

CALIFORNIA COASTAL COMMISSION

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



Th11a

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original staff report

ADDENDUM

June 6, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **CDP NO. A-5-MDR-16-0018 (Pacific Marina Venture, LLC) FOR THE COMMISSION MEETING OF THURSDAY, June 9, 2016.**

I. PUBLIC CORRESPONDENCE

The Commission received two letters of support for the project and one briefing booklet from the applicant. Those items are included herein.

May 31, 2016

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

SUBJECT: Request for No Substantial Issue Determination re: Appeal of the Parcel 44 Visitor- and Boater-Serving Retail Project, Marina del Rey (Coastal Commission Appeal No. A-5-MDR-16-0018)

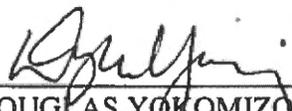
Hon. Chair Kinsey and Commissioners:

I am writing to convey my company's strong support for Pacific Marina Venture's (PMV) redevelopment proposal for Pier 44. Trader Joe's respectfully asks that your Commission vote to deny the appeal on this matter and sustain the County approval of the Project.

We have been working with PMV's controlling owners, Messrs. Michael Pashaie and David Taban, and their team since 2005 on their proposed redevelopment for Pier 44. Through a series of working sessions, we arrived at a final project plan, which we believe meets all of our requirements for a successful Trader Joe's and delivers on the County's vision for the redevelopment of the marina.

We look forward to the completion of the Pier 44 project and hope it will come to fruition as soon as possible. Trader Joe's respectfully requests that you vote in favor of your staff's recommendation that the project, as conditionally approved by the county, raises no substantial issue regarding the project's consistency with the Marina's certified Local Coastal Program or the applicable public access and recreation policies of the Coastal Act.

Very Truly Yours,



DOUGLAS YOKOMIZO
Vice President Real Estate



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 2, 2016

Mr. Steve Kinsey, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Attention: Jack Ainsworth, Acting Executive Director

Dear Chair Kinsey and Honorable Commissioners,

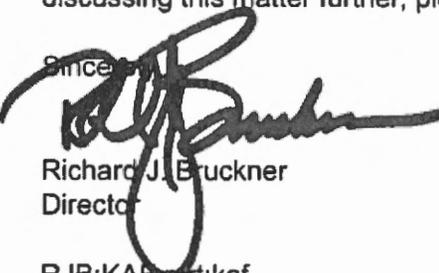
**PERMIT NO. A-5-MDR-16-0018 – MARINA DEL REY VISITOR-SERVING AND MARINE
COMMERCIAL PROJECT APPEAL**

I am writing in support of your staff's recommendation that the Commission determine that no substantial issue was raised in the appeal regarding the above-referenced permit. This determination will enable the construction of new visitor and boater-serving amenities in Marina del Rey that are fully consistent with the Marina del Rey Local Coastal Program (LCP).

The project before you will construct a multi-tenant center that provides a mix of visitor and boater amenities. This includes various retail, restaurant, office, marine commercial, and boater and community-serving spaces, a new yacht club facility, and dry-stack and mast-up storage for boats. This project will also construct various public amenities including boater and public restrooms, a fully improved public waterfront promenade, a realigned and improved bicycle path across the project site, bicycle parking opportunities, a large public plaza, and expansive view corridors of the Marina's waters. Additionally, and while not a part of the coastal development permit under appeal, this project also includes water-side amenities such as new docks, a WaterBus stop, transient slips, and dinghy tie-up areas. Upon completion, this project will provide the mix of uses specified by the LCP and will greatly improve public access to the project site's waterfront in a form that is well integrated with the character of the surrounding area and is fully consistent with the LCP.

I respectfully request your Commission concur with staff's recommendation and find that no substantial issue was raised and deny the appeal on this project. Should you be interested in discussing this matter further, please feel free to contact me at (213) 974-6401.

Sincerely,


Richard J. Bruckner
Director

RJB:KAF:art:kaf

CP_06022016_L_STEVE_KINSEY

A-5-MDR-16-0018

(Pacific Marina Venture, LLC)

Parcel 44, Marina del Rey

Coastal Commission

Substantial Issue Hearing

June 9, 2016

Item Th11a

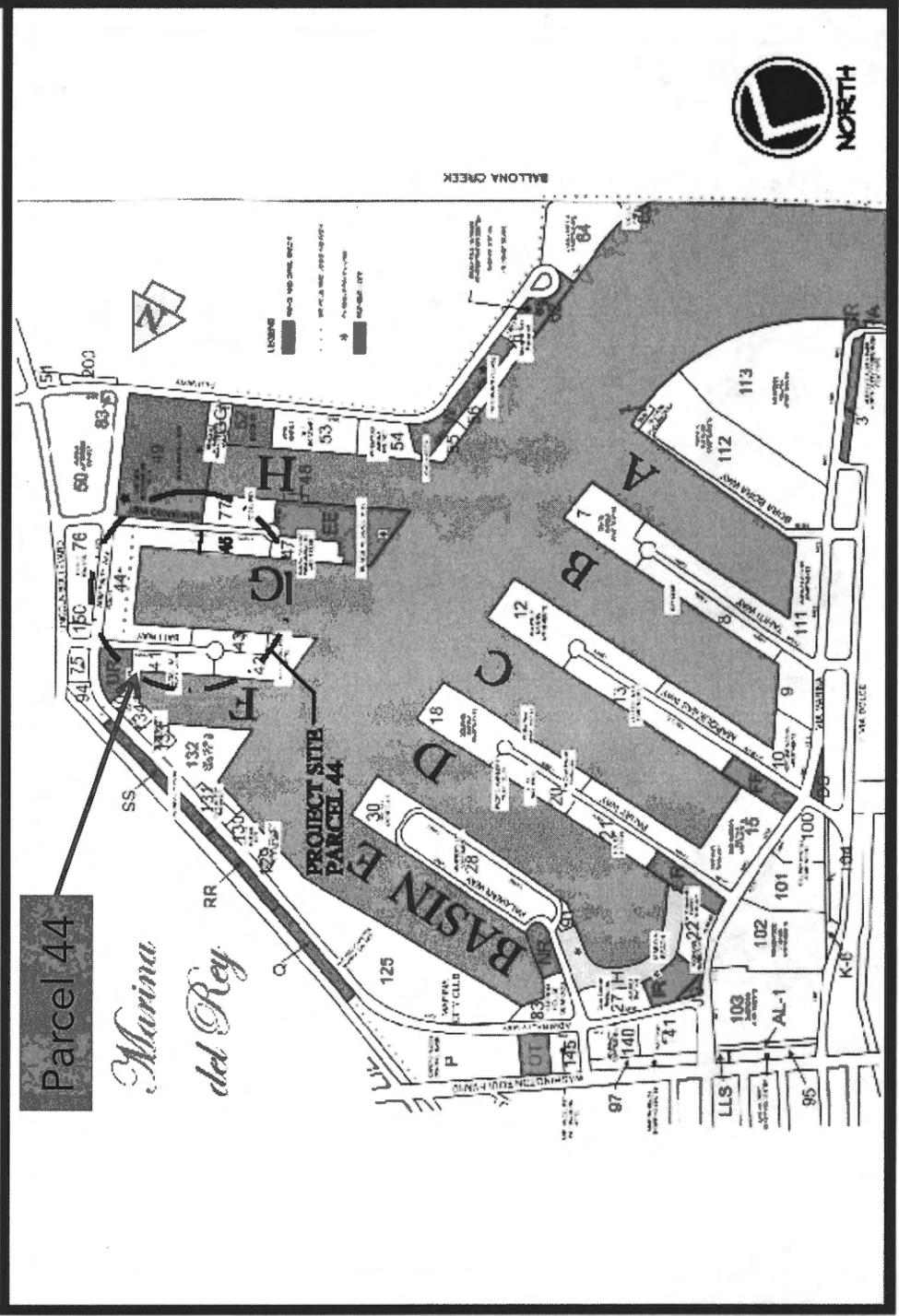
Note: A copy of these materials has been submitted to CCC District staff.

Project CDP Appeal Raises No Substantial Issue

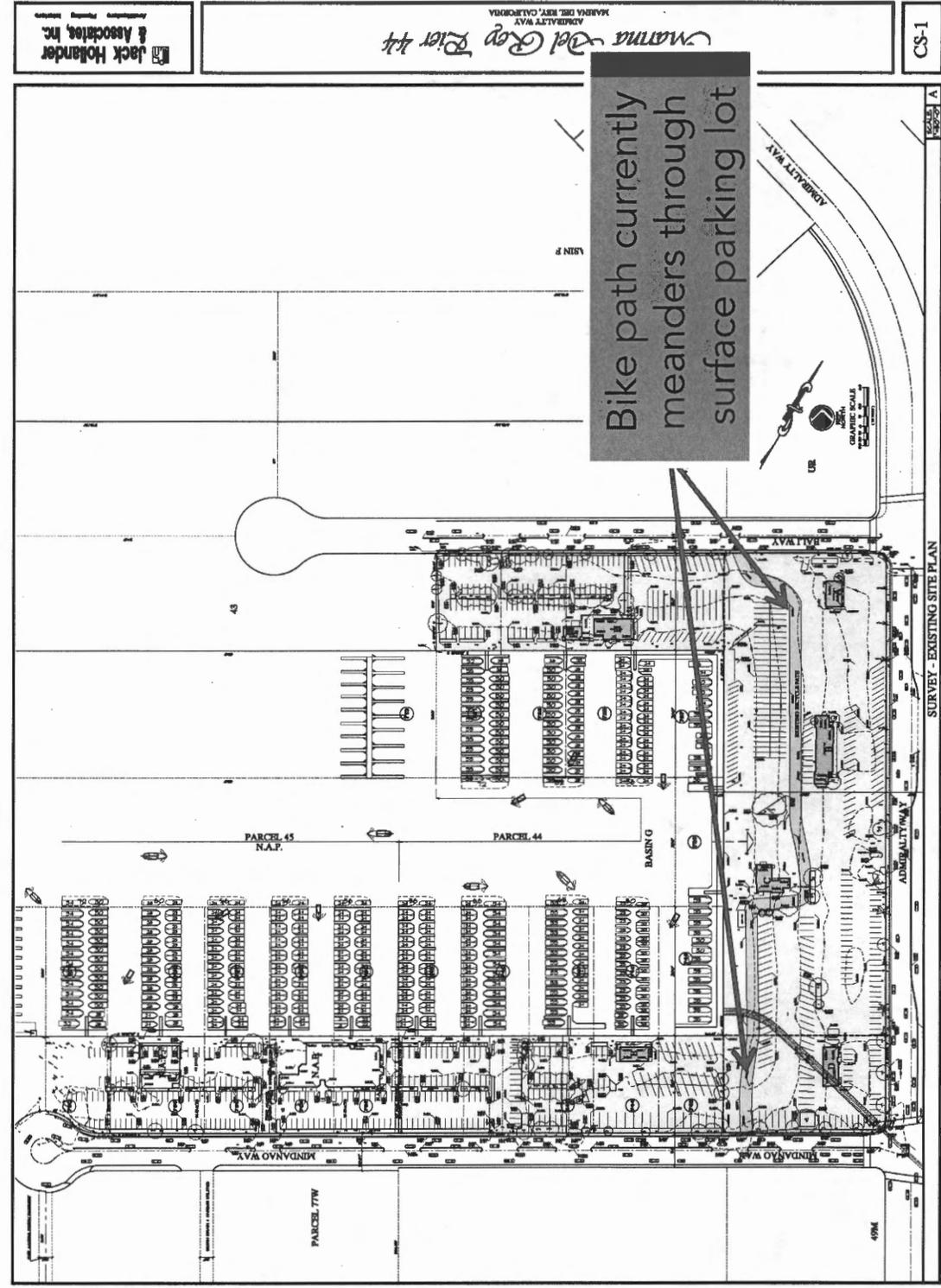
- County-approved project fully consistent with provisions of Marina del Rey LCP. MDR LCP was recently updated (major LCP amendment certified by CCC Feb 2012); County-approved project consistent with all development criteria/standards/policies outlined in MDR LCP.
- County-approved project greatly improves and enhances the public's access to the coast over existing site conditions; as such, project is consistent with the Coastal Act's public access policies.
- Numerous public hearings were held by the County affording the public abundant opportunity to comment on project; outpouring of public support for project at the County level and only limited opposition.
 - 14 support letters submitted to CCC staff in favor of No Substantial Issue determination - representing wide range of public interests.

Location: Parcel 44, Marina Del Rey

VICINITY MAP



Project Site: Existing Conditions



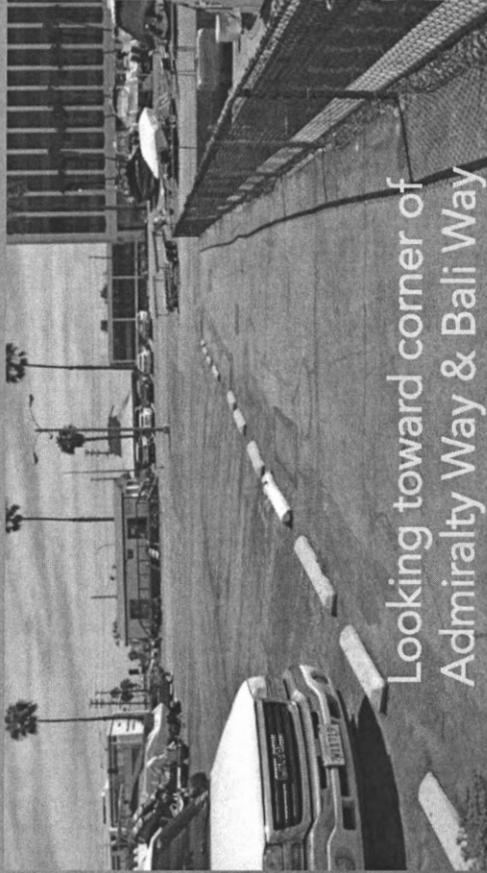
Jack Hollander & Associates, Inc.
Architectural Planning Engineers

Martina del Rio Pier 44
ADRIALTY WAY
MARIETTA, GA 30066

CS-1

SURVEY - EXISTING SITE PLAN

Project Site: Existing Conditions



Looking toward corner of Admiralty Way & Bali Way



South Coast Corinthian Yacht Club to be replaced w/ new facility

Bike path today runs in front of surface parking; path will be realigned adjacent to waterfront pedestrian promenade

Currently no waterfront promenade exists on site's key Admiralty Way frontage

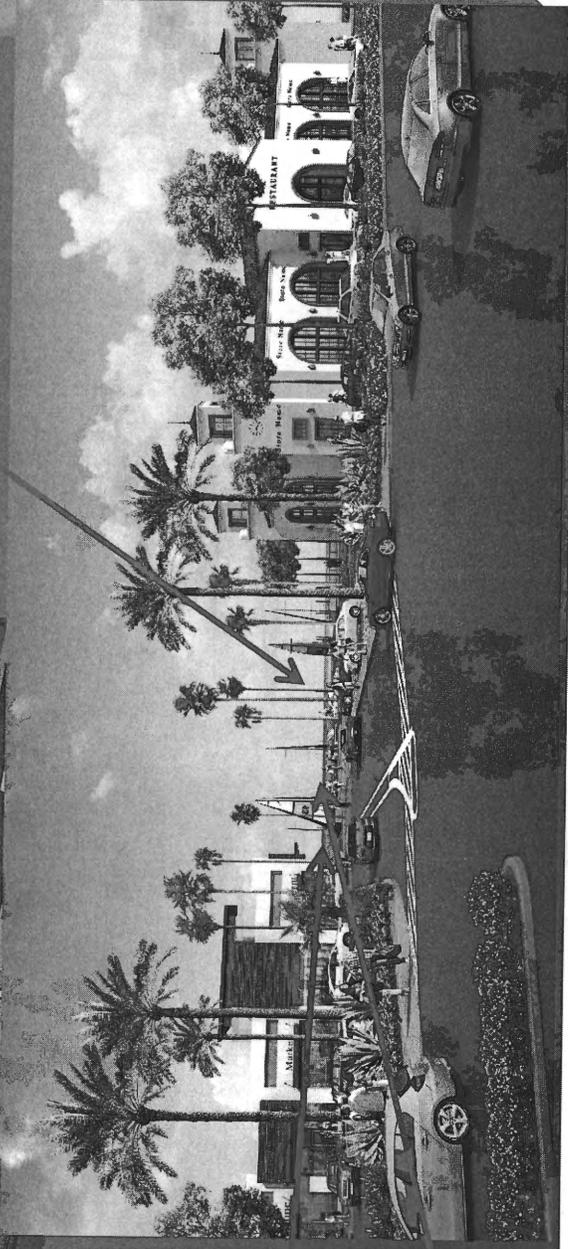
LA County's CDP Approval

- 1) Approx. 83,253 SF of commercial, retail, restaurant, boat broker office, marine commercial, and boater- and community-serving space contained in eight, 1 and 2 story buildings with associated signage and landscaping.
- 2) Code-compliant vehicle parking and 100 bicycle parking spaces provided onsite; Open-air boat stacking/rack system for storage of 56 boats and 13 mast-up dry boat storage spaces.
- 3) New yacht club and boat maintenance/repair facilities.
- 4) New 28-ft.-wide public waterfront promenade will be installed along entirety of parcel's 1,500-lineal-ft. bulkhead with shaded seating areas, lighting and bulkhead railing enhancements.
- 5) Realignment of Marvin Braude Bike Path adjacent to public waterfront promenade;
- 6) Creation of public plaza overlooking Marina Basin G, providing substantial new views to water from Admiralty Way.
- 7) Installation of new elevator and 4 ADA-compliant lifts to provide enhanced waterfront access to persons with physical disabilities.
- 8) Creation of 9 view corridors to Marina's waters (55% of parcel frontage, in excess of LCP requirements).

Increased Public Access & Views to Water



New public plaza overlooking Basin G



Realigned bike path & new pedestrian waterfront promenade

New view corridor to water from Admiralty Way (only limited views available today)

Project Approvals Background

- July 2013: Marina del Rey Design Control Board ("MDR DCB") conceptually approves project design
- Aug 2015: LA County Regional Planning Commission ("RPC") certifies project EIR and unanimously approves project permits
- Feb 2016: LA County Board of Supervisors denies appeal and unanimously approves project permits
- March 2016: Appeal of County's CDP approval filed with CCC by single individual
- May 2016: MDR DCB provides final design approval for project

Appeal Contentions/Responses

Contention

- Adversely impacts public access to harbor

Response

- Improves and expands existing public access with new visitor serving and recreational boater serving amenities, waterfront promenade to connect with existing segments of public promenade, realigned bicycle path, new parking, new public plaza with outdoor seating and harbor views.
- Insufficient parking/access impacts
- Code-compliant parking provided onsite to serve development. Nearby public lots are available. No impact to parking supply.

Appeal Contentions/Responses

Contention

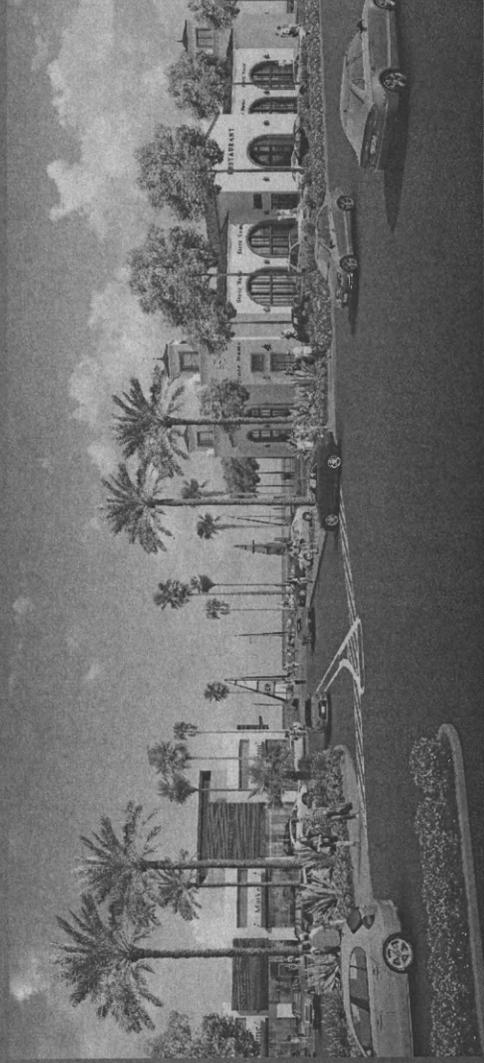
- Increased traffic congestion
- Inadequate public process

Response

- Traffic mitigation measures designed to alleviate congestion included road and intersection improvement as per Specific Plan implemented by mitigation fee, also public transportation options and public waterfront promenade
- Public meetings were regularly scheduled, noticed, agendaized and held throughout project's planning process. Also in 2012, CCC certified LCP amendment for future projects in Marina in a public meeting forum.

We Support Staff's Recommendation

- Staff is recommending No Substantial Issue
- County of Los Angeles and Applicant concur with staff's recommendation and findings and respectfully request that the Commission find No Substantial Issue



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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 Long Beach, CA 90802-4302
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**Th11a**

| | |
|-----------------------|--------------|
| Filed: | 03/1/2016 |
| 49 th Day: | Waived |
| Staff: | S. Vaughn-LB |
| Staff Report: | 05/26/2016 |
| Hearing Date: | 06/09/2016 |

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE HEARING

Appeal Number: A-5-MDR-16-0018

Permittee: Pacific Marina Venture, LLC

Local Government: Los Angeles County

Local Decision: Approval with Conditions

Appellant: Jon Nahhas

Project Location: Marina Del Rey Lease Parcel 44, 13443 Bali Way, Marina Del Rey, Los Angeles County, CA 90292

Project Description: Appeal of County of Los Angeles Local Coastal Development Permit No. 2013-00003-(4) for the demolition of all existing facilities and removal of existing vegetation and the construction of an 83,253 square foot commercial, retail, restaurant, office, marine commercial, boater- and community-serving space in eight buildings, plus boater storage, vehicular and bicycle parking, and a 28-foot wide public promenade, realignment of the Marvin Braude Bike Path a 462-stall surface parking lot, and associated amenities.

Staff Recommendation: No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

Pacific Marina Venture, LLC proposes to demolish existing structures and construct a new mixed use commercial development on a parcel owned by the County of Los Angeles. The Local Coastal Program (LCP) for Marina del Rey was certified in 1995. The County-approved development is consistent with the visitor-serving, convenience commercial, marine commercial, and boat storage land use designations of the County's certified LCP.

Prior to the first public meeting on this project, an initial study of the site and proposed project was conducted and the County prepared a Draft Environmental Impact Report (EIR). On August 26, 2015, the Los Angeles County Regional Planning Commission approved the EIR and Project

A-5-MDR-16-0018 (Pacific Marina Venture, LLC)
Substantial Issue Hearing

Number R2013-01647, Coastal Development Permit (CDP) 2013-00003-(4), Conditional Use Permit 2013-00166, Parking Permit 2013-00012, and Variance 2013-00004 (for building setbacks). The Planning Commission's approval was subsequently appealed to the Los Angeles County Board of Supervisors by Jon Nahhas. On February 9, 2016, the Board of Supervisors denied the appeal and approved the project. The Commission received a valid notice of final local action on February 16, 2016 and the appellant filed a timely appeal with the Commission on March 1, 2016. The applicant waived the 49-day appeal hearing requirement on April 1, 2016.

The appellant claims that *“Marina del Rey was built for the recreational enjoyment by the residents of Los Angeles County. It was not built for the residents as a destination to shop. Based on the information available, it appears that the approved project is inconsistent with the LCP policies related to traffic, public participation in the decision-making process, public access, non-water-related uses in the tidal zone, and the overall policies of the California Coastal Act.”*

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the development, as approved by the County of Los Angeles, is consistent with the certified LCP for Marina del Rey and the public access policies of the Coastal Act, and will not adversely affect coastal resources.

Important Hearing Procedure Note:

This is a substantial issue only hearing. Testimony will be taken **only** on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Commission Chair, testimony is limited to three minutes **total** per side. Only the permittee, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, a de novo hearing will be scheduled for a future Commission meeting, during which time the Commission will take public testimony.

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APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Photos

Exhibit 3 – Project Plans

Exhibit 4 – Appeal

Exhibit 5 – Los Angeles County Board of Supervisors Findings

Exhibit 6 – Public Correspondence

I. MOTION AND RESOLUTION

Motion:

I move that the Commission determine that Appeal No. A-5-MDR-16-0018 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-5-MDR-16-0018 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access policies of the Coastal Act.

II. APPELLANT'S CONTENTIONS

On February 16, 2016, the Commission received a valid notice of final local action for Local CDP No. 2013-00003-(4), which approved the demolition of all facilities and removal of vegetation on Los Angeles County Parcel 44; construction of up to 83,253 square-feet of commercial, retail, restaurant, office, marine commercial, and boater- and community-serving space contained in eight buildings with associated signage and landscaping; construction of an open-air dry boat storage facility for up to 56 boats and mast-up storage for up to 13 boats; construction of a 28-foot-wide public waterfront promenade; the realignment of the Marvin Braude Bike Path through the project site; a public plaza; and a 462-space surface parking lot with 100 bicycle parking stalls.

On March 1, 2016, within 10 working days of receipt of notice of final local decision, Jon Nahhas filed an appeal of the local coastal development permit asserting that the development is inconsistent with the certified LCP and the Coastal Act (**Exhibit 4**). In summary, the appellant raised the following issues/claims:

- The project will not provide adequate parking
- The County did not allow for adequate public participation in the review and permitting of this project
- Traffic impacts were not adequately accounted or mitigated
- The project is inconsistent with the LCP and the public access policies of the Coastal Act.

