself of its unique Marina atmosphere.

One other public facility has been added. Recognizing the need to provide the public with the opportunity to launch boats from trailers, the County and their consultants insisted upon the inclusion of a boat launching ramp. Difficulty was encountered when no private developer would take on the project. It was considered unprofitable and developers felt that they might even have difficulty meeting their operating costs. Finally, the County was able to construct the facility and now operates it.

Under County management, the launch facility today does not provide a suitable return on the investment required to build it.

Construction has never stopped at the Marina. Development, although reaching the saturation point, has not yet slowed down. The rapid increase in land improvements and the number of apartment dwellers has accounted for the most significantly property assessment and population gains in the entire southwest Los Angeles area. Today there are over 4500 apartment units at the Marina, 340 hotel/motel rooms, almost 5000 restaurant seats, and 5500 mooring berths. There are seven yacht clubs, a movie theater, and an office building. Private development in the Marina exceeds $105 million.[36]

During the peak periods such as summer weekends, pedestrian, auto, and boating congestion is evident at the Marina. Intensive use of boating facilities has made it necessary to develop cooperative traffic regulations on the use of the main and entrance channels. Automobile traffic is heavy entering and leaving the Marina and circulation within is also congested.

The Marina is served by the County Harbor Patrol which was created expressly for the Marina, the U.S. Coast Guard, a contingent of the County Fire Department and the County Sheriff's Department.

Residential Use. The large number of apartment buildings in the Marina today

are approved, in large part, as the result of decisions made in response to lessees who claimed they could not get financing without a guaranteed profitable development such as apartments. The Marina apartments now enjoy an occupancy rate that varies between 95% and 100% depending on how recently a new development has opened. A Marina survey done in 1968 showed that the apartments were fairly expensive with 37% under $201 per month, 51% between $201 and $300, and 12% rented for over $301.[37] At the time of the survey, 33% of the apartments had single occupants. The restaurants in the area, the proximity to urban Los Angeles, the recreational facilities and the general resort atmosphere make the Marina a very desirable place to live. These advantages make it possible for the apartments to command a high rent, thus giving the community an exclusive image. The residents are essentially white, adult, professional, and have moderate to high incomes. There is a large young adult contingent, and the Marina is considered a desirable address for young people on the way up.

The apartment population in the Marina has caused problems because of its size. Much of the heavy peak hour traffic load in the area is due to resident travel. Still it seems to be the residents who complain most about the congestion. Parking has become a problem. The apartment residents have encroached upon the amount of space available to the boat owners for parking and often competition for the spaces

B-231

must be mediated by the lessees.

Roads are not the only part of the Marina which cannot handle the excess load produced by the apartment population. In 1969, a new sewer line which cost the Marina fund $145,330 was installed to accomodate about 1500 apartments on the west side of the Marina.[38] There have been other unexpected costs borne by the County and the surrounding areas for a residential community, such as additional water lines, traffic signals, sidewalks, and protective services.

Almost all apartments in the Marina are intended for adults only. This means there is no burden on the local school district, but it also means that the surrounding communities are losing this stock of tax payers who probably exert the lightest load upon community services. The County has in effect monopolized a large portion of high paying, low demanding tax payers in the area.

Marina user groups. The people who use the Marina fall into several distinguishable groups. Most apparent are the apartment dwellers and the boat owners. To some extent they compete for recognition of their own interests. The apartment dwellers have made the Marina their home and are consequently interested in their rights to privacy, ease of access to their homes, quiet, and participation in the decisions which affect their residential community. Unfortunately, many of these desires run directly counter to the concerns

of the boat owners who view the area as a recreational facility. Caught between these two conflicting views of the Marina, is the growing number of people who live aboard their boats. Unfortunately, the present Marina cannot successfully accomodate expansion in all three of these uses.

One of the organizations representing boat owners is the Pioneer Skippers. This organization has taken action on treatment they feel is unfair. The slip rates at Marina del Rey are generally about $.25 higher (per foot, per month) than in other Southern California marinas and the Pioneer Skippers feel that since Marina del Rey is publicly owned and intended as a public recreational facility, this is uncalled for and unjust. This situation has led boat owners to believe that the apartment complexes are favored in the eyes of the lessees. It is felt by boat owners that the anchorages are considered useful by the Marina only as they contribute to the value of apartments.

Another identifiable group is, of course, the general public which neither rents apartments nor owns boats at the Marina. For these people there are many restaurants to use, there is Fisherman's Village, the public beach and a few small places where they may stop their cars and watch the boats. Most boat watching is restricted however because the mole roadways are barricaded by apartments or other structures blocking the

view. There are virtually no walkways and very few public places to park cars. Consequently use of the Marina by general public remains small relative to the number of residents and boat owners.

During the days when lessees were having trouble getting financing and were requesting relief from the County, the Marina del Rey Lessees Association was formed to represent their interests. This group continues today as an identifiable factor in the decisions which are made in the Marina.

Considerations for future planning

Marina del Rey is not a finished product but a continually evolving one which still has the capacity to change. A change in market demand, full payment of the revenue bonds, natural disaster, altered developer behavior, public policy changes or a number of other occurrances could greatly change the character of the Marina.

Some things are known about the immediate future. Work has begun on the construction of a long promised park. It is planned that the park will cover a large part of one of the moles which until now has been withheld from development. The addition of the park would greatly increase the recreational facilities open to the general public in their use of the Marina, and would thus increase the number of visitors to the Marina.

Along the waters edge on the north end of the Marina, a massive complex

consisting of apartments, restaurants, hotel and convention center is under construction on a single leasehold. The development, called Marina City Club, fully reflects the new image of the Marina which has evolved over the past several years. The apartment rents are to be high, in keeping with the continuing escalation of the economic status of the clientele which the Marina serves. The impact which this $60 million development has on the Marina del Rey may well be irreversible, focusing policies in Marina management more toward service to an elite than to recreational opportunities for the general public.

Further, the Marina City Club may lead the Marina as a whole into a second round of development. Recognizing that the character of the Marina is changing, the Department of Small Craft Harbors and their consultants are considering the possibility of a second round of development. It is possible that the Marina City Club may so escalate the revenue expectations of developers and of the County that those who own the earlier, less expensive facilities may find it desirable to improve or to replace their original construction.

There is, therefore, a choice to be made between two possible policies to govern the future of Marina del Rey. One is to increase public use of Marina facilities through development of parks and commercial areas designed to serve tourists and local visitors. The other involves the

development of more high revenue producing facilities which cater to affluent apartment residents and visitors of a more specialized type, such as business and professional people using convention and resort facilities. A failure to make this choice in the near future will lead to further exacerbation of the conflicts beginning to appear between user groups.

This working paper has reviewed, described, and when possible, interpreted the decisions which created Marina del Rey. It has concentrated in large part on difficulties and problems of the past, the present and a few that seem imminent in the future. It seems appropriate, therefore, to conclude this paper with a reminder that the Marina, viewed in the light of its financial objectives, is an undeniable success. Marina del Rey stands today as a well established, financially stable, extremely busy, large scale development which is known the world over.

B-236

FOOTNOTES

1 Nicholson (1956) Table: "Actuarial Financial Data".

2 Coverdale and Colpitts (1959) Exhibit 4, Revised.

3 Memorandum from State Department of Harbors and Watercraft (March 16, 1969).

4

5 Corps of Engineers, U.S. Army, Design Memorandum No. 2 (Revised), General Design for Marina del Rey, Venice California (Los Angeles, 1963) p.2.

6 Venice Evening Vanguard (April 11, 1963).

7 Ibid., p. 11

8 Memorandum from Leo Bialis, Harbor Controller (March 15,1972)

9 Ibid., pp. 2-5.

10 Several emergency measures were also proposed. One involved scuttling two World War II Liberty ships in front of the channel. The second was a plan to sink sheet piling there. The piling was installed in 1963 at a cost of $350,000. It was effective for surface waves but allowed subsurface movement which hit boats of more than 6 foot draft. See Los Angeles Times (August 27,1963).

11 The Santa Monica Evening Outlook (February 9, 1963) reported a combination of red tide, a broken sewerline, and oil field discharge which produced a concentration of hydrogen sulfide. It turned white house paint black and caused nosebleeds and nausea among local residents.

12 Marina News (September 15, 1962).

13 Ibid.

14 Gruen Associates, Marina del Rey: Land Use Study, (March 1967) 59 pp. mimeo.

15 Gruen Associates (1967) Part I, p. 4.

B-237

16 Ibid., p. 5.

17 Ibid., p. 4.

18 Ibid., p. 8.

19 Marina del Rey Small Craft Harbor, County of Los Angeles California, Information to Bidders (undated) p. B-1 and p. L-8.

20 Ibid., pp. B-2, B-19 and L-8.

21 Ibid., pp. B-2 and L-9.

22 Ibid., pp. B-19 - B-20.

23 Marina del Rey Small Craft Harbor, County of Los Angeles California, Information to Bidders: Revised (Dec. 19, 1961)

24 Marina del Rey Small Craft Harbor, Information to Bidders (undated), pp. L-8 - L-9.

25 Figures in the Gruen Land Use Study for total parcels and leased parcels vary throughout the report, reflecting changes in parcels leased and parcels redefined by L.A. County during the period of work on the Study.

26 Gruen Associates (1967) Part I, p. 32.

27 Ibid., Part II, p. 8.

28 Ibid., Part I, p. 11.

29 Ibid., Part I, p. 36.

30 Gruen Associates, Marina del Rey Traffic and Parking (July 1971) p. 26.

31 Ibid., Part I, p. 37.

32 Ibid., Part II, p. 8.

33 Interview with Mr. Ben H. Southland, Gruen Associates, November 19, 1971.

34 Victor Gruen Associates (1967), Part I, p. 34.

35 Editorial, Santa Monica Evening Outlook, March 20, 1968.

36 Department of Small Craft Harbors, Leasehold Development Status for Marina del Rey, (County of L.A. California: Jan. 1, 1972).

37 Department of Small Craft Harbors, "Study No. 3--Survey of Marina Apartment Dwellers", Marina del Rey Reporter, April 1968, p. 1-2.

38 Los Angeles Times, May 4, 1969.

MAJOR REFERENCE DOCUMENTS

Coverdale and Colpitts. Report on the Economic Feasibility of Proposed Marina del Rey Small Craft Harbor at Los Angeles. New York, N.Y.: By the Author, 1958.

_____. Supplementary Report on the Economic Feasibility of a Proposed Marina del Rey Small Craft Harbor at Los Angeles. New York, N.Y.,: By the Author, 1959.

Gruen Associates. A Development Plan for Marina del Rey Small Craft Harbor. Beverly Hills, Calif.: By the Author, May 1, 1960.

_____. A Development Plan (Revised) for Marina del Rey Small Craft Harbor. Beverly Hills, Calif.: By the Author, Sept. 15, 1960.

_____. Marina del Rey: Land Use Study. Los Angeles, Calif,: By the Author, 1967.

_____. Marina del Rey Traffic and Parking. Beverly Hills, Calif. 1971.

Leeds, Hill, and Jewitt. California Small Craft Harbors and Facilities Plan. San Francisco, Calif.: By the Authors, 1964.

Los Angeles City Planning Department. "A History of the Venice Area" Venice Community Plan Study, Los Angeles, Oct. 1969.

Los Angeles County Board of Supervisors. Marina del Rey Revenue Bond Resolution, Nov. 1956.

Los Angeles County Department of Small Craft Harbors. Information to Bidders., Los Angeles, Calif.: 1960.

_____. Information to Bidders. (Revised) Los Angeles, Calif.: 1961.

_____. "Summary of Experience in Small Craft Harbor Planning and Operation", Los Angeles, Calif.: 1966. (Mimeographed.)

_____. "Study No. 3--Survey of Marina Apartment Dwellers." Marina del Rey Reporter, April, 1968.

B-240

_____. Marina del Rey Fact Sheet. July, 1971.

_____. Leasehold Development Statistics for Marina del Rey. Los Angeles, Calif.: Jan 1, 1972. (Mimeographed.)

Los Angeles County Regional Planning Commission. Report on Proposed Recreational Harbor at Playa del Rey. Los Angeles, Calif.: Regional Planning Commission, 1938.

Madigan-Hyland. Recreational Development of the Los Angeles Area Shoreline. New York, N.Y.,: By the Author, 1949.

Miura, Richard. "Some Aspects of the Marinas and their Impact on the Urban Structure",: Masters thesis, Urban and Regional Planning, University of Southern California, 1970.

Nicholson, George F. Schematic Plan, Small Boat Harbor Development, Marina del Rey. Long Beach, Calif.: By the Author, October 23, 1955.

_____. Small Boat Harbor Development, Marina del Rey (Alternate Schematic Plan No. 2) Long Beach, Calif.: By the Author, Dec. 12, 1955.

_____. Marina del Rey Economic Study. Long Beach, Calif.: By the Author, March 5, 1956.

U.S. Congress. House. Preliminary Examination of Playa del Rey Inlet and Basin. H.Doc. 1880, 64th Cong., 2nd sess., 1916.

_____. Playa del Rey Inlet and Basin, Venice, California. H. Doc. 389, 83rd Cong., 1954.

_____. Rivers and Harbors Act. Pub. Law 392, 75th Cong., 1937.

_____. Rivers and Harbors Act. Pub. Law 83-780,83rd Cong.,1954.

U.S. Army Corps of Engineers. Design Memorandum No. 1--General Design for Playa del Rey Inlet and Harbor. Los Angeles: U.S. Army Corps of Engineers, November, 1956.

_____. "Addendum No. 1 to Design Memorandum No. 1 dated November 1956", Los Angeles: U.S. Army Corps of Engineers, 1958.

B-241

_____. Design Memorandum No. 2 (Revised) General Design for Marina del Rey Venice, California. Los Angeles: U.S. Army Corps of Engineers, May 1963.

B-242

4

B-243

Subject: Maps of federal properties
Date: Fri, 30 Aug 2002 15:42:48 -0700
From: Mark Delaplaine <mdelaplaine@coastal.ca.gov>
To: "'johndavis@beachsites.com'" <johndavis@beachsites.com>

John - The mappers tell me we never did detailed maps - it was considered too cumbersome at the time (and would have to be constatnly updated). They say the detailed maps that you saw reference to in the "red book" (app. D, last paragraph, first p.) are only those that were previously given to us by the feds as referred to on the first page of appendix D.
I went down to the map area and looked them over - only 4 federal agencies sent us maps - Interior, Navy, Air Force, and BLM. None of those maps have
anything in Ballona/Marina del Rey. The mappers assume that the Corps owns
Ballona Creek channel, and that AP # 4224-101-901, which now shows up in AP
records as County-owned, may have been federally owned. The only way to get
further details, they say, would be to contact GSA.

