

**CALIFORNIA COASTAL COMMISSION**

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



Filed: 8/22/11  
 49th Day: 10/10/11  
 180th Day: 2/18/12  
 Staff: Al Padilla-LB  
 Staff Report: 12/21/11  
 Hearing Date: 1/11-13/12  
 Commission Action:

# W8b

## STAFF REPORT: CONSENT CALENDAR

**APPLICATION NUMBER:** 5-11-209

**APPLICANT:** Los Angeles County Department of Public Works

**PROJECT LOCATION:** 13640 Mindanao Way, Marina del Rey

**PROJECT DESCRIPTION:** Refurbish an existing 6,257 square foot, three-story building ("The Boathouse") that will include seismic and Americans with Disability Act (ADA) compliance improvements, including construction of a 354 square foot elevator and storage room penthouse.

**SUBSTANTIVE FILE DOCUMENTS:** Marina del Rey certified Local Coastal Plan, 1995

---

### SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development with two special conditions regarding: 1) construction responsibilities and debris removal; and 2) assumption of risk.

---

**Staff Note:** The Coastal Commission certified the Marina del Rey Local Coastal Plan in 1984. The Commission retained jurisdiction over submerged lands (original jurisdiction), which is all areas seaward of the mean high tide line. In Marina del Rey, the Commission's original jurisdiction is generally demarcated by the marina's bulkhead. Therefore, development seaward of the bulkhead is within the Commission's original jurisdiction and permit authority is retained by the Commission.

The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The County's certified LCP is advisory in nature and may provide guidance for development

**I. STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

**MOTION:** *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to inundation or dispersion in the waters of the marina;
- (b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
- (c) No machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone;
- (d) If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity;
- (e) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day;
- (f) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss; and
- (g) Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from heavy machinery, construction equipment or power tools into the waters of the Marina del Rey. The applicant and the applicant's contractors shall have adequate equipment available to contain any such spill immediately.

#### 2. ASSUMPTION-OF-RISK, WAIVER OF LIABILITY, AND INDEMNITY DEED RESTRICTION.

A. By acceptance of this permit, the applicant Los Angeles County Department Public Works acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its

officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the above terms.

**B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the landowner shall execute and record against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

**C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the landowner shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

The Los Angeles County Department of Public Works proposes to refurbish an existing 6,257 square foot, 31.5 foot high, three-story 6,200 square foot building ("The Boathouse") that includes seismically retrofitting existing building and Americans with Disability Act (ADA) compliance improvements, including construction of an elevator. The 354 square foot elevator penthouse, which will house the mechanical equipment of the elevator and provide storage space, will extend 15'-8" above the second story deck of the building. The elevator is necessary to comply with ADA requirements. Because of limited space within the existing building, construction of access ramps in-lieu of an elevator to access the upper levels is not feasible.

Other ADA improvements include remodeling restroom facilities and installing new drinking fountains. Seismic improvements include adding interior shear walls,

strengthening the roof, and strengthening the existing foundation support piles through wrapping the top two feet of 24 of the existing 54 foundation piles with a fiber reinforced polymer product.

The existing building is located on Parcel 48 within Basin H, just off of Mindanao Way, at Burton Chace Park, in Marina del Rey. Parcel 48 is a "Water" designated parcel in the LCP. The existing building is built over the water and is supported on piles. According to the County, The Boathouse was privately funded and constructed for the Boy Scouts of America in the early 1970's. The Department of Beaches and Harbors took possession of the facility in 2002 at the end of a 30-year lease of the property that was held by the Western Los Angeles County Council, Inc., Boy Scouts of America. The facility is currently used by the County for their Water Awareness, Training, Education and Recreation (WATER) program and by the Boy Scouts. Once the project is completed the County will operate a future recreational boating center for the public and the facility will be available for public use on a regular basis which will include the use of the large community room.

## **B. Visual Resources**

Section 30251 of the Coastal Act requires that the scenic and visual qualities of this coastal area shall be protected. Section 30251 of the Coastal Act states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

The existing building is built to resemble a boat with two full levels. A third partial level consists of an approximately 400 square foot structure ("pilot house"), small storage room and a faux smoke stack. The "pilot house" is used as office space and houses utility equipment. The "pilot house" extends approximately 8 feet above the second deck and approximately 31.5 feet above the ground level or main deck. The smoke stack extends approximately 15 feet above the second deck and approximately 37 feet above the ground floor.