III. LOCAL GOVERNMENT ACTIONS

On August 26, 2015 the Los Angeles County Regional Planning Commission found that Project Number R2013-01647, CDP 2013-00003-(4), Conditional Use Permit 2013-00166, Parking Permit 2013-00012, and Variance 2013-00004 (for building setbacks), were consistent with the certified LCP and approved the CDP, associated permits, and EIR Case number 201300142, State

Clearinghouse number 2013081040. A Statement of Overriding Considerations was made by the County Board of Supervisors for CEQA compliance purposes in certifying the EIR related to impacts to traffic. The traffic analysis for this project is discussed in Section V below. The Planning Commission's approval was subsequently appealed to the Los Angeles County Board of Supervisors by Jon Nahhas for the same reasons listed in Section II of this staff report above. On February 9, 2016, the Board of Supervisors denied the appeal and, finding the project consistent with the certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act, approved the project. The Coastal Commission received a valid notice of final local action on February 16, 2016 and the appellant filed a timely appeal with the Commission on March 1, 2016 (**Exhibit 4**). No other appeals were received.

IV. APPEAL PROCEDURES

After certification of an LCP, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on CDPs. Development approved by cities or counties may be appealed if they are located within certain geographic appealable areas, such as those located between the sea and the first public road paralleling the sea or within 300 feet of the mean high tide line. Furthermore, developments approved by counties may be appealed if they are not a designated "principal permitted use" under the certified LCP. Finally, any local government action on a proposed development that would constitute a major public work or a major energy facility may be appealed, whether approved or denied by the city or county.

Section 30603(a) of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

Section 30603(a) of the Coastal Act establishes the project site as being in an appealable area because it is located *between the sea and the first public road paralleling the sea* and within 300 feet of the inland extent of the mean high tide line of the sea because there is no beach seaward of the site.

Grounds for Appeal

The grounds for appeal of an approved local CDP in the appealable area are stated in Coastal Act Section 30603(b)(1):

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the*

certified Local Coastal Program or the public access policies set forth in this division.

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

The grounds for the current appeal are that the approved development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. Commission staff recommends a finding of no substantial issue. If the Commission decides that the appellant’s contentions raise no substantial issue as to conformity with the certified Local Coastal Program for Marina del Rey or the public access policies of the Coastal Act, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the certified Local Coastal Program or the public access policies of the Coastal Act, the local coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of Title 14 of the California Code of Regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of Title 14 of the California Code of Regulations.

Qualifications to Testify before the Commission

Staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Therefore, proponents and opponents will have an opportunity to address whether the appeal raises a substantial issue. Generally and at the discretion of the Commission Chair, testimony is limited to three minutes total per side. As noted in Section 13117 of Title 14 of the California Code of Regulations, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant(s), persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

V. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located within an unincorporated area of Los Angeles County in Marina del Rey, known as Parcel 44. Parcel 44 is owned by the County and leased to the permittee. The parcel is an approximately 8.4-acre U-shaped parcel adjacent to Basin G of the Marina del Rey small-craft harbor and is bordered to the north by Bali Way, to the east by Admiralty Way, and to the south by Mindanao Way (the parcel also contains 15.37 submerged acres, which are not a part of the County-approved project). This area consists of the Los Angeles County-operated Marina del Rey shoreline, which supports boating, visitor serving commercial and hotel uses, and residential development (**Exhibit 1**). Currently, there are seven structures on the site that total approximately 14,724 square-feet and serve as office space for boat brokers, a boat repair shop, and a yacht club. There is also a paved surface lot that contains 110 boat parking spaces and 383 vehicle parking spaces. The parking spaces that currently exist on the site support the existing offices, yacht club, and anchorage sites. The County-approved project will provide parking for all new uses and the existing anchorage as described below.

Parcel 44 is designated as: Visitor-Serving, Marine Commercial, Water, and Boat Storage land use designations (including office space, see LUP Policy 8 footnotes below), in the County's certified LCP. Public access to the marina is available by road and by foot at Bali Way and Mindanao Way immediately adjacent to the northerly and southerly portions of the parcel (**Exhibit 2**).

The permittee proposes to demolish all of the structures on the landside of the parcel and construct eight new buildings totaling approximately 83,253 square-feet. Buildings one, three, and seven will each be a 386 square foot boater-serving bathroom. Building two will be a 13,625 square-foot grocery market (possibly a Trader Joe's). Building four will be a two-story building with a 25,000 square-foot retail space on the first floor and the second floor will have a 6,901 square-foot marina related administrative office space, a 5,133 square foot boater's broker office space, a 542 square-foot boater's laundry space, 4,554 square feet of additional office space, and an 840 square-foot boater's lounge. Building five will be a 4,260 square-foot retail space and 2,367 square-foot restaurant. Building six will be an 8,278 square-foot two-story water-oriented restaurant with an additional 9,270 square feet of retail space. Building eight will be a 1,150 square-foot yacht club and a 700 square-foot boat repair shop. The County permit also includes: an open-air boat stacking/rack system to allow outdoor storage for up to 44 boats, a 462-stall parking lot, 100 bicycle parking stalls, a waterfront pedestrian promenade, and the realignment of the Marvin Braude Bike Path (**Exhibit 3**). No residential uses are proposed or approved.

The County-approved permit includes 48 special conditions (**Exhibit 5**) requiring the permittee to implement construction best management practices, preserve water quality, adhere to the parking and the traffic demand management plans, and develop the site in substantial conformance with the approved plans and uses.

B. AREAWIDE DESCRIPTION

Marina Del Rey covers approximately 807 acres of land and water in the County of Los Angeles. Marina Del Rey is located between the coastal communities of Venice and Playa Del Rey. The Marina is owned by the County and operated by the County Department of Beaches and Harbors.

The existing Marina began its development in 1962 when the dredging of the inland basin was completed. The primary use of the parts of the Marina that are under water is recreational boating. The

marina provides approximately 5,923 boating berths. Other boating facilities include transient docks, a public launching ramp, repair yards, charter and rental boats, harbor tours, and sailing instructions.

Other recreational facilities include: Burton W. Chase Park, Admiralty Park, a public beach and picnic area, bicycle trail, and limited pedestrian access along the marina bulkheads and north jetty promenade.

Along with the recreational facilities the Marina is developed with multi-family residential projects, hotels, restaurants, commercial, and retail and office development.

Within the marina, most structural improvements have been made by private entrepreneurs, operating under long-term land leases. These leases were awarded by open competitive bids in the early and mid-1960s. The developers were required to construct improvements on unimproved parcels in conformance with authorized uses designated in their leases and pursuant to a master plan for the marina.

C. LOCAL COASTAL PROGRAM BACKGROUND

In 1984, the Commission certified the County's Land Use Plan (LUP) 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 LUP (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 LCP for the annexed area with suggested modifications on December 9, 1986. The County also resubmitted those portions of their previously certified LUP that applied to areas still under County jurisdiction, including the area known as Area "A", and the existing Marina. The Commission certified the County of Los Angeles' revised Marina del Rey Land Use Plan 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 on December 13, 1990.

The County's Marina del Rey LCP was updated pursuant to LCP Amendment 1-11 in February 2012.

D. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(2) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30603(a) unless it finds that no substantial issue exists as to conformity with the local government's certified Local Coastal Program, and if applicable, the access policies of Chapter 3 of the Coastal Act. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulation simply indicates that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;

3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that no substantial issue exists with respect to whether the County's action conforms to the provisions of the certified LCP for Marina del Rey and the public access policies of the Coastal Act for the reasons set forth below.

E. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a coastal development permit issued by the local government after certification of its LCP are the standards set forth in the certified LCP for the area and the public access policies of the Coastal Act. The subject coastal development permit is appealable to the Commission due to the project's location *between the sea and the first public road paralleling the sea* and within 300 feet of the inland extent of the mean high tide line of the sea because there is no beach seaward of the site.

The appellant's grounds for this appeal are summarized in Section II of this report and included in full as **Exhibit 4**. The County's findings and special conditions in support of its action to approve Local CDP No. 2013-00003-(4) are included in full as **Exhibit 5**. The Commission's substantial issue analysis is guided by the five factors listed in Section B above.

Coastal Act Policies – Public Access, Parking

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 30212.5 of the Coastal Act States:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act States in part:

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

Local Coastal Program Policies – Public Access, Parking

LUP Policy 1.A – Shoreline Access

- 1. Public Access to Shoreline a Priority. Maximum public access to and along the Shoreline within the LCP Area shall be a priority goal of this Plan, balanced with the need for public safety, and protection of private property rights and sensitive coastal resources. This goal shall be achieved through the coordination and enhancement of the following components of a public access system: pedestrian access, public transit, water transit, parking, bikeways, circulation network, public views and directional signs and promotional information.*
- 2. Existing public access to the shoreline or water front shall be protected and maintained. All development shall be required to provide public shoreline access consistent with Policy 1.*
- 3. All development in the existing Marina shall be designed to improve access to and along the shoreline. All development adjacent to the bulkhead in the existing Marina shall provide pedestrian access ways, benches and rest areas along the bulkhead, except where safety may be compromised, such as boatyards, dry stack storage facilities, launch ramps and public and private hoists or small craft staging areas, as well as sheriff, fire, and lifeguard facilities.*
- 4. All development in the existing Marina, other than as set forth above, shall provide for public access from the first public road to the shoreline along all fire roads and across all dedicated open space area*

LUP Policy 2.E.4 – Recreation and Visitor-Serving Facilities

Lower cost visitor-serving facilities shall be protected and, to the extent feasible, new lower cost visitor-serving uses shall be encouraged and provided within the existing Marina. For the purposes of this policy, low or no cost visitor-serving facilities include but are not limited to parks, promenades, transient docks, open public plazas and seating areas, wildlife viewing areas, WaterBus transportation, public transit transportation, and special events.

LUP Policy 8 – Development Zone No. 3

B. Bali Area

Parcels: 41, 42, 43, 44, 75, 76, 150, UR

Principal Permitted Use by Parcel -

WOZ Parcel 44

- Boat Storage¹ (portion of parcel at corner of Admiralty & Mindanao Way)*
- Marine Commercial² (adjacent Admiralty Way)*
- Visitor-Serving³ (on mole portion)*
- Water⁴*

¹ Boat Storage: Permitting public and commercial boat launching and storage including public parking, ramps and associated launching hoists, dry boat storage, dry stack storage, boat rentals and instructions, and ancillary support commercial facilities (fishing license sales, snack bars, equipment rental, bait and pole rental and sales) associated with that use provided such facility does not occupy more than 200 square feet of 10 percent of the site, whichever is larger. Small convenience facilities not associated with the use may be established for visitors if a park, promenade, and/or transient dock is associated with the facility. Height limit of 75 feet for public dry stack boat storage facilities and 25 feet for commercial support facilities.

² Marine Commercial: Permitting coastal-related or coastal-dependent uses associated with operation, sales, storage and repair of boats and marine support facilities. Uses include public boat launching (and associated launching ramp hoists), boat rentals, boating schools, dry boat storage, yacht club facilities (with associated dry storage and launch hoists), marine chandleries, boat repair yards, yacht brokerages, charter boat operations, and associated ancillary retail and offices uses. Height limit of 45 feet for habitable structures and up to 75 feet for public dry stack boat storage.

³ Permitting dining facilities, retail and personal services and youth hostels. Height limit of 45 feet.

⁴ Permitting recreational uses, wet boat slips, dry stack boat storage facilities attached to a landside structure, docking and fueling of boats, flood control and light marine commercial. The water area is delineated by boundaries showing the approximate location of existing and potential wet boat slips anchorages. Charter boats, ferries, commercial fishing boats, and sightseeing boats shall not be permitted to operate in any boat anchorage unless the adjacent land use permits such uses.

LCP Section 22.46.1060.C.1 – Parking

Parking standards in Marina del Rey shall be as set forth in Part 11, Chapter 22.52 and Appendix 3 of this Title 22.

LCP Section 22.46.1150 – Shoreline Accessways

The following provisions pertain to shoreline accessways which are dedicated or otherwise guaranteed in conformance with the requirements of this Specific Plan and for which a public agency or private association, approved by the Executive Director, has accepted the responsibility for construction, maintenance and liability of said accessways:

A. Vertical access easements shall be combined with the fire department required vertical access and shall be at least 28 feet in width and shall run from the shoreline to the nearest roadway available for public use. Lateral access easements shall extend as required for the individual parcel in this Specific Plan. No development shall reduce existing access, formal or informal.

B. Leaseholds developed with access easements shall provide, where feasible, for public recreation, public open space and improved public seating and viewing areas.

C. Access easements shall be posted with identification signs located at the junction of the vertical easement with the shoreline and the connecting roadway and along the inland extent of lateral easements.

LCP Section 22.52.1081 – Reduction in Required Vehicle Parking Spaces When Bicycle Parking Provided.

A. Eligibility requirements for a parking reduction. A reduction in vehicle parking spaces required by this Part 11 shall be granted pursuant to this section, when:

- 1. The project provides more than the minimum number of bicycle parking spaces required by this Part 11; and*
- 2. The project is located:*
 - a. On or adjoining a lot of lots containing an existing or proposed bicycle path, lane, route, or boulevard, as so designated in the County Bicycle Master Plan; and*
 - b. Within one-half mile of a transit stop for a fixed rail or bus rapid transit or local bus system along a major or secondary highway.*

B. Reduction calculation. For every two bicycle parking spaces provided above the minimum number of such spaces required by this Part 11, the required number of vehicle parking spaces required may be reduced by one, with a maximum reduction in vehicle parking spaces of five percent of the total number of such spaces otherwise required by this Part 11.

LCP Section 22.52.1083 – On-Site Parking

Except as otherwise provided in this Part 11, specifically approved by the commission in a density controlled development, or unless expressly allowed by a parking permit approved pursuant to Part 7 of Chapter 22.56, every use shall provide the required number of parking spaces on the same lot or parcel of land on which the use is located. For the purposes of this section, transitional parking spaces separated only by an alley from the use shall be considered to be located in the same lot or parcel.

The following table provides a breakdown of the parking demand created by the County-approved project pursuant to the requirements of LCP Section 22.52.1083.

Parking Requirement

| Use | Square Feet/Number of Seats | Spaces/Area or Spaces/Seat | Spaces Required |
|----------------------------------|--|----------------------------|-------------------|
| Retail | 53,960 sq. ft. | 4/1,000 sq. ft. | 216 |
| Restaurant | | | |
| Indoor Dining Area | 267 Seats 4,000 sq. ft. | 1/ 3 Seats | 89 |
| Outdoor Dining Area | 115 Seats | 1/3 Seats | 38 |
| Kitchen/ | 30 Persons 5,855 sq. ft. | 1/3 Seats | 10 |
| Office and Other Commercial Uses | 16,588 sq. ft. | 2.5/1,000 sq. ft. | 41 |
| Yacht Club | 1,150 sq. ft. | 4/1,000 sq. ft. | 5 |
| Boater Bathrooms/Laundry | 1,700 sq. ft. | N/A Ancillary | 0 |
| Boat Slips | 148 | 0.6/Boat Slip | 89 |
| Boat Dry/Mast-up Storage | 69 | 0.3/Space | 21 |
| Sub Total | | | 509 Spaces |
| Bicycle Credit | Required – 26 spaces, Provided 76 Spaces | | (25) Spaces |
| Total | | | 484 Spaces |

LCP Section 22.56.990 – Parking Permits – Establishment - Purpose

A. The parking permit procedure is established to provide an alternative to the parking requirements on Chapter 22.52 in the event that a particular use does not have the need for such requirements.

LCP Section 22.56.990.C.2

*C. It is the intent to conserve land and promote efficient land use by allowing:
 2. Tandem parking for nonresidential uses;*

LCP Section 22.56.1020.B.1 – Application – Burden of Proof

In addition to the information required in the application by Section 22.56.1010, the applicant shall substantiate the following facts:

B. That there will be no conflicts arising from special parking arrangements allowing shared vehicle parking facilities, tandem spaces, or compact spaces because:

2. Vehicle parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan;

The appellant claims that the County-approved project will not provide adequate parking consistent with the certified LCP. The appellant has expressed concerns that residents who wish to access the water will not be allowed to park in the new parking lot that is designated to support the uses associated with the County-approved project (Claim 3, **Exhibit 4**). The appellant did not substantiate this claim by citing policies of the certified LCP or the Coastal Act. According to the County, the existing parking lot currently supports the uses on and associated with the site. A “resident” or any member of the public wishing to use any of the on-site facilities or access the anchorage that the subject site supports would have a valid reason to park in the parking lot, just as they do now pursuant to LCP Section 22.52.1083.

Per the County’s LCP Sections 22.46.1060.C.1, 22.52.1081, and 22.52.1083 and given the sizes of the approved uses, the County-approved project would be required to provide 484 spaces. The County reduced the amount of required vehicle parking by 25 spaces by providing 76 on-site bicycle parking spaces pursuant to LCP Section 22.52.1081. The parking study (Traffic Impact Analysis Report including Parking Study, Hirsch/Green Transportation Consulting, Inc. October 2013) prepared for this project found that during peak parking utilization of the new development, the parking demand would be approximately 457 spaces. Therefore, the County found that fewer parking spaces would be required to meet the parking demand generated by the new development. As such, the County authorized a further reduction in parking of 22 spaces for a total of 462 spaces and issued Parking Permit 2013-00012 pursuant to LCP Sections 22.52.1081, 22.52.1083, 22.56.990, and 22.56.1020.

Additionally, Parcel 44 is designated as Boat Storage, Marine Commercial, Water, and Visitor-Serving Commercial in the County’s certified LUP Policy 8 (page 8-22). The land use designations were approved by the Coastal Commission in the certified LCP. Pursuant to LUP Policies 1 and 2 and LCP Section 22.46.1150, the County has incorporated several public access oriented amenities as part of this project as described in Section V above. The County-approved project is designed consistent with LUP Policies 1, 2, and 8 and LCP Sections 30210, 30211, and 30213 of the public access policies of the Coastal Act because it is consistent with the land use designations and will provide boater- and visitor using amenities, which currently do not exist at the site, and enhance the amenities that do exist at the site. The project will provide sufficient parking, pedestrian, boating, and biking access, as well as active and passive recreation opportunities at this location along the coast as required by LCP Sections 22.46.1150, 22.46.1060, 22.46.1100 (below).

Local Coastal Program – Public Participation

LCP Section 22.56.2380

- A. A coastal development permit which may be appealed to the Coastal Commission pursuant to Section 22.56.2450 shall have a public hearing before the hearing officer of regional planning commission.*

LCP Section 22.46.2400

- A. The director shall provide notice by first class mail for a coastal development permit at least 20 days prior to the public hearing of decision on the application to:*
- 1. The applicant, property owners and residents whose names and addresses appear on the verified list of persons required to be submitted by Section 22.56.23 and other pertinent sections;*
 - 2. The California Coastal Commission; and*
 - 3. Any person who has requested to be noticed of such permit.*

The appellant contends that the County did not allow for adequate public participation throughout the planning and permitting process of the subject project (Claim 5, **Exhibit 4**). The appellant did not refer to any policies of the certified LCP or the Coastal Act to support this claim, but stated that “*there is little to no public participation in the development process of Marina del Rey.*”

The County held a public hearing on the Draft EIR for this project on March 4, 2015. At that time, it was noted that a CDP would be required for the project. The County noticed the public hearing for the Draft EIR in local newspapers (*Daily Breeze*, February 14, 2015; and *La Opinion*, February 13, 2015) and on February 10, 2015, the County mailed notices to three local libraries for public posting and to all owners and occupants within a 500-foot radius of the project site. Notices were verified to be posted on the subject property and were made available on the Los Angeles Regional Planning Department’s website on February 12, 2015. On February 12, 2015, a Notice of Completion and Notice of Availability of a Draft EIR was posted on the County Recorder’s Office and also sent by mail to the State Clearinghouse and other interested parties. The formal public review period for the Draft EIR was from February 13, 2015 to March 31, 2015. Comments on the Draft EIR were received during the comment period, and those comments were responded to in the Final EIR. As previously mentioned, the Los Angeles Regional Planning Commission held a public hearing for the CDP on the project on August 26, 2015 during which time approximately 25 members of the public actively participated in by providing comments on the project. At that same hearing, the Planning Commission approved the project. Because the CDP was appealed, the Los Angeles County Board of Supervisors held a public hearing to review the appeal and the CDP on November 24, 2015. At that hearing, approximately 19 members of the public offered comments on the project. At the conclusion of that hearing, the Board of Supervisors indicated its intent to deny the appeal and approve the CDP. The County Counsel was directed to prepare the final findings and conditions and on February 9, 2016, the Los Angeles County Board of Supervisors denied the appeal and approved the CDP. The County provided sufficient opportunities for public participation consistent with certified LCP Sections 22.56.2380 and 22.56.2400.

Local Coastal Program Policies – Public Access, Traffic

LUP Policy 1.A – Shoreline Access

See LCP Policies – Public Access, Parking above

LUP Policy 11.E – Circulation (in part)

The revised Set of Intersection Improvement Projects planned to accommodate the increased traffic generated by the Pipeline Projects are as follows:

- 1) *Via Marina/Admiralty Way Intersection Alternatives*
 - a. *Alternative A – Provide a third westbound lane left-turn lane on Admiralty Way and a second southbound left-turn lane on Via Marina.*
 - b. *Alternative B – Realign this intersection to make Admiralty Way and the Via Marina Way segment south of Admiralty to become a continuous east-west roadway and realign Via Marina Way north of Admiralty Way to “T” intersect this roadway.*
- 2) *Palawan Way/Admiralty Way – Provide a third through lane in the westbound direction of Admiralty Way.*
- 3) *Admiralty Way/Bali Way Intersection – Provide a second southbound left-turn lane on Admiralty Way.*
- 4) *Admiralty Way/Mindanao Way Intersection Alternatives – Provide a second southbound left-turn lane on Admiralty Way and an additional lane on the eastbound approach of Mindanao Way.*

The interim and final striping configuration at the intersections will be determined by the Department of Public Works.

Improvements to the Regional Transportation System are listed under Category 3 in Figure 11. These improvements generally require coordination and approval of other jurisdictions.

In addition, the Department of Public Works may include other coastal access or public transportation improvements which mitigate significant adverse cumulative impacts of development on the Regional Transportation System.

Funding of Transportation Improvements – The funding of transportation improvements shall be undertaken in the following manner:

- 1) *Revised Set of Intersection Improvement Projects*

All lessees within the existing Marina, which propose new development pursuant to the LCP, shall pay their fair-share developer fees based in the number of trips they generate to pay for the Revised Set of Intersection Improvement Projects.

LCP Section 22.46.1090.3 – Land Use Monitoring and Phasing

Transportation Improvements. Expanded transportation facilities should accompany additional development in Marina del Rey and, approval of development projects in the Marina will be contingent upon the developers’ fair share payment of trip fees to fund

the improvements. Said trip fees will be dependent upon the number of additional p.m. peak-hour trips generated by the project and the established cost per trip.

LCP Section 22.46.1100.B – Circulation System

An important component of the circulation system is the Transportation Demand Management (TDM) program which maximizes system-operating efficiency and thereby enhances access to and travel within the Marina area.

1. Roadway System. Special roadway sections are anticipated to accommodate bikeways, non-vehicular circulation components, and landscaped areas.

2. Pedestrian and Bicycle System.

a. The pedestrian and bicycle system is an important component of the overall circulation system. The pedestrian promenade and bicycle path enhance shoreline access and implement a number of policies in the land use plan. The pedestrian promenade is illustrated on the Existing Shoreline Access Map (Map 4) (see Map 4, set out at the end of this Part 3).

b. Pedestrian system physical features include:

- Identification striping, markers, and signs;*
- Lighting;*
- Smooth, continuous paving (handicap accessible);*
- Directories, benches, and drinking fountains.*

c. Bicycle system features include:

- Connections to the Marvin Braude Bicycle Trail;*
- Access around the entire Marina area, to all land uses, including visitor-serving facilities and beaches;*
- Identification striping, markers, and signs;*
- Smooth, continuous paving;*
- Directories, bike racks, benches, drinking fountains, and storage lockers at all land uses;*
- Connections to other travel modes (bus stops, park and ride, transit stations, bus transportability).*

d. The bicycle system should maximize access without compromising safety. Separate right-of-way, minimizing driveways that interfere with the route and compatible intersection design are desirable in a bicycle system.

LCP Section 22.46.1180.A. 9, 10, 11.b – Filing Requirements

A. An application for new development shall contain the following information, In case of an application for a coastal development permit, the information shall be in addition to the material in section 22.56.2310 relating to coastal development permits.

9. Direct Traffic Mitigation Payments. All developments shall pay fair-share fees to mitigate their impacts at intersections within the Marina and for other internal and regional circulation improvements. No development may commence without payment of a fair and proportionate share of the costs of the Revised Set of Intersection

Improvement Projects, as set forth in section 22.46.1100.C of this Specific Plan, and improvements to the Regional Transportation System, as shown on Map 16 of the Marina del Rey Land Use Plan. The applicant shall also demonstrate that funding of the necessary traffic improvements has been guaranteed.