Best I can do for now.
-Mark

Mark Delaplaine
Federal Consistency Supervisor
California Coastal Commission
45 Fremont St, Suite 2000
San Francisco, CA 94105
(415)904-5289
(415) 904-5400 (Fax)
mdelaplaine@coastal.ca.gov
Federal Consistency Web Page: http:

5

B-245

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
DIRECT DIAL FOR ALEX HELPERIN: (212) 677-6922

June 2, 2003

John Davis
P.O. Box 10152
Marina del Rey, CA 90295

Re: May 22, 2003 Public Records Act Request

Dear Mr. Davis,

On May 23, 2003, the Coastal Commission ("Commission") received your letter addressed to Mr. Van Coops. That letter included a "Public Records Act request." This letter will serve as the Commission's official response to your request.

We have determined, pursuant to Section 6253(c),[1] that your request seeks some disclosable public records within the Commission's possession. Pursuant to Section 6253, the Commission is prepared to produce all requested records that are: (1) public records; (2) in the Commission's possession; (3) not exempt from disclosure pursuant to Section 6254 or any other express provision of law; and (4) identifiable, based upon a reasonable description (meaning locatable with reasonable effort).[2] In accordance with your request, all such records will be made available for you to view and/or copy, at your discretion, pursuant to Section 6253(b) (see the "Procedure" section, below, for a more detailed explanation of applicable procedures).

DETAILED RESPONSE

Your correspondence contains four separate and distinct requests for four different types of documents from the Commission's files. The following response is organized to correspond with your particular requests.

1. Request No. 1: "Final Seismic Hazard Map for the Venice Quadrangle issued to the California Coastal Commission by the California Department of Conservation."

According to our records, we do not have a copy of any such map in our files. As a general rule, Commission staff does not maintain copies of all of the Seismic Hazards Maps, as these maps, together with supporting data, are available on-line from the agency that produces them. Seismic Hazard Maps are produced by the California Department of Conservation ("DoC"), as your request recognizes, and specifically by the subdivision of DoC known as the California Geological Survey ("CGS"). Accordingly, the most up-to-date version of the map you seek is directly available from CGS itself. In addition, as indicated above, the map is available on the CGS web-site. The URL for the portion of the CGS web-site that relates to CGS's Seismic Hazards Mapping Act responsibilities is http://gmw.consrv.ca.gov/shmp/index.htm.

[1] All statutory references herein are to the California Government Code (and thus, the Public Records Act), unless otherwise indicated.
[2] See State Bd. of Equalization v. Superior Ct. (1992) 10 Cal. App. 4th 1177, 1187, 13 Cal. Rptr. 2d 342, 347, rev. den. (Jan. 28, 1993).

B-246

2. Request No. 2: "Larger scale map that augments official map of the following federal facility: Marina del Rey, using a list compiled by the U.S. General Services Administration named
"'Real property owned by the United States as of June 30, 1974' in the record of the following title: State of California Coastal Zone Management Program and Environmental Impact Statement on page D-2 and noted on page D-1. Page D-8 of that list shows Marina del Rey."

This request is ambiguous. It is unclear what you mean by "official map of the following federal facility: Marina del Rey." Initially, it is our understanding that the Marina del Rey is not a "federal facility." Moreover, even ignoring that characterization, it is unclear what would be meant by the phrase "official map of . . . Marina del Rey." It is therefore also unclear what is meant by the reference to a "[l]arger scale map that augments" the official map of Marina del Rey. Finally, your statement that the maps you seek were created "using a list compiled by the U.S. General Services Administration" and your references to the California Coastal Zone Management Program conflict with our understanding of what maps you may be seeking. Below is an explanation of the maps that we have that may relate to your request.

There are "official" maps of the Coastal Zone adopted by the Legislature. These maps are at a relatively small scale (1:62,500). There are also larger scale maps of the same areas, adopted by the Commission on March 1, 1977. Those maps are at a scale of 1:24,000 and are the maps that Commission staff uses as our Coastal Zone Boundary ("CZB") maps. If your request is for these maps, they are available for your review and/or copying in the Commission's San Francisco office. We could also provide the same maps for your review in the Long Beach office if you specify the maps that are of interest to you, allow us sufficient time for reproduction of those maps, and pay a fee to cover the cost of reproduction.

However, these maps were not created "using a list compiled by the U.S. General Services Administration [("GSA")] named 'Real property owned by the United States as of June 30, 1974'," as indicated in your request, and they not within the August, 1977 Environmental Impact Statement ("EIS") prepared for the State of California Coastal Zone Management Program ("CZMP"). There *is* a *list* based on the GSA's "Real Property Owned by the United States as of June 30, 1974." That list is shown in Attachment D to the above-referenced EIS ("CZMP-EIS"). That EIS, along with its attachments, is available in the Commission's San Francisco for your review and/or copying.

There are also sets of large-scale maps that Commission staff received from various federal agencies in the 1970's for the purpose of identifying federal properties located seaward of the CZB, so that they *would* be within the Coastal Zone but for their status as federal properties. Those maps are also available in the Commission's San Francisco office for your review, and they too could be reproduced for a fee if you prefer to review them in Long Beach. However, these maps were not created using any list compiled by the U.S. General Services Administration (they constituted an "alternative" source of the information Commission staff was seeking at the time), and they are not referenced in the above-referenced EIS.

Moreover, if your request is for maps that were not only provided as part of this process, but that also specifically show federally owned areas within the Marina del Rey, no one in our mapping unit is aware of any such maps, much less of any in our possession. To the best of our knowledge, no such maps exist. This is consistent with our belief that the Marina del Rey is not owned by the federal government now and *was* not owned by the federal government in the late 1970's, when the Commission adopted its CZB maps.

B-247

3. Request No. 3: "Larger scale map that augments official map of the following federal facility: Ballona Creek, using a list compiled by the U.S. General Services Administration named
"'Real property owned by the United States as of June 30, 1974' in the record of the following title: State of California Coastal Zone Management Program and Environmental Impact Statement on page D-2 and noted on page D-1. Page D-5 of that list shows Marina del Rey."

The information on the prior page, provided in response to Request No. 2, applies equally here, substituting "Ballona Creek" for "Marina del Rey." Please see the response to Request No. 2.

4. Request No. 4: "Record(s) showing United States concurrence with California Coastal Commission Mapping Staff practice of using map notes in lieu of augmented larger scale maps of Federal Facilities called for on the 7th line from the bottom of the page. Page D-8. The cited pages are from the document of the following title: State of California Coastal Zone Management Program and Environmental Impact Statement, if any."

Initially, it is necessary to clarify what appears to be an incorrect presupposition within this request. By stating that the Commission's Mapping Unit uses map notes "in lieu of augmented larger scale maps of Federal Facilities called for on the 7th line form the bottom of the page," the request implies that (1) the reference on the 7th line from the bottom of page D-1 in the CZMP-EIS "called for" the use of the larger scale maps, and that (2) the use of map notes on the Commission's CZB maps is somehow *in opposition* to the use of those larger scale maps. The reality is that these two approaches are not in opposition to one another, but complement each other. The map notes on the CZB maps indicate that some of the land shown on those maps as being within the CZB may actually be federally-owned land, which is technically excluded from the Coastal Zone. The larger scale maps present a more detailed depiction of where those federally-owned (and thus excluded) lands are. Both sets of maps are in use. The use of maps notes simply means that the boundaries of the federally-owned lands and the boundaries of the Coastal Zone are not both depicted on the same set of maps.

With respect to your specific request, although it is our understanding that the federal government did approve our Mapping Unit's approach to reflecting federal lands on our CZB maps, our search of our records has not revealed any correspondence clearly indicating any such approval. We do have correspondence with the Navy on this topic, which you may review and/or copy in our San Francisco office, or which we can copy and send to the Long Beach office. We also have a tape recording of the March, 1977 hearing at which the Commission adopted detailed CZB maps. That recording may include a discussion of this issue. Please let us know if you would like a copy of that recording.

PROCEDURE

Per your request, any records that we produce will be made available for you to view and/or copy, at your discretion (although copying will be at your own expense, per Section 6253(b)). As is explained above, the only records we know we have that would satisfy your requests are held in the Commission's San Francisco office. However, since you have asked to review these records at the Long Beach office, please contact Pam Emerson, at (562) 590-5071, to arrange to have any specific

B-248

maps of interest transferred to that office so that you can review them there. If you decide that you would like any of these records to be copied for you to take away with you, please also indicate the records in which you are interested. We will determine the total cost for the amount of copying requested and inform you. Once we receive your payment, we will provide you with copies of the requested documents, pursuant to Section 6253(b).

Feel free to contact me if you have any questions about anything in this letter.

Sincerely,

ALEX N. HELPERIN
Staff Counsel
California Coastal Commission

cc: Jon Van Coops
Mark Johnsson
Pam Emerson
Ralph Faust

B-249

6

B-250

UNITED STATES DEPARTMENT OF COMMERCE

COMBINED

STATE OF CALIFORNIA
COASTAL MANAGEMENT PROGRAM
(SEGMENT)*

AND

FINAL

ENVIRONMENTAL IMPACT STATEMENT

AUGUST, 1977

PREPARED BY:

OFFICE OF COASTAL ZONE
MANAGEMENT
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
3300 WHITEHAVEN STREET, N.W.
WASHINGTON, D.C. 20235

AND

CALIFORNIA COASTAL COMMISSION
1540 MARKET STREET
SAN FRANCISCO, CA 94104

*For the purposes of coastal zone management, California has been divided into segments including the areas covered by the Coastal Act and the Bay Plan. The San Francisco Bay Conservation and Development Commission (BCDC) submitted a program to OCZM in accordance with Section 306(h) of the CZMA. The BCDC program was approved by the Secretary of Commerce on February 16, 1977. This program covers the rest of the coastal zone of the State.

B-251

REAL PROPERTY OWNED BY THE UNITED STATES

AS OF JUNE 30, 1974

CIVIL AGENCIES

Compiled By
GENERAL SERVICES ADMINISTRATION

B-252

CALIFORNIA COASTAL COMMISSION
1540 Market Street, San Francisco 94102 — (415) 557-1001

FEDERALLY-OWNED LANDS EXCLUDED FROM THE CALIFORNIA COASTAL ZONE

To compile an accurate record of Federal holdings in the California coastal zone, the Coastal Commission staff contacted Federal agencies and requested this information. This request yielded an array of lists and maps at various sizes, in a variety of scales, and accumulated at different times. The U.S. General Services Administration cautioned the Coastal Commission that this information supplied by the individual Federal agencies probably does not present an accurate, current, or comprehensive account of Federal land interests. The Commission was further advised by GSA the best inventory of Federal lands in the coastal zone is provided by the GSA reports entitled Real Property Owned by the United States as of June 30, 1974, (for both Civil Agencies and the Department of Defense military functions).

The U.S. Attorney General, in an opinion issued on August 10, 1976, ruled that the Section 304(a) of the Federal Coastal Zone Management Act of 1972 requires only that lands owned by the Federal government must be excluded from the coastal zone. Because Federal ownership information is subject to change and because of the small scale of the official coastal zone maps adopted by the California Legislature, no attempt has been made to delineate Federal property holdings on the maps. Instead, the following list, compiled from the U.S. General Service Administration's reports, comprises the Federal lands excluded from the California coastal zone. In addition, the official maps of the California coastal zone include the following statement:

> This map is a conformed copy of the map adopted by the California Coastal Commission pursuant to Section 30103(b) of the California Coastal Act of 1976 (California Public Resources Code Section 30000 et seq.). In addition to the land area delineated, the coastal zone includes all offshore islands, and extends seaward to the State's outer limit of jurisdiction.
>
> Under the provisions of Section 304(a) of the Federal Coastal Zone Management Act of 1972, as amended, and Section 30008 of the California Coastal Act of 1976, "Excluded from the coastal zone are land, the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers, or agents."

The official maps are augmented with larger scale maps of specific holdings on file at the Coastal Commission offices. Additional maps include site maps for all Federal military facilities, and maps showing land ownership for National Park Service, Bureau of Land Management, U.S. Forest Service, and Bureau of Indian Affairs lands. These maps are used when working with local governments on local coastal programs, evaluating the applicability of the Commission's permit authority, assisting other State agencies, and other such activities.