The proposed 354 square foot elevator penthouse and storage room will extend 15'-8" above the second level deck. The elevator is necessary to bring the building into compliance with ADA requirements.

The proposed project is located over the water and is constructed on piles. Since it is located over the water, the project is located within the Commission's original permit jurisdiction and the Commission has permit authority. The standard of review is the Coastal Act and the County's certified Local Coastal Plan serves as guidance.

The certified Local Coastal Plan land use category for this parcel is designated "Water". All new structures within this land use category are limited to a height of 15 feet above the water surface. The existing structure, which was built prior to the 1984 certification of the Land Use Plan, extends to approximately 31.5 feet above the first level deck and adjacent landside existing grade or 37 to 46 feet above the water, depending on the tide.

The intent of the water side height limit of 15 feet was to minimize the view impacts from the surrounding landside areas out over the water for new development. With the water line 7 to 9 feet below the top of the bulkhead during low tides, structures 15 feet or less in height would provide public views of the marina over the top's of the structures along adjacent public promenades, or other public spaces along the bulkhead, during these low tide periods. Although the proposed addition will exceed the height limit for a water parcel in the LCP, the existing building currently extends over 40 feet above the water level on a fixed foundation, and does not rise up or down with the tide, so views to the water and marina are not available. Furthermore, the proposed structure is necessary to bring the existing building into ADA compliance and will allow the facility to continue to operate as a public facility that will enhance boating and recreational opportunities. Because of the height and size of the existing building, the proposed penthouse will not have a significant public visual impact on any surrounding coastal or marina views. Therefore, the Commission finds the project is consistent with the certified LCP and with the Chapter 3 policies of the Coastal Act with respect to protecting visual resources.

### **C. Public Access and Recreation**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30224 of the Coastal Act states:

*Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land*

*uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Section 30234 of the Coastal Act states:

*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. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Section 30252 of the Coastal Act states in part:

*The location and amount of new development should maintain and enhance public access to the coast by. . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation..*

The existing building, which includes boat docks, has been used by the Boy Scouts for boating activities since its construction in the early 1970's. The County of Los Angeles took possession of the facility in September 2002 at the end of a 30-year lease. Subsequently, a Joint Use Permit Agreement was entered into between the County and Boy Scouts of America, which allowed for continued use of the facility by the Boy Scouts on a joint use basis with the County. The use was specifically restricted to non-profit, boating-oriented youth programs with membership open to the public

With the seismic and ADA improvements to the facility, future use of the facility will continue to include use by the Boy Scouts for youth oriented boating programs and general public use as a recreational boating center, and other community uses, thereby increasing lower-cost public boating opportunities and enhancing recreational use in the marina. As proposed, the project will be consistent with Sections 30213, 30224, and 30234 of the Coastal Act.

#### **D. Marine Resources**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30240(b) of the Coastal Act states:

*Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The existing building is located seaward of the bulkhead and directly over the water. The building is built over piles and a concrete foundation slab. All construction will be conducted within the existing building and above the water. The only work outside of the building envelop will involve strengthening the existing foundation piles that support the building. Twenty-four of the 54 existing piles will be wrapped with a fiber reinforced polymer. The upper two feet of each pile will be wrapped. All wrapping will be above the water line and will not be in contact with any boating or docking activity that could cause abrasion of the polymer wrap and allow debris to enter the water.

The proposed project will not involve work in the water or disturbance of the marina bottom, where turbidity could pose an impact to water quality. However, the project may include drilling and other construction activity over the water, and adjacent to the water, that may create debris that may fall or be washed into the water. In addition, the improper storage of construction equipment and materials during construction can contribute to water quality impacts. The Commission finds it necessary to require the use of best management practices to minimize impacts upon water quality. In addition, the Commission finds it necessary to identify the following other construction related restrictions: all construction materials and equipment shall be stored landward of the bulkhead, on impervious surfaces only; all construction materials or waste shall be stored in a manner which prevents their movement via runoff, or any other means, into coastal waters; and that any and all construction equipment, materials and debris are removed from upland areas at the conclusion of construction.