10. *Mitigation of Cumulative Impacts on the Subregional Traffic System—Traffic Analysis and Mitigation Requirements. An applicant for development shall provide the following information regarding the project's anticipated traffic impacts on major highways leading into and around the Marina del Rey Specific Plan area:*

a. Exemptions Based on Initial Trip Evaluation. The applicant shall submit an accurate and detailed project description with an initial estimate of the number of the daily trips that will be generated by the project to the Department of Public Works. Subject to the approval of the Department of Public Works, the applicant may, in lieu of preparing a traffic report, pay its fair-share contribution of trip fees for the Revised Set of Intersection Improvement Projects within the Marina and for improvements to the Regional Transportation System.

b. Traffic Impact Analysis Report. A detailed traffic impact analysis report, based on the Department of Public Works' Traffic Impact Analysis Report Guidelines, shall be submitted to the Department of Public Works at the time of the application for the coastal development permit which addresses the project's traffic impacts on various highway intersections that could experience significant impact as described in subsection A.10.e of this section. The study shall document: (1) the number of daily, a.m., and p.m. peak-hour trips which would be generated by the project, (2) the distribution of the trips upon the road system, (3) how specific transportation improvements would mitigate the impact of the project, and (4) such additional information as the Department of Public Works may require to properly evaluate the project's proportionate traffic impacts on the study intersections. The study shall compare levels of service for existing, ambient growth and with and without construction of the project, and cumulative traffic impacts with other known developments.

c. Highway Intersections Required to be Studied. The study area shall include arterial highways, freeways, and intersections generally within a one-mile radius of the project site. These shall include, at a minimum, the Washington Boulevard/Lincoln Boulevard intersection, and the Route 90/Lincoln Boulevard intersections.

d. Consultation. The applicant shall consult with the Department of Public Works on the preparation of the traffic study. The Department of Public Works will coordinate with the City of Los Angeles Department of Transportation (LADOT), and the California Department of Transportation (Caltrans), for their input and requirements. The Department of Public Works shall determine the types of mitigation measures and traffic improvements most appropriate to the project.

e. Threshold. A determination of a significant impact shall be based on the Department of Public Works' Traffic Impact Analysis Guidelines, which are as follows: At LOS C, a development project causing a volume to capacity (V/C) increase of 0.04 or more shall be considered a significant impact. At LOS D, a V/C increase of 0.02 or more shall be

considered a significant impact, and at LOS E/F, a V/C increase of 0.01 or more shall be considered a significant impact.

f. Recommendations on Mitigation Requirements. All lessees within the Marina which propose new development pursuant to the LCP shall pay their fair-share of developer fees based on the number of trips the development generates to fund the Revised Set of Intersection Improvement Projects, and the transportation improvements to the Regional Transportation System. These mitigation measures are needed to address traffic demands by future development inside and outside the Marina. The Revised Set of Intersection Improvement Projects within the Marina and future improvements to the Regional Transportation System shall be developed in accordance with a schedule determined by the Director of Public Works in coordination with other jurisdictions or agencies, as needed. The Los Angeles County Metropolitan Transportation Authority (Metro), as part of its new Congestion Management Plan (CMP), is expected to develop County-wide developer trip fees by 2012. As it relates to the Marina, these trip fees will be used for improvements to help mitigate the impact of development on the Regional Transportation System. It is expected that the Metro-determined CMP trip fees will replace the Marina regional transportation trip fees. The trip fees for the Revised Set of Intersection Improvement Projects will remain separate fees. The types of mitigation measures available to satisfy these requirements are listed in subsection A.10.g of this section.

g. Traffic mitigation measures:

- The Revised Set of Intersection Improvement Projects;*
- Improvements to the Regional Transportation System;*
- Reduction of traffic trips as may be accomplished through participation in transportation system management (TSM) and transportation demand management (TDM) programs;*
- Reduction of traffic trips as may be accomplished through reduction in project size;*
- Payment of an in lieu fee or "fair share" amount of a mitigation project where a fair share amount of the mitigation requirement has been determined, the project has been scheduled for construction, and the cost and benefits of the project have been determined;*
- Other mitigation measure(s) mutually acceptable to the Department of Public Works, LADOT, and Caltrans.*

11. Site Plans. All applications for development in the existing Marina shall include accurate, scaled plans, and elevation, showing gross square footage of existing and proposed development, parking, and parking requirements, as well as access and view corridors required by this certified LCP.

(b) Any applicant who is requesting a height incentive under the provisions of subsection 22.46.1060, or whose proposed development includes demolition of existing structures or whose development is located on an existing parking lot or other open area shall provide clear and accurate site plans and elevations that identify the view corridor, show accurately all adjacent development, and show the width and location of the view corridor and the length of the bulkhead frontage of the parcel.

LCP Section 22.46.1190.A *Conditions of Approval. A. The following conditions shall be imposed, where applicable, for development in Marina del Rey.*

3. To fully mitigate traffic impacts, new developments are required to establish a functional Transportation Systems Management (TSM)/Transportation Demand Management (TDM) program, or to participate in an existing TSM/TDM program. ...Viable TSM/TDM possibilities include, but shall not be limited to:

- Carpools , ridesharing, vanpools, modified work schedules/flex time,*
- Increase use of bicycles for transportation*
- Bicycle racks, lockers at places of employment*
- Preferential parking and Incentives for TDM Participants*
- Disincentives*
- Shared use programs shall be implemented for bicycles and vehicles (e.g. on site provisions of bicycles and zipcars for tenant and employee use)*
- Commercial property owners shall be encouraged to participate in the South Coast Air Quality Management District's Commute Reduction Program*

4. All development must conform to the phasing schedules in the certified local coastal program. The phasing schedules include requirements for the existing marina, circulation and public recreation improvements and infrastructure. No development shall occur if traffic capacity within the system will not be adequate to serve the development.

5. Mitigation of all Direct Traffic Impacts. Development in existing Marina del Rey shall participate in, and contribute his or her fair share to, funding of the mitigation measures described in the Transportation Improvement Program (TIP). The fees shall be calculated for every development project based on the Trip Assessment Fee set in the TIP and the number of additional P.M. peak hour trips generated by the project.

6. All proposed mitigation measures including, but not limited to, providing public access, establishing view, or wind corridors, preserving of sunlight on the beaches parks and boat slip areas and participating in the funding of park improvements or of traffic mitigation measures shall be made conditions of approval. The applicant shall modify the design of the development to the extent necessary to comply with such conditions.

15. All development shall contribute its fair and proportionate share of necessary mitigation of the development's impacts on the subregional transportation program as determined in item 22.46.1180..A.10 above.

a. Threshold. Mitigation measures are required if a) An intersection is projected to operate at a mid-range level of service D (or volume to capacity (V/C) ratio of 0.85) as a result of the project's impacts, or b) intersections within the project's area of influence are already operating at a level of service above 0.85, and the project will result in a projected increase of 0.01 above anticipated ambient conditions.

b. Recommendations on mitigation requirements. If the Department of Public Works determines that mitigation is required, the department with input from the Department of Transportation and Caltrans shall determine the type of mitigation measures most

appropriate to the specific project. The Department shall specifically determine how much an appropriate or projected mitigation measure would reduce the impacts of the project's daily and peak hour trips on the subregional transportation system, and shall submit a recommendation on a preferred mitigation measure or mitigation requirement. If a "fair share amount mitigation," is determined to be the appropriate mitigation measure, the Department shall determine the applicant's proportionate fair share of the project to which the mitigation will apply, and the construction schedule of the suggested improvement, and shall submit a recommendation on a preferred mitigation requirement. The types of mitigation measures available to satisfy this requirements are listed in subsection g.

c. Available Traffic mitigation measures:

- Category 3 improvements listed in the Transportation Improvement Program, found in Appendix G to this Specific Plan.*
- Reduction of traffic trips as may be accomplished through participation in transportation system management and transportation demand management programs cited in Appendix G to this Specific Plan.*
- Reduction of traffic trips as may be accomplished through reduction in project size.*
- Payment of an in lieu fee or "fair share" amount of a mitigation project where a fair share amount of the mitigation requirement has been determined, the project has been scheduled for construction and the cost and benefits of the project have been determined.*
- Other mitigation measure(s) mutually acceptable to the Department of Public Works, the Department of Transportation and Caltrans.*

d. Timely submittal of Required studies and Evaluations. The studies, analysis and evaluations require by this subsection 10 shall be required to be completed before filing a coastal development permit application with the Department of Regional Planning. If the applicant requests that the traffic study be evaluated during the environmental review process, the applicant's coastal development permit shall not be filed or accepted until such time as the traffic study has been completed to the satisfaction of the Department of Transportation. If the applicant requests a direct contribution to an existing subregional mitigation fund, information regarding that fund and the applicant's agreement to contribute a fair share mitigation fee to that fund shall be provided at the time a traffic study would have otherwise been required.

e. Mitigation. All development must fully mitigate all significant daily and peak- hour adverse traffic impacts.

The LCP calls for traffic and transportation improvements to accommodate traffic generated by new developments within and outside the Marina. These improvements are divided into two categories (Category I and III) according to mitigation needs, improvement phasing and funding. Category I improvements include:

*Admiralty Way five lane improvement
Advanced Signal Synchronization
Improvements at various intersections*

Category III improvements include:

Reconfiguration of Admiralty Way and Via Marina intersection
Shuttle system
Periphery parking lots
Lincoln People mover
Light Rail
Route 90 Extension
Other projects of regional significance.

The LCP does not limit improvements to those listed and allows other creative transportation improvements to enhance access to the region.

Chapter 8 of the certified LUP defines additional trips as the P.M. peak hour trips attributable to buildout of the new development using the standard trip generation table found in the 1991 DKS study⁵ of Marina del Rey traffic. All development shall mitigate all direct impacts on the internal circulation system before occupancy of the development. No development may commence without payment of a fair and proportionate share of the costs of traffic improvements listed in the traffic improvement program. Prior to issuance of a coastal development permit, the applicant shall demonstrate that adequate funding is available so that all traffic improvements necessary to mitigate the impacts of the development on internal circulation will be completed before occupancy of the structure. Development shall not begin until adequate funding of the necessary internal circulation traffic improvement has been guaranteed.

The LCP's "Revised Set of Intersection Improvements," (Chapter 11) which superseded the Transportation Improvement Program, includes both local and sub-regional traffic circulation improvements that are designed to address project-specific and cumulative traffic impacts from all development projects within Marina del Rey (including the subject project), as well as impacts from local and regional traffic demand created by development outside of the County's jurisdiction. As noted above, the LCP has identified roadway improvements that are to be funded by the traffic impacts mitigation fee. These fees provide funds from development projects based on the number of net new PM peak hour trips generated by the project. The County's current traffic mitigation fee structure identifies a fee amount of \$5,690 per PM peak hour trip.

Trip generation rates and methods for calculating peak hour trips for new projects were developed specifically for uses in Marina del Rey and are described in Chapter 11 of the certified LUP. Detailed calculations of the peak hour trips generated for the new development can be found in the EIR. Based on the anticipated project trip generation considered in the EIR, the new development will generate 411 peak hour trips. As such, the applicant is required to pay \$2,338,590 in traffic impact mitigation fees ($\$5,690/\text{peak hour trip} \times 411 \text{ peak hour trips} = \$2,338,590$). The final EIR requires the applicant to participate in a Mitigation Monitoring and Reporting Program (MMRP), which includes the payment of traffic impact mitigation fees. Special Condition 15 of the County's CDP requires the applicant to comply with the mitigation requirements of the EIR, including the MMRP.

⁵ The Marina del Rey Traffic Study was prepared by DKS Associates in 1991 and amended in 1994. The primary purpose of these studies was to provide information and data for reanalyzing the traffic impacts of the Marina del Rey LCP, and to determine the changes in conditions since the Gruen Associates traffic studies previously conducted in 1982. Chapter 11 of the certified LUP identifies these studies to be used to determine peak hour traffic volumes.

The appellant has expressed concern that traffic impacts associated with the County-approved project were not properly accounted for or mitigated (Claims 2, 4, and 6, **Exhibit 4**). The appellant contends that: the area is already overdeveloped and the new project will “bring all mobility in and around the public harbor to a crawl” (Claim 2); the traffic studies do not reflect accurate traffic patterns and mobility concerns (Claim 4); and the County did not employ appropriate models and methodology when conducting their traffic studies (Claim 6). The appellant did not provide policies of the certified LCP or the Coastal Act to which Claims 2 and 4 are inconsistent. The appellant did cite LCP Section 22.46.1180.A.11.b with regard Claim 6. However, the cited policy relates to filing requirements for a CDP application.

The traffic impact analysis prepared as part of the EIR (pages 4.8 – 1 to 4.8 – 75 of the Draft EIR) for the project was reviewed for accuracy and consistency with County requirements by the Los Angeles County Department of Public Works. The Los Angeles County Department of Public Works is the lead agency for purposes of the reviewing and approving circulation impacts associated with this project. The Los Angeles County Department of Public Works found that the traffic study models used reflected a factually accurate assessment of anticipated impacts to the circulation system resulting from project implementation pursuant to LCP Sections 22.46.1060, 22.46.1100, and 22.46.1180. Thus, the assumptions, methodology, and conclusions from that report, including trip rates used for the various proposed uses, are appropriate and consistent with County requirements. In addition, the Draft EIR for the project was provided to other public agencies such as the Los Angeles County Metropolitan Transportation Authority and the California Department of Transportation, and nearby cities such as Los Angeles and Culver City during the public comment period and no substantial issue was raised regarding traffic and circulation.

In their analysis of the project, the County recognized that there would be “unavoidable” impacts to traffic associated with the new development. As such, the County has mitigated these impacts consistent with LUP Policy 11 and LCP Sections 22.46.1090.3 and 22.46.1180.A.9 and 10. Mitigation measures include: a new pocket northbound left-turn lane and new pocket southbound right-turn lane to access the project site from Admiralty Way, two new driveway entrances on Mindanao Way and one new driveway entrance on Bali Way providing access to the site that is off of the main road (LUP Policy 11), and a payment of \$2,388,590 in fair share traffic impact mitigation fees, which is calculated based on peak-hour trips consistent with LCP Sections 22.46.1090, 22.46.1180, and 22.46.1190.

Applying the five factors test clarifies that the appeal raises “no substantial issue” with respect to the project’s consistency with the certified LCP for Marina del Rey and the public access policies of the Coastal Act, and therefore does not meet the substantiality standard of Section 30625(b)(2), because the approved project and the local government action are consistent with the policies of the certified LCP for Marina del Rey and the public access policies of the Coastal Act.

The first factor is the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the certified LCP and the public access policies of the Coastal Act. The appellant claims that the County-approved project will hinder public access to the coast because there will not be adequate parking and vehicle traffic will increase without proper mitigation. The appellant further claims that the County did not allow for adequate public participation in the review and permitting of this project. The appellant failed to cite specific or relevant LCP or Coastal Act policies to which the County-approved project is inconsistent. Nonetheless, staff analyzed each of the appellant’s claims and determined that none of

the appellant's claims are substantiated by the policies of the certified LCP or the Coastal Act. Potential environmental impacts including parking, traffic, and public access were analyzed in an EIR, and further analyzed in a traffic impact/parking study. The County provided proper mitigation for each impact associated with the development consistent with the certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act as described above. Therefore, the Commission finds that the appellant's claims raise no substantial issue with respect to the degree of factual and legal support of the local government's decision with regard to the certified LCP or the Chapter 3 policies of the Coastal Act.

The second factor is the extent and scope of the development as approved or denied by the local government. The scope of the approved development is the redevelopment of Parcel 44 with numerous public amenities and mitigation for traffic impacts as previously described. This type of development is consistent with the character of development in the surrounding area, which includes other commercial boater- and visitor-serving facilities. The County-approved project is consistent with priority development on lands suitable for visitor- and boater- serving uses as required by Section 30222 of the Coastal Act and the land use designation of LUP Policy 8, as described above. Additionally, the County has implemented proper mitigation for traffic impacts as required by LUP Policy 11 and LCP Sections 22.46.1090, 22.46.1100, 22.46.1180, and 22.46.1190. Therefore, the scope of the approved development supports a finding that the appeal raises no substantial issue.

The third factor is the significance of the coastal resources affected by the decision. The appellant cited public access, through an increase in traffic and demand for parking, as the most significant resource that will be affected by the subject development. In the County's analysis of the project, they found that there will be "unavoidable" increases in traffic and demand for parking associated with the development of the marina and included several measures, including intersection improvement projects and improvements to the regional transportation system, to help mitigate those impacts. The County-approved project also accounted for an increase in traffic in this area and, in addition to the above mentioned mitigation, will implement additional mitigation to address those impacts through improvements to pedestrian, bicycle, boater, and vehicle pathways. The County's actions are consistent with following policies of the certified LCP and the Coastal Act because the project will increase public access and recreational opportunities at the site, is consistent with the land use designations, and provides proper mitigation for impacts to traffic and demand for parking.

- LUP Policy 1
- LUP Policy 2
- LUP Policy 8
- LUP Policy 11
- LCP Section 22.46.1060.C.1
- LCP Section 22.52.1081
- LCP Section 22.52.1083
- LCP Section 22.56.990
- Coastal Act Section 30210
- Coastal Act Section 30211
- Coastal Act Section 30212
- Coastal Act Section 30212.5
- Coastal Act Section 30213

Therefore, the Commission finds that the appellant's claim raises no substantial issue with respect to the public access policies of the certified LCP or the public access policies of Chapter 3 of the Coastal Act.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. In this case, Los Angeles County correctly applied the standards of the certified LCP with respect to traffic, parking, and public access and will not set an adverse precedent for future development or future development of the LCP.

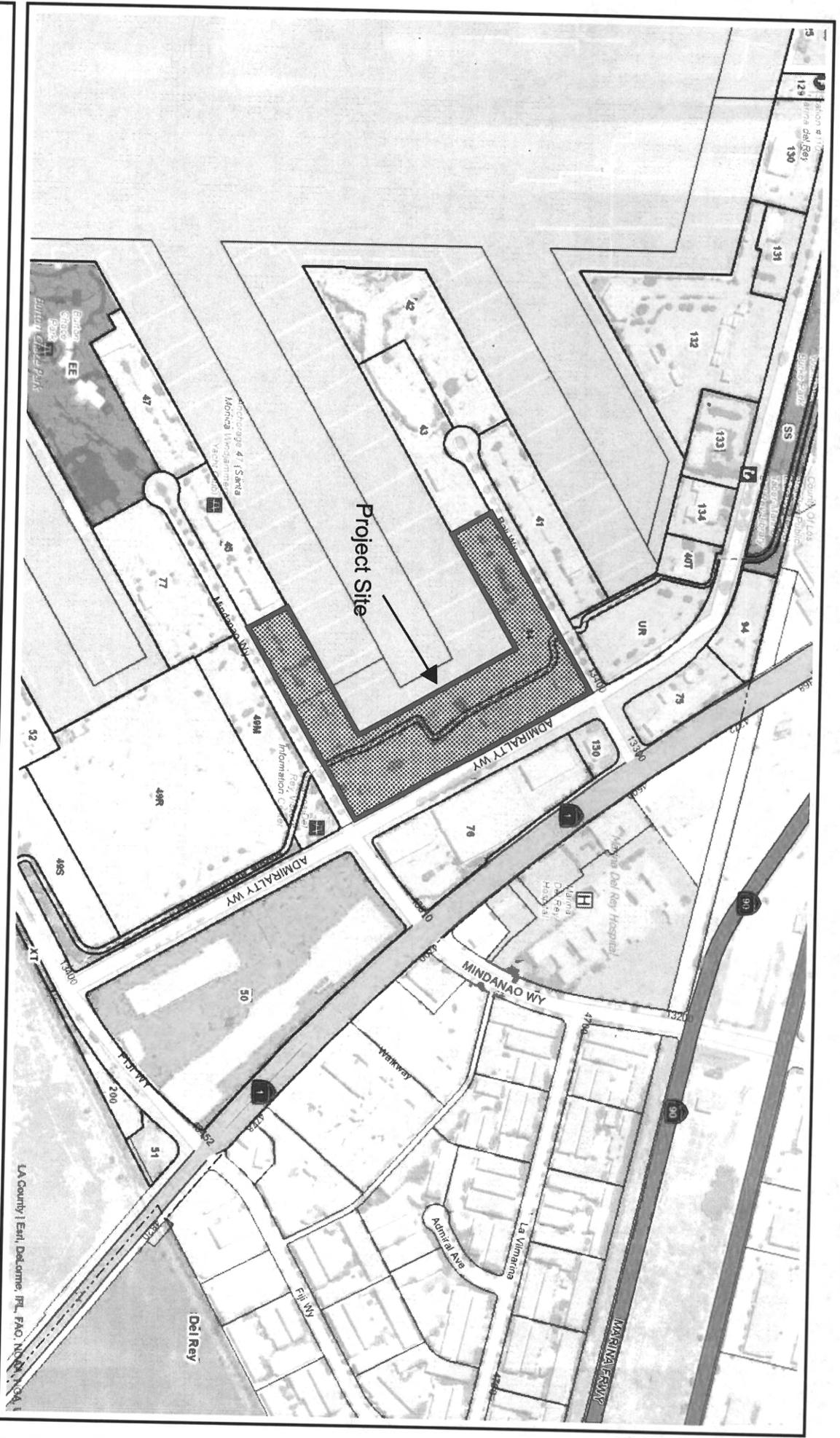
The final factor is whether the appeal raises local issues, or those of regional or statewide significance. This appeal raises specific local issues related to public access. The County correctly applied the policies of the certified LCP and the public access policies of Chapter 3 of the Coastal Act in order to protect coastal resources. As such, the County's approval of a CDP does not raise issues of statewide significance.

Conclusion

In summary, the appellant claims that the County-approved project is inconsistent with the public access policies of the certified LCP and the Coastal Act (Claims 1 and 7, **Exhibit 4**) because the project "*would severely hinder coastal access to the harbor*" (Claim 1) and that "*Marina del Rey was built for the recreational enjoyment by the resident of Los Angeles County [and] not built for the residents as a destination to shop*" (Claim 7). The appellant failed to cite any policies of the certified LCP or the Coastal Act to which the project is inconsistent. As described in Section V above, the site currently offers few opportunities for public use. There will likely be an increase in public use of the site when the project is complete because there will be many more amenities and opportunities for the public to enjoy the site. The public access and recreation policies of the certified LCP and the Coastal Act apply to all visitors of the coast, not just local residents. The County-approved project provides public amenities and active and passive recreational opportunities available to all visitors to the area consistent with the certified LCP and the public access policies of Chapter 3 of the Coastal Act. Therefore, the Commission finds that the appellant's contentions raise no substantial issue with respect to the certified LCP or the public access policies of Chapter 3 of the Coastal Act.