B-253

Real Property Owned By United States Government

Agency Number	Station Number	Location: State	Location: County	Location: City	Description	Type	Status	Acres	Date Acquired	Date Reported	Buildings: Number	Buildings: Square Feet	Buildings: Percent Owned	Land: Acres Owned Fee Simple	Land: Acres Owned Other	Cost: Acquisition Cost (Thousands of Dollars)	Cost: Type
					DEPT OF TRANSPORTATION FEDERAL AVIATION ADMIN												
6905	18101	06	1970	037	ASR	2	80		1963		1	1566					
6905	18101	06	1970	037		3	71										
6905	18101	06	1970	037		3	73										
6905	18101	06	1970	037		3	76										
6905	18101	06	1970	037		3	60										
											1	1566					
6905	18103	06	1970	037	ATCT	2	40		1962		1	80					
											1	80					
6905	18106	06	1970	037	RTR	2	40		1961		1	640					
6905	18106	06	1970	037		2	60		1950		1	680					
6905	18106	06	1970	037		3	72										
6905	18106	06	1970	037		3	80										
											2	1320					
6905	18109	06	1970	037	LOC	2	80		1959		1	320					
6905	18109	06	1970	037		3	73										
6905	18109	06	1970	037		3	80										
											1	320					
6905	18110	06	1970	037	GS	2	40		1948		1	144					
6905	18110	06	1970	037		3	73										
6905	18110	06	1970	037		3	80										
											1	144					
6905	18117	06	1970	037	MM	2	40		1958		1	96					
6905	18117	06	1970	037		3	73										
											1	96					
6905	18175	06	1970	037	SALS	2	40		1966		1	96					
6905	18175	06	1970	037		3	73										
6905	18175	06	1970	037		3	76										
6905	18175	06	1970	037		3	60										
											1	96					
					US COAST GUARD												
6900	08715	06	1970	037	LONG BEACH LIGHT	4	60		1940		1	1035					
6900	08715	06	1970	037		4	73										
6900	08715	06	1970	037		4	73										
6900	08715	06	1970	037		4	80										
					LOS ALAMITOS												
					DEPT OF HLTH EDUC & WEL OFFICE OF EDUCATION												
7500	30559	06	1974	059	SW REG LAB ED WLD S	1	73	2	1962					12.4			
														12.4			
					DEPT OF TRANSPORTATION FEDERAL AVIATION ADMIN												
6905	18104	06	1974	059	VTAC	2	80		1959		1	1296					
6905	18104	06	1974	059		3	73										
6905	18104	06	1974	059		3	76										
6905	18104	06	1974	059		3	60										
											1	1296					
						5					1	1296		12.4			
					LOS ANGELES												
					DEFENSE: CORPS OF ENGINEERS												
9600	09601	06	1980	037	SEPULVEDA FC BASIN	1	19	2	1940					2097.1			
9600	09601	06	1980	037	5669 SEPULVEDA BOULEVA	2	30		1948		1	2218	100%				
9600	09601	06	1980	037		2	40		1940		5	11008					
9600	09601	06	1980	037		2	80		1940		6	5890	100%				
9600	09601	06	1980	037		3	18										
											12	19116		2097.1			
9600	12023	06	1980	037	DOMINGUEZ CK LA HARBOR	1	18	2	1908								
9600	19603	06	1980	037	MARINA DEL REY	3	13										
					DEPARTMENT OF JUSTICE BUREAU OF PRISONS												
1519	130	[redacted]			FED.CORR.INST.	1	20	2	1961	1967				33.6			
1519	130	[redacted]			TERMINAL ISLAND	2	22		1960	1965	11	226431	100%				
1519	130	[redacted]				2	30		1961		10	23892	100%				
1519	130	[redacted]				2	40		1960		5	26440	100%				
1519	130	[redacted]				2	50		1960		1	16000	100%				
1519	130	[redacted]				2	60		1960		6	28750	100%				
1519	130	[redacted]				3	18										
1519	130	[redacted]				3	40										
1519	13019	06	1980	037		3	73										
1519	13019	06	1980	037		3	76										
1519	13019	06	1980	037		3	80										
											33	321733		33.6			
					FED PRISON INDUST INC												
1519	15655	06	1980	037	GENERAL INDUSTRIES	2	50		1961	1970	3	97540	100%				
											3	97540					
					IMMIG & NATURAL SERVICE												
1515	05142	06	1980	037	S. W. REGIONAL OFFICE	1	10	2	1933	1961				1.6			
1515	05142	06	1980	037	TERMINAL ISLAND	2	10		1936	1939	1	52188	100%				
1515	05142	06	1980	037		2	40		1936	1939	1	600	100%				
1515	05142	06	1980	037		3	80										

B-254

7

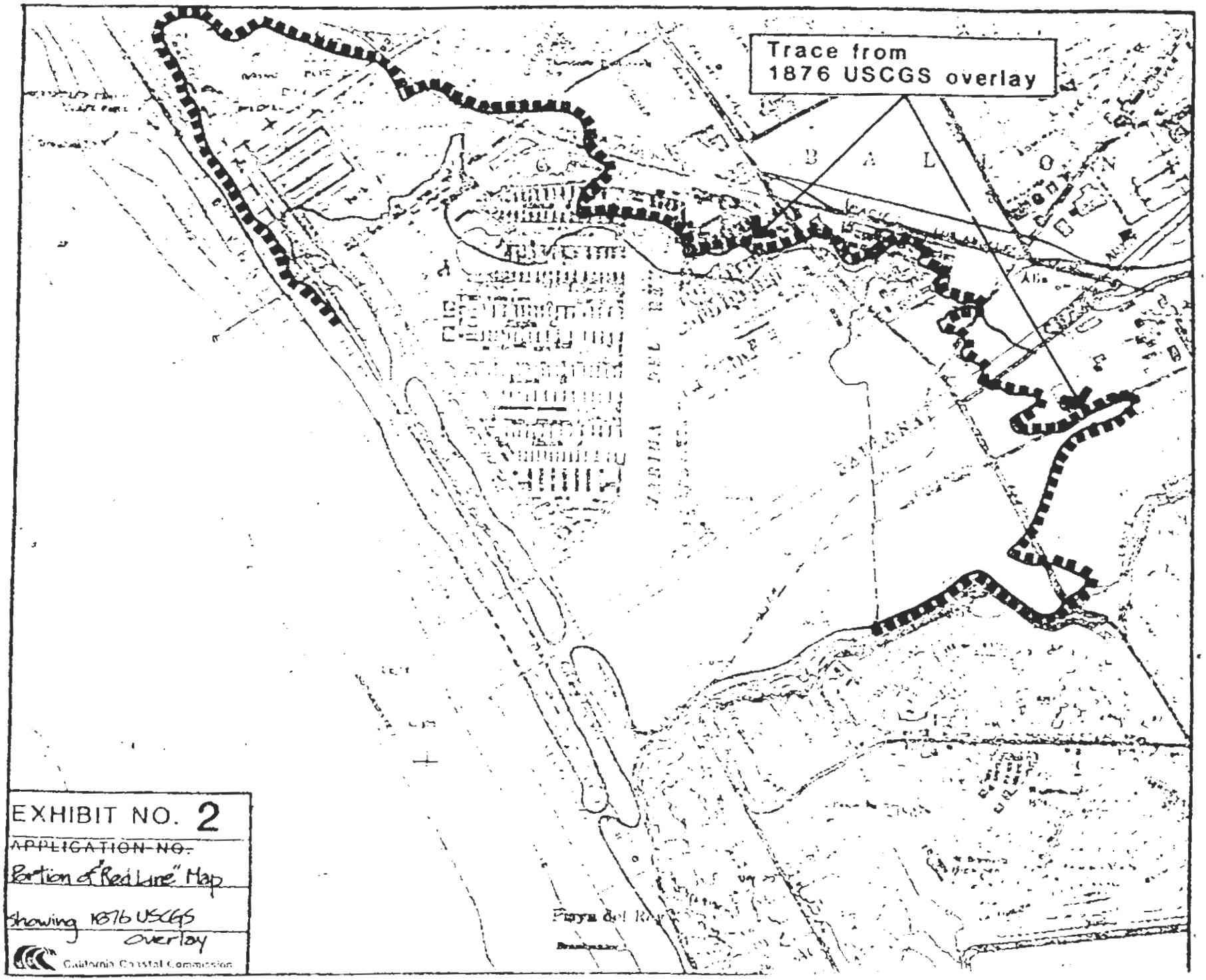


EXHIBIT NO. 2

~~APPLICATION NO.~~

Portion of "Red Line" Map

showing 1876 USCGS overlay

California Coastal Commission

B-256

8

B-257

Due

COUNTY OF LOS ANGELES / DEPARTMENT OF SMALL CRAFT HARBORS
Administration Building, Fiji Way, Marina del Rey, California 90291 / 823-4571 / 870-6782

VICTOR ADORIAN
Director

October 13, 1978

OCT 16

State Lands Commission
1807 - 13th Street
Sacramento, California 95814

Gentlemen:

The South Coast Regional (Coastal) Commission has recently adopted a new form of application for coastal development permits pursuant to provisions of Government Code Section 65940 (AB 884). Our application for a permit to replace an existing, deteriorated wood pier with a new floating dock and gangway in Marina del Rey (see attached plat of proposed sportsfishing boat landing dock) has been returned with a request that we furnish the South Coast Regional Commission staff with "a written determination from the State Lands Commission that: 1) no State lands are involved in the development; or 2) State lands are involved in the development and all permits required by the State Lands Commission have been obtained; or 3) State lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination."

The only portion of the Marina del Rey Small Craft Harbor located on State lands is that portion of our entrance channel seaward of Ocean Front Walk, a public thoroughfare located at the upper limit of the beach. The balance of the harbor, including its channels and mooring basins, are constructed on property owned in fee simple by the County of Los Angeles and all such channels and basins were excavated in dry land areas.

The particular application for permit in question relates to the demolition of an old wood pier constructed in about 1959 or 1960 by the original dredging contractor, and the construction of a new floating dock with gangway to shore for use by sportsfishing vessels to load and offload patrons. It is located at the southerly side of Basin H as illustrated on the plat. However, there are additional water areas located between bulkheads (seawalls) and established pierhead lines, in which additional docks or piers may be constructed in the future and there will be cases over time where it will be necessary to demolish and replace existing docks similarly located.

B-258

It is requested, therefore, that your Commission provide us with a written determination of your interests with respect to all areas of the Marina del Rey Small Craft Harbor except that portion of the entrance channel extending over historic State tidelands in order that such document be filed as a "permanent" blanket document with the South Coast Regional Commission. If such determination may not be feasible, then it is requested that such document relating to the specific project involved at this time be provided to us.

It should be noted that all structures proposed to be constructed in water areas of Marina del Rey are also subject to issuance of a navigation permit by the U. S. Corps of Engineers. That agency notifies all interested State agencies, including your Commission, of each incidence of application for permits applicable to Marina del Rey waters. Thus, it appears that the new policy of the Coastal Commission may necessitate two actions by your Commission: one incident to applications filed with the Coastal Commission, a second incident to the processing of an application filed with the Corps. It may be feasible to provide the appropriate District Engineer and the appropriate Regional Commission with copies of any finding made relative to a proposed project to circumvent such duplication.

A print of the most recent aerial photograph of Marina del Rey, printed at a scale of 1" = 400', is enclosed.

Very truly yours,

Victor Adorian
Director

J. W. Quinn, Chief
Leases/Operations Division

VA:JWQ:rb
Enclosure
cc Bill Boyd
Mel Carpenter, SCRC

B-259

9 Summa
vs
CA

B-260

[466 US 198]

SUMMA CORPORATION, Petitioner

v

CALIFORNIA ex rel. STATE LANDS COMMISSION AND CITY OF LOS ANGELES

466 US 198, 80 L Ed 2d 237, 104 S Ct 1751

[No. 82–708]

Argued February 29, 1984. Decided April 17, 1984.

Decision: Lagoon whose title was confirmed by federal patent to original Mexican grantees held not subject to public trust easement.

SUMMARY

The city of Los Angeles brought a state court suit against the fee owner of the Ballona Lagoon, joining the state of California as a defendant as required by state law, and asserting an easement in the Ballona Lagoon. The state filed a cross complaint alleging that upon its admission to the union it had acquired an interest in the lagoon, that it held this interest in trust for the public, and that it had granted this interest to the city of Los Angeles. The trial court ruled in favor of the city and the state, finding that the lagoon was subject to the public trust easement claimed by them, so as to give them the right to construct improvements in the lagoon without exercising the power of eminent domain or compensating the owners. The Supreme Court of California affirmed the trial court's ruling (31 Cal 3d 288).

On certiorari, the United States Supreme Court reversed. In an opinion by REHNQUIST, J., expressing the views of BURGER, Ch.J., and BRENNAN, WHITE, BLACKMUN, POWELL, STEVENS and O'CONNOR, JJ., it was held that even assuming that Ballona Lagoon was part of tidelands subject by Mexican law to the public trust easement, the state's claim to such a servitude must have been presented in the federal patent proceeding in order to survive the issue of a fee patent to the original Mexican grantees.

MARSHALL, J., did not participate.

Briefs of Counsel, p 867, infra.

13-261

HEADNOTES

Classified to U.S. Supreme Court Digest, Lawyers' Edition

Private Land Claims § 194 — federal patents — state easement

1a–1d. A California public trust easement, which applies to all land which were tidelands when California became a state, irrespective of the present character of the land, which gives the state an overriding power to enter upon the property and possess it, to make physical changes in the property, and to control how the property is used, and which allows the landowner to retain legal title but allows him control of little more than the naked fee, since any proposed private use is subject to the right of the state or any member of the public to assert the state's public trust easement, cannot survive the patent proceedings conducted pursuant to the Act of March 3, 1851 (9 Stat 631) implementing the Treaty of Guadalupe Hidalgo and confirming title to the original Mexican grantees.

Appeal and Error § 520 — jurisdiction — federal question

2a, 2b. While questions of riparian rights under federal patents issued under the Act of March 3, 1851 (9 Stat 631) do not raise a substantial federal question merely because the conflicting claims are based on such patents, a case is within the United States Supreme Court's jurisdiction where the question presented is whether the provisions of the 1851 Act operate to preclude California from asserting a public trust easement over a lagoon patented thereunder to the original Mexican grantees.

States, Territories, and Possessions § 120 — equal footing

3. The Federal Government cannot dispose of a right possessed by the state under the equal footing doctrine of the United States Constitution.

Waters § 14 — tidelands — federal patent

4. An ordinary federal patent purporting to convey tidelands located within a state to a private individual is invalid, since the United States holds such tidelands only in trust for the state.

Waters § 31 — beds — conveyance

5a, 5b. While alienation of the beds of navigable waters will not be lightly inferred, property underlying navigable waters can be conveyed in recognition of an international duty.

TOTAL CLIENT-SERVICE LIBRARY® REFERENCE

78 Am Jur 2d, Waters § 402

US L Ed Digest, Private Land Claims § 194; Waters §§ 14, 31

L Ed Index to Annos, Waters

ALR Quick Index, Waters and Watercourses

Federal Quick Index, Waters and Watercourses

Auto-Cite®: Any case citation herein can be checked for form, parallel references, later history and annotation references through the Auto-Cite computer research system.

B-262

SYLLABUS BY REPORTER OF DECISIONS

Petitioner owns the fee title to the Ballona Lagoon, a narrow body of water connected to a manmade harbor located in the city of Los Angeles on the Pacific Ocean. The lagoon became part of the United States following the war with Mexico, which was formally ended by the Treaty of Guadalupe Hidalgo in 1848. Petitioner's predecessors-in-interest had their interest in the lagoon confirmed in federal patent proceedings pursuant to an 1851 Act that had been enacted to implement the treaty, and that provided that the validity of claims to California lands would be decided according to Mexican law. California made no claim to any interest in the lagoon at the time of the patent proceedings, and no mention was made of any such interest in the patent that was issued. Los Angeles brought suit against petitioner in a California state court, alleging that the city held an easement in the Ballona Lagoon for commerce, navigation, fishing, passage of fresh water to canals, and water recreation, such an easement having been acquired at the time California became a State. California was joined as a defendant as required by state law and filed a cross-complaint alleging that it had acquired such an easement upon its admission to the Union and had granted this interest to the city. The trial court ruled in favor of the city and State, finding that the lagoon was subject to the claimed public trust easement. The California Supreme Court affirmed, rejecting petitioner's arguments that the lagoon had never been tideland, that even if it had been, Mexican law imposed no servitude on the fee interest by reason of that fact, and that even if it were tideland and subject to servitude under Mexican law, such a servitude was forfeited by the State's failure to assert it in the federal patent proceedings.