The proposed project will maintain the present use and is not expected to create additional adverse impacts on marine resources. Since the proposed project does not include pile driving and will not produce excessive noise or vibration during construction activity, the proposed activity will not have a significant adverse effect on existing marine resources and habitats. However, the Commission finds it necessary to identify the permittee's responsibilities regarding construction and the utilization of best management practices and has conditioned the project accordingly. Therefore, only as conditioned does the Commission find that the proposed project conforms with Sections 30230, 30231 and 30240(b) of the Coastal Act.

## **E. Hazards**

Section 30253 of the Coastal Act provides in part:

New Development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazards...

Because of its location, the facility is subject to tidal influences and potentially subject to the effects of tsunamis and seiches. The LCP indicates that Marina del Rey has sustained only minor damage in the past due to tsunami and seiches because of special design standards embodied in the moles, docks and breakwater. However, there remains the potential for damage from wave and tidal action. Therefore, the Commission finds that the applicant must also assume the risk of developing in an area where an extraordinary potential for damage from wave and tidal action exists as an inherent risk to life and property, waiving the Commission's liability for damage that may occur as result of such hazards. This is necessary because the design is a result of a study for which the applicant and its engineer are responsible. Wave hazards cannot be predicted with certainty, so the applicant and future owners must be put on notice that the Coastal Commission is not liable for damages resulting from wave and tidal action. Therefore, only as conditioned does the Commission find that the proposed project conforms with Section 30253 of the Coastal Act.

## **F. Local Coastal Program**

In 1984, the Commission certified the County's Land Use Plan portion of the Marina Del Rey/Ballona segment of the County of Los Angeles Local Coastal Program. Subsequent to the Commission's certification, the City of Los Angeles annexed over 525 acres of undeveloped land, which was a portion of the County's LCP area located south of Ballona Creek and east of Lincoln Boulevard (known as Area B and C). Subsequent to the City's annexation, the City submitted the identical Land Use Plan (the Playa Vista segment of the City's Local Coastal Program) covering the City's portion of the original County LCP area. The Commission certified the LUP for the annexed area with suggested modifications on December 9, 1986. On September 12, 1990, the Commission certified, with suggested modifications, an Implementation Program pertaining to the existing marina. After accepting the suggested modifications, the Commission effectively certified the Marina Del Rey LCP and the County assumed permit issuing authority.

Most recently, in November 2011, the Commission approved LCP amendment No. 1-11. The amendment adjusted the location of development authorized by the existing certified LCP; incorporated changes in response to the Periodic Review; and made minor grammatical, typographical and reference corrections. The LCPA addressed four specific projects (the "Pipeline Projects"):

1. Parcel 10/FF—A 526-unit apartment project
2. Parcel OT--- a 114-room senior accommodation facility with 3,500 square feet of commercial.
3. Parcel 49/77—Application of the Waterfront Overlay zone to facilitate an intensification of visitor-serving uses in association with the public launch ramp and the expansion of Chace Park.
4. Parcel 52/GG—a 345 space dry stack storage facility with 30 mast-up storage spaces.

The certified LCP designates the proposed site as “Water”. Under the “Water” category of the LCP the permitted uses are recreational uses, wet boat slips, docking and fueling of boats, flood control and light marine commercial. The existing use is a permitted use under the certified LCP.

The proposed development is located seaward of the mean high tide and is within the Commission’s original permit jurisdiction. The standard of review for development within the Commission’s original permit jurisdiction is Chapter 3 of the Coastal Act. The County’s certified LCP is advisory in nature and may provide guidance for development. As stated in the preceding sections, as conditioned, the project will not adversely impact coastal and marine resources or coastal access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act.

#### **G. California Environmental Quality Act**

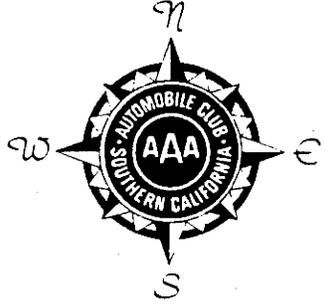
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

Potential impacts are to visual resources, public access, marine resources and water quality. As conditioned, all potential adverse impacts have been adequately mitigated. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.