Appendix A - Substantive File Documents

1. Los Angeles County Certified LCP for Marina del Rey (1985).
2. Los Angeles County Coastal Development Permit 2013-00003-(4)
3. Environmental Impact Report 201300142
4. Traffic Impact Analysis Report including Parking Study, Hirsch/Green Transportation Consulting, Inc. October 2013



Marina del Rey Lease Parcel 44

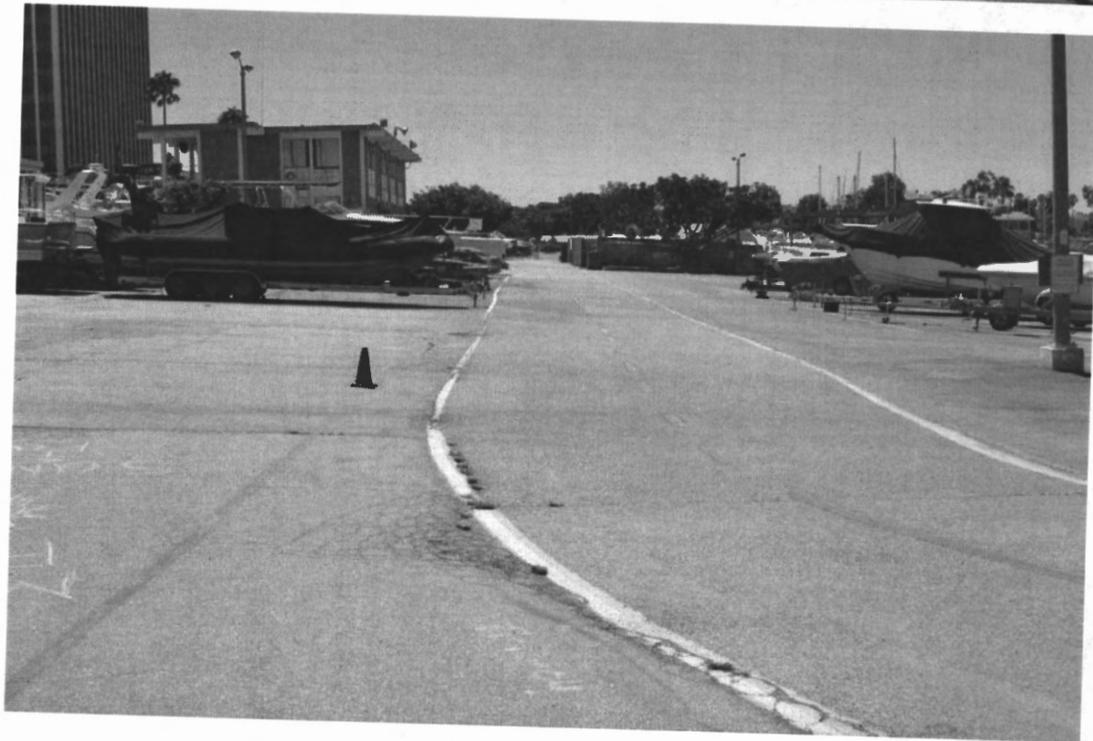
Printed: Jun 29, 2015

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 PAGE 1 OF 1





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A-5-MDR-16-0018

EXHIBIT # 2

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COASTAL COMMISSION

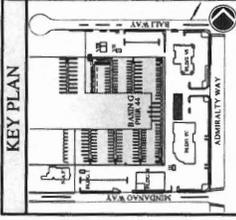
EXHIBIT # 2

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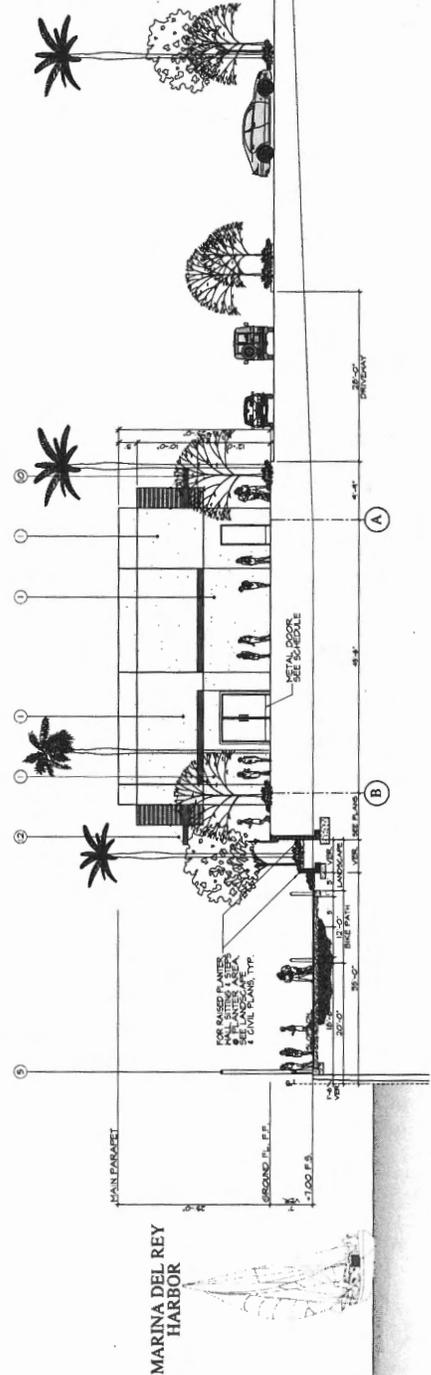


COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 3



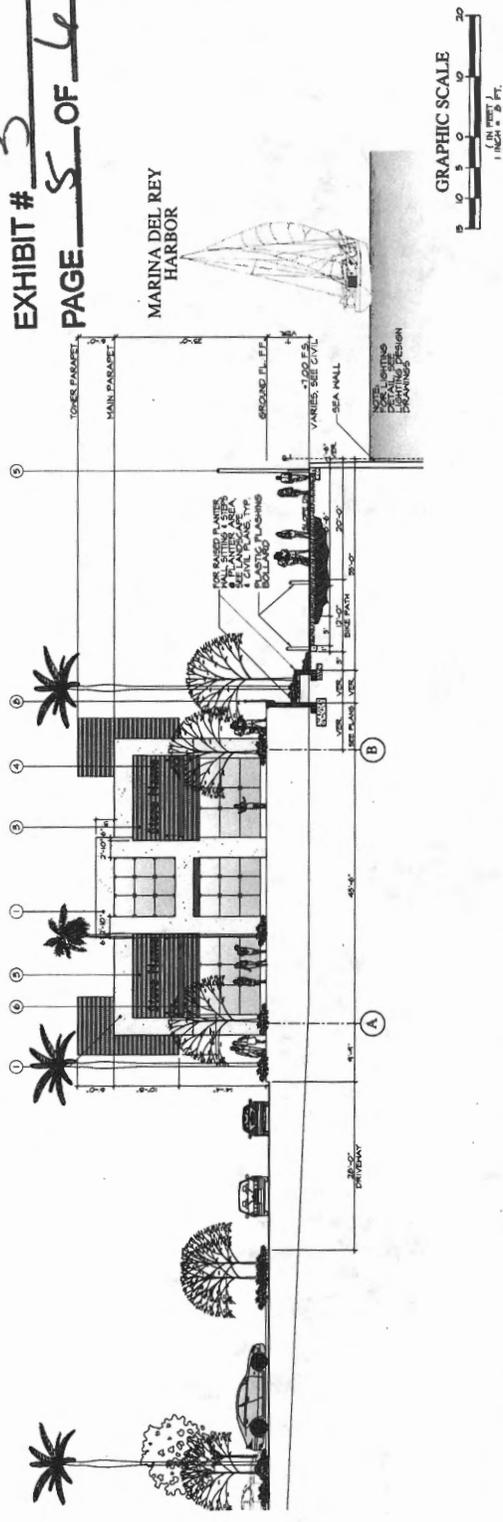
- KEYNOTES**
1. REFER TO PLAN OF COVERED WALKWAY FOR METAL STUDS, GROUNDWORK-FINISH, AND LIGHTING.
 2. FINISHED FLOOR TO BE SELECTED BY CLIENT.
 3. FINISHED WOOD SELECTED BY CLIENT.
 4. BACKLIT STORE SIGN (ANDER) TO BE SELECTED BY CLIENT.
 5. LIGHT FIXTURES TO BE SELECTED BY CLIENT.
 6. FLOOR JOISTS & METAL DETAIL TO BE SELECTED BY CLIENT.
 7. EXPANSION JOINT.
 8. METAL PILING DETAIL, SEE DETAIL SHEET.
 9. METAL PILING DETAIL, SEE DETAIL SHEET.
 10. METAL PILING DETAIL, SEE DETAIL SHEET.
 11. METAL OVERHANG DETAIL, SEE DETAIL SHEET.
 12. METAL OVERHANG DETAIL, SEE DETAIL SHEET.
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 18. METAL OVERHANG DETAIL, SEE DETAIL SHEET.
 19. METAL OVERHANG DETAIL, SEE DETAIL SHEET.
 20. METAL OVERHANG DETAIL, SEE DETAIL SHEET.
- NOTE: GENERAL CONTRACTOR TO PROVIDE FOUNDATION FOR CONCRETE PILLARS.



BUILDING V: RETAIL/RESTAURANT - SOUTH ELEVATION

COASTAL COMMISSION

EXHIBIT # 3
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BUILDING V: RETAIL/RESTAURANT - NORTH ELEVATION

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

MAR 1 - 2016

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Jon Nahhas

Mailing Address: 4177 Marcasel Ave.

City: Los Angeles

Zip Code: 90066

Phone: 310.766.1657

SECTION II. Decision Being Appealed

1. Name of local/port government:

Los Angeles County Board of Supervisors

2. Brief description of development being appealed:

Demolition of all existing facilities and removal of all existing vegetation on Parcel 44 in Marina del Rey. Construction of 83,253 square feet of commercial, retail, restaurant, office, marine commercial in 8 buildings including Trader Joe's, West Marine and dry boat storage. Parcel 44 is located adjacent to the water and is located at the entryway to Marina del Rey from the 90 Freeway.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

13443 Bali Way, Lease Parcel 44, Marina del Rey, CA 90292

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-MDR-16-0018

DATE FILED:

3-1-16

DISTRICT:

South Coast.

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A-5-MDR-16-0018

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4

PAGE

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
 City Council/Board of Supervisors
 Planning Commission
 Other

6. Date of local government's decision: February 9, 2016

7. Local government's file number (if any): Project No. R2013-01647-(4) CDP No. 201300003

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Pacific Marina Venture, LLC
13737 Fiji Way C-10
Marina Del Rey, CA 90292

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Jeanette Vosburg, 4124 East Blvd., Los Angeles, CA 90066

(2) Helen Coyne-Hoerle, 13210 Admiral Ave., unit F, Marina del Rey, CA 90292

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 5

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The Los Angeles County Department of Regional Planning approved a coastal development permit, conditional use permit, parking permit, and variance to construct 83,253 square feet of waterfront property for commercial, retail, restaurant, office, and marine commercial uses in Marina del Rey. The parcel designated for the proposed project is located at the entrance to Marina del Rey off of the 90 Freeway along Mindanao Way. The County-approved project is inconsistent with the certified LCP and the California Coastal Act for the following reasons:

First, the proposed project on Parcel 44 would severely hinder coastal access to the harbor in Marina del Rey. Parcel 44 is located at the entryway or "Gateway" to the Marina (Mindanao Way on its southern boundary and Bali Way on its northern boundary). LA County residents use the 90 Freeway to travel to and from Marina del Rey. The Mindanao entrance to the Marina is unique in that it has a 120 foot strip between Lincoln Blvd. and Admiralty Way that visitors must "leapfrog" across to enter the public lands. The Bali Way entrance to the Marina (the northern boundary of Parcel 44) has the same issue with a 80 foot strip between Lincoln Blvd. & Admiralty Way. Parcel 44 is a pivotal parcel because of its location at the entrance to the public recreational lands and its close proximity to the water. It is the ideal location for recreational boating resources and visitor-serving, water-dependent developments.

Second, Trader Joe's is a very popular Supermarket. Most of the Trader Joe's stores in the West Los Angeles area experience large volumes of shoppers and associated traffic issues. A preliminary search by Coastal Commission staff has failed to find any CDP's issued for Supermarkets within 30 feet of the tidal zone. Marina del Rey currently has a serious traffic problem due to over-development in the area along the coastal regions of Santa Monica, Venice, and Marina del Rey (collectively known as Silicon Beach) and the poor oversight by local jurisdictions clouded by revenues. Opening a Trader Joe's adjacent to the water, at the Gateway to Marina del Rey, would bring all mobility in and around the public harbor to a crawl.

Third, the Parking Permit is a request to authorize valet-managed tandem parking for the restaurants on the waterfront parcel. The Trader Joe's representative has stated that they will hire security guards, have placement of signs, and possibly install gates/fencing to ensure that residents accessing the water are not parking in their lot designated for commercial purposes. The 80 valet-managed parking spaces and potential restrictive access to parking along the coast by Trader Joe's is inconsistent with the Coastal Act.

Additionally, the Coastal Commission found that the Marina del Rey LCP needed to be revised by LA County and had 67 recommendations to bring the document more in compliance with the Coastal Act. One of the biggest concerns of County residents and Coastal Commissioner

of traffic in and around the harbor. After the EIR for Parcel 44 identified serious problems with traffic for this which remained "significant and unavoidable after mitigation," a Statement of Overriding Considerations was prepared. The traffic trip rates are still being underestimated in the traffic studies conducted by the developer (and the Coastal Commission has been provided evidence of fudged traffic studies in Marina del Rey on several occasions). In fact, one of the major recommendations to the LCP Update by the Commission states:

Revises Development/Circulation recommendations concerning traffic models to concur that a new model is not needed to justify the current peak hour trip cap, but that a revised model should accompany any proposed changes in the cap.

The traffic cap has been manipulated by using 1996 data. In a lawsuit filed against the Coastal Commission (later withdrawn), "In the Cumulative Impact Assessment on page 14 (for MdR LCP Review), the author is claiming that there are 2503 peak-hour trips that are un-built. This number is not accurate. The real number is 2395 which is determined by taking the 1996 traffic cap of 2821 and reduce it by 71 (representing the Library and the Dept of Beaches and Harbor office trips) and then again reduce it by 355, which is the number of peak-hour trips that have been entitled according to the Dept of Regional Planning. The CIA has overstated the balance of the traffic cap by 108 trips." The traffic trip rates reported in the 1996 LUP did not agree with the traffic trip rates in the 1996 or 2011 LCP Review. Where did the 4.44 traffic rate come from?

Furthermore, the entryway to Marina del Rey involves a very important group of parcels (including Parcel 44). The Commission has endured countless hours listening to LA County residents that there is little to no public participation in the development process of Marina del Rey. The proposed project on Parcel 44 (critical access point) is another example of the County and Developer asserting that they know best how the Marina and its parcels should be developed. Coastal Commissioners have grown weary of the "public process" in the Marina and collectively have ensured that the public must be involved in the planning process of the harbor. Another major recommendation by the Commission ignored by LA County Officials for the LCP Update states:

Revises development recommendations to recommend that the County undertake a comprehensive study of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process.

Finally, the Coastal Commission had another very critical recommendation regarding traffic issues that LA County chooses to ignore. It states:

Revises development circulation recommendations to require that the standard for models and methodology used in studies required in carrying out Section 22.46.1180.A.11.b explicitly reflect the County's requirement that studies be based on and consistent with the most recent studies of major projects in the area, including models prepared for the Airport LAX expansion and Playa Vista Phase II traffic models.

In summary, Marina del Rey was built for the recreational enjoyment by the residents of Los Angeles County. It was not built for the residents as a destination to shop. Based on the information available, it appears that the approved project is inconsistent with LCP policies related to traffic, public participation in the decision-making process, public access, non-water-related uses in the tidal zone, and the overall policies of the California Coastal Act.

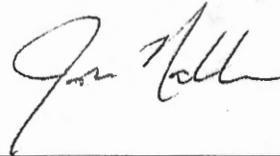
COASTAL COMMISSION

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 3-1-16

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

_____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

COASTAL COMMISSION

EXHIBIT # 4
PAGE 5 OF 5

APR 26 2016



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

CALIFORNIA
COASTAL COMMISSION

TELEPHONE
(213) 974-1924
FACSIMILE
(213) 613-4751
TDD
(213) 633-0901

MARY C. WICKHAM
County Counsel

February 9, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration #23 OF FEBRUARY 9, 2016
500 West Temple Street
Los Angeles, California 90012

Agenda No. 7
11/24/15

Re: PROJECT NO. R2013-01647-(4)
COASTAL DEVELOPMENT PERMIT NO. 2013-00003-(4)
CONDITIONAL USE PERMIT NO. 2013-00166-(4)
VARIANCE NO. 2013-00004-(4)
PARKING PERMIT NO. 2013-00012-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER

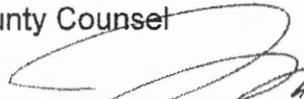
Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced permits, to authorize the demolition of all existing site facilities and amenities, and the subsequent construction of approximately 83,253 square feet of visitor-serving commercial, retail, restaurant, office, marine commercial, boater- and community-serving uses, and associated amenities and facilities, on Parcel 44 in Marina del Rey, applied for by Pacific Marina Venture, LLC.

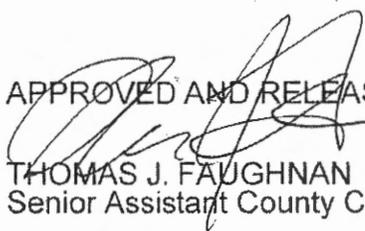
At the conclusion of the hearing, you indicated your intent to approve the permits and instructed our office to prepare findings and conditions for your approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

MARY C. WICKHAM
County Counsel

By 
JOSEPH M. NICCHITTA
Deputy County Counsel
Property Division

APPROVED AND RELEASED:


THOMAS J. FAUGHNAN
Senior Assistant County Counsel

JMN:ph
Enclosures

c: Sachi A. Hamai, Chief Executive Officer
Patrick Ogawa, Acting Executive Officer, Board of Supervisors

COASTAL COMMISSION
AS+DR-16-0018
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**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. 2013-01647-(4)
COASTAL DEVELOPMENT PERMIT NO. 2013-00003-(4)
CONDITIONAL USE PERMIT NO. 2013-00166-(4)
VARIANCE NO. 2013-00004-(4)
PARKING PERMIT NO. 2013-00012-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. 2013-01647-(4), consisting of Coastal Development Permit No. 2013-00003-(4) ("CDP"), Conditional Use Permit No. 2013-00166-(4) ("CUP"), Variance No. 2013-00004-(4) ("Variance"), and Parking Permit No. 2013-00012-(4) ("Parking Permit") on November 24, 2015. (The CDP, CUP, Variance, and Parking Permit are collectively referred to herein as the "Project Permits.") The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the Project Permits on August 26, 2015.
2. The permittee, Pacific Marina Venture, LLC ("permittee"), requests the Project Permits to authorize the demolition of eight existing commercial buildings totaling approximately 14,724 square feet and other existing site amenities and facilities, and the construction of eight new buildings totaling approximately 83,253 square feet, which will contain a mix of visitor-serving commercial, retail, restaurant, office, marine commercial, and boater- and community-serving uses, a surface parking lot containing 462 spaces, dry boat storage, a public waterfront promenade, a public plaza, and other site amenities and facilities (collectively, "Project") on Parcel 44 ("Parcel 44") in the unincorporated County community of Marina del Rey ("Marina").
3. The CDP is a request to authorize:
 - A. The demolition of all existing buildings, facilities, and amenities on the site, and the removal of existing vegetation from the site's proposed development area;
 - B. The construction and development on the site of: (i) eight buildings totaling approximately 83,253 square feet, which will contain visitor-serving commercial, retail, restaurant, office, marine commercial, and boater- and community-serving uses; (ii) a surface parking lot containing 462 spaces, and associated signage and landscaping; (iii) open-air dry stack boat storage for up to 56 boats, and mast up storage for up to 13 boats; (iv) a 28-foot-wide public waterfront promenade; (v) a public plaza; and (vi) associated amenities and facilities; and
 - C. The realignment of a segment of the existing Marvin Braude Bike Trail ("Bike Trail") which traverses the site.

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EXHIBIT # 5
PAGE 2 OF 103

4. The CUP is a request to authorize development of the Project and the construction of Project improvements within a "waterfront overlay zone" ("WOZ") on Parcel 44.
5. The Variance is a request to reduce the required side-yard setback from ten feet to eight feet along the northern boundary of the site along Bali Way, and to reduce the required rear-yard setback from ten feet to three feet along the western boundary of the site, adjacent to Marina Parcel 43.
6. The Parking Permit is a request to authorize valet-managed tandem parking within the Project's 462-space surface parking lot, and to allow a reduction in the number of parking spaces that would otherwise be required for the Project.
7. Parcel 44 is approximately 8.39 acres in size and is located in the Playa del Rey Zoned District, bordered by Bali Way roughly to the north, Mindanao Way roughly to the south, Admiralty Way roughly to the east, and Marina Basin G roughly to the west.
8. Parcel 44 is zoned "Specific Plan" within the Marina del Rey Local Coastal Program ("LCP"). The Marina del Rey Land Use Policy Map ("Land Use Policy Map") designates the parcel as "visitor-serving/convenience commercial" along the mole portion of the site, "marine commercial" adjacent to Admiralty Way, and "boat storage" on the southernmost portion of the site adjacent to Admiralty Way, with a WOZ.
9. The Project site is "U"-shaped, oriented around Marina Basin G to the west, with topography that slopes gently toward Marina Basin G. The site is currently developed with eight existing buildings, totaling approximately 14,724 square feet. The buildings contain office space for boat brokers, a boat repair shop, a kayak rental facility, a yacht club, and a boater restroom facility. A segment of the Bike Trail traverses the site diagonally between Bali Way and Mindanao Way.
10. Surrounding zoning within a 700-foot radius includes:
 - North: Marine commercial, water, visitor-serving/convenience commercial, office, open space, public facilities, parking, and commercial (within the City of Los Angeles);
 - South: Visitor-serving/convenience commercial, public facilities, parking, boat storage, water, and open space;
 - East: Office, visitor-serving/convenience commercial, and commercial (within the City of Los Angeles); and
 - West: Open space, water, visitor-serving/convenience commercial, and hotel.
11. Surrounding land uses within a 700-foot radius include:

COASTAL COMMISSION

North: Yacht clubs, wet boat slips, a restaurant, office and medical uses, a bank, Yvonne B. Burke Park, a public library, public parking, and other general commercial uses (within the City of Los Angeles);
South: A shopping center, the Marina del Rey Visitors Center, the Marina del Rey boat launch, public parking, wet boat slips, and Burton W. Chace Park;
East: An office complex, a shopping center, and other general commercial uses (within the City of Los Angeles); and
West: Burton W. Chace Park, wet slips, and a hotel.

12. The site plan for the Project depicts:

- A. Eight buildings of various sizes dispersed throughout the Project site, totaling approximately 82,253 square feet of building space, and covering approximately 62,915 square feet, or 17 percent, of the net area of Parcel 44. As explained in Finding No. 7, above, Parcel 44 is bordered by Bali Way roughly to the north, Admiralty Way roughly to the east, and Mindanao Way roughly to the south. The parcel forms a "U" around Marina Basin G roughly to the west, with one "leg" of the "U" to the north, one "leg" to the south, and one "leg" to the east. As depicted on the site plan:
- i. Buildings I and II are located between Mindanao Way and Marina Basin G. Building I is proposed to be developed as a boater restroom. Building II is proposed to be developed as a Trader Joe's or other specialty market.
 - ii. Buildings III, IV, V, and VI are located between Admiralty Way and Marina Basin G. Building III is proposed to be developed as a second boater restroom. Building IV is proposed to be developed with boater-serving uses, including a boater laundry facility and lounge/community room, offices, and a West Marine retail store. Buildings V and VI are proposed to be developed with retail and restaurant uses.
 - iii. Buildings VII and VIII are located between Bali Way and Marina Basin G. Building VII is proposed to be developed as a third boater restroom. Building VIII is proposed to be developed as a yacht club facility and boat repair shop.

The buildings range in height from 10 feet to 65 feet, with the taller buildings, Buildings IV (65 feet), V (35 feet), and VI (45 feet), located on the eastern portion of the site between Marina Basin G and Admiralty Way. All buildings will be oriented toward the water and away from the streets abutting the site.

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- B. A boat service yard, dry stack boat storage racks accommodating up to 56 boats, and mast up storage spaces accommodating up to 13 boats located adjacent to, and associated with, Building VIII between Bali Way and Marina Basin G, at the westernmost end of the northern "leg" of the "U"-shaped parcel.
 - C. A 28-foot-wide public waterfront promenade along the Project site's water frontage. The promenade will be approximately 1,500 feet long, connect with the promenade already developed on Marina Parcels 43 and 45 to the west of the site, and will incorporate decorative paving and railings, landscaping, lighting, seating areas, and bicycle racks.
 - D. A 462-space surface parking lot dispersed throughout the Project site, and on-site parking for 100 bicycles.
 - E. Five driveways on Bali Way, four on Mindanao Way, and one on Admiralty Way which will provide ingress and egress to the Project site.
 - F. A realigned Bike Trail, traversing the site between Bali Way and Mindanao Way in a roughly straight segment along the eastern boundary of Marina Basin G, adjacent to the public pedestrian promenade to be developed on the site to the east of Marina Basin G.
 - G. An approximately 10,230-square-foot public plaza consisting of hardscape and landscape elements, located between Buildings V and VI.
 - H. Landscaping and signage throughout the Project site, including in and around the buildings, promenade, and parking areas, and at prominent corners of the site.
 - I. Nine view corridors totaling approximately 55 percent of the Project site's bulkhead frontage.
13. A shared parking analysis performed for the Project concluded that weekday peak demand for on-site parking on the Project site would be approximately 457 spaces, and weekend peak demand for on-site parking would be approximately 398 spaces. Consistent with the shared parking analysis, the Project will provide a minimum of 462 parking spaces in a surface parking lot to be developed on and dispersed throughout the site. The 462 parking spaces will consist of 258 standard spaces, 184 compact spaces, and 20 spaces set aside as disabled/accessible parking. Sixty-eight of the spaces will consist of valet-managed, tandem parking, located roughly in the northeast portion of the site adjacent to Admiralty Way. The permittee will provide additional loading spaces that will serve various on-site uses.
14. The Project will provide a minimum of 100 bicycle parking spaces on-site, including along the public waterfront promenade.

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15. The Project site will take its primary access from five driveways on Bali Way to the north, four driveways on Mindanao Way to the south, and one driveway on Admiralty Way to the east. Pedestrian access to the site will be provided by the public waterfront promenade to be constructed along the site's water frontage, as well as via pedestrian walkways at the northeastern and southeastern corners of the site, at the Bali Way/Admiralty Way and Mindanao Way/Admiralty Way intersections, respectively. Bicycle access to the site will be provided by the Bike Trail which traverses the site.
16. Regional access to the Project site is provided by the Marina Expressway/Freeway (State Route 90), Lincoln Boulevard, and Pacific Coast Highway, all to the east of the site.
17. The Project entails the removal of existing landscaping and vegetation on the site, including the removal of 103 trees, and the additional removal of 24 trees in the street medians fronting the site. The Project will provide new landscaping throughout the surface parking areas on the site, and in three-to-twelve-foot-wide landscaping strips along the perimeter of the site as a means of buffering off-site views of the parking areas. A single landscaping strip will be located along the public sidewalk on the site's Bali Way frontage. A landscaping strip will be located on each side of the public sidewalk along the site's Mindanao Way and Admiralty Way frontages. Project landscaping includes a mixture of trees, shrubs, and groundcover, for a total of 56,203 square feet of landscaping, or approximately 15.3 percent of the site. The planting palette for the Project consists of non-invasive, drought-tolerant species considered appropriate for planting in the Marina, and includes the planting of 238 on-site trees and additional trees in the street medians fronting the site.

Commission Proceedings

18. Prior to the Commission's public hearing on the Project Permits, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines (California Code of Regulations, title 14, section 15000, et seq.), and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, the County Department of Regional Planning ("Regional Planning") determined that an environmental impact report ("EIR") was the appropriate environmental document for the Project. Accordingly, the County prepared a draft EIR ("Draft EIR") which evaluated the potential project-specific and cumulative environmental impacts of the Project.
19. The Draft EIR concluded the Project would result in less than significant impacts in the areas of aesthetics, air quality, geology and soils, greenhouse gases, hydrology/water quality, and public services; impacts that would be less than significant with Project mitigation in the areas of biological resources; and impacts that remain significant and unavoidable after Project mitigation in the areas of noise, traffic and access, and utilities and service systems. The Draft

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EIR further concluded, based on the analysis in the Initial Study, that the areas of agricultural and forest resources, cultural resources, energy, hazards and hazardous materials, land use and planning, mineral resources, and population and housing required no further environmental review. The mitigation measures necessary to minimize significant environmental impacts to the maximum extent possible are contained in the Mitigation Monitoring and Reporting Program ("MMRP") prepared for the Project.