Held: California cannot at this late date assert its public trust easement over petitioner's property, when petitioner's predecessors-in-interest had their interest confirmed without any mention of such an easement in the federal patent proceedings. The interest claimed by California is one of such substantial magnitude that regardless of the fact that the claim is asserted by the State in its sovereign capacity, this interest must have been presented in the patent proceedings or be barred. Cf. Barker v Harvey, 181 US 481, 45 L Ed 963, 21 S Ct 690; United States v Title Ins. & Trust Co., 265 US 742, 68 L Ed 2d 1110, 44 S Ct 621; United States v Coronado Beach Co., 255 US 472, 65 L Ed 736, 41 S Ct 378.

31 Cal 3d 288, 644 P2d 792, reversed and remanded.

Rehnquist, J., delivered the opinion of the Court, in which all other Members joined except Marshall, J., who took no part in the decision of the case.

APPEARANCES OF COUNSEL

Warren M. Christopher argued the cause for petitioner.

Louis F. Claiborne argued the cause for the United States as amicus curiae, by special leave of Court.

Nancy Alvarado Saggese argued the cause for respondents.

Briefs of Counsel, p 867, infra.

B-263

[466 US 202]

Petitioner's title to the lagoon, like all the land in Marina del Rey, dates back to 1839, when the Mexican Governor of California granted to Augustin and Ignacio Machado and Felipe and Tomas Talamantes a property known as the Rancho Ballona.[2] The land comprising the Rancho Ballona became part of the United States following the war between the United States and Mexico, which was formally ended by the Treaty of Guadalupe Hidalgo in 1848. 9 Stat 922. Under the terms of the Treaty of Guadalupe Hidalgo the United States undertook to protect the property rights of Mexican landowners, Treaty of Guadalupe Hidalgo, Art VIII, 9 Stat 929, at the same time settlers were moving into California in large numbers to exploit the mineral wealth and other resources of the new territory. Mexican grants encompassed well over 10 million acres in California and included some of the best land suitable for development. HR Rep No. 1, 33d Cong, 2d Sess, 4–5 (1854). As we wrote long ago:

[466 US 203]

"The country was new, and rich in

---

miss the appeal, which was the course taken in Hooker, rather than to decide the case on the merits. See also Beard v Federy, 3 Wall 478, 18 L Ed 88 (1866). The opinion below clearly recognized as much, for the California Supreme Court wrote that "under the Act of 1851, the federal government succeeded to Mexico's right in the tidelands granted to defendants' predecessors upon annexation of California," 31 Cal 3d, at 298, 644 P2d, at 798, an interest that "was acquired by California upon its admission to statehood," id., at 302, 644 P2d, at 801. Thus, our jurisdiction is based on the need to determine whether the provisions of the 1851 Act operate to preclude California from now asserting its public trust easement.

The 1839 grant to the Machados and Talamantes contained a reservation that the grantees may enclose the property "without prejudice to the traversing roads and servitudes *[servidumbres]*." App 5. According to expert testimony at trial, under Las Siete Partidas, the law in effect at the time of the Mexican grant, this reservation in the Machados' and Talamantes' grant was intended to preserve the rights of the public in the tidelands enclosed by the boundaries of the Rancho Ballona. The California Supreme Court reasoned that this interest was similar to the common-law public trust imposed on tidelands. Petitioner and amicus United States argue, however, that this reservation was never intended to create a public trust easement of the magnitude now asserted by California. At most this reservation was inserted in the Mexican grant simply to preserve existing roads and paths for use by the public. See United States v Coronado Beach Co. 255 US 472, 485–486, 65 L Ed 736, 41 S Ct 378 (1921); Barker v Harvey, supra; cf. Jover v Insular Government, 221 US 623, 55 L Ed 884, 31 S Ct 664 (1911). While it is beyond cavil that we may take a fresh look at what Mexican law may have been in 1839, see United States v Perot, 98 US 428, 430, 25 L Ed 251 (1879); Fremont v United States, 17 How 542, 556, 15 L Ed 241 (1855), we find it unnecessary to determine whether Mexican law imposed such an expansive easement on grants of private property.

2. The Rancho Ballona occupied an area of approximately 14,000 acres and included a tidelands area of about 2,000 acres within its boundaries. The present-day Ballona Lagoon is virtually all that remains of the former tidelands, with filling and development or natural conditions transforming most of much larger lagoon area into dry land. Although respondent Los Angeles claims that the present controversy involves only what remains of the old lagoon, a fair reading of California law suggests that the State's claimed public trust servitude can be extended over land no longer subject to the tides if the land was tidelands when California became a State. See City of Long Beach v Mansell, 3 Cal 3d 462, 476 P2d 423 (1970).

The Mexican grantees acquired title through a formal process that began with a petition to the Mexican Governor of California. Their petition was forwarded to the City Council of Los Angeles, whose committee on vacant lands approved the request. Formal vesting of title took place after the Rancho had been inspected, a Mexican judge had completed "walking the boundaries," App 213, and the conveyance duly registered. See generally id., at 1–13; United States v Pico, 5 Wall 536, 539, 18 L Ed 695 (1867).

B-264

Justice **Rehnquist** delivered the opinion of the Court.

Petitioner owns the fee title to property known as the Ballona Lagoon, a narrow body of water connected to Marina del Rey, a man-made harbor located in a part of the city of

[466 US 200]

Los Angeles called Venice. Venice is located on the Pacific Ocean between the Los Angeles International Airport and the city of Santa Monica. The present case arises from a lawsuit brought by respondent city of Los Angeles against petitioner Summa Corp. in state court, in which the city alleged that it held an easement in the Ballona Lagoon for commerce, navigation, and fishing, for the passage of fresh waters to the Venice Canals, and for water recreation. The State of California, joined as a defendant as required by state law, filed a cross-complaint alleging that it had acquired an interest in the lagoon for commerce, navigation, and fishing upon its admission to the Union, that it held this interest in trust for the public, and that it had granted this interest to the city of Los Angeles. The city's complaint indicated that it wanted to dredge the lagoon and make other improvements without having to exercise its power of eminent domain over petitioner's property. The trial court ruled in favor of respondents, finding that the lagoon was subject to the public trust easement claimed by the city and the State, who had the right to construct improvements in the lagoon without exercising the power of eminent domain or compensating the landowners. The Supreme Court of California affirmed the ruling of the trial court. City of Los Angeles v Venice Peninsula Properties, 31 Cal 3d 288, 644 P2d 792 (1982).

[1a, 2a] In the Supreme Court of California, petitioner asserted that the Ballona Lagoon had never been tideland, that even if it had been tideland, Mexican law imposed no servitude on the fee interest by reason of that fact, and that even if it were tideland and subject to a servitude under Mexican law, such a servitude was forfeited by the failure of the State to assert it in the federal patent proceedings. The Supreme Court of California ruled against petitioner on all three of these grounds. We granted certiorari, 460 US 1036, 75 L Ed 2d 786, 103 S Ct 1425 (1983), and now reverse that judgment, holding that even if it is assumed that the Ballona Lagoon was part of tidelands subject by Mexican law to the servitude described by the Supreme

[466 US 201]

Court of California, the State's claim to such a servitude must have been presented in the federal patent proceeding in order to survive the issue of a fee patent.[1]

1. **[2b]** Respondents argue that the decision below presents simply a question concerning an incident of title, which even though relating to a patent issued under a federal statute raises only a question of state law. They rely on cases such as Hooker v Los Angeles, 188 US 314, 47 L Ed 487, 23 S Ct 395 (1903), Los Angeles Milling Co. v Los Angeles, 217 US 217, 54 L Ed 736, 30 S Ct 452 (1910), and Boquillas Land & Cattle Co. v Curtis, 213 US 339, 53 L Ed 822, 29 S Ct 493 (1909). These cases all held, quite properly in our view, that questions of riparian water rights under patents issued under the 1851 Act did not raise a substantial federal question merely because the conflicting claims were based upon such patents. But the controversy in the present case, unlike those cases, turns on the proper construction of the Act of March 3, 1851. Were the rule otherwise, this Court's decision in Barker v Harvey, 181 US 481, 45 L Ed 963, 21 S Ct 690 (1901), would have been to dis-

B-265

mineral wealth, and attracted settlers, whose industry and enterprise produced an unparalleled state of prosperity. The enhanced value given to the whole surface of the country by the discovery of gold, made it necessary to ascertain and settle all private land claims, so that the real estate belonging to individuals could be separated from the public domain." Peralta v United States, 3 Wall 434, 439, 18 L Ed 221 (1866). See also Botiller v Dominguez, 130 US 238, 244, 32 L Ed 926, 9 S Ct 525 (1889).

To fulfill its obligations under the Treaty of Guadalupe Hidalgo and to provide for an orderly settlement of Mexican land claims, Congress passed the Act of March 3, 1851, setting up a comprehensive claims settlement procedure. Under the terms of the Act, a Board of Land Commissioners was established with the power to decide the rights of "each and every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican government . . . ." Act of Mar. 3, 1851, § 8, ch 41, 9 Stat 632. The Board was to decide the validity of any claim according to "the laws, usages, and customs" of Mexico, § 11, while parties before the Board had the right to appeal to the District Court for a de novo determination of their rights, § 9; Grisar v McDowell, 6 Wall 363, 375, 18 L Ed 863 (1868), and to appeal to this Court, § 10. Claimants were required to present their claims within two years, however, or have their claims barred. § 13; see Botiller v Dominguez, 130 US 238, 32 L Ed 926, 9 S Ct 525 (1889). The final decree of the Board, or any patent issued under the Act, was also a conclusive adjudication of the rights of the claimant as against the United States, but not against the interests of third parties with superior titles. § 15.

In 1852 the Machados and the Talamantes petitioned the Board for confirmation of their title under the Act. Following a hearing, the petition was granted by the Board, App 21, and affirmed by the United States District Court on appeal,

[466 US 204]

id., at 22–23. Before a patent could issue, however, a survey of the property had to be approved by the Surveyor General of California. The survey for this purpose was completed in 1858, and although it was approved by the Surveyor General of California, it was rejected upon submission to the General Land Office of the Department of the Interior. Id., at 32–34.

In the confirmation proceedings that followed, the proposed survey was readvertised and interested parties informed of their right to participate in the proceedings.[3] The prop-

3. It is plain that the State had the right to participate in the patent proceedings leading to confirmation of the Machados' and Talamantes' grant. The State asserts that as a "practice" it did not participate in confirmation proceedings under the 1851 Act. Brief for Respondent California 16, n 17. In point of fact, however, the State and the city of Los Angeles participated in just such a proceeding involving a rancho near the Rancho Ballona. See In re Sausal Redundo and Other Cases, Brief for General Rosecrans and State of California et al., and Resolutions of City Council of Los Angeles, Dec. 24, 1968, found in National Archives, RC 49, California Land Claims, Docket 414. Moreover, before the Mexican grant was confirmed, Congress passed a statute specially conferring a right on all parties claiming an interest in any tract embraced by a published survey to file objections to the survey. Act of July 1, 1864, § 1, ch 194, 13 Stat 332.

P-266

erty owners immediately north of the Rancho Ballona protested the proposed survey of Rancho Ballona; the Machados and Talamantes, the original grantees, filed affidavits in support of their claim. As a result of these submissions, as well as a consideration of the surveyor's field notes and underlying Mexican documents, the General Land Office withdrew its objection to the proposed ocean boundary. The Secretary of the Interior subsequently approved the survey and in 1873 a patent was issued confirming title in the Rancho Ballona to the original Mexican grantees. Id., at 101–109. Significantly, the federal patent issued to the Machados and Talamantes made no mention of any public trust interest such as the one asserted by California in the present proceedings.

The public trust easement claimed by California in this lawsuit has been interpreted to apply to all lands which were

[466 US 205]

tidelands at the time California became a State, irrespective of the present character of the land. See City of Long Beach v Mansell, 3 Cal 3d 462, 486–487, 476 P2d 423, 440-441 (1970). Through this easement, the State has an overriding power to enter upon the property and possess it, to make physical changes in the property, and to control how the property is used. See Marks v Whitney, 6 Cal 3d 251, 259–260, 491 P2d 374, 380-381 (1971); People v California Fish Co. 166 Cal 576, 596–599, 138 p 79, 87-89 (1913). Although the landowner retains legal title to the property, he controls little more than the naked fee, for any proposed private use remains subject to the right of the State or any member of the public to assert the State's public trust easement. See Marks v Whitney, supra.

[1b, 3, 4] The question we face is whether a property interest so substantially in derogation of the fee interest patented to petitioner's predecessors can survive the patent proceedings conducted pursuant to the statute implementing the Treaty of Guadalupe Hidalgo. We think it cannot. The Federal Government, of course, cannot dispose of a right possessed by the State under the equal-footing doctrine of the United States Constitution. Pollard's Lessee v Hagan, 3 How 212, 11 L Ed 565 (1845). Thus, an ordinary federal patent purporting to convey tidelands located within a State to a private individual is invalid, since the United States holds such tidelands only in trust for the State. Borax, Ltd. v Los Angeles, 296 US 10, 15–16, 80 L Ed 9, 56 S Ct 23 (1935). But the Court in Borax recognized that a different result would follow if the private lands had been patented under the 1851 Act. Id., at 19, 80 L Ed 9, 56 S Ct 23. Patents confirmed under the authority of the 1851 Act were issued "pursuant to the authority reserved to the United States to enable it to discharge its international duty with respect to land which, although tideland, had not passed to the State." Id., at 21, 80 L Ed 9, 56 S Ct 23. See also Oregon ex rel. State Land Board v Corvallis Sand & Gravel Co. 429 US 363, 375, 50 L Ed 2d 550, 97 S Ct 582 (1977); Knight v United States Land Assn., 142 US 161, 35 L Ed 974, 12 S Ct 258 (1891).