*Marina del Rey*

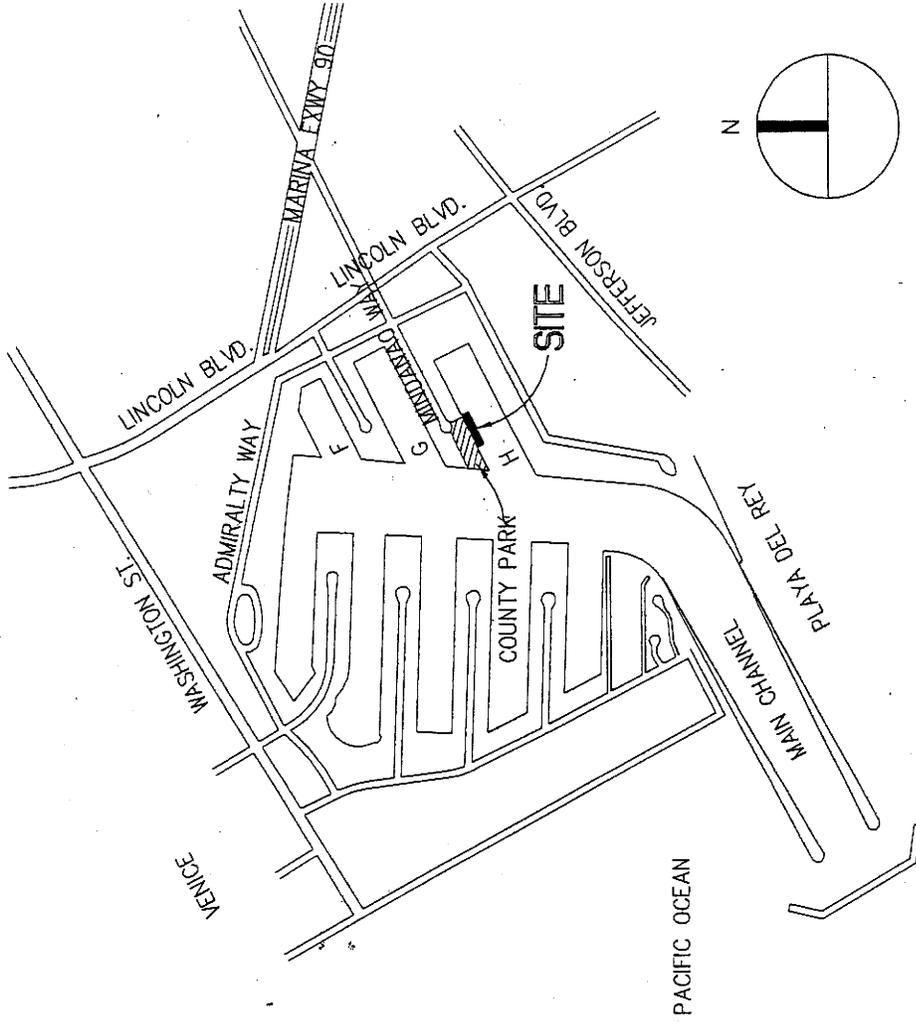


LOS ANGELES AREA



HUNTINGTÓN BI
EXHIBIT NO. 1
APPLICATION NO.
5-11-209
Vicinity Map
 California Coastal Commission