20. At its July 16, 2013, meeting, the Marina del Rey Design Control Board ("DCB") reviewed the Project and recommended approval of the Project's preliminary site plan.
21. On March 4, 2015, prior to the Commission's public hearing on the Project Permits, a public hearing on the Draft EIR was held before a County hearing examiner at the Marina del Rey Hotel. During the hearing, the permittee's representatives described the project and summarized its features. Members of the public raised a number of concerns, including, among other things, the Project's impacts on aesthetics, traffic, and boater access.
22. In May 2015, prior to the Commission's public hearing on the Project Permits, Regional Planning staff prepared a final EIR ("Final EIR") for the Project. In accordance with CEQA, the Final EIR consisted of the Draft EIR, responses to comments on the Draft EIR, corrections and additions to the Draft EIR which did not significantly impact the conclusions presented in the Draft EIR, and the MMRP. Also in accordance with CEQA, Findings of Fact and, because the Final EIR identified impacts to the environment which remained significant and unavoidable after mitigation, a Statement of Overriding Considerations (collectively, "Findings of Fact and SOC") were prepared for the Project.
23. The Commission held a duly-noticed public hearing on the Project Permits on August 26, 2015. Regional Planning staff gave a presentation regarding the Project, and the Director of the Department of Beaches and Harbors detailed the history of the Project and its benefits to the Marina. The permittee's representatives testified in favor of the Project, highlighting among other things the Project's creation of a boater-serving complex benefitting local boaters and accommodating an existing yacht club, its realignment of the Bike Trail along the site's water frontage, and the provision of new restaurant space and a Trader Joe's or other specialty market which will serve Marina residents and boaters. Members of the public testified in favor of and in opposition to the project. Project proponents spoke in favor of the Project's design and the boat storage to be provided on the site, among other things. Project opponents raised concerns about the Project's impact on traffic in the Marina, the removal of existing trees on the site, and the intensity of the Project.

At the conclusion of the public testimony and after Commission discussion, the Commission closed the public hearing, certified the Final EIR, and adopted the MMRP and Findings of Fact and SOC for the Project.

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Appeal to the Board

24. Pursuant to Los Angeles County Code ("County Code") Section 22.60.230, a Project opponent, The Boating Coalition, appealed the Commission's approval of the Project Permits to the Board.
25. A duly-noticed public hearing on the appeal of the Project Permits was scheduled to take place before the Board on November 10, 2015. On November 10, 2015, the Board continued the public hearing on the appeal to November 24, 2015, without substantive discussion.
26. The Board conducted a duly-noticed public hearing on the appeal of the Project Permits on November 24, 2015. Regional Planning staff gave a brief presentation regarding the Project, explained that the Commission had approved the Project Permits, and that its approval was appealed to the Board by a Project opponent. The permittee's representative spoke in favor of the Project, emphasizing the Project's boater-serving amenities and its consistency with the coastal access policies of the LCP, among other things.
27. Members of the public testified both in favor of and in opposition to the Project. Project proponents testified, among other things, that the Project would: (a) revitalize aged facilities on the site; (b) support local boating uses, including an existing local yacht club; (c) serve as an appropriate gateway to the Marina for boaters, residents, and visitors; (d) increase coastal access for boaters, bikers, and pedestrians; and (e) provide space for boat brokers and a local yacht club.
28. Project opponents, including a representative of the Project appellant, testified, among other things, that: (a) the Project is not compatible with the County's Marina del Rey Vision Statement ("Marina Vision Statement"); (b) a Trader Joe's and other "big box stores" are not appropriate on Parcel 44 or on the public waterfront; (c) the Project is inconsistent with public recreation in the Marina; (d) the Project would remove existing, mature trees on the site; (e) the Project would result in significant impacts to traffic and air quality; and (f) the Project does not have sufficient parking.
29. At the conclusion of public testimony, the Director of Regional Planning ("Director") responded to comments concerning traffic and parking, explaining that an appropriate traffic study was conducted and appropriate mitigation measures were incorporated into the MMRP, and that parking on the site includes valet-managed tandem spaces to accommodate the restaurant uses on the site and to utilize the site's area to its maximum to provide coastal access. The Director further explained that the trees existing on-site include many non-native trees, and will be replaced at a ratio of over two-to-one.
30. At the conclusion of testimony and after the Director responded to comments made by the public, the Board closed the public hearing, denied the appeal,

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certified the Final EIR, adopted the MMRP and Findings of Fact and SOC, and indicated the Board's intent to approve the Project Permits.

Coastal Development Permit

31. The Board finds the Project is subject to the LCP and the components of the LCP, including the Marina del Rey Land Use Plan ("LUP") and the Marina del Rey Specific Plan ("Specific Plan").
32. The Board finds the Project is consistent with the site's land use categories under the LUP. The Land Use Policy Map designates the site as "visitor-serving/convenience commercial," "marine commercial," and "boat storage," with a WOZ. Pursuant to the LUP:
 - A. The "visitor-serving/convenience commercial" land use category is intended to provide "dining facilities, retail and personal services and youth hostels."
 - B. The "marine commercial" land use category is intended to provide "coastal-related or coastal-dependent uses associated with operation, sales, storage, and repair of boats and marine support facilities."
 - C. The "boat storage" land use category is intended to provide "public and commercial boat launching and storage including public parking, ramps and associated launching hoists, dry boat storage, dry stack storage, boat rentals and instruction, and ancillary support commercial facilities associated with that use."
 - D. The WOZ is intended to provide flexibility for development of coastal-related and marine-dependent land uses on waterfront parcels, and permits uses such as visitor-serving commercial, marine commercial, and boat storage, and marine commercial, regardless of the principal permitted use on the specific parcel.

Consistent with these land use categories, the Project will provide approximately 83,253 square feet of visitor-serving commercial, retail, restaurant, office, marine commercial, and boater- and community-serving space, including dry stack and mast up boat storage.

33. The Board finds the Project is consistent with the LUP's policies related to land use. Although the Project entails the demolition of existing site improvements, including the displacement of existing boat brokerages, a boat repair shop, a kayak rental facility, a yacht club, and a boater restroom, the Project will increase the available space for such uses, and enhance recreational and visitor-serving opportunities from the Project site. In addition to other site improvements, the Project will construct office space for use by boat brokers; three new boater restroom buildings dispersed throughout the site; a new facility for use by the yacht club; a boat repair shop and service yard; and dry stack storage for

56 boats and mast up storage for 13 boats. The Project will provide multiple points of public access to the waterfront, including the construction of a new 28-foot-wide public waterfront promenade, which will connect to existing segments of the public waterfront promenade to the west of Parcel 44 on the northern and southern sides of Marina Basin G. The Project will also provide parking for bicycles and realign the Bike Trail along the waterfront, which will improve the bicycling environment along this segment of the Bike Trail, expand views of the Marina's waters, provide a more efficient path of travel through the site, and improve the safety, visibility, and design of the Bike Trail where it crosses Bali Way and Mindanao Way adjacent to the site.

34. The Board finds the Project is consistent with the LUP's policies related to shoreline access. The Project will:
- A. Construct a new 28-foot-wide public waterfront promenade, approximately 1,500 feet long along the entire bulkhead of the site, incorporating high-quality materials including decorative paving and marina-themed railing;
 - B. Connect the site's promenade with other existing segments of the promenade to the west of the site on the northern and southern sides of Marina Basin G;
 - C. Provide waterfront amenities including seating areas, decorative landscaping and lighting, bicycle racks, and gangway entrances to adjacent docks;
 - D. Orient retail and restaurant uses on the site toward the waterfront, with direct access to such uses from the promenade to be constructed on the site;
 - E. Construct a new public plaza on the site;
 - F. Allow for pedestrian access to the public waterfront promenade from Bali Way, Mindanao Way, and Admiralty Way, and from the interior of the site, including from the parking areas, between the Project's buildings, from restaurant and retail uses, and from the public plaza to be constructed on the site;
 - G. Realign a segment of the Bike Trail along the waterfront, adjacent to the public waterfront promenade to be constructed on the site, with easy access to bicycle parking and retail and restaurant uses on the site; and
 - H. Provide way-finding signage to direct visitors on the site to the public waterfront promenade and other public seating and viewing areas.

35. The Board finds the Project is consistent with the LUP's policies related to recreation and visitor-serving facilities. The Project will construct a 28-foot-wide public waterfront promenade along the entire bulkhead of the site. The new

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promenade will accommodate various recreational opportunities and will include amenities such as seating areas, bicycle racks, and decorative landscaping. The Project will realign and improve the portion of the Bike Trail that traverses the site. Currently, the Bike Trail enters the Project site via shared bicycle-vehicular ingress/egress, and proceeds through the existing parking areas in the center of the site. The Bike Trail realignment will locate the trail adjacent to the expanded public waterfront promenade, away from cars and other vehicles. The Project will construct a new public plaza, approximately 10,230 square feet, which will include decorative paving and other hardscape features, landscaping, and stadium seating adjacent to the public waterfront promenade. The plaza will afford visitors and residents views of the Marina's waters. Additionally, the Project will provide surface parking throughout the site. The Board further finds the Project is appropriately conditioned to require the installation of way-finding and informational signage indicating available public and visitor-serving amenities, access to the waterfront, and recreational opportunities.

36. The Board finds the Project is consistent with the LUP's policies related to marine resources. As demonstrated in the Project plans, the site will be graded to direct storm water away from the bulkhead and toward new storm water infrastructure, including new catch basins and storm drains to collect and convey storm water away from proposed structures, and utilization of an existing 60-inch storm drain. Additionally, the Project will construct bioinfiltration areas, including planted pavement, to capture runoff from the catch basins and elsewhere on the site. The runoff will percolate through engineered soil and be discharged slowly downstream.
37. The Board finds the Project is consistent with the LUP's policies related to biological resources. Although the Project will result in the removal of 103 trees on-site and 24 trees within the street median adjacent to the site, the trees are nonnative, with some considered invasive species, and have shown no evidence of nesting or significant roosting. These trees will be replaced with 238 trees on-site and additional trees within the street median adjacent to the site, each of which will be considered appropriate for planting in the Marina, drought tolerant, and non-invasive. The Project is appropriately conditioned to comply with the tree trimming and tree removal policies of the LUP to preclude impacts to any nesting birds that may exist on the site or in the street median adjacent to the site. Finally, the Project is appropriately conditioned to require that all final materials and lighting used in the construction and operation of the Project's facilities are treated and operated to reduce the potential for bird strikes.
38. Based on the information provided in Finding No. 37, above, the Board finds the Project complies with the tree replacement requirement of the LUP, which requires one-to-one replacement of trees removed to new trees planted. The Project is appropriately conditioned to require the planting of 238 trees throughout the site and additional trees in the median adjacent to the site.

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39. The Board finds the Project is consistent with the LUP's policies related to coastal visual resources. As detailed in Finding No. 44.F, below, the Project will provide extensive visual access to the shoreline and the Marina's waters across approximately 55 percent of the parcel via nine view corridors incorporated into the Project's design. These view corridors will allow both on-site views of the water and views through the site from adjacent streets. The Project will also construct a new 28-foot-wide public waterfront promenade and realign the Bike Trail along the waterfront, both of which will provide unobstructed views of the Marina's waters. Additionally, the Project is appropriately conditioned to provide directional signage to the public waterfront promenade and other public viewing areas on the site.
40. The Board finds the Project is consistent with the LUP's policies related to hazard areas. The Project is appropriately conditioned to comply with current building code requirements to ensure seismic stability and prevent impacts related to liquefaction.
41. The Board finds the Project is consistent with the LUP's policies related to circulation. The Project is appropriately conditioned to require the permittee to pay its fair share of the cost of transportation-related infrastructure for the Marina based on the projected number of trips generated by the Project. The traffic analysis prepared for the Project demonstrated that the Project would generate 411 net new p.m. peak hour trips, requiring the permittee to pay \$2,338,590 in "fair share" traffic impact mitigation fees. Additionally, the Project is appropriately conditioned to require the permittee to construct new street improvements to accommodate vehicular access to and from the site.
42. The Board finds the Project is consistent with the LUP's policies related to recreational boating. The Project will develop a number of recreational boating support facilities on the site, including a boat repair shop, a boat service yard, dry boat storage for up to 69 boats, boater restrooms, a boater laundry facility, and a boater lounge/community room. The Project also will construct a new facility which will be occupied by the yacht club currently on the site. The public waterfront promenade to be constructed on the site will incorporate connection points for gangways to access adjacent docks, boat slips, dinghy tie-up areas, and a future WaterBus stop which will be constructed on the waterside portion of Parcel 44.
43. The Board finds the Project's buildings and structures are consistent with the LUP's policies regarding the height of structures, and with the Specific Plan's site-specific development guidelines regarding the maximum height for structures. Pursuant to County Code Section 22.44.1870, the maximum height of structures on Parcel 44 is 45 feet, unless an expanded view corridor is provided pursuant to County Code Section 22.44.1060.E.5, in which case the maximum height of structures on Parcel 44 shall not exceed 75 feet. As detailed in Finding No. 44.F, below, the Project is providing approximately 35 percent more than the minimum required 20 percent view corridor. Due to the Project's

expanded view corridor, County Code Section 22.44.1060.E.5 allows Project structures to be up to a maximum of 75 feet high. In compliance with this requirement, the tallest structure on the Project site will be approximately 65 feet.

44. The Board finds the Project complies with the following communitywide design guidelines in the Specific Plan, set forth in County Code Section 22.46.1060:
- A. Landscaping. The Project will provide landscaping along the northern, southern, and eastern perimeters of the site adjacent to the surrounding streets, which landscaping will include a mixture of trees, shrubs, and groundcover. Perimeter landscaping will be located in a planting strip varying in width from approximately three-to-nine feet along the public sidewalk on Bali Way, and in planting strips on each side of the sidewalk on Mindanao Way and Admiralty Way varying in width from approximately three to 12 feet. Perimeter landscaping will buffer views of the site from surrounding roadways, while maintaining visual access to the view corridors provided as part of the Project.
 - B. Lot coverage. More than 10 percent of the Project's net lot area will be landscaped and building coverage will be less than 90 percent of the Project's net lot area.
 - C. Parking. The Project is conditioned to provide 462 vehicle parking spaces, consisting of 258 standard spaces, 184 compact spaces, and 20 disabled/accessible spaces. In addition, three "Type A" loading spaces are required for the Project, and the Project is appropriately conditioned to provide these spaces.

A total of 505 vehicle parking spaces are required for the Project pursuant to various County Code provisions. However, because the Project is providing more than the minimum required bicycle parking, the Project is entitled to a reduction in on-site vehicle parking spaces from 505 to 480 spaces pursuant to County Code Sections 22.52.1081 and 22.52.1225. Furthermore, based on the shared parking analysis performed for the Project, the Project is expected to have a peak parking demand of 457 spaces. Therefore, with the Parking Permit authorizing valet-managed tandem parking and a reduction in the required vehicle parking by 18 spaces, the Project complies with the communitywide design guidelines in the Specific Plan with respect to parking. The Board further finds the Project will provide 20 disabled/accessible spaces, more than the minimum required seven spaces. The Board further finds the Project's parking area is not appropriate to provide general shoreline access and recreational parking during peak visitation periods.

Pursuant to County Code Section 22.52.1082, not more than 40 percent of the Project's vehicle parking spaces may be compact spaces.

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- D. Signage. The Project is appropriately conditioned to submit to DCB for review and approval a signage plan which complies with the requirements of DCB's Revised Permanent Sign Controls and Regulations.
 - E. Site Planning. The eight buildings to be constructed on the Project site will be of diverse size, height, and bulk, will be physically separated with view corridors between them, will avoid long, continuous obstructions of views of the water, and will be oriented toward the Marina's waters and the public waterfront promenade.
 - F. View Corridor. A view corridor of not less than 20 percent is required for Parcel 44, unless the Director determines that alternative methods of providing a view corridor are available. The bulkhead length of the Project site is approximately 1,528 linear feet. A 20 percent view corridor on the site would be approximately 306 linear feet. Compatible with the Project's design, which involves the construction of eight buildings dispersed throughout the site, the Project provides nine view corridor segments totaling approximately 843 linear feet, or approximately 55 percent of the site's bulkhead length. The Board finds these nine view corridor segments are a satisfactory alternative method for providing a minimum 20 percent view corridor on the site, allowing the Project to exceed the minimum view corridor requirement by approximately 35 percent.
 - G. Emergency Access. Fire lanes in compliance with County Fire Department and Specific Plan requirements will be constructed on the site, including adjacent to each of the Project's eight buildings. Additionally, the Project will construct a 28-foot-wide public waterfront promenade which will serve as a fire lane for emergency access along the Parcel 44 bulkhead.
45. The Board finds that, in compliance with applicable setback requirements in the Specific Plan, the Project will:
- A. Within the portion of the site designated as "visitor-serving/convenience commercial," provide a 15-foot side yard setback along the site's southern boundary along Mindanao Way and a 20- to 28-foot rear yard setback along the site's western boundary adjacent to Marina Parcel 45;
 - B. Within the portion of the site designated as "marine commercial," provide an approximately 80-foot front yard setback along the site's eastern boundary along Admiralty Way, an approximately 85-foot side yard setback along the site's northern boundary along Bali Way, and a rear yard setback of approximately 7 ½ feet along the site's western boundary adjacent to the public waterfront promenade to be constructed on the site; and

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- C. Within the portion of the site designated as "boat storage," provide an approximately 85-foot front yard setback along the site's eastern boundary along Admiralty Way, an approximately 106-foot side yard setback along the site's southern boundary along Mindanao Way, and a rear yard setback of approximately 7 ½ feet along the site's western boundary adjacent to the public waterfront promenade to be constructed on the site.

The Board further finds that, within the portion of the site designated as "visitor-serving/convenience commercial," the Variance authorizes an eight-foot side yard setback along the site's northern boundary along Bali Way and a three-foot rear yard setback along the site's eastern boundary adjacent to Marina Parcel 43.

46. The Board finds the Project is consistent with Specific Plan provisions requiring that existing recreational, visitor-serving, and marine commercial uses on the site, which will be displaced by proposed development, be replaced within the Marina. The Project site is currently developed with approximately 14,724 square feet of office space for boat brokers, a boat repair shop, a kayak rental facility, a yacht club, boater restroom facility, and a segment of the Bike Trail. Although the Project entails the demolition of all facilities currently on the site, the Project will more than replace such uses by developing on-site 83,253 square feet of recreational, visitor-serving, and marine commercial uses, including among other things a Trader Joe's or other specialty market, restaurants, office space for boat brokers, a new yacht club facility with associated boat repair shop and service yard, three boater restroom buildings, a boater lounge/community room, a boater laundry facility, dry stack and mast up boat storage, an upgraded and realigned segment of the Bike Trail, a public plaza, and a new public waterfront promenade.
47. The Board finds that, in compliance with the Specific Plan, DCB reviewed and approved the Project's conceptual design at its meeting on July 16, 2013, and the Project is appropriately conditioned to present its final design to DCB for review and approval. The Board further finds that the Project's structures consist of a range of architectural types, including modern and Spanish styles, and will create an aesthetically pleasing, welcoming environment. The Board further finds the Project's design is consistent with existing development in the surrounding area, which consists of a mix of architectural styles, including modern and Spanish styles. The Board further finds the Project's open design, with all structures oriented toward the water, is an appropriate design for Parcel 44 and will benefit the Marina by providing attractive, modern, and boater- and visitor-friendly facilities in a highly visible area of the Marina.
48. Although the County adopted an updated Countywide General Plan on October 6, 2015, the Project had a complete application on August 15, 2013, and thus is subject to the goals and policies of the Countywide General Plan adopted in 1980 ("1980 General Plan"). The 1980 General Plan defers policy consistency analyses in the Marina to the LCP. Therefore, because the Project is consistent

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with the LCP, as set forth in detail above, the Board finds the Project is consistent with the 1980 General Plan.

49. The Board finds that the permittee has demonstrated the suitability of the Project site for the proposed uses. The Board finds that the establishment of the proposed uses at such location is in conformity with good zoning practice. The Board further finds that the permittee's compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency will all applicable LCP and 1980 General Plan policies.

Conditional Use Permit

50. The Board finds the Project is consistent with the site's WOZ. County Code Section 22.46.1700 provides, in pertinent part, that the WOZ "is designed to encourage coastal-related and coastal-dependent land uses while increasing development flexibility." Pursuant to County Code Section 22.46.1720.A, parcels within a WOZ may include any principal permitted use, permitted use, or use subject to additional permits in the "hotel," "visitor-serving/convenience commercial," and "marine commercial" land use categories, provided a conditional use permit has first been obtained. The Project provides uses which are permitted in the "visitor-serving/convenience commercial" and "marine commercial" land use categories, including but not limited to retail and restaurant uses, boater-serving uses and facilities, and boat repair and storage. Consistent with the WOZ, the Project's buildings are oriented toward the waterfront, are accessible to boaters and pedestrians using the public waterfront promenade to be constructed on the site, and will complement and enhance recreational boating within the Marina.
51. The Board finds the Project will not adversely affect the health, peace, comfort, or welfare of persons residing or working in and around the site. The Project is compatible with the surrounding community and will bring beneficial uses, including a Trader Joe's or other specialty market, restaurants, and expanded opportunities for boaters and boater-serving uses, to the northeastern portion of the Marina. By providing a new 28-foot-wide public waterfront promenade and a public plaza, and by enhancing and realigning the Bike Trail, the Project increases accessibility to the waterfront for Marina residents and guests, and provides connectivity to existing promenades to the west of the site. With the Parking Permit, the Project will contain sufficient on-site parking so as not to impact surrounding uses. For these reasons, the Board further finds the Project will not be materially detrimental to the use, enjoyment, or valuation of property or persons in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
52. The Board finds the Project is accessible via Bali Way to the north, Mindanao Way to the south, and Admiralty Way to the east, each of which are existing fully-improved parkways capable of accommodating the Project.

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53. The Board finds the Project is adequately served by public or private utilities and services. The Marina is an urbanized community served by existing urban services and utility systems. The Project is currently served by existing urban services and infrastructure including water, sewer, solid waste, schools, police, fire, library, and parks.
54. The Board finds the Project is adequate in size and shape to accommodate development of the Project. The Project design, which has been conceptually approved by DCB, is sensitive to surrounding uses. The Project will revitalize Parcel 44, making it a unique and desirable destination for residents, visitors, and boaters.
55. The Board finds the Project's height, massing, and appearance are similar to many of the structures in the vicinity of the Project site. The Project will develop its taller buildings on the eastern portion of the site, which is compatible with the height pattern of existing development in the area, including a high-rise office building to the east of the site. The Project will integrate well into, and will revitalize, the surrounding area.

Variance

56. The Board finds Parcel 44 is irregularly shaped, forming a "U" around Basin G to the west. The site's unusual shape and orientation, which is unique within the Marina, limits development on the site and hinders the permittee's ability to implement the Project's "visitor-serving/convenience commercial," "marine commercial," and "boat storage" land use designations, as well as the WOZ, while designing a project which meets applicable development standards. Additionally, construction of the 28-foot-wide public waterfront promenade, which is an LCP requirement, and the presence of the Bike Trail further inhibit development on the site and constrains the effective arrangement of proposed buildings on the site.
57. The Board finds the Project is subject to special circumstances and exceptional characteristics which are not generally applicable to other properties in the Marina under identical zoning classification or land use designation. The Board finds that the reduction of the required setbacks, as detailed in Finding No. 45, above, are necessary to preserve the permittee's right to develop the Project, which right is enjoyed by other lessees in parcels with similar zoning and land use designations.
58. The Board finds the Project, with the reduced setbacks, is adequately served by emergency access along all sides of the site, and within the site.
59. The Board finds the Project, with the reduced setbacks, will be located entirely on Parcel 44 and designed and operated in a way that will not negatively impact surrounding land uses, including the Marina's waters. In particular, the Board finds the Project is appropriately conditioned to limit the height of the dry stack

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and mast up boat storage facilities adjacent to the public sidewalk along Bali Way, which will adequately minimize visual, bulk, and operational impacts to passing pedestrians and vehicles, and ensure conformity with the LCP. The Board further finds the dry boat storage facilities will not impact uses on adjacent parcels, including the surface parking area located on Parcel 43 to the west.

60. The Board finds the Project, with the reduced setbacks, will provide amenities for the public to access the Marina waterfront, including a 28-foot-wide public waterfront promenade, a public plaza, and an enhanced and realigned segment of the Bike Trail, will not interfere with pedestrian access from surrounding streets to the waterfront, and will allow public access to the waterfront through the site. The Board further finds that the Project's public waterfront promenade will be developed with recreational amenities, including seating areas, decorative landscaping and lighting, and bicycle racks, and will allow access to gangways leading to adjacent docks and boat slips.

Parking Permit

61. The Board finds the Project will provide not less than 462 vehicle parking spaces for the Project, of which 68 will valet-managed, tandem spaces. Although 480 vehicle parking spaces are required by applicable County Code provisions, the Board finds that, with the Parking Permit, the Project will provide sufficient on-site parking to accommodate the Project's proposed uses.
62. The Board finds the Project is appropriately conditioned to require valet management of the 68 tandem parking spaces to ensure no conflicts arise with respect to vehicular access, internal circulation, or site ingress and egress, and to limit spillover parking into the surrounding neighborhood. The Board further finds the Project's valet-managed, tandem parking arrangement will result in a coordinated, efficient parking operation that should reduce traffic congestion, off-site parking, and the use of parking facilities developed to serve surrounding properties.
63. The Board finds the Project's utilization of tandem parking spaces consolidates on-site parking into a smaller space, resulting in reduced visual impacts associated with large surface parking areas.
64. The Board finds the Project site is adequate in size and shape to accommodate development of the Project, as detailed in Finding No. 54, above.

CEQA

65. The Board finds the Final EIR for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. The Board finds, after reviewing and considering the Final EIR, along with its associated MMRP and Findings of Fact and SOC, that they reflect the independent judgment of the Board. The Findings of Fact and SOC are incorporated herein by this reference, as if set forth in full.