[466 US 206]

This fundamental distinction reflects an important aspect of the 1851 Act enacted by Congress. While the 1851 Act was intended to implement this country's obligations under the Treaty of Guadalupe Hidalgo, the 1851 Act also served an overriding purpose of providing re-

B-267

pose to land titles that originated with Mexican grants. As the Court noted in Peralta v United States, 3 Wall 434, 18 L Ed 221 (1866), the territory in California was undergoing a period of rapid development and exploitation, primarily as a result of the finding of gold at Sutter's Mill in 1848. See generally J. Caughey, California 238–255 (2d ed 1953). It was essential to determine which lands were private property and which lands were in the public domain in order that interested parties could determine what land was available from the Government. The 1851 Act was intended "to place the titles to land in California upon a stable foundation, and to give the parties who possess them an opportunity of placing them on the records of this country, in a manner and form that will prevent future controversy." Fremont v United States, 17 How 542, 553–554, 15 L Ed 241 (1855); accord, Thompson v Los Angeles Farming Co. 180 US 72, 77, 45 L Ed 432, 21 S Ct 289 (1901).

[5a] California argues that since its public trust servitude is a sovereign right, the interest did not have to be reserved expressly on the federal patent to survive the confirmation proceedings.[4] Patents issued pursuant to the 1851 Act were,

[466 US 207]

of course, confirmatory patents that did not expand the title of the original Mexican grantee. Beard v Federy, 3 Wall 478, 18 L Ed 88 (1866). But our decisions in a line of cases beginning with Barker v Harvey, 181 US 481, 45 L Ed 963, 21 S Ct 690 (1901), effectively dispose of California's

4. **[5b]** In support of this argument the State cites to Montana v United States, 450 US 544, 67 L Ed 2d 493, 101 S Ct 1245 (1981), and Illinois Central R. Co. v Illinois, 146 US 387, 36 L Ed 1018, 13 S Ct 110 (1892), in support of its proposition that its public trust servitude survived the 1851 Act confirmation proceedings. While Montana v United States and Illinois Central R. Co. v Illinois support the proposition that alienation of the beds of navigable waters will not be lightly inferred, property underlying navigable waters can be conveyed in recognition of an "international duty." Montana v United States, supra, at 552, 67 L Ed 2d 493, 101 S Ct 1245. Whether the Ballona Lagoon was navigable under federal law in 1850 is open to speculation. The trial court found only that the present-day lagoon was navigable, App to Pet for Cert A-52, while respondent Los Angeles concedes that the lagoon was not navigable in 1850, Brief for Respondent Los Angeles 29. The obligation of the United States to respect the property rights of Mexican citizens was, of course, just such an international obligation, made express by the Treaty of Guadalupe Hidalgo and inherent in the law of nations, see United States v Moreno, 1 Wall 400, 404, 17 L Ed 633 (1864); United States v Fossatt, 21 How 445, 448, 16 L Ed 185 (1859).

The State also argues that the Court has previously recognized that sovereign interests need not be asserted during proceedings confirming private titles. The State's reliance on New Orleans v United States, 10 Pet 662, 9 L Ed 573 (1836), and Eldridge v Trezevant, 160 US 452, 40 L Ed 490, 16 S Ct 345 (1896), in support of its argument is misplaced, however. Neither of these cases involved titles confirmed under the 1851 Act. In New Orleans v United States, for example, the Board of Commissioners in that case could only make recommendations to Congress, in contrast to the binding effect of a decree issued by the Board under the 1851 Act. Thus, we held in that case that the city of New Orleans could assert public rights over riverfront property which were previously rejected by the Board of Commissioners. New Orleans v United States, supra, at 733–734, 9 L Ed 573. The decision in Eldridge v Trezevant, supra, did not even involve a confirmatory patent, but simply the question whether an outright federal grant was exempt from longstanding local law permitting construction of a levee on private property for public safety purposes. While the Court held that the federal patent did not extinguish the servitude, the interest asserted in that case was not a "right of permanent occupancy," Barker v Harvey, 181 US, at 491, 45 L Ed 963, 21 S Ct 690, such as that asserted by the State in this case.

B-268

claim that it did not have to assert its interest during the confirmation proceedings. In Barker the Court was presented with a claim brought on behalf of certain Mission Indians for a permanent right of occupancy on property derived from grants from Mexico. The Indians' claim to a right of occupancy was derived from a reservation placed on the original Mexican grants permitting the grantees to fence in the property without "interfering with the roads, crossroads and other usages." Id., at 494, 495, 45 L Ed 963, 21 S Ct 690. The Court rejected the Indians' claim, holding:

> "If these Indians had any claims founded on the action of the Mexican government they abandoned them by not
>
> [466 US 208]
>
> presenting them to the commission for consideration, and they could not, therefore, . . . 'resist successfully any action of the government in disposing of the property.' If it be said that the Indians do not claim the fee, but only the right of occupation, and, therefore, they do not come within the provision of section 8 as persons 'claiming lands in California by virtue of any right or title derived from the Spanish or Mexican government,' it may be replied that a claim of a right to permanent occupancy of land is one of far-reaching effect, and it could not well be said that lands which were burdened with a right of permanent occupancy were a part of the public domain and subject to the full disposal of the United States. . . . Surely a claimant would have little reason for presenting to the land commission his claim to land, and securing a confirmation of that claim, if the only result was to transfer the naked fee to him, burdened by an Indian right of permanent occupancy." Id. at 491–492, 45 L Ed 963, 21 S Ct 690.

The Court followed its holding in Barker in a subsequent case presenting a similar question, in which the Indians claimed an aboriginal right of occupancy derived from Spanish and Mexican law that could only be extinguished by some affirmative act of the sovereign. United States v Title Ins. & Trust Co. 265 US 472, 68 L Ed 1110, 44 S Ct 621 (1924). Although it was suggested to the Court that Mexican law recognized such an aboriginal right, Brief for Appellant in United States v Title Ins. & Trust Co., OT 1923, No. 358, pp 14–16; cf. Chouteau v Molony, 16 How 203, 229, 14 L Ed 905 (1854), the Court applied its decision in Barker to hold that because the Indians failed to assert their interest within the timespan established by the 1851 Act, their claimed right of occupancy was barred. The Court declined an invitation to overrule its decision in Barker because of the adverse effect of such a decision on land titles, a result that counseled adherence to a settled interpretation. 265 US, at 486, 68 L Ed 1110, 44 S Ct 621.

[466 US 209]

[1c] Finally, in United States v Coronado Beach Co. 255 US 472, 65 L Ed 736, 41 S Ct 378 (1921), the Government argued that even if the landowner had been awarded title to tidelands by reason of a Mexican grant, a condemnation award should be reduced to reflect the interest of the State in the tidelands which it acquired when it entered the Union. The Court expressly rejected the Government's argument, holding that the patent proceedings were

B-269

conclusive on this issue, and could not be collaterally attacked by the Government. Id., at 487–488, 65 L Ed 736, 41 S Ct 378. The necessary result of the Coronado Beach decision is that even "sovereign" claims such as those raised by the State of California in the present case must, like other claims, be asserted in the patent proceedings or be barred.

[1d] These decisions control the outcome of this case. We hold that California cannot at this late date assert its public trust easement over petitioner's property, when petitioner's predecessors-in-interest had their interest confirmed without any mention of such an easement in proceedings taken pursuant to the Act of 1851. The interest claimed by California is one of such substantial magnitude that regardless of the fact that the claim is asserted by the State in its sovereign capacity, this interest, like the Indian claims made in Barker and in United States v Title Ins. & Trust Co., must have been presented in the patent proceeding or be barred. Accordingly, the judgment of the Supreme Court of California is reversed, and the case is remanded to that court for further proceedings not inconsistent with this opinion.

It is so ordered.

Justice **Marshall** took no part in the decision of this case.

B-270-

10

B-270(a)

Los Angeles County
Beaches & Harbors
Caring for Your Coast

To enrich lives through effective and caring service

June 5, 2003

To: Small Craft Harbor Commission

From: Stan Wisniewski, Director Stan Wisniewski

Subject: **MARINA DEL REY JURISDICTIONAL ISSUES**

During your Commission's April and May 2003 meetings, Mr. John Davis raised issues concerning the County's jurisdiction over Marina del Rey. Attached is a copy of the documentation submitted by Mr. Davis on May 14, 2003 in support of his statements.

In response to your Commission's request that County Counsel investigate the issues raised by Mr. Davis and provide a written report to your Commission, County Counsel informs us their investigation is underway. County Counsel's written report will be available for your July, 2003 meeting.

Please call me if you have any questions or need additional information in the interim.

SW:be
Attachment

B-271

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6345 • internet: http://beaches.co.la.ca.us
Stan Wisniewski Director • Kerry Gottlieb Chief Deputy

To: Small Craft Harbor Commission **5/14/03**
Att: Vice Chair Stevens
From: John Davis
Re: California Coastal Zone Management Program

Dear Commissioner Stevens,

Per you request after today's Small Craft Harbor Commission meeting, I submit to you and the Commission the following information.

State of California Coastal Management Program and final Environmental Statement (1974), U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management - Attachment D, pages D-1,2, and 8.

Contained is this Attachment are sections of the U.S. Coastal Zone Management Act of 1972 and of the California Coastal Act that EXCLUDE certain U.S. Lands from the California Coastal Zone.

A list of Federally Owned Lands that are EXCLUDED from the California Coastal Zone by the U.S. General Services Administration dated June 30, 1974 (current list) shows Marina del Rey as a Real Property of the United States that is EXCLUDED, from the California Coastal Zone.

Therefore, the certification of the 1984 Marina del Rey La Ballona Land Use Plan by the California Coastal Commission was in error and did INCLUDE illegally, Marina del Rey in the Coastal Zone. All subsequent Coastal Commission approvals of a Local Coastal Program were in equal error. Furthermore, the Playa Vista Project is also based upon the same 1984 Land Use Plan.

Marina del Rey is governed by the following law.

Article 1 of the Rivers and Harbors Act

1958 Deed of Easements and Rights of Ways allowing the County of Los Angeles to only retain those rights not deeded to the United States Government.

U.S. Congress House Document 389 (circa 1954) describes other uses authorized by the Rivers and Harbors Act to include all land side improvements as well as navigational channels. H.D. 389 is referenced in the 1958 Deed.

House of Representatives bill H.R. 7481 circa 1954.

U.S Coastal Zone Management Act of 1972 § 304(a)

California Coastal Act §30008 ~~and §30008~~

Department of Beaches and Harbors
MAY 19 '03
Info Act
Director
Chief Deputy Director
Deputy Director
Executive Assistant
Admin. Services
Asset Management
Facilities Property Mgmt
Community Services
Planning

B-272

Therefore the Marina del Rey Local Coastal Program is illegal. Furthermore, the California Coastal Commission is to exercise its exclusive jurisdiction over Marina del Rey, ~~under §30008 of the California Coastal Act superceding the rights retained by the~~ superceding those rights retained by the County of Los Angeles in the Deed of Easements and Rights of Way from the County of Los Angeles to the United States in perpetuity and forever on November 18, 1958 as recorded in Book D296 Page 840 of the Los Angeles County Recorders Office.

In conclusion, it seems that the County may no longer has jurisdiction in the Federal Project, Marina del Rey and that the County of Los Angels has clearly abridged and interfered with those rights it had previously deeded to the United States forever and in perpetuity in the aforementioned Deed and the County as a sub set of the State of California has and is violating the following laws;

Article 1 of the Rivers and Harbors Act

House of Representatives bill H.R. 7481 circa 1954.

Deed of Easements and Rights of Way from the County of Los Angeles to the United States in perpetuity and forever on November 18, 1958 as recorded in Book D296 Page 840 of the Los Angeles County Recorders Office.

U.S Coastal Zone Management Act of 1972 § 304(a)

California Coastal Act §30008 ~~and§30008~~

I hope that the Los Angeles Small Craft Harbor Commission finds this information useful as County Council, as directed by the Commission reports on the facts of ownership of the United States Project.

Sincerely,
John Davis

COUNTY OF LOS ANGELES

OFFICE OF THE COUNTY COUNSEL
648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TDD
(213) 633-0901
TELEPHONE
(213) 974-1921
TELECOPIER
(213) 617-7182

LLOYD W. PELLMAN
County Counsel

Department of Beaches and Harbors
JUL 15 '03

		Act
Director		
Chief Deputy Director		
Deputy Director		
Executive Assistant		
Admin. Services		
Asset Management		
Facilities Property Mgt		
Community Services		
Planning		

July 14, 2003

TO: SMALL CRAFT HARBOR COMMISSION

FROM: RICHARD D. WEISS RDW
Principal Deputy County Counsel
Public Works Division

RE: **Marina Ownership and Jurisdictional Issues**

cc: to each S.C.H.C. member

Your Commission has asked our office to address issues raised by members of the public regarding the ownership of, and jurisdiction over, the land and water areas of Marina del Rey, particularly with respect to the interests of the federal government and the California Coastal Commission.

As indicated below, we have concluded that the County owns the fee interest in the land areas and virtually all of the water areas of Marina del Rey. The federal government owns two easements whose boundaries currently encompass the entrance and main channel areas of the Marina. Those easements provided for the initial construction of the entrance, jetties and main channel and give the federal government ongoing authority to maintain the easement areas as navigable waters of the United States. The federal easements do not deprive the County of any authority over the land or water areas of the Marina so long as that authority is not exercised so as to conflict with the above-identified federal rights. The federal government has also occupied a small portion of the land and water area of the Marina since the early 1960s through a lease granted by the County.

The Marina does not contain tidelands or submerged lands which are subject to the California public trust doctrine or to the regulatory authority of the State Lands Commission. This is due to the historical chain of title leading to County ownership of the Marina. Notwithstanding the above, the Marina is subject to the regulatory authority of the California Coastal Commission under the California Coastal Act. The Marina del Rey Local Coastal Program lawfully regulates the land and water areas of the Marina and the County lawfully exercises coastal permit jurisdiction over the land areas of the Marina while the Coastal Commission retains coastal permit jurisdiction and federal consistency review authority over the water areas.

Finally, the federal legislation adopted in the 1950's which led to the federal participation in the development of the Marina and ongoing maintenance authority did not provide absolute restrictions on the nature or intensity of landside or waterside development of the Marina or deprive the County of jurisdictional land use control over the Marina.

I.
The County Owns the Land and Water Areas of the Marina while the Federal Government Owns Easements Over the Entrance and Main Channel Areas

County Ownership

Representatives of the public have asserted that the County granted significant portions or all of its property rights and jurisdiction over the Marina to the federal government by virtue of a 1958 "perpetual right of way and easement." This is not correct. Although, the County has granted easement rights to the federal government, including the above-referenced 1958 easement, the rights conveyed to the federal government do not deprive the County of the ownership, control or jurisdictional rights that the County currently exercises in the Marina.