# VICINITY MAP



Project Name

COUNTY OF LOS ANGELES

ADA UPGRADE & SEISMIC RETROFIT  
FOR MARINA BOAT HOUSE

13640 MINDANAO WAY,  
MARINA DEL REY, CA 90292

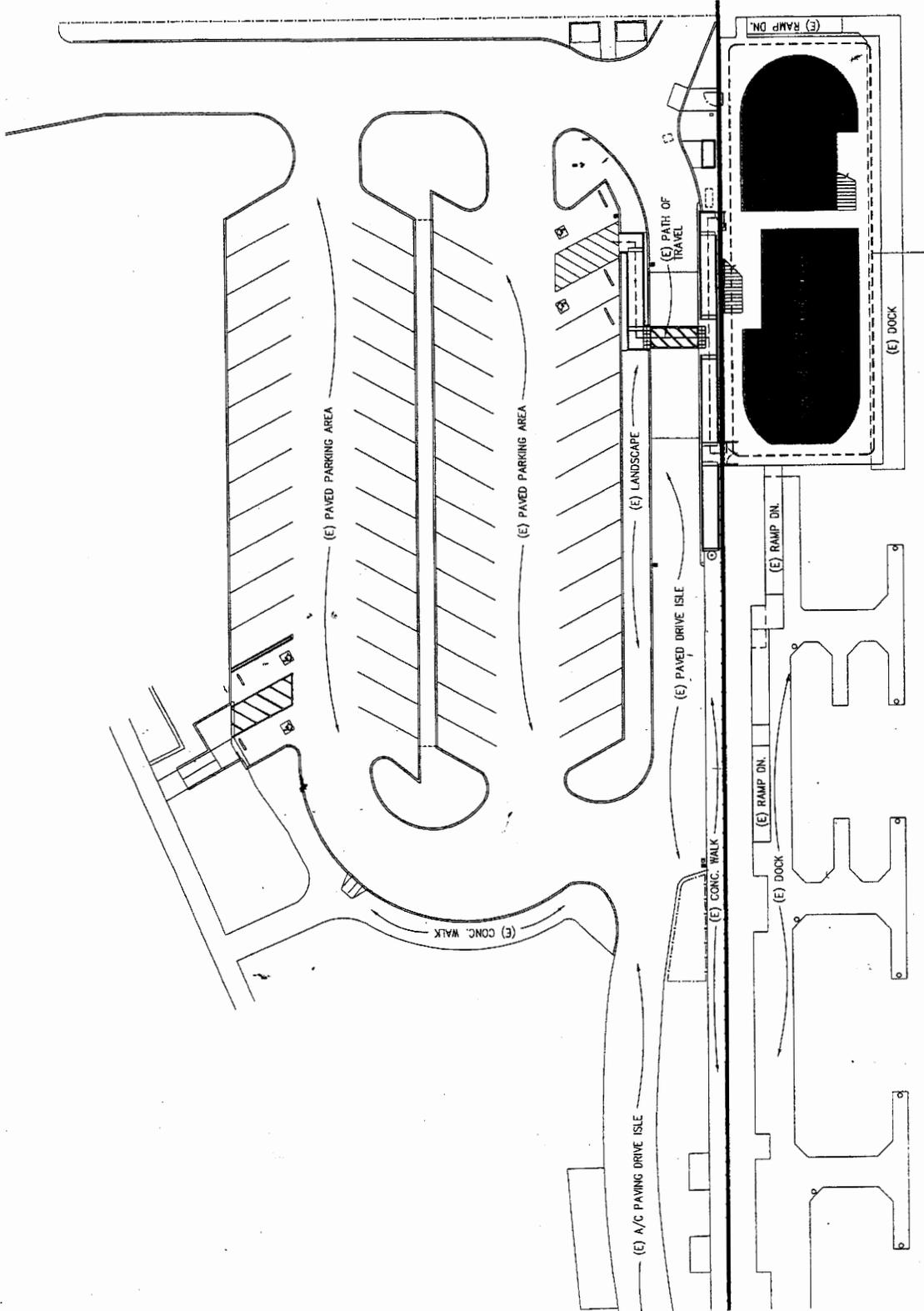
EXHIBIT NO. 2

Application Number

5-11-209

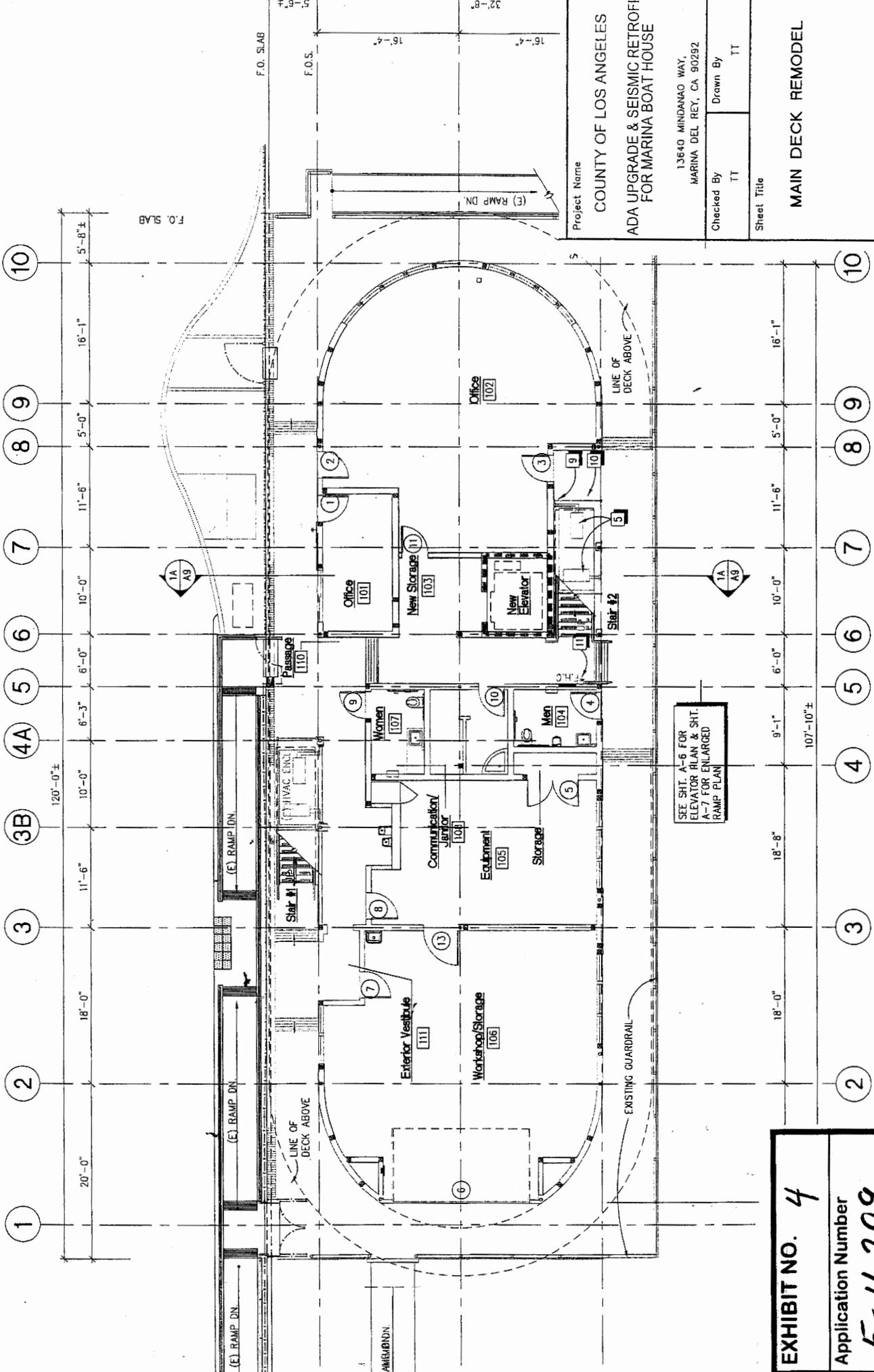
Marine Location

California Coastal Commission



Project Name <b>COUNTY OF LOS ANGELES          ADA UPGRADE &amp; SEISMIC RETROFIT          FOR MARINA BOAT HOUSE</b>	
13640 MINDANAO WAY, MARINA DEL REY, CA 90292	
Checked By TT	Drawn By TT
Sheet Title <b>OVERALL SITE PLAN</b>	
Sheet Number <b>A-2</b>	

<b>EXHIBIT NO. 3</b>
Application Number <b>5-11-209</b>
<b>Site Plan</b>
California Coastal Commission