66. The Board finds the MMRP for the Project identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment by the Project. The Board further finds that the MMRP's requirements are incorporated into the Project's conditions of approval.
67. The Board finds that, with the approval of the MMRP and the conditions of approval for the Project, all significant effects on the environment from the Project have been eliminated or substantially lessened, except for those remaining significant effects on the environment found to be unavoidable, as set forth in the Final EIR and in the Findings of Fact and SOC. The Board further finds such remaining significant effects on the environment are acceptable due to overriding concerns, as set forth in the Findings of Fact and SOC.

The Appeal Is Without Merit

68. The Project appellant, The Boating Coalition, appealed the Project on the grounds that the Project "would completely hinder access to the public recreational lands in Marina del Rey at the 'Gateway to the Marina' as cited in the [Marina Vision Statement]. This would contradict the County's [Marina Vision Statement]."
69. The Project appellant submitted subsequent correspondence challenging the Commission's approval of the Project on the following additional grounds: (a) the permittee misrepresented to the Commission whether Trader Joe's had committed to the Project; (b) the Final EIR, and the associated Findings of Fact and SOC, are deficient and inconsistent with the Marina Vision Statement because the environmental documents fail to discuss Parcel 44 as the "Gateway to the Marina;" (c) the Initial Study incorrectly concluded the Project would not have significant impacts to the areas of land use planning, public services, and service systems; (d) the Initial Study contradicts the Final EIR and Findings of Fact and SOC, insofar as the Initial Study concluded the Project will increase connectivity to the site within the Marina, and would not substantially affect the ability of existing schools, parks, or libraries to meet established standards of service levels; (e) environmental review for the Project failed to consider "other pertinent information" showing the Project would result in cumulatively considerable impacts in the area of traffic; (f) the County did not properly analyze gas and safety issues on the site; (g) the Project's trip generation rates are underestimated; (h) the County and the City of Los Angeles should impose mitigation measures to ensure no significant traffic impacts to shared County-City jurisdiction intersections; and (i) the Project violates the Parcel 44 lease between the County and the permittee.
70. With respect to the Project appellants' contentions described in Finding No. 68 and 69(b), the Board finds the Project is consistent with the Marina Vision Statement. According to the Purpose section of the Marina Vision Statement, the Marina Vision Statement "establishes a framework to guide future decision-making on development, policies, and development standards as land use

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opportunities, economic/market conditions, special needs, and other opportunities arise or become available." The Marina Vision Statement identifies the following goals, among others, for the Marina: (a) to create a vibrant destination for all Los Angeles County residents and visitors; (b) support boating and other water-oriented activities; (c) provide low-cost access to the Marina's waterfront and amenities; (d) provide a desirable place to recreate and live; and (e) achieve County goals for economic development and revenue-generation by encouraging reinvestment in properties. The Board finds the Project is consistent with these goals. By redeveloping a presently underutilized parcel with attractive visitor-serving and boating-related uses, the Project contributes to the overall welfare of the Marina, creates a site desirable for both visitors and Marina residents, offers low-cost waterfront access by realigning and upgrading a segment of the Bike Trail and by constructing a public plaza and public waterfront promenade on the site, and fosters reinvestment in an important Marina parcel. The Board further finds the Project is appropriate for Parcel 44. The Project will feature as a key destination for Marina visitors and residents alike. The Project's commercial uses will be located along Mindanao and Admiralty Ways, which are primary streets providing regional access into and through the Marina. As such, the commercial uses will be located at a primary intersection lined with existing "visitor-serving/convenience commercial" uses, including the Marina del Rey Visitors Center. The Board further finds the Final EIR and Findings of Fact and SOC are consistent with the Marina Vision Statement.

71. With respect to the Project appellant's contention described in Finding No. 69(a), the Board finds the Project proposes to include a Trader Joe's or other specialty market. The Board finds this information was properly presented to and considered by the Commission and the Board.
72. With respect to the Project appellant's contention described in Finding No. 69(c) and (d), the Board finds the Final EIR, together with the Initial Study and the Findings of Fact and SOC, properly analyzed the Project's impacts to the areas of land use planning, public services, and utilities and service systems. The Board further finds the Initial Study is consistent with the Final EIR and the Findings of Fact and SOC.
73. With respect to the Project appellant's contention described in Finding No. 69(e), the Board finds the Final EIR, together with the Findings of Fact and SOC, appropriately analyzed the Project's cumulative impacts in the area of traffic and concluded the Project's impacts were significant and unavoidable. The reasons for approving the Project despite this finding of an unavoidable significant impact to traffic are set forth in the Findings of Fact and SOC and in these Findings.
74. With respect to the Project appellant's contention described in Finding No. 69(f), the Board finds the Final EIR properly investigated and considered whether existing oil wells and oil fields would be impacted by the Project. The Final EIR concluded that no active or abandoned oil fields exist on the site, and the Board finds no evidence in the record of any such active or abandoned oil field. The

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Board further finds an appropriate methane investigation report was prepared for the Project by Methane Specialists, dated September 19, 2012. The report concluded that no significant methane gas pressure was detected on the site.

75. With respect to the Project appellant's contention described in Finding No. 69(g), the Board finds that trip generation rates for the Project were appropriately calculated based on the Marina specific trip generation rates included in the LCP, which the Board finds accurately represent the trip generation activity for development within the Marina. The Board further finds no evidence in the record to support the Project appellant's contention that trip generation rates for the Project have been underestimated.
76. With respect to the Project appellant's contention described in Finding No. 69(h), the Board finds that the MMRP contains those feasible mitigation measures necessary to substantially lessen the Project's impacts on the environment, including in the area of traffic. The Board further finds that the Project's impacts to traffic which are significant and unavoidable are appropriately identified and analyzed in the Final EIR, and that overriding considerations support approving the Project as set forth in the Findings of Fact and SOC.
77. With respect to the Project appellant's contention described in Finding No. 69(i), the Board finds the Project is consistent with the Parcel 44 lease, including all amendments, addenda, and supplements thereto. The Board finds the approval of the Project would cause no inconsistency or violation of the lease terms, based on the language referred to by the Project appellant or otherwise. The Board further finds it is within the Board's discretion to approve new or different lease terms to allow for the development of the Project, if needed.
78. For the reasons stated in Findings Nos. 70 through 77, inclusive, above, and for the other reasons stated in and incorporated into these Findings, the Board finds the appeal is without merit.
79. The Board has duly considered all of the issues and information contained in the oral testimony and written correspondence given to the Board in opposition to the Project, as well as the issues and information contained in the oral testimony and written correspondence given to the Board in response thereto by Regional Planning staff and the permittee. The Board finds that the opposition testimony and written correspondence do not identify substantial evidence that the environmental review for the Project violated CEQA. The Board further finds that it has not been presented with credible evidence that the Project will cause the environmental impacts that Project opponents identified in their testimony and written correspondence.
80. The Board finds the Project will have an impact on fish and wildlife resources and thus is not exempt from Fish and Game fees pursuant to California Fish and Game Code section 711.4.

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81. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials is the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

Regarding the Coastal Development Permit:

- A. The proposed development is in conformity with the certified Marina del Rey LCP.
- B. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the California Public Resources Code.

Regarding the Conditional Use Permit:

- A. The proposed use with the attached conditions and restrictions will be consistent with the 1980 General Plan.
- B. With the attached conditions and restrictions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in the Zoning Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and is adequately served by other public or private service facilities as are required.

Regarding the Variance:

- A. There are special circumstances or exceptional characteristics applicable to the property involved such as size, shape, topography, location, and surroundings which are not generally applicable to other properties in the same vicinity and under identical zoning classification.

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- B. The requested Variance is necessary for the preservation of a substantial property right of the permittee such as that possessed by owners of other property in the same vicinity or zone.
- C. The granting of the requested Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
- D. The granting of the requested Variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

Regarding the Parking Permit:

- A. There will be no need for the number of vehicle spaces required by Part 11 of Chapter 22.52 of the Zoning Code because the nature of the use is such that there is a reduced occupancy.
- B. The reduction in the number of vehicle parking spaces will be offset by the provision of bicycle parking spaces, at a minimum ratio of two bicycle spaces for every one vehicle parking space above the minimum number of bicycle parking spaces otherwise required by the Zoning Code.
- C. There will be no conflicts arising from special parking arrangements allowing tandem spaces because vehicle parking facilities using tandem spaces will employ valets to insure a workable plan.
- D. The requested Parking Permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.
- E. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in the Zoning Code.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Certifies that the Final EIR for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the independent judgment and analysis of the Board as to the environmental consequences of the Project; indicates that it certified the Final EIR at the conclusion of its hearing on the Project Permits and adopted the Findings of Fact and SOC and MMRP, finding that pursuant to California Public Resources Code section 21081.6 the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; found that the unavoidable significant effects of the Project after adoption of said mitigation measures are described in those Findings of Fact and

SOC; and determined that the remaining, unavoidable environmental effects of the Project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the Findings of Fact and SOC; and

2. Approves Coastal Development Permit No. 2013-00003-(4), Conditional Use Permit No. 2013-00166-(4), Variance No. 2013-00004-(4), and Parking Permit No. 2013-00012-(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL
PROJECT NO. 2013-01647-(4)
COASTAL DEVELOPMENT PERMIT NO. 2013-00003-(4)
CONDITIONAL USE PERMIT NO. 2013-00166-(4)
VARIANCE NO. 2013-00004-(4)
PARKING PERMIT NO. 2013-00012-(4)**

1. This grant authorizes:
 - A. A coastal development permit for:
 - i. The demolition of all existing buildings, facilities, and amenities on Parcel 44 ("Parcel 44") in the unincorporated County community of Marina del Rey ("Marina"); and the removal of existing vegetation from the project's proposed development area on Parcel 44;
 - ii. The construction and development on Parcel 44 of: (a) eight buildings totaling approximately 83,253 square feet, which will contain visitor-serving commercial, retail, restaurant, office, marine commercial, and boater- and community-serving uses; (b) a surface parking lot containing 462 spaces, and associated signage and landscaping; (c) open-air dry stack boat storage for up to 56 boats, and mast up storage for up to 13 boats; (d) a 28-foot-wide public waterfront promenade; (e) a public plaza; and (f) associated amenities and facilities; and
 - iii. The realignment of a segment of the Marvin Braude Bike Trail that traverses Parcel 44.
 - B. A conditional use permit for development and construction within a "waterfront overlay zone" on Parcel 44.
 - C. A variance to reduce the side-yard setback from 10 feet to eight feet along the northern boundary of the site along Bali Way, and to reduce the required rear-yard setback from 10 feet to three feet along the western boundary of the site, adjacent to Marina Parcel 43.
 - D. A parking permit to reduce the required number of on-site parking spaces to 462 spaces, and to authorize valet-managed tandem parking on the site.

All of the above improvements are as depicted on the approved Exhibit "A" on file at the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") and are subject to all of the following conditions of approval.

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EXHIBIT # 5
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2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. As used in this grant, the term "date of final approval" shall mean the date the approval of this grant becomes effective pursuant to Los Angeles County Code ("County Code") Section 22.56.2490.
4. This grant shall not be effective for any purpose until the permittee has filed at Regional Planning its affidavit stating that it is aware of, and agrees to accept, all of the conditions of this grant, until the conditions have been recorded as required by Condition No. 5, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 16. Notwithstanding the foregoing, this Condition No. 4 and Condition Nos. 3, 5, 6, 7, 8, 10, 11, 15, and 16 shall become immediately effective upon final approval by the County.
5. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Registrar-Recorder/County Clerk ("Recorder"). Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director"). In addition, upon any transfer of the lease held by the permittee or sublease during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee of the lease or to the sublessee.
6. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of California Government Code section 65009, or any other applicable limitation period. The County shall promptly notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
7. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, attorneys' fees and expenses, including but not limited to County Counsel fees and expenses, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - A. If during the litigation process, actual costs incurred reach 80 percent of the amount of the initial deposit, the permittee shall deposit additional

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funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with County Code Section 2.170.010.

8. This grant shall expire unless used within four years from the date of final approval of this grant. The permittee may seek a single one-year extension pursuant to County Code Sections 22.56.140 and 22.56.2500 with the payment of the applicable fee.
9. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, this grant shall be void and the privileges granted hereunder shall lapse.
10. The project site shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the project site. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County the sum of \$4,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 20 annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file at Regional Planning. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).

11. Within five days following the approval of this grant by the Board, the permittee shall cause a Notice of Determination to be posted at the Recorder in compliance with California Public Resources Code section 21152. The permittee shall remit applicable processing fees, payable to the County, in connection with such filing.

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The project is not *de minimis* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Wildlife pursuant to California Fish and Game Code section 711.4. The current total fee amount is \$3,145 (\$3,070 plus a \$75 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.

12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated, or that this grant has been exercised so as to be detrimental to the public health or safety, or so as to be a nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of Title 22 of the County Code, the permittee shall compensate the County for all costs incurred in such proceedings.
13. The project site shall be developed and maintained in substantial compliance with the approved site plan, dimensioned building elevations and sections, parking plans, and other plans kept on file at Regional Planning, marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the lessee for such revision.
14. The conditions and/or changes in the project, set forth in the final environmental impact report ("Final EIR"), necessary to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring and Reporting Program ("MMRP"), which is incorporated herein in its entirety by this reference. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to Regional Planning for review and approval as frequently as may be required by Regional Planning, until such time as all mitigation measures have been implemented and completed or Regional Planning determines such mitigation measures are no longer necessary. The reports shall describe the status of the permittee's compliance with the required project conditions/changes, to the satisfaction of Regional Planning.
15. Within 30 days following the date of final approval of this grant by the Board, the permittee shall record a covenant with the County, attaching the MMRP, and agreeing to comply with the required mitigation measures of the MMRP. Prior to recordation, the permittee shall submit a copy of the covenant to Regional Planning for review and approval.

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16. Within 30 days following the date of final approval of this grant by the Board, the permittee shall deposit the sum of \$6,000 with Regional Planning, which shall be required prior to use of the grant and shall be utilized to defray the cost of reviewing the permittee's reports and verifying compliance with the MMRP.
17. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Code"), the Marina del Rey Local Coastal Program ("LCP"), and the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions or as shown on the approved Exhibit "A" or a revised Exhibit "A" approved by the Director.
18. All structures and other development pursuant to this grant shall be kept in full compliance with the County Fire Code, to the satisfaction of the County Fire Department ("Fire Department"), and shall conform to the requirements of the County Departments of Public Works ("Public Works") and Public Health ("Public Health"), to the satisfaction of those departments.
19. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities including, but not limited to, water mains, fire hydrants, gated access width, emergency access, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by the Fire Department.
20. Prior to obtaining any building permit for the project, the permittee shall obtain approval from the Fire Department of a fire safety plan for the site which satisfies the requirements of the County Code. Development of the project shall conform with the approved fire safety plan, a copy of which shall be provided to Regional Planning.
21. The following reduced setbacks are authorized for the project:
 - A. A minimum side yard setback of eight feet along the project site's northern boundary along Bali Way, within the portion of the site designated as "visitor-serving/convenience commercial;" and
 - B. A minimum rear yard setback of three feet along the site's eastern boundary adjacent to Marina Parcel 43.

These minimum setbacks are depicted in the Exhibit "A" on file with Regional Planning. The permittee shall comply with these minimum setbacks, and shall continue to depict such minimum setbacks in any revised Exhibit "A" submitted by the permittee pursuant to these Conditions of Approval or otherwise.

22. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In

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- the event any such extraneous markings or graffiti become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
23. Prior to obtaining any building permit for the project, the permittee shall obtain approval by the Marina Design Control Board ("DCB") of the project's proposed final design, signage, landscaping, lighting, building colors and materials palette, and public amenities plan, including the design details concerning the project's hardscape elements, the public plaza, and the public waterfront promenade, including but not limited to seating, light standards, and decorative paving and railing.
 24. Within 60 days following DCB's final design approval of the project, the permittee shall submit to the Director for review and approval three copies of a revised Exhibit "A," which shall contain a full set of the site plans, floor plans, parking plan, roof plan, building elevations, and building cross-sections.
 25. Within 60 days following DCB's final design approval of the project, the permittee shall submit three copies of a signage plan to the Director for review and approval, which signage plan may be incorporated into a revised Exhibit "A." The signage plan shall include elevations, proposed lettering, colors, and locations of signage on the site, including but not limited to identification signs, wayfinding and directional signs, regulatory signs, and parking signs. All renderings of said signage shall be drawn to scale and shall be in conformity with the signage approved by DCB. The signage plan shall comply with the requirements of DCB's Revised Permanent Sign Controls and Regulations.
 26. Within 60 days following DCB's final design approval of the project, the permittee shall submit three copies of a landscaping and lighting plan to the Director for review and approval, which landscaping and lighting plan may be incorporated into a revised Exhibit "A." The plan shall depict the size, type, and location of all on-site plants, trees, watering facilities, and lights, and shall include details for the waterfront promenade, including surfacing materials, lighting, benches, and other proposed facilities and amenities. All landscaping shall be maintained in a neat, clean, and healthful condition, and proper pruning, weeding, removal of litter, fertilizing, and replacement of plants shall occur when necessary.
 27. The permittee shall maintain a minimum of 462 parking spaces on-site. A maximum of 184 of the 462 spaces may be compact spaces. Sixty-eight of the 462 spaces shall be valet-managed, tandem parking spaces. On-site tandem parking spaces shall be no less than eight feet wide and no less than 18 feet long for each automobile to be parked in tandem. Parking bays accessible only from one end shall contain a maximum of two tandem parking spaces. Parking bays accessible from both ends shall contain a maximum of four tandem parking spaces.

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28. The permittee shall provide on-site not less than three "Type A" loading spaces and 20 disabled/accessible parking spaces which comply with the Zoning Code and the federal Americans with Disabilities Act ("ADA").
29. The permittee shall not allow patrons or guests to park on adjacent streets or in driveways within the project site. The parking of automobiles by valets on public streets is also prohibited.
30. Parking for the project must be developed in compliance with Part 11 of Chapter 22.52 of the Zoning Code and in substantial conformance with the approved parking plan on-file with the Department and marked Exhibit "A," or a revised parking plan approved by the Director.
31. Prior to the issuance of a certificate of occupancy for the project, the permittee shall file a valet management plan with the Director for review and approval. The valet management plan shall describe at a minimum the operations of the valet service, the ratio of valets to parking spaces, the methods for parking vehicles within available spaces, and contingencies for overflow parking. Commencing upon the issuance of a certificate of occupancy for the project, the permittee shall file an annual report with the Director analyzing the operation and effectiveness of the valet parking for the project, and revising the valet management plan as necessary to ensure continued effectiveness of the valet parking on the site, which may include increasing the number of valet-managed parking spaces on the site. The permittee shall not increase the number of valet-managed parking spaces on the site without prior approval by the Director of an appropriate valet management plan. If the permittee ceases to provide valet parking for the project, the permittee shall provide parking spaces in compliance with then-applicable County Code requirements, and shall promptly submit a revised Exhibit "A" to the Director for review and approval which depicts such parking spaces.
32. The permittee shall maintain not less than 100 bicycle parking spaces on-site. All bicycle parking spaces, bicycle racks, and other bicycle facilities shall be designed, installed, and maintained to the satisfaction of the Director and in compliance with applicable Zoning Code requirements. The permittee shall depict all such bicycle parking spaces, racks, and other facilities on a revised Exhibit "A" required to be submitted pursuant to Condition No. 24, above.
33. Prior to the issuance of a certificate of occupancy for the project, the permittee shall ensure that the public improvements identified in the approved Exhibit "A," or in a revised Exhibit "A" approved by the Director, are constructed and open to the public, including but not limited to the public pedestrian promenade and public plaza.
34. The permittee shall post signs conspicuously, to the satisfaction of the Director, along the public pedestrian promenade and public plaza on the site identifying the promenade as a public pedestrian right of way and the plaza as a public

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area. The permittee shall also provide directional and wayfinding signage, to the satisfaction of the Director, directing the public to the promenade, adjacent docks, and the WaterBus stop to be developed on the waterside of Marina Parcel 44. The permittee shall depict such signage in the signage plan required by Condition No. 25, above.

35. Dry stack boat storage racks located adjacent to the public sidewalk on Bali Way shall not exceed 25 feet in height, including the height of any boat stored therein. The permittee shall clearly mark each such rack in a revised Exhibit "A" required to be submitted pursuant to Condition No. 24, above.
36. Sidewalks and driveways on the site shall comply with the requirements of the ADA and shall be constructed to the satisfaction of Public Works.
37. The permittee shall plant not less than 238 trees on the project site. The trees shall be dispersed throughout the site and shall be of a size and type to the satisfaction of the Director. Unless otherwise agreed to by the Director, the permittee shall continuously maintain not less than 238 trees on the project site throughout the life of this grant, and shall plant new trees as necessary to replace dead trees or trees which have been removed.
38. The permittee shall plant trees in the street medians adjacent to the project site to the satisfaction of the Director and the Director of Public Works. The trees shall be of a size and type to the satisfaction of the Director and the Director of Public Works.
39. The permittee shall not allow on-site, cause to be allowed on-site, or allow another to bring on-site any invasive plant or tree, or any other plant or tree which is incompatible with the Marina environment, as determined by the Director.
40. Prior to obtaining any building permit for the project, the permittee shall deposit with the County its "fair share" to fund transportation improvements, as required by the LCP. Based on the project's expected net new trip generation of 411 p.m. peak hour trips, the project's "fair share" payment is \$2,338,590.
41. The following conditions shall apply to project construction activities:
 - A. Construction activity shall take place only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. The permittee shall obtain prior written permission from Beaches and Harbors and Public Health before conducting any construction activity on Saturdays. Any construction activities on a Saturday authorized by Beaches and Harbors and Public Health shall take place only between the hours of 8:00 a.m. to 5:00 p.m. No construction activities shall occur on Sundays or County, federal, or State holidays.

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- B. Notwithstanding subsection (A) of this condition, grading, hauling, or pile driving shall take place only between the hours of 8:00 a.m. and 5:00 p.m. and are prohibited on Saturdays, Sundays, and County, federal, and State holidays.
- C. Ten days prior to any pile-driving activity, the permittee shall provide adjacent property owners the pile-driving schedule and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the pile-driving schedule and mailing list of adjacent property owners to the Director and to Public Works prior to initiating any such activities. In addition, at least ten days prior to any construction activities on the site, the permittee shall conspicuously post a construction schedule at the site's street frontage on Via Marina. The schedule shall include detailed information about where to lodge questions, concerns, or complaints regarding construction-related noise issues. The permittee shall take appropriate action to minimize any reported noise problems.
- D. All graded material shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth-moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- E. The permittee shall comply with County Code Sections 12.12.010 through 12.12.100, inclusive, during all phases of demolition and construction.
- F. All stationary construction noise sources shall be sheltered or enclosed to minimize any adverse effects on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, State, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.

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- G. Parking of construction worker vehicles and storage of construction equipment and materials shall be on-site or at an off-site location approved by the Director. Any such off-site location shall be restricted to areas which are sufficiently buffered from residences, to the satisfaction of the Director. Prior to allowing any off-site parking or storage, the permittee shall submit plans for temporary construction worker parking and equipment/materials storage to the Director for review and approval. The plans must demonstrate to the satisfaction of the Director that proposed off-site parking and equipment/materials storage will not materially interfere with parking required by any uses operated or being maintained at the off-site location.
- H. All project-related truck hauling shall be restricted to a route approved by the Director of Public Works, a map of which shall be provided by the permittee to the Director upon approval. The permittee shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can lodge questions and complaints. The permittee shall keep records of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to Public Health.
- I. Prior to commencing any construction on the site, the permittee shall submit a site plan to the Director depicting, to the satisfaction of the Director, the location of any construction staging areas, the location and content of required notices, and the expected duration of construction.
- J. The permittee shall develop and implement a construction management plan, as approved by the Director and the Director of Public Works, which includes all of the following measures as recommended by the South Coast Air Quality Management District ("SCAQMD"), or other measures of equivalent effectiveness approved by the SCAQMD:
- i. Configure construction parking to minimize traffic interference;
 - ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);
 - iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;
 - iv. Consolidate truck deliveries when possible;
 - v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;

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- vi. Suspend use of all construction equipment operations during second stage smog alerts (contact the SCAQMD at (800) 242-4022 for daily forecasts);
 - vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Director;
 - viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices; and
 - ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- K. The permittee shall develop and implement a dust control plan, as approved by the Director and the Director of Public Works, which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:
- i. Apply approved non-toxic chemical soil stabilizers according to the manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more);
 - ii. Replace ground cover in disturbed areas as quickly as possible;
 - iii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications;
 - iv. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded;
 - v. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available);
 - vi. Install wheel washers where vehicles enter and exit unpaved areas onto paved roads, or wash-off trucks and any equipment leaving the site each trip;
 - vii. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces; and
 - viii. Require construction vehicles to observe speed limits of 15 miles per hour or less on all unpaved roads and surfaces.

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- L. All construction and development on the site shall comply with the applicable provisions of the California Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County.
- M. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director and the Director of Public Works, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director and to Public Works prior to building permit issuance.
42. The permittee shall coordinate project construction in a manner that ensures construction activity will not, to the extent feasible, detract from or interfere with the use of existing boating and ancillary facilities in the vicinity of the site.
43. Site development shall be conducted in conformance with the archaeological reporting requirements set forth in the Zoning Code.
44. Prior to the commencement of grading, the permittee shall provide evidence to the Director that it has notified the Office of State Historic Preservation and the Native American Heritage Commission of the location of the proposed grading, the proposed extent of the grading, and the dates on which the work is expected to take place.
45. In the event of discovery of Native American remains or of grave goods, California Health and Safety Code section 7050.5 and California Public Resources Code sections 5097.94, 5097.98, and 5097.99 shall apply and govern the permittee's development activities. In addition, in compliance with the Zoning Code, the permittee shall notify the Office of State Historic Preservation and Regional Planning of the discovery, and in such instances, a "stop work" order shall be issued.
46. In the event a significant cultural resource is found on-site during any phase of project development, the permittee shall immediately notify the Office of State Historic Preservation and Regional Planning. Prior to commencing any further development on the site, the permittee shall submit a recovery program for review and approval by the Director. Further development may not commence until the Director approves the recovery program. The permittee shall also ensure that any significant cultural resource found on-site is provided to, and maintained by, the County Museum of Natural History, the nature center identified in County Code Section 22.46.1190.A.2, or other appropriate entity or agency, or is treated as otherwise provided by law.
47. All ground- and roof-mounted equipment shall be fully screened from public view. All roof-mounted facility screening materials shall be constructed of high quality building materials and shall be fully integrated into the building architecture.