Title information and other records maintained by the County Department of Public Works, demonstrate that the County of Los Angeles owns the fee title to the land and water areas of Marina del Rey, except for a small portion of the main channel that is seaward of the of Ocean Front Walk (Ocean Front Walk is essentially parallel to the shore line at the seaward edge of the development on both sides of the entrance channel to the Marina). That particular water portion of the Marina is owned by the state, operated by the City of Los Angeles and was franchised to the County in 1957 to allow for the excavation of the Marina's main channel.

The County acquired its fee title to the Marina through various decrees of condemnation and deeds of record. The Marina is a manmade harbor that was predominantly dry land (with some portions of the area now known as Basin H being characterized as salt marsh with tidal channels) prior to the excavation project undertaken by the Army Corps of Engineers in the late 1950's to excavate the main channel and to commence the project that resulted in the development of the Marina.

Federal Property Rights in the Marina

The United States of America owns two permanent easements affecting the Marina and has also operated a coast guard facility in the Marina since approximately 1962 under a lease from the County. The two easements cover existing water areas of the Marina main channel and entrance and specifically indicate that their purpose is to allow for the federal government's construction and maintenance of the entrance and main channel facilities of the Marina to create and preserve their navigability. The easements did not transfer full ownership of the Marina to the federal government and do not presently affect the County's proprietary or regulatory authority over the water or land areas of the Marina beyond preserving the federal government's right to ensure that the entrance and main channel are preserved as navigable waters of the United States.

The 1957 Easement - The County granted the United States a permanent easement for constructing and maintaining the entrance channel, jetties and appurtenances for the Marina in a document recorded on October 1, 1957, in the Official Records of the County Recorder at Book 55733, page 92 (the "1957 Easement"). See Attachment "A" - "1957 Easement." The 1957 Easement covers an area near the very entrance of the main channel extending from the previously mentioned Ocean Front Walk, westerly to a point approximately 150 feet beyond the end of the rock jetties. The 1957 Easement authorized the federal government to enter upon, dig, or cut away and remove any or all of the involved property as may be required for the "Playa del Rey Inlet and Harbor" (the initial project name for Marina del Rey) and to maintain the portion cut away and removed as part of the navigable waters of the United States. The easement only authorizes the federal government to construct and maintain the entrance channel jetties and appurtenances within that easement area.

The 1958 Perpetual Right of Way and Easement - A second easement was granted by the County to the United States to provide for the construction and maintenance of the remainder of the main channel area of the Marina. This "Perpetual Right of Way and Easement" is dated November 18, 1958, and was recorded in the Official Records of the County Recorder on December 5, 1958, in Book D296, pager 840 (the "1958 Easement"). See Attachment "A" - "1958 Easement." That easement extends along what is now the main channel from the easterly edge of the 1957 Easement to approximately the bulkhead at the end of the main channel. The 1958 Easement does not cover the Marina moles or the Marina basins. The 1958 Easement grants to the federal government the perpetual right and easement to enter upon, dig, or cut away and

remove any or all portions of the easement area for the Playa del Rey Inlet and Harbor project as is required for the construction of the main channel and to maintain the portion cut away as part of the navigable waters of the Untied States.

Selected portions of the water areas of some Marina leaseholds along the main channel are within the outer boundaries of the 1958 Easement. However, to the extent those portions of the lease parcels contain any improvements, they contain docks and boat slips which are in furtherance of the Marina's use for small crafts and recreational boat use. Additionally, construction of improvements in such areas are subject to federal review to ensure that they do not conflict with the navigability of the harbor.

The 1958 Easement specifically reserves to the County all rights and privileges in the easement area as may be used and enjoyed without interfering with or abridging the rights and easements conveyed to the federal government.

As indicated, the two federal easements do not cover the moles or basins of the Marina. The easements specifically only cover the entrance, jetties and main channel area and do not otherwise directly affect any of the County's rights in its ownership or operation of the Marina, except as to having authorized the past federal construction of the entrance, jetties, and main channel and the ongoing maintenance of the entrance and main channel facilities to retain their navigability.

There is nothing in either easement that purports to transfer the fee ownership of the Marina from the County to the federal government, or to deprive the County of proprietary or regulatory authority over the land or water areas of the Marina, except to the extent that such activities would conflict with the federal rights identified above.

The Coast Guard has also leased facilities near the Department of Beaches and Harbors' administrative headquarters on Fiji Way for a number of years. The terms of that lease do not in any way affect the proprietary or regulatory authority of the County over any other land or water portion of the Marina. As a result of the Life Guard lease, the federal government has had an ongoing presence in the Marina since its virtual inception.

In accordance with the 1957 and 1958 Easements, the federal government retains responsibility to dredge the entrance and main channel areas to preserve the navigability of those areas. Additionally, the Army Corps of

Engineers reviews waterside Marina development applications for impacts on the navigability of the Marina water areas. We are aware of no evidence that suggests that the federal government has ever alleged that the County is violating the United States' rights under the 1957 or 1958 Easements.

II.
The Marina Does Not Include Public Trust Tidelands or Submerged Lands

Representatives of the public have suggested that the Marina includes submerged lands or tidelands that are held in public trust under the laws of the State of California. This is not correct. The Marina contains no submerged lands or tidelands that are subject to the California public trust doctrine.

The California public trust doctrine applies to submerged lands and tidelands that were acquired by the state, in its sovereign capacity, when it was admitted to the United States. Under the public trust doctrine, title to such lands is held in trust by the state for "commerce, navigation and fishery," and any private owner holds such lands subject to the limitations imposed by that public trust. Such lands are sometimes referred to as sovereign lands of the state.

Ungranted public trust submerged lands or tidelands (those not transferred by the state to a city or county) are under the exclusive administration and control the State Lands Commission. Public trust tidelands that are granted to a city or county are subject to the terms of such grant and are still subject to the public trust purposes identified above.

In 1984, the United States Supreme Court determined that the tract of land which includes Marina del Rey was not California public trust tidelands and was not subject to any public trust easement on behalf of the state or other entity (*Summa Corp. v. California*, 466 U.S. 198). The Supreme Court's decision was based on the conclusion that the property comprising the Ballona Lagoon (which includes the Marina del Rey area) was once a portion of the Rancho Ballona.

According to property records traced by the Supreme Court, Rancho Ballona was originally deeded to the Machado and Talamantes families in 1839 by the Governor of the Californias, when this land was still part of Mexico. Following that grant, California was ceded to the United States by Mexico pursuant to the Treaty of Guadalupe Hidalgo. Pursuant to the Federal Act of 1851, the interests of the Machado and Talamantes families in Rancho Ballona was confirmed through federal patent proceedings. That patent proceeding failed

to recognize any public trust interest of the government in the Rancho Ballona. The Supreme Court concluded that this chain of events led to the conclusion that the State of California never obtained any public trust rights in the Rancho Ballona.

With the exception of that portion of the entrance area of the Marina seaward of the earlier referenced Ocean Front Walk and subject to the 1957 easement granted to the federal government, the County's title to Marina del Rey stems directly from successors in ownership to the Machado and Talamantes families and is likewise not subject to a public trust easement in favor of the State of California. Accordingly, with the exception of the portion of the entrance area of the Marina seaward of Ocean Front Walk, the Marina is not properly considered sovereign lands of the State of California, subject to a state public trust easement, or subject to the administration or control of the State Lands Commission.

III.
THE MARINA DEL REY LOCAL COASTAL PROGRAM IS VALID AND THE COUNTY RETAINS COASTAL DEVELOPMENT PERMIT JURISDICTION OVER THE LAND AREAS OF THE MARINA WHILE THE COASTAL COMMISSION RETAINS JURISDICTION OVER THE WATER AREAS

Members of the public have contended that the Marina del Rey Local Coastal Program ("LCP") is illegal in that the Marina is excluded from the Coastal Zone as federally owned property. They have also argued that the California Coastal Commission ("Coastal Commission") has exclusive jurisdiction over the consideration of development within the Marina and the County lacks authority to consider or issue coastal development permits for the Marina.

These contentions are not substantiated by the applicable law or by actions of the federal government or the Coastal Commission. A certified Marina LCP has been in effect for a number of years without any known objection by the federal government. That LCP recognizes the authority of the County to issue coastal development permits for all land areas within the Marina and for the Coastal Commission to issue such permits for the water area. Further, under federal law, projects undertaken by the federal government within the Marina LCP area are subject to review by the Coastal Commission for a determination of consistency with the goals and policies of the Coastal Act.

Coastal Commission vs. County Authority in the Coastal Zone

The California Coastal Act ("Coastal Act") was adopted in 1976 and is the successor statutory scheme to the Coastal Zone Conservation Act of 1972. The Coastal Act creates policies for the preservation and enhancement of the state's coastal zone resources. The boundaries of the state's coastal zone are established in official maps that were adopted as part of the 1975-1976 state legislative session. The California Coastal Commission ("Coastal Commission") was also required to prepare and file with the County Clerk of each Coastal County more detailed maps delineating the respective permit jurisdictions of the Coastal Commission and each coastal city and county.

The Coastal Act provides that upon certification by the Coastal Commission of a city or county's LCP, the city or county shall have jurisdiction to issue coastal development permits for development in the area covered by the LCP, essentially except for those portions that are tidelands, submerged lands or other public trust lands. In such areas the Coastal Commission retains the jurisdiction to consider and issue coastal development permits.

The Coastal Commission has certified an LCP for Marina del Rey and has prepared the maps required under state law that depict the respective permit jurisdictions of the County and the Coastal Commission for the areas within the Marina. The Coastal Commission has recognized that the Marina does not include public trust tideland areas subject to the jurisdiction of the State Lands Commission in light of the earlier referenced 1984 United States Supreme Court decision in *Summa Corp. v. California*. Accordingly, as depicted in the official coastal boundary maps prepared by the Coastal Commission, the Coastal Commission exercises original permit jurisdiction over the water areas of the Marina, while the County has permit jurisdiction over the land areas.

Federal Jurisdiction Over the Marina

The jurisdiction of California over its coastal areas is subject to the paramount authority of the federal government over the nation's coastal resources. The federal Coastal Zone Management Act of 1972 (" federal CZMA") provides that the coastal states may exercise regulatory authority over the nation's coastal areas only if the federal government has approved a coastal management program for that state.

13-280

The federal government approved the California Coastal Act as the major element of California's Coastal Management Program in 1978. As a result, the Coastal Act can be applied by California to the coastal zone areas of the state, and federal activities within California's coastal zone are subject to review for consistency with the goals and policies of the Coastal Act.

The federal CZMA provides that all lands the use of which is by law subject solely to the discretion of, or which is held in trust by, the federal government are excluded from the coastal zone. However, even for such lands, their exclusion does not exempt them for review under a state coastal management program, if it has been approved by the federal government. Since the federal government has approved the Coastal Act as part of a valid California coastal management program, federal lands excluded from the coastal zone must also be reviewed for consistency with the Coastal Act policies.

In 1974 the federal General Services Administration prepared a listing of real property owned by the United States which contains an entry for Marina del Rey. This document was provided to the Coastal Commission. In 1976, two years after the above-referenced list was provided, the United States Attorney General ruled that only lands actually owned by the federal government were to be considered excluded from the coastal zones of the coastal states under the federal CZMA.

As indicated earlier in this memorandum, the federal government does not own fee title to property in Marina del Rey. Rather, it has two easements for construction and maintenance of the entrance and main channel area of the Marina and has had a lease covering a small land and water portion of the Marina for use by the Coast Guard since approximately 1962. Consequently, the federal government could not assert any ownership interest in the land areas of the Marina over which the County has coastal permit jurisdiction.

The official maps prepared by the Coastal Commission depicting the coastal zone areas of Marina del Rey have never depicted the Marina as being excluded from the Coastal Zone. Staff from the Coastal Commission have informally indicated to us that they are not aware of any contention by the federal government that the Marina LCP is illegal or inappropriately vests jurisdiction over the land areas of the Marina to the County and the water areas to the Coastal Commission. We are likewise aware of no such contention by the federal government in that regard. As recently as 2001, the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration reviewed the Coastal Commission's administration of the Coastal Act as part of

California's approved Coastal Management Program and determined that it satisfactorily implemented federal law relating to coastal areas.

Furthermore, whether excluded or not from the coastal zone, federal activities within the main channel area of the Marina (the only area in which the federal government possesses easement rights) are subject to review by the Coastal Commission for consistency with Coastal Act policies as is specifically mandated by the federal CZMA. As an example, the dredging projects that the federal government has undertaken in the entrance and main channel areas of the Marina have properly been subjected to federal consistency review by the Coastal Commission under both state and federal law.

IV.
THE FEDERAL LEGISLATION AUTHORIZING FEDERAL FUNDING FOR AND PARTICIPATION IN THE CREATION OF MARINA DEL REY HAS NOT DEPRIVED THE COUNTY OF JURISDICTION OVER THE MARINA OR RENDERED EXISTING OR PROPOSED MARINA DEVELOPMENT ILLEGAL

Members of the public have suggested that the County's development and operation of Marina del Rey is in some manner prohibited by, or inconsistent with, the federal legislation adopted in the 1950's that authorized federal funding and participation in the creation of the Marina. We have found no basis for support of those contentions.

Congress first adopted H. R. 7481, dated January 25, 1954, which called for the improvement of a small boat harbor at Playa del Rey substantially in accordance with the recommendations of the Chief of Engineers of the Department of the Army in his report on the project dated August 8, 1952. That bill was referred to the Congressional Committee on Public Works.

Federal participation in the construction and funding of Marina del Rey was subsequently specifically authorized by Public Law 780 - 83d Congress, chapter 1264, also known as the River and Harbor Act of 1954. Such River and Harbor Acts have been adopted periodically by Congress to authorize Army Corps of Engineers civil works projects involving river and harbor facilities.

The River and Harbors Act of 1954 authorized the project then known as "Playa del Rey Inlet and Harbor" to be implemented in accordance with that certain "House Document Numbered 389" and further provided that federal participation in the provision of entrance jetties, the entrance channel, interior

channel and central basin was not to exceed 50 percent of the cost of such facilities.

House of Representatives Document No. 389, dated May 13, 1954, as referred to in the River and Harbors Act of 1954, primarily consists of a compilation of letters, comments and recommendations that had been prepared over the time period from 1948-1954 concerning the proposed Playa del Rey Inlet and Harbor project. Document No. 389 contains the August 8, 1952 report of the Chief of Engineers of the Department of the Army and the recommendations for the project prepared by the Board of Engineers for Rivers and Harbors. The recommendations contained in the August 8, 1952, specifically provide for provision of the proposed harbor project with an estimated cost to the United States of $6.1 million on the conditions, among others, that local interests:

- provide the necessary rights of way to the United States for the creation of the entrance jetties, entrance channel, and central basin;

- secure and hold in the public interest lands bordering the proposed harbor improvements to a width sufficient for proper functioning of the harbor;

- provide adequate berthing and other facilities for small craft;

- provide adequate parking areas, access roads, and landscaping of the piers; and

- maintain and operate the entire project except aids to navigation entrance jetties, and project depths in the entrance channel.