Project Name  
**COUNTY OF LOS ANGELES**  
**ADA UPGRADE & SEISMIC RETROFIT**  
**FOR MARINA BOAT HOUSE**

13640 MINDANAO WAY,  
 MARINA DEL REY, CA 90292

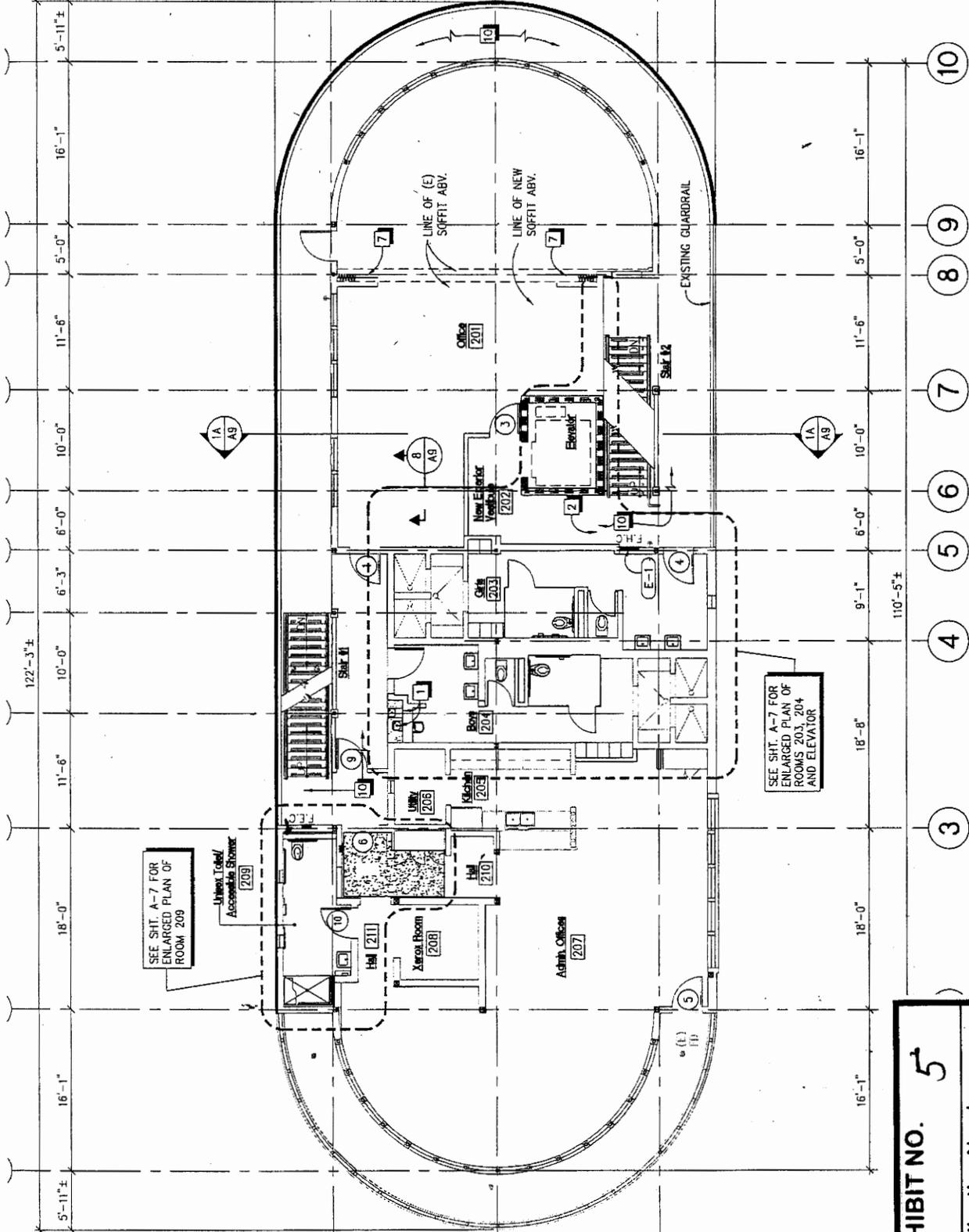
Checked By TT  
 Drawn By TT

Sheet Title  
**MAIN DECK REMODEL**

Sheet Number  
**A-3**

Main Deck Remodel Floor Plan

**EXHIBIT NO. 4**  
 Application Number  
**5-11-209**  
**Main Deck Remodel**  
 California Coastal Commission



Project Name  
**COUNTY OF LOS ANGELES**  
**ADA UPGRADE & SEISMIC RETROFIT FOR MARINA BOAT HOUSE**

13640 MINDANAO WAY,  
 MARINA DEL REY, CA 90292

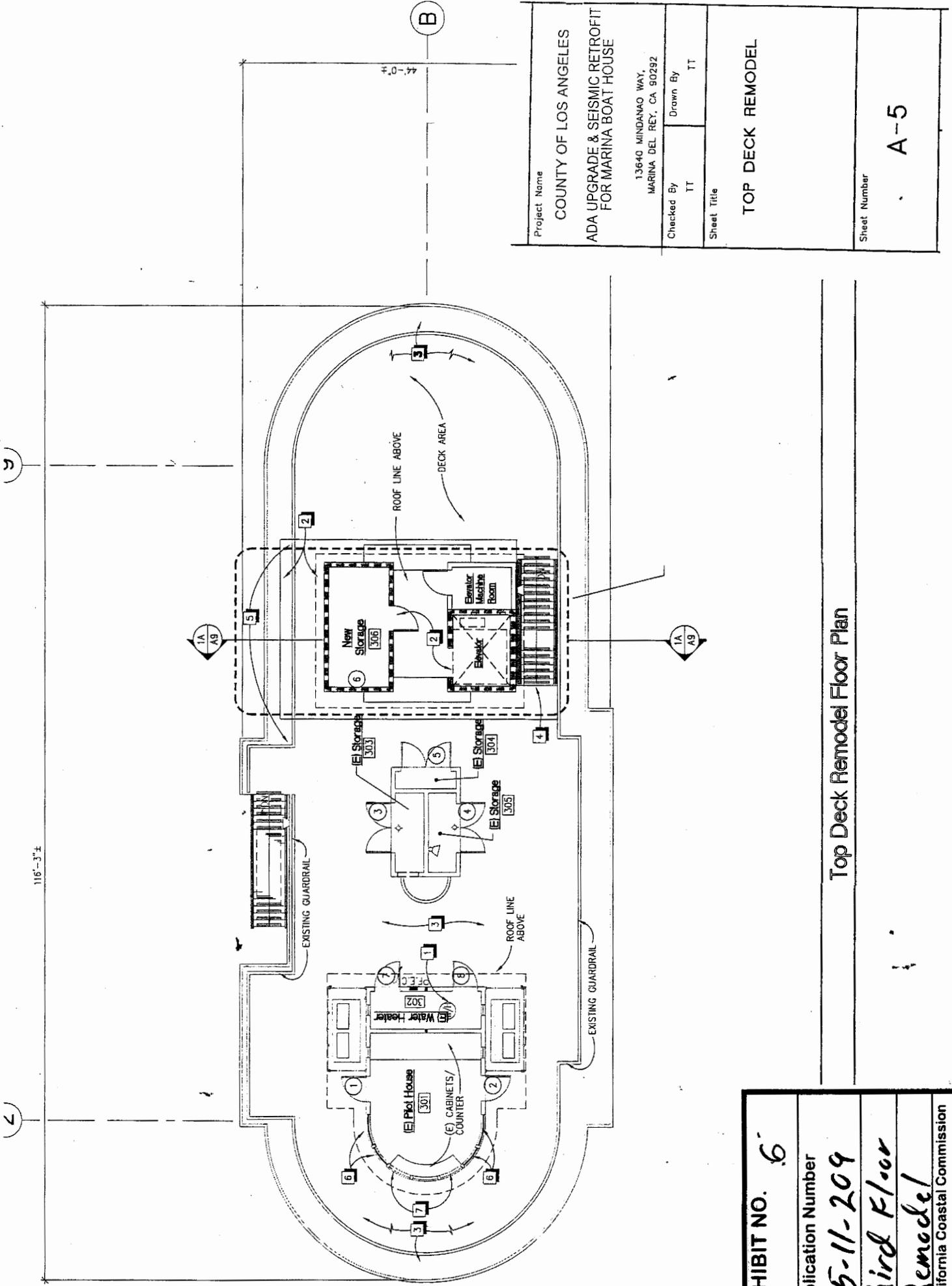
Checked By TT  
 Drawn By TT

Sheet Title  
**SECOND DECK REMODEL**

Sheet Number  
**A-4**

<b>EXHIBIT NO.</b>	<b>5</b>
<b>Application Number</b>	<b>5-11-209</b>
	<b>Second Deck</b>
	<b>Remodel</b>
	California Coastal Commission

Second Deck Remodel Floor Plan



Project Name	
COUNTY OF LOS ANGELES	
ADA UPGRADE & SEISMIC RETROFIT FOR MARINA BOAT HOUSE	
13640 MINDANAO WAY, MARINA DEL REY, CA 90292	
Checked By	TT
Drawn By	TT
Sheet Title	
TOP DECK REMODEL	
Sheet Number	
A-5	

Top Deck Remodel Floor Plan

EXHIBIT NO.	6
Application Number	5-11-209
	Third Floor
	Remodel
California Coastal Commission	