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48. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
49. All necessary facilities and infrastructure required by Public Works shall be provided for the project prior to the issuance of a certificate of occupancy for the project, to the satisfaction of the Director of Public Works. All project infrastructure shall be designed and constructed in an environmentally-sensitive manner, in full conformance with Public Works' requirements to the satisfaction of said department, and shall follow the design and recreation policies of the LCP, including any landscaping standards required by DCB.
50. The permittee shall obtain all necessary permits required from Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.
51. Prior to obtaining any building permit for the project, the permittee shall submit a flood control, runoff, and storm drain plan to Public Works for review and approval.
52. The permittee shall comply with the NPDES (National Pollution Discharge Elimination System) requirements of the California Regional Water Quality Control Board and Public Works. Prior to obtaining any building permit for the project, the permittee shall obtain any other necessary permit or approval from Public Works related to these requirements.
53. The permittee shall comply with all applicable provisions and policies in the Marina del Rey Land Use Plan ("LUP") concerning water quality protection. Prior to obtaining any grading or building permit for the project, the permittee must obtain approval from Regional Planning affirming that all such applicable provisions and policies of the LUP have been appropriately complied with or adopted. During project construction, the permittee shall submit quarterly reports to Regional Planning describing the permittee's ongoing compliance with these provisions and policies.
54. The permittee shall maintain all storm water facilities on the site in a clean and functioning condition. The permittee shall inspect, clean, repair, and improve such facilities as necessary to ensure their proper functioning for the life of this grant, to the satisfaction of the Director of Public Works.
55. The site shall be developed and maintained in compliance with the requirements of the County Department of Health Services ("Health Services"). Adequate water and sewage disposal facilities shall be provided to the satisfaction of Health Services.
56. The permittee shall establish a functional transportation demand management ("TDM") program or shall participate in an existing TDM program. Viable TDM

components may include, but are not be limited to, carpools, ridesharing, vanpools, increased use of bicycles for transportation, bicycle racks, preferential parking for TDM participants, incentives for TDM participants, and/or disincentives for single occupancy vehicle trips by employees. Any TDM program which the permittee establishes or in which the permittee participates must comply with applicable guidelines and requirements of the LCP. For three calendar years following the permittee's receipt of a certificate of occupancy for the project, the permittee shall file a report with the Director detailing the effectiveness of the TDM program. The Director may require additional annual reports in the Director's discretion, where necessary, to evaluate the effectiveness of the TDM program.

57. Outside lighting shall be arranged to prevent glare or direct illumination onto adjacent properties, to the satisfaction of the Director and DCB. Exterior security lighting shall be low intensity, shielded, at low height, and directed downward.
58. The permittee shall comply with all applicable provisions and policies in the LUP concerning the Marina's "important biological resources," including the policies governing tree pruning and tree removal, the management of crows and other omnivores, the submittal of biological reports and construction monitoring, and "bird-safe" building. Prior to obtaining any grading or building permit for the project, the permittee shall obtain approval from Regional Planning confirming that all such applicable provisions and policies have been appropriately complied with or adopted.
59. The project's buildings shall be designed and constructed utilizing earthquake-resistant construction and engineering practices so as to withstand a seismic event. Public Works shall determine in its discretion whether the permittee shall be required to undertake an earthquake study prior to obtaining any building permit for the project. If any earthquake study is undertaken, such study shall comply with the latest recommendations of the State Department of Conservation and the Seismic Safety Board.
60. Project development shall conform to the phasing schedules in the LCP. The phasing schedules include requirements for circulation and public recreation improvements and infrastructure.
61. The permittee shall incorporate water-conserving devices and technologies into the project, in compliance with local, State, and/or federal regulations, to the satisfaction of the Director of Public Works.
62. The permittee shall maintain a log of the date and time of all outdoor events which have taken place within the prior 12 months and all future scheduled outdoor events. The permittee shall make the log immediately available to Regional Planning upon request.
63. Operation of the project shall be subject to the following requirements:

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- A. The permittee shall designate site management personnel available to respond during ordinary business hours to any and all issues, problems, and/or complaints, and maintain current contact information for the designated personnel on file with Regional Planning.
 - B. The permittee shall post signage on-site providing a telephone number for reporting any problems associated with the use and enjoyment of the site.
 - C. Outdoor storage and the repair of any automobile on-site shall be prohibited.
 - D. The permittee shall monitor on-site landscaping on a monthly basis and replace vegetation as needed.
64. The permittee shall keep a copy of these conditions in any management office it maintains on the site, and shall require all tenants to keep a copy of these conditions on-site. The permittee, including any tenants, shall immediately provide a copy of these conditions to law enforcement, Regional Planning, and other County staff upon request.
65. The permittee shall comply with all conditions of the Fire Department approval letter dated August 11, 2015, the Public Health approval letter dated December 20, 2013, and the Public Works approval letter dated August 25, 2015, which are attached to these conditions and incorporated herein by this reference as though set forth in full.
66. In the event the permittee continues to maintain the project or any component thereof after the expiration or termination of this grant, the permittee shall be bound by and comply with the conditions set forth herein, as though the grant remains in full force and effect, unless at the time of expiration or termination the project is permitted to remain pursuant to then-applicable Zoning Code requirements, in which case the permittee shall comply with the applicable requirements of the Zoning Code. Nothing in this condition is intended to grant the permittee or any person or entity the right to maintain any use on the subject property without a valid grant, permit, or other approval, and nothing in this condition shall prevent the County from taking any lawful action to abate uses on the site which are being maintained without necessary grants, permits, or approvals, or which are otherwise being maintained in violation of the Zoning Code. This condition shall survive the expiration or termination of this grant.
67. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of the project site.

Attachments:

Mitigation Monitoring and Reporting Program (Pages 1 to 14)

Fire Department Conditions of Approval (Pages 1 to 3)

Public Health Conditions of Approval (Pages 1 to 2)

Public Works Conditions of Approval (Pages 1 to 7)

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Table 4.0-1
Mitigation Monitoring and Reporting Program Matrix

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|---|--|---|
| 4.3 Biological Resources | | | | |
| Impact 4.3-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS) | | | | |
| 4.3-1: Prior to and during all project-related construction activities, applicant shall strictly comply with all applicable policies contained in Policy Nos. 23 (Marina del Rey Tree Pruning and Tree Removal Policy), 34 (Marina del Rey Leasehold Tree Pruning and Tree Removal Policy), and 37 (Biological Report & Construction Monitoring Requirements) of the certified LCP. | Applicant and subsequent owner(s) | Review of applicable policies contained in Policy Nos. 23, Nos. 34, and Nos. 37 | 1. County of Los Angeles Department of Regional Planning 2. County of Los Angeles Department of Regional Planning 3. Prior to Construction; Verify During Construction | Ongoing monitoring |
| 4.4 Geology and Soils | | | | |
| Impact 4.4-1: The project would expose of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction | | | | |
| 4.4-1: Adherence to the design recommendations provided in the Geotechnical study. | Applicant and subsequent owner(s) | Review of building plans | 1. County of Los Angeles Building Plan Check Geotechnical Engineer 2. County of Los Angeles Building Plan Check Geotechnical Engineer 3. Prior to Construction | MITIGATION INCORPORATED INTO THE BUILDING PLANS The mitigation measure must be included on the building plans prior to permits being granted |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency Monitoring Agency Monitoring Phase | Status |
|---|---|----------------------------------|---|--|
| 4.4 Geology and Soils (continued) | | | | |
| Impact 4.4-2: The project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse | | | | |
| 4.4-2: Adherence to the design recommendations provided in the Geotechnical study. | Applicant and subsequent owner(s) | Review of grading permits | <ol style="list-style-type: none"> County of Los Angeles Building Plan Check Geotechnical Engineer County of Los Angeles Building Plan Check Geotechnical Engineer Prior to Construction | <p>MITIGATION INCORPORATED INTO THE BUILDING PLANS</p> <p>The mitigation measure must be included on the building plans prior to permits being granted</p> |
| Impact 4.4-3: The project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property | | | | |
| 4.4-3: Adherence to the design recommendations provided in the Geotechnical study. | Applicant and subsequent owner(s) | Review of grading permits | <ol style="list-style-type: none"> County of Los Angeles Building Plan Check Geotechnical Engineer County of Los Angeles Building Plan Check Geotechnical Engineer Prior to Construction | <p>MITIGATION INCORPORATED INTO THE BUILDING PLANS</p> <p>The mitigation measure must be included on the building plans prior to permits being granted</p> |
| 4.7 Noise | | | | |
| Impact 4.7-3: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, including noise from amplified sound systems | | | | |
| 4.7-1: All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses. As the project is constructed, the use of building structures as noise barrier would be sufficient. The applicant's representative shall spot check to ensure compliance. | Applicant and subsequent owner(s) | Field visit to verify compliance | <ol style="list-style-type: none"> Los Angeles County Building Official Los Angeles County Building Official Ongoing prior and during construction | <p>MITIGATION TO BE COMPLETED PRIOR TO CONSTRUCTION OF THE PROJECT</p> |

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4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency Monitoring Agency Monitoring Phase | Status |
|--|---|---|---|--|
| <p>4.7 Noise (continued)</p> <p>4.7-2: The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project and anticipated duration of construction activity, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.</p> | Applicant and subsequent owner(s) | Field visit to verify compliance | <ol style="list-style-type: none"> Los Angeles County Building and Safety Division Los Angeles County Building and Safety Division Ongoing prior and during construction | MITIGATION TO BE COMPLETED PRIOR TO CONSTRUCTION OF THE PROJECT |
| <p>4.10.2 Solid Waste</p> <p>Impact 4.10.3-1: The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.</p> | | | | |
| <p>4.10.3-1: The project proponent shall also provide a Construction and Demolition Debris Recycling and Reuse Plan to recycle, at a minimum, 50 percent of the construction and demolition debris.</p> | Applicant and subsequent owner(s) | Review of Construction and Demolition Debris Recycling Reuse Plan | <ol style="list-style-type: none"> County of Los Angeles Health Department County of Los Angeles Health Department Prior to construction | <p>MITIGATION TO BE IMPLEMENTED PRIOR TO CONSTRUCTION</p> <p>A Construction and Demolition Debris Recycling Reuse Plan must be developed for the construction activities of the project and approved prior to allocation of demo and grading permits</p> |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency Monitoring Agency Monitoring Phase | Status |
|---|---|-------------------------|---|--|
| <p>4.10.2 Solid Waste (continued)</p> <p>4.10.3-2: To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the project applicant. This plan shall be reviewed and approved by the County of Los Angeles Health Department. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles Source Reduction and Recycling Element. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site customers and business operators.</p> | <p>Applicant and subsequent owner(s)</p> | <p>Final Plan Check</p> | <p>1. County of Los Angeles Health Department 2. County of Los Angeles Health Department 3. Prior to Issuance of Occupancy Permits for Each Phase</p> | <p>MITIGATION TO BE IMPLEMENTED PRIOR TO OCCUPANCY A Solid Waste Management Plan must be developed for the operational activities of the project and approved prior to occupancy</p> |

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4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency Monitoring Agency Monitoring Phase | Status |
|---|---|-------------------------------|--|---|
| <p>4.8.4 Traffic/Access</p> <p>Impact 4.8-1: The proposed project would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit</p> <p>Project Specific Measures – Los Angeles County Intersections:</p> <p>4.8-1 Admiralty Way and Mindanao Way – Although as shown earlier in Table 4.8-8, the project could result in a significant impact at this intersection during the PM peak hour under the “Existing With Project” scenario, this location was assumed only to be improved with the project-required improvements to the eastbound approach of Mindanao Way for the analysis of potential project-related impacts for that scenario. However, as described earlier in this report, the County is currently underway with, and is nearing completion on, improvements to Admiralty Way that will install new southbound dual left-turn lanes at this intersection. As a result, as further shown in Table 4.8-9, once the ongoing installation of the new dual southbound left-turn lanes is completed, the project’s impacts will become less than significant (during both peak hours). Therefore, no improvements to this intersection (beyond the project-required improvement to eastbound Mindanao Way and the ongoing improvements being installed by the County) are necessary.</p> | <p>County Department of Public Works</p> | <p>No monitoring required</p> | <p>1. County Department of Public Works 2. County Department of Public Works 3. No monitoring, phase</p> | <p>IMPROVEMENTS ARE COMPLETE. NO MITIGATION IS NECESSARY AT THIS INTERSECTION</p> |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|-------------------------------|--|--|
| <p>4.8.4 Traffic/Access (continued)</p> <p>Shared Los Angeles County/Los Angeles City Intersections</p> <p>The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee is the recommended mitigation over the partial construction by this project of any major roadway improvements.</p> <p>4.8.2a: Lincoln Boulevard and Mindanao Way –The "Revised Set of Intersection Improvements" contained in the updated LCP does not identify any roadway improvements for this location, although the TIP of the prior LCP included an improvement to install a new northbound right-turn only lane on Lincoln Boulevard at Mindanao Way. However, this measure has already been installed, this intersection currently provides exclusive left-turn and right-turn lanes, along with three through lanes, on the northbound approach, a left-turn lane, and three through lanes (including a shared through/right-turn lane) on the southbound approach, dual left-turn lanes along with two through lanes (including a shared through/right-turn lane) for the westbound approach, and two through lanes (including a shared through/right-turn lane) on the eastbound approach (eastbound left turns are prohibited at this intersection). There are no additional rights-of-way available to widen any of the intersection approaches, and as such, no feasible improvements are available at this location.</p> | <p>No implementation required</p> | <p>No monitoring required</p> | <p>No monitoring/enforcement required</p> | <p>NO FEASIBLE MEASURES EXIST TO MITIGATE IMPACTS AT THIS INTERSECTION. APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.</p> |

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| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency Monitoring Agency Monitoring Phase | Status |
|--|---|-------------------------------|---|--|
| <p>4.8.4 Traffic/Access (continued)</p> <p>City of Los Angeles Intersections</p> <p>4.8-3: Lincoln Boulevard and Venice Boulevard - This intersection is already improved with dual left-turn lanes on each approach, in addition to exclusive right-turn only lanes on both the eastbound and westbound approaches (each with right-turn overlap phases concurrent with the northbound and southbound left-turn phases).</p> <p>Lincoln Boulevard and Washington Boulevard - Similar to Lincoln Boulevard and Venice Boulevard, this intersection is also currently improved with dual left-turn lanes on each approach, plus exclusive right-turn only lanes (including right-turn overlap phases concurrent with the northbound and southbound left-turn phases) on both the eastbound and westbound approaches.</p> <p>Lincoln Boulevard and Marina Expressway - This location is currently improved to provide both dual left-turn and dual right-turn lanes on the westbound approach of the Marina Expressway, as well as dual left-turns for southbound Lincoln Boulevard (left-turns for northbound travel are not permitted at this location).</p> | <p>No implementation required</p> | <p>No monitoring required</p> | <p>No monitoring/enforcement required</p> | <p>NO FEASIBLE MEASURES EXIST TO MITIGATE IMPACTS AT THESE INTERSECTIONS. APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.</p> |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|--|---|-------------------|--|--------|
| <p>4.8.4 Traffic/Access (continued)</p> <p>4.8-3 (continued)</p> <p>Mindanao Way and Eastbound Marina Expressway - Improvements were recently completed at this intersection to install dual left-turn lanes on the southbound approach of Mindanao Way (onto the eastbound Marina Expressway), while the eastbound approach of the Marina Expressway is flared at the intersection in order to provide an exclusive left-turn lane (in addition to its typical two through lanes).</p> <p>Lincoln Boulevard and Jefferson Boulevard - This intersection has recently been reconstructed to substantially enhance its capacity and operations (as mitigation for the adjacent Playa Vista development project), particularly in the northbound and southbound directions, and currently provides an exclusive right-turn only lane on the northbound approach, plus dual left-turn lanes on the southbound approach, and dual left-turn and dual right-turn lanes on the westbound approach.</p> | | | | |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency Monitoring Agency Monitoring Phase | Status |
|--|---|-------------------------------|--|---|
| <p>4.8.4 Traffic/Access (continued)</p> <p>Cumulative Traffic Impact</p> <p>The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee is the recommended mitigation over the partial construction by this project of any major roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following improvements, which are consistent with the improvements identified in the LUP, are recommended:</p> <p>4.8-4a: Admiralty Way and Via Marina – Two potential roadway improvement alternatives are identified in the certified LCP to address cumulative traffic impacts at this intersection:</p> <ol style="list-style-type: none"> 1. The first roadway improvement alternative (LCP A) includes the installation of a third left-turn lane (in addition to the two existing right-turn only lanes) on the westbound approach of Admiralty Way at Via Marina, and would also convert one of the three existing southbound through lanes to a new left-turn lane (resulting in a final southbound configuration of two left-turn lanes and two through lanes). | <p>County Department of Public Works</p> | <p>No monitoring required</p> | <ol style="list-style-type: none"> 1. County Department of Public Works 2. County Department of Public Works 3. No monitoring phase | <p>APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.</p> |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|--|---|-------------------|---|--------|
| <p>4.8.4 Traffic/Access (continued)</p> <p>(Mitigation Measure 4.8-4(a) continued)</p> <ol style="list-style-type: none"> (continued) The northbound approach of this intersection would remain unchanged, and continue to provide two through lanes and one right-turn only lane. The certified LCP does not identify whether roadway widenings are necessary to implement this improvement. The second alternative (LCP B) would reconstruct this intersection to realign Admiralty Way and the south leg of Via Marina to operate as a "through roadway," with the north leg of Via Marina intersecting the realigned Admiralty Way/Via Marina roadway in a "T" configuration. The resulting intersection would include two through lanes in each direction along realigned Admiralty Way/Via Marina, with one westbound right-turn lane and dual eastbound left-turn lanes from this roadway onto the north leg of Via Marina, while the southbound approach of Via Marina at the intersection would provide two left-turn lanes and a single right-turn lane. | | | | |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency Monitoring Agency Monitoring Phase | Status |
|---|---|-------------------------------|---|---|
| <p>4.8.4 Traffic/Access (continued)</p> <p>4.8-4b Admiralty Way and Palawan Way - There are also two potential roadway improvements identified in the certified LCP to address the cumulative impact at this intersection:</p> <ol style="list-style-type: none"> In addition to the current County improvements to restripe northbound Palawan Way to convert the existing left-turn lane to a shared left-turn/through lane (with the existing shared through/right-turn lane remaining unchanged), and to add a new exclusive westbound right-turn only lane on Admiralty Way, the first improvement alternative (LCP A) would restripe the southbound approach of Palawan Way to convert the existing through lane to a shared left-turn/through lane (but leave the existing left-turn and right-turn lanes unchanged), and would further improve the westbound approach of Admiralty Way to provide an additional through lane (west of the intersection with Palawan Way). This alternative improvement would also convert the new westbound right-turn only lane to a shared through/right-turn lane, to provide a future lane configuration of one left-turn lane, two through lanes, and one shared through/right-turn lane. | <p>County Department of Public Works</p> | <p>No monitoring required</p> | <ol style="list-style-type: none"> County Department of Public Works County Department of Public Works No monitoring phase | <p>APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT.</p> |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|-------------------|--|--------|
| <p>4.8.4 Traffic/Access (continued)</p> <p>(Mitigation Measure 4.8-4(b) continued)</p> <p>1. (continued)</p> <p>The eastbound approach would continue to exhibit its current configuration of one left-turn lane, one through lane, and one shared through/right-turn lane. As with the ongoing improvement at this location, due to the proposed "shared lane" through/left-turn configuration for southbound Palawan Way, this alternative will require modification of the existing traffic signal to provide north/south opposed phasing operation.</p> | | | | |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase | Status |
|---|---|-------------------|--|--------|
| <p>4.8.4 Traffic/Access (continued)</p> <p>(Mitigation Measure 4.8-4(b) continued)</p> <p>2. The second certified LCP roadway improvement alternative (LCP B) is similar to the LCP A alternative described above, and would again modify westbound Admiralty Way to provide a third westbound lane west of the intersection, and convert the new westbound right-turn only lane to a shared through/right-turn lane (again with no changes to the eastbound approach lane configuration). However, this alternative would also restripe northbound Palawan Way to convert the existing shared through/right-turn lane to an exclusive right-turn only lane, while keeping the new shared left-turn/through lane currently being constructed. Additionally, this alternative would modify the southbound approach of Palawan Way to add a second left-turn lane (resulting in a final southbound lane configuration of two left-turn lanes, one through lane, and one right-turn only lane). As with the LCP A alternative, the traffic signal would be modified to operate with opposed north/south phasing.</p> | | | | |

4.0 Mitigation Monitoring and Reporting Program

| Mitigation Measures/Conditions of Approval | Party Responsible for Implementing Mitigation | Monitoring Action | Enforcement Agency Monitoring Agency Monitoring Phase | Status |
|---|---|------------------------|---|--|
| <p>4.8.4 Traffic/Access (continued)</p> <p>4.8-4c: Admiralty Way and Bali Way – The LCP improvement to add a second left-turn lane on southbound Admiralty Way at Bali Way, resulting in a final lane configuration for this approach of two left-turn lanes, one through lane, and one shared through/right-turn lane is currently under construction, and no further improvements are proposed.</p> | County Department of Public Works | No monitoring required | <ol style="list-style-type: none"> County Department of Public Works County Department of Public Works No monitoring phase | APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT. |
| <p>4.8-4d: Admiralty Way and Mindanao Way – In addition to the ongoing improvements to this intersection being installed by the County to provide a second southbound left-turn lane on Admiralty Way at Mindanao Way, and the project-required improvement to widen the south side of Mindanao Way to install a new shared through/right-turn lane on the eastbound approach of this street (and convert the current shared through/right-turn lane to a shared left-turn/through lane) described earlier (which is also part of the overall LCP improvement at this location), the remaining LCP improvements at this intersection would restripe the westbound approach of Mindanao Way to convert the existing shared left-turn/through lane to a shared left-turn/through/right-turn lane. The traffic signal phasing at this location will continue to exhibit the current east-west "split" phase operations, due to the proposed new eastbound/westbound lane configurations.</p> | County Department of Public Works | No monitoring required | <ol style="list-style-type: none"> County Department of Public Works County Department of Public Works No monitoring phase | APPLICANT SHALL PAY THE REQUIRED COUNTY TRAFFIC MITIGATION FEE TO LACDPW PRIOR TO ISSUANCE OF BUILDING PERMIT. |

Parcel 44 Visitor- and Booster-Serving Retail Project Final EIR
May 2015

4.0-15

Impact Sciences, Inc.
089,005

COASTAL COMMISSION



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: CUP R2013-01647

THE FIRE DEPARTMENT RECOMMENDS APPROVAL OF THIS PROJECT AS PRESENTLY SUBMITTED WITH THE FOLLOWING CONDITIONS OF APPROVAL.

CONDITIONS OF APPROVAL – ACCESS

1. Access as noted on the Site Plan shall comply with Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.
2. All proposed buildings shall be places such that a fire lane is provided to within 150 feet of all exterior walls of the first story. This measurement shall be by an approved route around the exterior of the building or facility. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.
3. The on-site private driveways intended for fire apparatus access, fire lane, shall provide a minimum paved unobstructed width of 26 feet, clear to the sky. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.
4. Commercial and high density residential buildings being served by a 26 feet wide fire lane will have a height restriction due to the fire lane width indicated on the Exhibit Map. Such buildings shall not exceed 30 feet above the lowest level of the Fire Department vehicular access road or the building is more than three stories. Buildings exceeding this height shall provide a minimum paved fire lane width of 28 feet. The required fire lane shall be parallel to the longest side of the building between 15 feet and 30 feet from the edge of the fire lane to the building wall.
5. The promenade shall provide a minimum unobstructed fire lane width of 20 feet with an all-weather access surface as specified in the Marina Del Rey Specific Plan within Title 22 (County of Los Angeles Zoning Code). Additional fire lane width will be required adjacent to any required fire hydrants and/or any proposed buildings. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.

Reviewed by: Juan Padilla

Date: August 11, 2015

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COASTAL COMMISSION

FIRE DEPARTMENT CONDITIONS OF APPROVAL
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EXHIBIT # 5
PAGE 54 OF 63



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: CUP R2013-01647

6. The driveways required for fire apparatus access shall be labeled as "Private Driveway and Fire lane" on the Site Plan with the widths clearly depicted. A reciprocal access agreement is required for all private driveways within this development. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.
7. Any change of direction within a private driveway shall provide a 32 feet centerline turning radius. Verification for compliance will be performed during the Fire Department review of the architectural plan prior to building permit issuance.
8. Any Special Pavement proposed on any of the fire lanes for this development shall be capable to support a live load of 75,000 pounds. Provide a note and clearly delineate on the architectural plans when submitted to the Fire Department for review prior to building permit issuance. Verification for compliance will also be performed prior to occupancy.
9. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
10. Install 8 public fire hydrants as noted on the Site Plan. All required fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
11. The required fire flow from the public fire hydrants for this development is 2000 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand. The required fire flow will be verified for accuracy during the Fire Department review of the architectural plan prior to building permit issuance.
12. Prior to building permit issuance, all required fire hydrants shall be bonded for in lieu of installation.