A subsequent revised plan of improvement for Marina del Rey was approved by the Chief of Engineers of the Department of the Army on June 29, 1956. That revised plan did not substantially change the obligations of the "local interests" with respect to the proposed Marina project and added provisions relating to the relocation of a sewer line and tide gates at the main Venice Canal, and requiring that the County bear the cost of dredging the side basins of the Marina.

We have found nothing in the August 8, 1952, report of the Chief of Engineers, the revised requirements contained in the plan revisions approved in 1956 by the Chief of Engineers or the other historical documents cited that purport to exclude any particular uses of the Marina, that purport to remove authority from the County of Los Angeles to determine appropriate uses on the

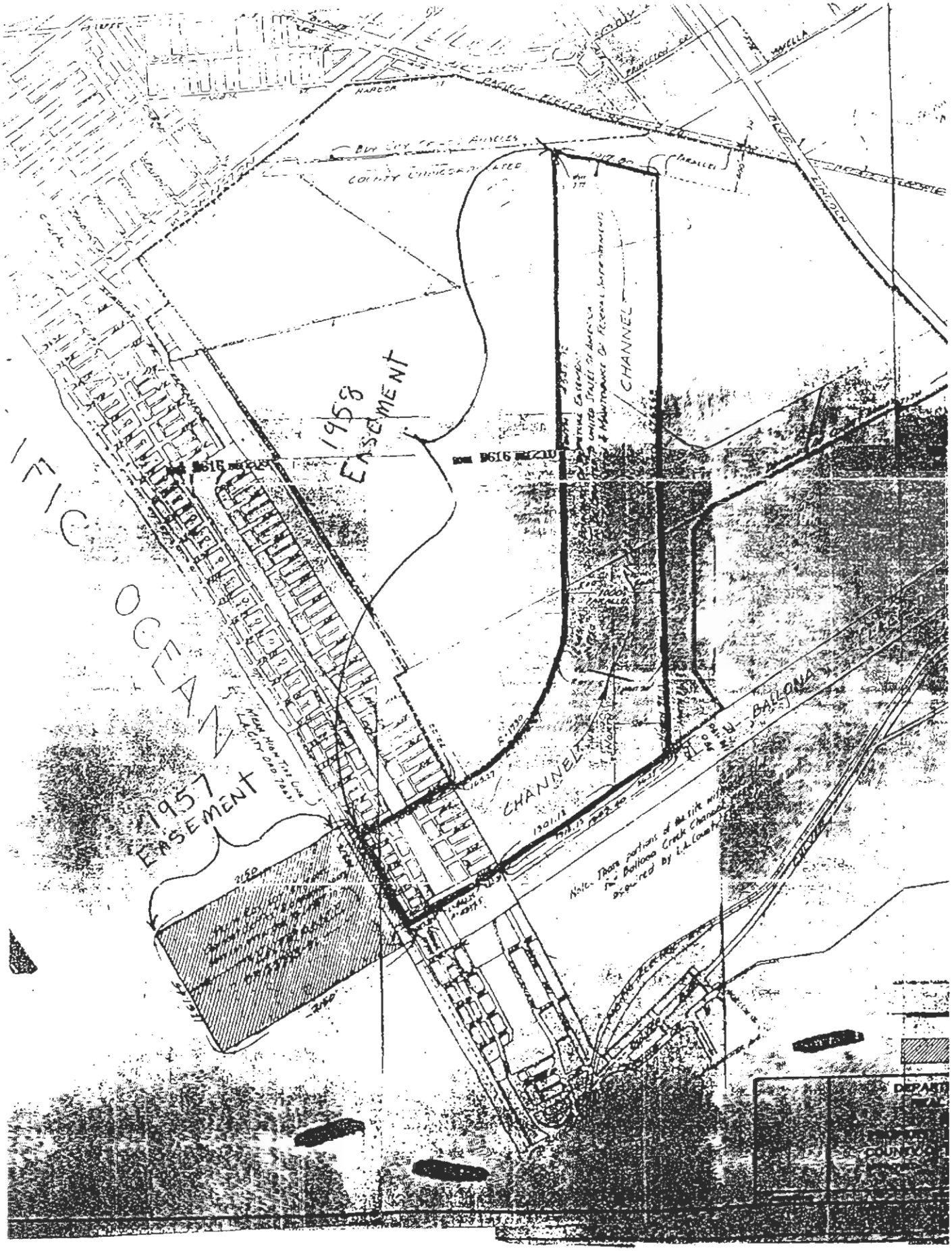
land areas of the Marina project, or that purport to transfer ownership or jurisdiction of the Marina to the federal government other than the stated requirements to provide the rights-of-way necessary to allow the federal government to create and maintain the jetties, entrance channel and central basin. In fact the requirement that local interests provide for and operate all portions of the project other than the portions subject to ongoing federal responsibility indicates that the federal government was not purporting to exercise exclusive control over such other portions of the overall project.

As indicated earlier in this memorandum, the federal government, through the Coast Guard, has had an ongoing presence in the Marina since approximately 1962. The federal government has also undertaken several maintenance dredging projects in the Marina since its initial construction and we are advised that representatives of the Army Corps of Engineers are frequent visitors in the Marina. Notwithstanding all of the above, we are unaware of any contention by the federal government that the County has violated the terms of the federal approvals rendered in the 1950s that led to federal participation in the development of the Marina.

We will be available to answer any questions you may have regarding the contents of this memorandum at your July 23, 2003, commission meeting.

RW/

Enclosure



B-285

ATTACHMENT A

Liz Fuchs

From: beachsites [beachsites@comcast.net]
Sent: Monday, February 07, 2005 12:31 PM
To: marinareview@coastal.ca.gov
Subject: MDR Review from John Davis

can you send this to the website email?
-----Original Message-----
From: beachsites [mailto:beachsites@comcast.net]
Sent: Monday, February 07, 2005 10:50 AM
To: Pam Emerson
Subject: Re: MDR Review from John Davis

Hi Pam,

Please find link to the Boating and Waterways Report 1 mentioned in my LCP review submission.

http://www.dbw.ca.gov/CBFNA.htm

While trends indicate a need for larger boat slips throughout the State, Marina del Rey is an exception. The study the County submitted was not accurate and was designed not to be objective but to facillate the removal of small boat slips and parking places that were supposed to be protected per the LCP. FYI NOAA is also doing a dock survey.

John

http://coastalmanagement.noaa.gov/czm/dockpier.html#Anchor-50915 Inventory of Laws, Regulations, and Policies Related to Residential Docks The Coastal Services Center (CSC) is compiling information about state dock management programs (statutes, regulations, and policies). The regional summaries include information from states about topics such as: * Impacts of concern: environmental, navigation or public trust * Statutory authorities * State and local permitting processes * Dock dimension standards * Contact information for each state Already completed is the summary for the four southeastern states of Florida, Georgia, South Carolina, and North Carolina. Underway are similar inventories for the rest of the Atlantic coast and the Pacific coast. For further information contact Melissa Patterson at melissa.patterson@noaa.gov.

http://coastalmanagement.noaa.gov/czm/dockpier= html#Anchor-50915

Inventory of Laws, Regulations, and Policies Related = to Residential Docks

The Coastal Services Center (CSC) is compiling information about state dock management programs (statutes, regulations, and policies). The regional summaries include information from states about topics such = as:

- Impacts of concern: environmental, navigation or public trust<= /li>
- Statutory = authorities<= /li>

B-286

- State and local = permitting processes
- Dock dimension = standards<= /li>
- Contact information = for each state

Already completed is the summary for the four southeastern states of = Florida, = Georgia, = South Carolina, and = North Carolina. Underway are similar = inventories for the rest of the Atlantic coast and the Pacific coast. For further = information contact Melissa Patterson at melissa.patterson@noaa.gov=

B-287

Liz Fuchs

From: Gerald Sobel [sobelsolar@msn.com]
Sent: Tuesday, February 08, 2005 2:07 PM
To: marinareview@coastal.ca.gov
Subject: Fw: [cal] World conspiracy agianst sailing? (Steve H, Stephen M, John B.)

To whom it may concern, or, should concern on the Planning Commish,

----- Original Message -----
From: Gerald Sobel
To: cal
Cc: mdrvmf ; Laura Nunnelley
Sent: Tuesday, February 08, 2005 2:02 PM
Subject: Re: [cal] World conspiracy agianst sailing? (Steve H, Stephen M, John B.)

Steve, why is sailing dying? It's the axis of the axis of evil, which is both pricing slips out of sight and tearing them out, and quashing any news that there is such a thing as sailing or a sailboat...sailboats being for tree huggers which use aluminum as a trunk substitute.

Why make things complicated? Why rationalize?

MDR was sold to the taxpayers as a sheltered body of water for small boat boating, then behind everyone's back, became a apartment-by-the-water-development, and now, a high-rise-condo-development-by-the-water. When I bitched about tall buildings blocking the wind in an editorial in the local rag (The Argonaut), the following week, the reply from a developer, who claimed he was saving us from having to live in trees like monkeys, was, use your motor, and go to the ocean! See, it's total clap trap and subterfuge. The message from 'on high' is Rag haulers are anti-red blooded American and anti-NASCAR, and no good rabble rousers. We should all shut-up and sit on our hands while they go about ravaging the hen house with abandon. I say, pt-ooey! What really pickles me is that there are well know sailors, like the guy who sails 'Pendragon', who is all in favor of development. Of course, he could care less about kids learning how to sail in protected water, 'cause, he's a developer, and killing sailing to feed is ego. Amazing! The guy went off at me at he Cal Yacht Club, and threatened to evict me, tho he had no right to do so. This was at a Wednesday evening gathering after the evening races. Otherwise, the gal who organized the races at the club was in full support of what I was doing. So there!

And what else is going on in MDR? They are taking away the SMWYC club house, to extend the park to 'benefit the public'. The hoi polloi can then sit on the grass, behind the wire mesh fence, and watch the boats go by. Reminds me of Vietnam, the concept of the 'Strategic Hamlet'!! And the sheep are expected to buy into this by the politicians. How sad!

Jerry Sobel, sounding like a broken record, as usual.

B-288

RECEIVED
South Coast Region
FEB 1 2005
CALIFORNIA
COASTAL COMMISSION

To: California Coastal Commission 6 pages
From: John Davis
RE: LCP MDR Review 2/1/05
cc: NOAA OCZRM

COASTAL ACT VIOLATIONS BY THE COASTAL COMMISSION in MDR

Please find this my response to the MDR LCP mandatory periodic review. As you know the Local Coastal Program for Marina del Rey must be compliant with the Coastal Act and other laws therefore it must be within the scope of the review to consider how the LCP is interdependent on the California Coastal Act, the Coastal Zone Management Act of the U.S. and the CaCZMP.

§ 30001 B, and C, Issuance of Coastal Development Permits and or Amendments approved by the Commission in MDR have ruined public views by the placement of buildings on mole roads eliminating public views of the small craft recreational harbor in that the Commission approves a tiny view corridor through a parking garage that provides less than about 5% of the original view corridor, and finds this compromise acceptable, which is not consistent with the act. Furthermore the Coastal Commission Deputy Director warned the County of Los Angeles Department of Beaches and Harbors not to destroy a rookery for migratory birds protected under the U.S. Migratory Bird Treaty Act yet watched as the County did just that with no penalties. The Commission in these respects fails to enforce the Coastal Act. The Congress of the United States in House Document 389 describes that all oil wells will be removed from MDR. This has not occurred. In fact the County has failed to inform the Coastal Commission that a oil and a gas transmission lines that are not decommissioned ring the Marina around Via Marina and the fact the Southern California Gas Company is storing natural gas under the Marina and it along with dangerous BTEX gases are known to be migrating to the surface. The County allows for the Gas Company to maintain at least two "monitoring wells" in residential areas knowing that deadly Hydrogen Sulfide may be vented into the atmosphere without notice to people living or using the public facility.

§ 30001.5 The Commission has failed to comply with sub-sections A,B,C,and D in issuing Coastal Development Permits and Amending the LCP, actions that do not protect, maintain and enhance the overall quality of the Coastal Zone, that do not assure orderly, balanced utilization and conservation of coastal zone resources such as boater support facilities, do not consider the social needs of the State as expressed by the California Department of Boating and Waterways document, **California Boating Facilities Needs Assessment. dated October 15, 2002** which calls for more small boat needs in Marina del Rey over the next ten years,

that fail to maximize public access to and along the coast by eliminating protected boater support facilities, allowing for docks on public trust lands to be gated, by allowing the walkway around the marina to be fenced off and restricted in many areas, and do not protect the coastal zone consistent with sound conservation principles, and that have failed to assure priority for coastal-dependant and coastal related development over other developments on the coast by permitting non coastal related development and or coastal dependant development in a public small craft harbor funded with both State and Federal funding for that purpose.
The Congress of the United States in House Document 389 calls for fair and reasonable rates for the public facilities. The 1959 State Bond Measure calls for fair and reasonable prices. The County has informed the Coastal Commission it is and will continue to charge MARKET rate for such facilities and the Coastal Commission approved such permits knowing that it would indeed limit access to a public facility in the Coastal Zone of the State of California.

§ 3002 Incorporates parts of the California Coastal Plan into the Coastal Act. The California Coastal Plan shows Marina del Rey as being EXCLUDED from the Coastal Act on page 398 and references the map legend included on the back page of the plan and calls out that lands such as MDR that are bounded by a particular dash dot legend are "Under the provisions of the Federal Coastal Zone Management Act of 1972, "Excluded from the Coastal Zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government officer or agents" Therefore the Marina del Rey Land La Ballona Land Use Plan upon which the Marina del Rey Local Program is based is ILLEGAL. Lands Excluded from the Coastal Zone cannot be Included in the Zone via creation of a Land Use Plan leading to a Local Coastal Program. The Commissions jurisdiction according to a Coastal Commission memo from Staff Council describes this in detail as it relates to an U.S. Supreme Court case of Granite Rock. In fact, the Commission cannot grant development privileges on such land, it can only exercise its environmental review authority over projects, it has no authority to exercise regulatory authority and approve Coastal Development Permits, yet the Commission has knowingly violated §30008 of the California Coastal Act.and § 304(a) of the Federal Coastal Zone Management act of 1972.

