



Executive Director's
Report to the
Board of Harbor Commissioners

DATE: JANUARY 5, 2012

FROM: PLANNING & ECONOMIC DEVELOPMENT

SUBJECT: RESOLUTION NO. _____ – ISSUANCE OF A LEVEL I COASTAL DEVELOPMENT PERMIT (NO. 12-01) TO THE CITY OF LOS ANGELES HARBOR DEPARTMENT FOR THE EXTENSION OF THE BIRD EXCLUSION STRUCTURE AT INNER CABRILLO BEACH, SAN PEDRO

SUMMARY:

The City of Los Angeles Harbor Department (Harbor Department) is proposing to extend the current bird exclusion structure at Inner Cabrillo Beach in San Pedro to the water's edge at low tide. Staff is recommending the Board of Harbor Commissioners (Board) approve Coastal Development Permit (CDP) No. 12-01, a Level I non-appealable permit for the proposed project.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find that the proposed project is in conformity with the Port Master Plan and the California Coastal Act of 1976, as amended, and find that this project will have no significant adverse environmental impacts as provided in the California Environmental Quality Act;
2. Authorize the Executive Director to approve the issuance of Coastal Development Permit No. 12-01, consistent with the project description contained in Application for Discretionary Project No. 110628-078; and
3. Adopt Resolution No. _____.

DISCUSSION:

Background – The purpose of the project is to continue to reduce bacterial levels at Inner Cabrillo Beach. An extension of the existing bird exclusion structure at Inner Cabrillo Beach (Transmittal 1) is intended to reduce the amount of fecal matter released into the water by birds, which would lower the bacterial levels at the beach.

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Over the last 15 years, the City of Los Angeles has been monitoring water quality at Inner Cabrillo Beach. The Los Angeles Regional Water Quality Control Board (LARWQCB) sets limits on the amount of bacteria present in the water. In March 2005, the LARWQCB issued revised Total Maximum Daily Load (TMDL) requirements for bacteria. Compliance (i.e., no days exceeding the TMDL limits during the summer season) was to be achieved by March 2010.

Water samples from Inner Cabrillo Beach exceed maximum bacteria thresholds. Over the last 10 years, the Harbor Department has spent approximately \$20 million to resolve the bacteria issues at Inner Cabrillo Beach. The Harbor Department conducted extensive sampling and investigation of potential bacteria sources, performed hydrodynamic modeling and water circulation studies, and installed monitoring wells. Remedies implemented include: a beach management plan; a public education and outreach program; sewer and storm drain replacement; sand replacement and beach re-contouring; removal of the rock groin at the boat launch ramp; and installation of a bird exclusion structure.

Existing Bird Exclusion Structure – A major source of bacteria at Cabrillo Beach is fecal matter left on the beach by birds. Studies using genetic markers to find the source of the bacteria show that birds are responsible for 50-60% of the bacteria at Inner Cabrillo Beach. To reduce the amount of bird fecal matter in the water, the Harbor Department installed a bird exclusion structure in 2000 intended to deter birds from congregating in the swimming beach area. The structure, redesigned and reinstalled in 2010, is a series of poles supporting monofilament lines about 35 feet above the sand surface that currently covers approximately 150,000 square feet (3.4 acres) of the beach.

Proposed Expansion of the Bird Exclusion Structure – Despite the Harbor Department's improvements, water quality at the Inner Cabrillo Beach still does not comply with LARWQCB limits. An Inner Cabrillo Beach workshop on May 16, 2010 included LARWQCB, the City of Los Angeles, the Bureau of Sanitation, and Heal the Bay. The workshop's recommendation was to extend the bird exclusion structure down to the water's edge at low tide to deter birds from this shallow water area. An outreach meeting was held with the Cabrillo Beach Coordinating Council (CBCC) on November 17, 2011, and the CBCC supports this extension.

The Harbor Department proposes extending the existing bird exclusion structure as recommended. The extension will cover an additional 144,000 square feet (3.3 acres) of beach, at a cost of approximately \$750,000. Staff recommends the issuance of Coastal Development Permit No. 12-01 (Transmittal 2) for this proposed project. Staff recommends delaying construction of the extension until the fall of 2012 to avoid

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construction during the least tern nesting season and the grunion spawning season, while minimizing impacts on City Lifeguard and Cabrillo Marine Aquarium programs.

Coastal Permit Requirements – The proposed project, located in Master Planning Area 1, is a Level I, non-appealable project in accordance with the definitions set forth in the *Guidelines for Implementation of the Port of Los Angeles Certified Port Master Plan*. A Level I permit is one of three levels of permits that the Board can issue. Level I permits are issued for developments that involve minimal changes in land/water use, and minor changes in density and intensity of use.

The proposed project has been found to be consistent with the Port Master Plan as the development supports a recreational use, which is an allowable use in all of the Master Planning Areas. The proposed project has been found to be consistent with Chapter 8 policies of the California Coastal Act of 1976, as amended. Specifically, the extension of the bird exclusion structure is consistent with Section 30708 as it helps minimize substantial adverse environmental impacts by reducing the amount of fecal matter released into the water by birds.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of a Level I non-appealable CDP for extension of the existing bird exclusion structure at Inner Cabrillo Beach. As an activity involving the addition of health and environmental protection devices for use in conjunction with an existing facility and the installation of new equipment involving no expansion of use as required for health and environmental control, the Director of Environmental Management has determined that the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with Article III, Class 1(6) and 3(4) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS:

Approval of the issuance of CDP No. 12-01 will have no employment impact. However spending under the project associated with the proposed CDP will support approximately 6 direct plus 5 secondary one-year equivalent jobs in the five-county region.

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FINANCIAL IMPACT:

Issuance of the proposed Level I CDP will allow for the expansion of the existing bird exclusion structure at an estimated cost to the Harbor Department of \$750,000. The expansion of the bird exclusion structure is expected to begin and be completed during FY 12/13. FY 12/13 funds in the amount of \$750,000 will be requested to be budgeted as part of the annual budget adoption process, upon Board approval.

CITY ATTORNEY:

This proposed resolution raises no legal issues at this time.

TRANSMITTALS:

1. Site Location Map - Bird exclusion structure
2. CDP No. 12-01

FIS Approval : ef (initials)
CA Approval : in (initials)


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APPROVED:


GERALDINE KNATZ, Ph.D.
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ADP No. 110628-078