§30003 Incorporated by reference to this entire document are instances of the Coastal Commission knowingly violating this section.

§30004 The Coastal Commission actively and publicly opposes achieving maximum responsiveness to local conditions, accountability, and public accessibility and fails purposely to rely heavily on local government and local land use and planning procedures and enforcement in that the Commission is allowing the County to issue Coastal Development Permits without approving a

local ordinance in either the Specific Plan and or the Implementation Plan. Furthermore the Implementation Plan referenced is not readily available to the public and in the CCC announcement to conduct the review only linked to amendments to the Implementation Plan. In fact the entire implementation Plan from its first certification by the CCC is inconsistent with actual development that has occurred in Marina del Rey via Coastal Development Permits, Waivers, and Ministerial Actions by the County that actually required a Coastal Development Permit such as the placement of new docks that connect to land on Bora Bora Way, and the placement of a new business and heliport atop the Hilton Hotel. Furthermore the outreach conducted by the Coastal Commission did not reach out to even a fraction of Marina del Rey Stakeholders located throughout the County of Los Angeles. There are thousands of Boat owners, housing renters, shoppers, people who recreate in Marina del Rey, and Taxpayers the Commission failed to notify in a county wide journal such as the Los Angeles Times. Furthermore I personally had to sue the Coastal Commission because Director Peter Douglas in an email to me blatantly refused to enforce the Coastal Act in over 13 years by not reviewing the Marina del Rey LCP. The actions and inactions of the Coastal Commission have violated State and Federal Laws that are referenced throughout this document. The Coastal Commission has failed to uphold Public Trust Doctrine as it relates to Marina del Rey since it was approved for the purposes of Commerce, Recreation, and Navigation by the U.S. Congress in House Document 389 approving the project under the U.S. Rivers and Harbors Act of 1954 and governed under the U.S. Rivers and Harbors Act of 1945 and approved as U.S. Public Law 780 signed by the President of the United States. The Coastal Commission further threatens to violate the Coastal Act when it proposes to only focus on the MDR LCP after the amendments of 1995 when in fact it was first certified in 1991. Moreover the Coastal Commission is bound in a California Superior Court Consent Decree and Stipulation that the Mandatory Review be conducted under the Coastal Act. The Commissions assertion in this respect not only violates the Coastal Act, but also the U.S. Coastal Zone Management Act of 1972, the California Coastal Zone Management programs, but also the Superior Court Stipulation. In fact due to the tardiness of the Commission in conducting the review, the Court Order has already been violated. The Commission has not protected regional, State, and National interests in Marina del Rey by including the Marina in the Coastal Zone when it is indeed excluded, accepted that the County of Los Angeles can own formerly and currently submerged lands of the State of California, Public Trust Lands, rightly under the Constitutional Control of the State Lands Commission and under under §6301 of the California Public Resources Code and has contributed to the diminishment of the quality of life for Stakeholders for these and all other reasons referenced in this document. The Coastal Commission has misused Coastal Resources by allowing the County of Los Angeles to change the purpose of a Small Craft Recreational Harbor to a luxury high rise development, giving over public parking for small boat slips to non coastal dependant development and eliminating small boat slips and access to

the sea into the process. Charging MARKET rates reduces the public's ability to have an active use of the public facility. In the Los Angeles County Grand Jury recommendations of 1989 for Marina del Rey the County Supervisors indicated their desire to sell the Marina. The County goal is destroying the LCP piecemeal by amendments now granted that were denied in 1995 and now promote the Asset Management Plan for MDR that formerly propose a commercial development at Market Rate in clear contradiction to the LCP. The Coastal Commission has failed to integrate the activities of the U.S. NOAA Office of Coastal Zone Resource Management in that Marina del Rey according to section D of the California Coastal Zone Management Program calls out that Marina del Rey is under the ownership of the United States Government and is thereby excluded from the Coastal Zone under §304(b) of the U.S. Coastal Zone Management Act of 1972 and the California Coastal Act §30008. Furthermore by applying for a grant to conduct a review of the Marina del Rey LCP the Coastal Commission has committed a violation of the U.S. False Statements Act by falsely claiming that Marina del Rey can have a Local Coastal Plan when it is clearly excluded from the Coastal Zone according the Coastal Zone Management Program for the State of California.

§ 30005 State law prohibits the County from Los Angles from owning certain Public Trust Lands that are formerly or currently submerged in Marina del Rey and under the California Constitutions to be owned and managed by the State Lands Commission. At the time of the certification of the 1984 Marina del Rey La Ballona Land Use Plan the Coastal Commission was required under the § act to at a future date, and in conjunction with the State Lands Commission delineate the State Public Trust in Marina del Rey.
After certification of this LCP the Commission amended the Coastal to remove that section and in doing so avoided its written obligation in that 1984 plan to delineate such lands. Since the Coastal Commission failed to notify NOAA of this fact and amid the California Coastal Zone Management Plan accordingly, the removal of this section of the Coastal Act is moot and the State Public Trust must be delineated as the Coastal Commission is knowingly allowing the County to develop State Public Trust Lands with non conforming development and furthermore allowing the County to build on Federal Public Trust Lands. The Coastal Commission has violated the CaCZMP further in that it calls for small detailed maps of excluded lands but none were produced and the Public cannot see the required documents and correct map notes do not appear on Coastal Zone maps. While cooperation for the State may be voluntary, when the State accepts grants and funds a contract is created thereby changing the condition of voluntary to mandatory. Also, regarding the Summa Vs CA Lands Commission decision of the U.S. Supreme Court, it does not pertain to state owned lands and the state cannot argue the decision allows the County, a sub set of the State, to claim it has the same rights as the property owner Summa. In fact the entire Marina is a Public Trust Land of both the State and U.S. government. Coastal Commissions

argument that private development can substitute (MDR La Ballona Land Use Plan 1984) is consistent with public trust if some trust land is maintained. The Commissions assertion has not been tested in federal courts. Public Trust Doctrine both State and Federal are interdependent on the California Coastal Act, the Coastal Zone Management Plan for California, the U.S. Coastal Zone Management Act of 1972, the California Constitution, the California Public Resource Codes and others.

CCC Staff EMAIL Subject: Maps of federal properties Date: Fri, 30 Aug 2002 15:42:48 -0700 From: Mark Delaplaine To: "johndavis@beachsites.com" John - The mappers tell me we never did detailed maps - it was considered too cumbersome at the time (and would have to be constatnly updated). They say the detailed maps that you saw reference to in the "red book" (app. D, last paragraph, first p.) are only those that were previously given to us by the feds as referred to on the first page of appendix D. I went down to the map area and looked them over - only 4 federal agencies sent us maps - Interior, Navy, Air Force, and BLM. None of those maps have anything in Ballona/Marina del Rey. The mappers assume that the Corps owns Ballona Creek channel, and that AP # 4224-101-901, which now shows up in AP records as County-owned, may have been federally owned. The only way to get further details, they say, would be to contact GSA. Best I can do for now. -Mark Mark Delaplaine Federal Consistency Supervisor California Coastal Commission 45 Fremont St, Suite 2000 San Francisco, CA 94105 (415)904-5289 (415) 904-5400 (Fax) mdelaplaine@coastal.ca.gov Federal Consistency Web Page: http://www.coastal.ca.gov/fedcd/fedcndx.html

FUTHERMORE,

§30006 The Commission failed in large mearue to notify stakeholders throughout Los Angeles County, did not run a newspaper ad in a publication of county wide significance such as the Los Angeles Times and did not notify each and every boat owner in Marina del Rey which is entirely possible. The Commission failed to hold an adiquate number of public hearings restricting the already limited public comment to a two hour time frame at a workshop with limited seating and parking and at which stakeholders were turned away due to full parking. This contridicts public participation provision of the U.S. Coastal Zone Management Act (CZMA herafter) of 1972, the California Coastal Zone Management Plan (CACZMP hereafter) and the California Coastal Act (CCA herafter) which are all interdependent.

The Implementation Plan has not certified ordinances for issuing Coastal Development Permits in Marina del Rey therefore all CDPs issued in MDR are on their face illegal and for the reason that MDR is also excluded from the Coastal Zone.

The Oxford basin is a waterfowl refuge and supports a rookery of migratory birds protected under the migratory bird treaty of the United States and must be declared
ESHA as is the case with a wetland located on the corner of Via Marina and Tahiti
Way.

§30006.5 In (A-5-MDR-00-472) the Coastal Commission can give no explanation to the fact it changed the activity level of an active fault, Charnock, from Active to Potentially Active outside the amendments and without being instructed to do so by the CA. Department of Conservation Mines and Geology Division and governed under the Seismic Hazard Mapping Act and Alquest Priolo Act. Also, as a State entitiy with the authority to permit development, the Coastal Commission must enforce this State Act and fails on a continual basis to do so since Marina del Rey is in the Seismic Hazard Map for the Venice Quadrangle.

§30007 The Commission has failed to enforce this policy of the Coastal Act at all and avoided it by removing a provision of the Coastal Act without updating the CaCZMP.

§ 30008 By including Marina del Rey in the Coastal Zone when according to section D of the CaCZMP it is excluded the Commission has violated this provision and caused the State of California to commit Fraud against the United States The Commission may exercise the full range of powers, rights, and privileges it now possesses or which may be granted but this does not grant the power to give control and ownership of submerged public trust lands of both the United States and California to the County of Los Angeles
In fact the Lands Deeded to the United States in Book D 296 Page 840 of the Official Records of the Los Angels Recorder and are included in this submission as attachment 1 along with U.S. House of Representatives Document 389. Enclosure No. 1 shows the federal project that can be modified by the Army Corp of Engineers but not completely altered and replaced beyond its jurisdiction without the concurrence ot the United States Congress and President.

§30105.5 The Commission ignores the effects of cumulative effects on MDR from outside traffic generators such as Playa Vista and Channel Gateway.

Sincerely,
John Davis
PO 10152 Marina del Rey CA. 90295

B-294

STATE OF CALIFORNIA - THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

January 19, 2005

RECEIVED
South Coast Region
JAN 0 2 2005
CALIFORNIA
COASTAL COMMISSION

Submit written comments by January 24, 2005 to

Ms. Pam Emerson Pam Emerson
South Coast District Office
P.O. Box 1850
200 Oceangate Blvd. 10th floor
Long Beach, CA 90802-4325
Fax: 562-590-5084

or email to **marinareview@coastal.ca.gov**

To be placed on mailing list for future information and notices:

Name FRED NEWMAN

Address: P.O. BOX 10009

MARINA DEL REY, CA 90295

Turn into CCC staff at workshop or mail to:

Pam Emerson
South Coast District Office
P.O. Box 1850
200 Oceangate Blvd. 10th floor
Long Beach, CA 90802-4325

Any comments or answers re enclosed letter?
Fred

B-295

Letters to the editor

Calls combination of building already done and planned 'criminal'

To the Editor:

The already approved and almost completed Playa Vista Phase I and the contemplated numerous new Marina del Rey residential apartment buildings are already causing great traffic congestion, road surface deterioration — pot holes — from heavy construction and material-hauling trucks and noise.

This is only the beginning of the end, with more construction already approved or negotiated, including:

- Playa Vista Phase II.
- High-rise condos.
- The proposed waterfront project that would demolish Harbor House Restaurant and Edie's Diner on Admiralty Way, just east of Palawan Way and replace them with 292 apartment units in an eight-story, mid-rise building and a four-story, low-rise building.

As part of this project, an additional 125 apartments would be developed in three four-story buildings on an adjoining county parking lot on Palawan Way.

This eliminates parking for Mothers Beach and further strangulates Mariners Bay apartments and a yacht club at the end of Palawan Way.

- Legacy Residential Partners, Inc. project at Via Marina and Marquesas Way, which would demolish and replace with new construction the 562 Neptune Marina apartments and 161 boat slips.
- The Woodfin Suite Hotel and Vacation Ownership project at the corner of Via Marina and Tahiti Way, which would include a 178-suite hotel with luxury timeshare units and a parking structure.
- The building of 222 residential units and more than 6,000 square feet of retail and restaurant space on two acres of county parking adjacent to the Harbor House Restaurant at Admiralty and Palawan Ways.
- A 147-room Residence Inn the Cheesecake Factory and Foghorn Inn — a project that includes rebuilding and expanding the Cheesecake Factory, a 50-foot boutique hotel and additional restaurant and retail space.

I believe that these are the "majority" of possible new projects approved or in new negotiations okayed by the combination of the County Small Craft Harbor Commission, County Department of Beaches and Harbors and County Marina del Rey Design Control Board, as well as county boards and who knows who else, including non-elected members.

Most of the people approving these projects do not live in the Marina area.

This possible wanton addition of new residential and retail buildings in this area is criminal and does not take into consideration the local residential population already here.

It adds to the already terribly congested streets, without any proposals to add or improve existing streets.

Will local residents ever have the right to vote on these matters or will they be forced to move to another city?

Fred Newman
Marina del Rey

Pat Kelli Sh

B-296

Liz Fuchs

From: Eric Noegel [enoegel@bellingham-marine.com]
Sent: Tuesday, January 04, 2005 9:44 AM
To: marinareview@coastal.ca.gov
Subject: Marina del Rey Workshop

Ms. Pam Emerson:

I won't be able to attend the workshop at Burton Chase Park on January 19th, but I was hoping you could help me with a couple issues.

(1) Does CCC have guidelines regarding recreational boating marinas in terms of redeveloping older marinas? We have heard that in Marina del Rey, that the CCC has specified certain percentages of smaller slips in an overall reconfiguration plan. If you have any advice on where I can find information, it would be very helpful.

(2) It has also been rumored that any repair/minor construction work in Marina del Rey requires CCC approval as well. We have had projects which require one float to be replaced from a boat impact. The County of LA, Dept. of Beaches and Harbors has required us to get CCC approval even when it is such a small job as this, and potential a safety issue. My comment here is if the Dept. of Beaches and Harbors can have some authority to approve such repairs or minor replacement, it would be beneficial to owners, boaters, and everyone involved. My two cents....

Our business is in the designing and building of marinas, and also repair or maintenance services of marinas. Your help in pointing us in the right direction is appreciated.

Best regards,

Eric Noegel
Manager of Project Development
Bellingham Marine
1205 Business Park Drive
Dixon, CA 95620

Phone: (707) 678-2385
Fax: (707) 678-1760
Cell: (916) 716-9811