Reviewed by: Juan Padilla

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Date: August 11, 2015

COASTAL COMMISSION

FIRE DEPARTMENT CONDITIONS OF APPROVAL
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EXHIBIT # 5
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**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: CUP R2013-01647

-
13. Parking shall be restricted 30 feet adjacent to any required public or private fire hydrant, 15 feet on each side measured from the center of the fire hydrant. Adequate signage and/or stripping shall be required prior to occupancy.
 14. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.
 15. The driveways required for fire apparatus access shall be posted with signs stating "No Parking-Fire Lane" and/or stripped accordingly in compliance with the County of Los Angeles Fire Code prior to occupancy.
 16. All proposed streets and driveways within this development shall provide approved street names and signs. All proposed buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the Department of Public Works and the County of Los Angeles Fire Code.

For any questions regarding the report, please contact Juan Padilla at (323) 890-4243 or Juan.Padilla@fire.lacounty.gov.

Reviewed by: Juan Padilla

Page 3 of 3

Date: August 11, 2015

COASTAL COMMISSION

FIRE DEPARTMENT CONDITIONS OF APPROVAL
Page 3 of 3

EXHIBIT # 5
PAGE 57e OF 43



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000

www.publichealth.lacounty.gov

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December 20, 2013

TO: Anita Gutierrez
Principal Regional Planning Assistant
Department of Regional Planning

FROM: Michelle Tsiebos, MPA, REHS M.T
Environmental Health Division
Department of Public Health

SUBJECT: CUP CONSULTATION
PROJECT NO. R2013-01647/ RCUP 201300003
Marina del Rey Parcel 44 (w/frontage on Admiralty Way, Bali Way and Mindanao Way)

- Public Health recommends approval of this CUP.
- Public Health does NOT recommend approval of this CUP.

The Department of Public Health has reviewed the information provided for the project identified above. The CUP is for the proposed development of the waterfront at Marina del Rey parcel 44 with the construction of new commercial retail facilities, and new restaurants among other amenities.

We have no objection to the approval of the CUP contingent upon the following conditions:

Potable water supply and sewage disposal

The proposed buildings shall be supplied with potable water through an approved public water system, and wastewater disposal shall be accommodated through public sewer and wastewater treatment facilities as proposed.

The applicant shall submit a current will serve letter from the water purveyor to this Department prior to the public hearing.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 57 OF 63

Food Retail Facilities

The applicant shall comply with all the Department of Public Health requirements relating to the construction and operation of food establishments. Three sets of construction plans for the proposed food establishments shall be submitted to the Department's Plan Check Program for review and approval prior to issuance of any building permits. Each proposed food establishment must be issued a Public Health Permit to operate by this Department after construction.

Noise

The applicant shall comply with the requirements of the Los Angeles County Noise Control Ordinance as found in Title 12 of the Los Angeles County Code.

If you have any questions about this report, please contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.

COASTAL COMMISSION



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 25, 2015

IN REPLY PLEASE
REFER TO FILE: LD-4

TO: Samuel Dea
Special Projects Section
Department of Regional Planning

Attention Kevin Finkel

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201300166
COASTAL DEVELOPMENT PERMIT (CDP) NO. 201300006
PROJECT NO. R2013-01647
MARINA DEL REY, PARCEL 44, PIER 44
4675 ADMIRALTY WAY
ASSESSOR'S MAP BOOK NO. 4224, PAGE 8, PARCEL NO. 901
LOTS 722 THROUGH 728, 730 THROUGH 742, AND 744 THROUGH 758
UNINCORPORATED COMMUNITY AREA OF MARINA DEL REY

Thank you for the opportunity to review the site plan and the zoning permit application for the project located at 4675 Admiralty Way in the unincorporated County community of Marina del Rey. The applicant is requesting authorization for a CUP and a CDP to allow the construction and use of multiple buildings with a buildable area of 82,652-square-feet including 462 parking spaces. The proposed development will include a Trader Joe's market; a two-story, retail store with offices on the second floor; restaurants; boaters' bathroom facilities; and a boat repair shop. The project will also include the development of a waterfront pedestrian promenade along the parcel's bulkhead and realignment of the Marvin Braude Bicycle Path to run parallel to the waterfront pedestrian promenade.

- Public Works recommends approval of this CUP and CDP.
- Public Works does **NOT** recommend approval of this CUP and CDP.

COASTAL COMMISSION

Upon approval of the site plan, we recommend the following conditions:

1. Road

- 1.1 Dedicate, through the set aside process, adequate right of way for a corner cut-off (from beginning-of-curb return (BCR) to end-of-curb return (ECR), based on a 35-foot curb-return radius, at the northwest corner of Admiralty Way and Mindanao Way and the southwest corner of Admiralty Way and Bali Way. A fee will be required for the review of the dedication documents.
- 1.2 Dedicate, through the set aside process, an additional 16-feet of road right of way to provide 56 feet of road right of way (from centerline) on Admiralty Way from approximately 195 feet south of the Admiralty Way/Bali Way intersection to the project's proposed main driveway. This dedication is necessary to accommodate the exclusive right-turn lane into the main entrance driveway for the project. A fee will be required for the review of the dedication documents.
- 1.3 Dedicate, through the set aside process, an additional 4 feet of road right of way to provide 44 feet of road right of way (from centerline) on Admiralty Way from the Admiralty Way/Bali Way intersection to approximately 195 feet south of the intersection and from the proposed main entrance driveway to the Mindanao Way/Admiralty Way intersection. A fee will be required for the review of the dedication documents.
- 1.4 Dedicate, through the set aside process, an additional 3 feet of road right of way to provide 30 feet of road right of way (from centerline) on Mindanao Way from the westerly property line of the project to approximately 285 feet west of Admiralty Way. A fee will be required for the review of the dedication documents.
- 1.5 Dedicate, through the set aside process, an additional 14 feet of road right of way to provide 41 feet of road right of way (from centerline) on Mindanao Way from approximately 285 feet west of Admiralty Way to Admiralty Way. A fee will be required for the review of the dedication documents.
- 1.6 Dedicate, through the set aside process, an additional 7 feet of road right of way to provide 34 feet of road right of way (from centerline) on Bali Way from the westerly property line of the project to approximately 285 feet west of Admiralty Way. A fee will be required for the review of the dedication documents.

COASTAL COMMISSION

- 1.7 Dedicate, through the set aside process, an additional 10 feet of road right of way to provide 37 feet of road right of way (from centerline) on Mindanao Way from approximately 285 feet west of Admiralty Way to Admiralty Way. A fee will be required for the review of the dedication documents.
- 1.8 Construct a 35-foot curb-return radius with a curb ramp that meets current Americans with Disabilities Act (ADA) guidelines at the northwest and southwest corners of Admiralty Way and Mindanao Way and the southwest corner of Admiralty Way and Bali Way. Relocate any affected utilities, including the traffic signal poles, as necessary. Relocation of a traffic signal will require a separate traffic signal plan.
- 1.9 Construct an exclusive right-turn lane with adequate base, pavement, curb, gutter, and sidewalk on Admiralty Way to accommodate southbound right-turn movements at the project's main entrance driveway. Relocate any affected utilities.
- 1.10 Construct curb, gutter, and sidewalk 22 feet from the centerline on Mindanao Way from the westerly property line of the project to approximately 285 feet west of Admiralty Way, which is consistent with the site plan. Relocate any affected utilities.
- 1.11 Construct curb, gutter, and sidewalk 30 feet from the centerline on Mindanao Way from approximately 285 feet west of Admiralty Way to Admiralty Way, which is consistent with the site plan. Relocate any affected utilities.
- 1.12 Construct curb, gutter, and sidewalk 33 feet from the centerline on Admiralty Way, along the property frontage, which is consistent with the site plan. Relocate any affected utilities.
- 1.13 Construct curb, gutter, and sidewalk 26 feet from centerline on Bali Way, along the property frontage, which is consistent with the site. Relocate any affected utilities.
- 1.14 Provide a minimum 5-foot-wide sidewalk within the public right of way at all locations along the property frontage. Any above-ground obstructions within the sidewalk area will require sidewalk pop-outs.

COASTAL COMMISSION

- 1.15 Construct driveway approaches at the project site to comply with current ADA guidelines. Relocate any affected utilities. Please note the driveways may need to be depressed at the back of the walk. Any difference in grade as a result of this depression will need to be accommodated on-site.
- 1.16 Construct an 8-foot-wide sidewalk along the south side of Mindanao Way from 285 feet west of Admiralty Way to Admiralty Way. Additionally, it shall be the sole responsibility of the applicant to acquire the off-site dedication/set aside of an additional 4 feet of road right of way to provide 31 feet of road right of way (from centerline) on Mindanao Way to accommodate the new sidewalk.
- 1.17 Median opening modifications will be required along Admiralty Way, Bali Way, and Mindanao Way to accommodate the proposed driveways, the existing driveways at the bike path crossings, and to be consistent with the site plan and the mitigations from the approved traffic impact analysis, to the satisfaction of Public Works and Beaches and Harbor.
- 1.18 Relocate the existing driveway entrance to Parking Lot 5 (Parcel UR) on the north side of Bali Way to align with the project's proposed driveway across the street. The relocation of the existing driveway shall be the sole responsibility of the applicant.
- 1.19 Reconstruct any damaged pavement with asphalt and base from centerline to the edge of gutter on Admiralty Way, Bali Way, and Mindanao Way along the property frontage. Additional pavement reconstruction may be required to properly join the existing pavement beyond the centerline. If Beaches and Harbors requires additional pavement reconstruction beyond the centerline, the applicant will be credited for the additional work from Beaches and Harbors.
- 1.20 Comply with the mitigations and fair share requirements set forth in the approved Traffic Impact Analysis letter from Public Works' Traffic and Lighting Division dated February 27, 2015.
- 1.21 Relocate impacted street lights as a result of the street improvements requirements along the project frontage on Admiralty Way, Bali Way, and Mindanao Way. A street lighting plan will be required. Please contact Traffic and Lighting Division's Street Lighting Section at (626) 300-4705 for design requirements and processing of street lighting plans. A review fee will be required.

COASTAL COMMISSION

Samuel Dea
August 25, 2015
Page 7

4. Sewer

- 4.1 Dedicate, through the set aside process, adequate sewer easements to the Consolidated Sewer Maintenance District for the continued maintenance and operation of the sewer facilities within the project. The set aside sewer easements shall be 10 feet wide (5 feet on each side of the centerline of the sewer lines). The set aside easements must be recorded prior to the issuance of a grading permit. A review fee will be required for the deed preparation and process.

For questions regarding the sewer condition, please contact Anna Marie Gilmore from Public Works' Sewer Maintenance Division at (626) 300-3360 or agilmore@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz of Land Development Division at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC:la

P:\6p\2015\BPC\Charles Chasing Fire\CUP\DP 201202186 - Per 44TCUP 2013001560015 05-19 TCUP 201302166 SUPPLEMENTAL\Project No.2013-01947 Parcel 01 Approval\Wz at Meeting W1.docx

Attach.

COASTAL COMMISSION

ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENT □ LITIGATION □ MUNICIPAL ADVOCACY

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May 23, 2016

Via E-Mail

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Request for No Substantial Issue Determination re: Appeal of Parcel 44 Visitor- and Boater-Serving Project, Marina del Rey; Case No. A-5-MDR-16-0018

Hon. Chair Kinsey and Commissioners:

Our law firm represents Pacific Marina Venture, LLC, the permit applicant in the above-referenced appeal, which has been authorized by the County of Los Angeles to develop a visitor- and boater-serving commercial project on Parcel 44, an 8.4-acre waterfront parcel of County-owned land with frontages on Admiralty Way, Bali Way and Mindanao Way in Marina del Rey. For the reasons set forth in this letter, we respectfully request that your Commission adopt the staff recommendation that the appeal raises no substantial issue.

Fully consistent with all applicable development criteria for the parcel per the certified Marina del Rey Local Coastal Program (the "LCP"), the County has approved permits (including a Coastal Development Permit) authorizing our client to develop Parcel 44 with a collection of high-quality visitor- and boater-serving facilities, including: a flagship West Marine store (which will cater directly to boaters' maritime shopping needs), a Trader Joe's grocery, a new yacht club facility for the South Coast Corinthian Yacht Club, a new boat maintenance shop, a new boat hoist to service the yacht club and boat maintenance shop, new boat broker offices, abundant boat storage areas (including exterior "dry-stacked" boat storage and mast-up boat storage spaces), a community room, and two new waterfront restaurants. Abundant, convenient parking is being provided onsite for all project uses in conformance with LCP requirements.

The appellant's chief allegation is that the project will adversely impact the public's ability to access the coast, in contravention of the Coastal Act's public access policies. We categorically reject this false allegation. In fact, the project will greatly improve and enhance the public's access to the coast over existing conditions, by:

COASTAL COMMISSION

A-5-MDR-16-0018

EXHIBIT # 6

PAGE 1 OF 24

- Providing a new 28-ft.-wide waterfront pedestrian promenade (with decorative paving and railing, lighting facilities and shaded seating areas) along the entirety of parcel's approximately 1,500-ft.-long bulkhead (whereas only a deteriorating sidewalk and deteriorating bulkhead railing currently exist);
- Realigning the Marvin Braude Bike Trail in a straight orientation adjacent to the new public pedestrian promenade to be provided along the eastern boundary of Marina Basin G (whereas the bike path currently meanders haphazardly through the site's surface parking areas, creating a potentially unsafe condition for cyclists);
- Installing more than 100 bicycle parking spaces within the project (where none now exist);
- Installing new boater and public restroom facilities (the parcel's existing boater restroom facilities are deteriorating and in need of replacement and there are currently no public restroom facilities on the parcel);
- Significantly enhancing access for persons with physical disabilities, including installation of a new public elevator and four ADA-compliant lifts to make it much easier for these persons to access the parcel's waterfront (whereas no such facilities currently exist);
- Providing an approximately 10,230-sq. ft. outdoor public plaza, appointed with attractive landscaping and public seating areas directly overlooking the marina basin (whereas no such public gathering spaces currently exist on the parcel);
- Providing abundant view corridors from public streets through the site to the Marina waters, far in excess of LCP requirements (importantly, the project will allow persons traveling along Admiralty Way to see the Marina waters in Basin G; currently, water views at this key project frontage do not exist in any meaningful way);
- Providing wayfinding signage as a part of the design of the project designed to direct visitors to the public waterfront promenade, public viewing areas, the WaterBus stop to be provided in the abutting Pier 44 anchorage, and other recreational amenities; and
- Our client's payment of the largest traffic impact fee in the history of Marina del Rey (in excess of \$2.3 million), which will be utilized by the County to help improve traffic conditions in the project vicinity. For example, one key traffic improvement that will be installed concurrent with development of the project is the construction of an additional eastbound right turn lane from Mindanao Way onto Admiralty Way, which will help the flow of traffic generated by the project.

The appellant also asserts it is inappropriate to allow development of a Trader Joe's and a West Marine store on this waterfront parcel. Again, we categorically reject this false assertion. The LCP specifically designates Parcel 44 for development of visitor-serving commercial and marine-commercial uses, and Trader Joe's and West Marine are classically such. What is great about having these particular stores at Parcel 44 is that, in addition to serving traditional patrons arriving by cars, public transit or bikes, the stores will be tied directly to the abutting Pier 44 anchorage, allowing boaters arriving to the site by water to easily access both stores for their maritime shopping and grocery needs. This type of convenient boater access to landside

COASTAL COMMISSION

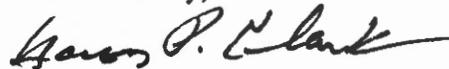
maritime retail and grocery facilities is an exciting first for Marina del Rey. Being located on Mindanao Way, Trader Joe's will also provide persons traveling to Burton Chace Park (which is located at the terminus of Mindanao Way) a convenient stop-off spot to pick up picnic supplies on their way to the park.

The appellant made near identical false allegations regarding the project in his appeal of the Regional Planning Commission's ("RPC") unanimous approval of the project to the County Board of Supervisors (the appellant did not even attend the RPC's hearing, but nonetheless appealed the RPC's approval action to the Board). At the conclusion of the Board's November 24, 2015, appeal hearing for the project – after thoughtfully considering each of the appellant's claims regarding the project's alleged inconsistency with the LCP and the Coastal Act – the Board voted unanimously to indicate its intent to deny the appeal and to sustain the RPC's action by approving the project permits. There was notable boater and broader community support for the project expressed at both the RPC hearing and the Board appeal hearing.

As explained herein, and as outlined in detail in the April 26, 2016 appeal rebuttal letter submitted by County staff to your Commission, all of the appellant's claims against the Board's approval of the project CDP are unsupported and lack merit. None of the appellant's claims constitute substantial evidence, but rather consist entirely of argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate. The project, as conditionally approved by the County, is wholly consistent with the certified LCP. The appeal raises no substantial issue regarding either the project's consistency with the LCP or its consistency with the public access policies of the Coastal Act.

We therefore respectfully request that the Commission **support your staff's determination that the appeal raises no substantial issue** at your June 9, 2016, substantial issue hearing on the project CDP appeal, thereby sustaining the County's well-reasoned approval of the project CDP and allowing project development to finally commence.

Sincerely,



Aaron P. Clark

Armbruster Goldsmith & Delvac LLP

cc: Pacific Marina Venture, LLC

COASTAL COMMISSION



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

822 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012

Telephone (213) 974-4444 / FAX (213) 626-6941

MEMBERS OF THE BOARD

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May 20, 2016

DON KNABE
SUPERVISOR, FOURTH DISTRICT

Mr. Steve Kinsey
Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

SUBJECT: Parcel 44 Project Appeal (A-5-MDR-16-0018)

Dear Chair Kinsey and Honorable Commissioners:

As the Supervisor of the Fourth Supervisorial District, I request your support for an exciting new project in Marina del Rey that your Commission will be considering at your June 2016 hearing.

This item is an appeal of the Los Angeles County Board of Supervisors' approval of a Coastal Development Permit (CDP) for a visitor-serving/marine commercial project proposed on Marina del Rey Lease Parcel 44. This project is unique in the Marina in that it will provide multiple benefits to visitors, boaters, and residents. It will provide a 28'-wide waterfront promenade where today there is only a narrow disjointed walkway. It will improve and realign a bike path and include spaces for bicycle parking. It will offer dinghy docks and transients slips, so that for the first time in the Marina boaters can easily visit a boating retail store, a restaurant, a specialty market, or a yacht club. It will provide dry-stack boat storage racks for those who prefer not to keep their boats in the water.

After careful review, the County's Regional Planning Commission, and the Board of Supervisors found the project to be wholly consistent with the certified Marina del Rey Local Coastal Program. Furthermore, the project is consistent with the public access policies of the Coastal Act in that it will improve access to visitors whether they arrive by boat, transit, car, bicycle, or on foot.

I respectfully request your Commission to find no substantial issue regarding the appeal of the County's approval for the Parcel 44 CDEP. If you have any further questions, or if I or my staff can be of any assistance, please don't hesitate to contact my deputy, Julie Moore, at (213) 974-4444.

Sincerely,

DON KNABE
Supervisor, Fourth District
County of Los Angeles

DK:di

COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 24

Mr. Steve Kinsey
May 20, 2016
Page 2

- c: Commissioners
Ms. Sachi Hamai, Chief Executive Officer
Ms. Lori Glasgow, Executive Officer, Board of Supervisors
Ms. Mary C. Wickham, County Counsel, Office of County Counsel
Mr. Gary Jones, Director, Department of Beaches and Harbors
Mr. Richard Bruckner, Director, Department of Regional Planning
County of Los Angeles

COASTAL COMMISSION

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May 21, 2016

California Coastal Commission

35 Fremont St. Suite 2000

San Francisco, Ca. 94105

RE: Request for No Substantial Issue Determination re: Appeal of the Parcel 44 Visitor & Boater Serving Retail Project, Marina del Rey (Coastal Commission Appeal No. A-5 MDR-16-0018)

Attention: Steve Kinsey

My name is Tony del la Vega and I own a business call Cardel Yacht and Ship Brokerage. My apologies for not being in this meeting, but I am out of town with clients, therefore, I'm asking to have this letter be read to you.

As a yacht broker in Marina del Rey, I would like to extend my strong support for the project of Parcel 44. I have always said that Parcel 44 needs to be revitalized and renovated with new stores and restaurants.

The renovation is an integral and important part of the Marine Industry, especially for yacht brokers like myself. We have struggled in this poor economy and the addition of stores like West Marine and others, could bring in foot traffic that would be welcomed with open arms.

I am extremely grateful to Mike Seldon of Pier 44 and his staff for their never ending support of the Marine Industry and tenants like myself., and again I strongly recommend and support the Parcel 44 renovation.

Respectfully yours,

Tony de la Vega

Tony del la Vega
CARDEL YACHTS
Mobil: (310) 210-1385
www.cardelyachts.com

COASTAL COMMISSION

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South Coast Corinthian
Yacht Club
Yachting Since 1932

May 19, 2016

Via E-Mail

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

SUBJECT: Request for No Substantial Issue Determination re: Appeal of the Parcel 44 Visitor- and Boater-Serving Retail Project, Marina Del Rey (Coastal Commission Appeal No. A-5-MDR-16-0018)

Hon. Chair Kinsey and Commissioners:

As Commodore of the South Coast Corinthian Yacht Club (SCCYC), I am writing to convey our Club's strong support for Pacific Marina Venture's (PMV) redevelopment proposal for Marina Del Rey Parcel 44. For reasons set forth below, SCCYC respectfully asks that your Commission vote to support your staff's determination that **the above referenced appeal raises no substantial issue** at your June 2016 meeting.

By way of background, SCCYC is the longest-lived yacht club in Santa Monica Bay and among the oldest on the Pacific Coast, tracing its incorporation to March 1932. Since our inception, SCCYC has retained its original goal of yachting accessibility for all and solidifying the Corinthian spirit. For the past 49 years, SCCYC has operated from our current clubhouse facility located on G Basin at Parcel 44.

PMV's controlling owners, Messrs. Michael Pashaie and David Taban, reached out to our club early-on in the planning stages for their proposed redevelopment for Parcel 44 to solicit our Club's input regarding their plans in order to make sure SCCYC would have an attractive and well-functioning new clubhouse and support facilities (e.g., small boat storage areas, parking and boat hoist facilities) in their new project. Through a series of working sessions between SCCYC's leadership and PMV's representatives over a number of months, we have arrived at a final plan which we believe will provide SCCYC a state-of-the-art yacht club facility in the new project. This, we are confident, will enable our Club to grow our membership and sustain us for the next 50 years at the redeveloped Parcel 44.

PMV should be commended for the collaborative manner in which they engaged our Club to accommodate our needs in the new project. Less thoughtful developers may well have assumed our small yacht club was not worth the time and effort and paid short shrift to our

COASTAL COMMISSION

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Concerns. PMV took the opposite approach, resulting in a project I am confident both SCCYC and the larger boating and visiting public will enjoy for many years to come.

Please know that this project a boater's dream, providing a wide array of new boater-serving amenities and facilities. In addition to our new yacht club facility, the project provides convenient boater parking, a boater's lounge, new boater's restroom facilities, a flagship West Marine store (which caters almost exclusively to boaters), new boat broker facilities, a new boat hoist, a new boat repair shop and dozens of dry-stacked and surface exterior boat storage spaces. Importantly, the project also greatly enhances the non-boating public's access to the site, by providing a new expansive public pedestrian promenade along the entirety of the parcel's waterfrontage, a badly needed realignment of the South Coast Bike Trail in a straight orientation along the parcel's Admiralty Way fronting seawall (along with more than 100 onsite bike parking space), new visitor-serving restaurants, a new Trader Joe's grocery (which boaters will be able to access directly from the new marina that will be built in conjunction with this project!), and a community room. As designed, the project will also "open" views to the Marina's waters to passersby on Admiralty Way, as views to the water from this key project frontage are currently almost nonexistent. In approving the project, the County also took care to ensure the development complies with the numerous policies and development criteria identified for Parcel 44 in the Marina's certified Local Coastal Program.

We look forward to the completion of the Parcel 44 project and hope it will come to fruition as soon as possible. For the reasons explained above, SCCYC strongly urges you to deny the frivolous appeal by voting in favor of your staff's recommendation that the project, as conditionally approved by the county, raises no substantial issue regarding the project's consistency with the Marina's certified Local Coastal Program or the applicable public access and recreation policies of the Coastal Act.

Thank you for your consideration, and for your valued service to all Californians.

Sincerely,



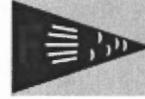
Trevor Bazeley
SCCYC Jr. Staff Commodore

COASTAL COMMISSION

EXHIBIT # 6
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Fairwind Yacht Club
P O BOX 12684,
MARINA DEL REY, CA 90295



Mr. Steve Kinsey, Chairman
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

Thursday, June 9
Agenda Item 11.a

May 23, 2016

Dear Chair Kinsey and Commissioners,

Re: Appeal of Parcel 44 Visitor and Boater Serving Retail Project in Marina Del Rey. Coastal Commission Appeal No. A-5-MDR-16-0018)

I am writing in support of the proposed development by Pacific Marina Venture's (PMV's) redevelopment proposal for Parcel 44 in Marina Del Rey and support a finding of **No Substantial Issue Determination** by the California Coastal Commission.

I write in my capacity as Commodore of Fairwind Yacht Club and as a Volunteer Supporter of the Boys & Girls Clubs of Venice.

Fairwind Yacht Club provides affordable sailing facilities to Lower and Middle Income members of Society and has been doing so since 1966. We will celebrate the 50th Anniversary of our foundation on October 1, 2016. Through the Volunteer support of our Members, we own and maintain 26 sail boats ranging from 20 feet in length to 40 feet which we make available to our members at extremely affordable costs. We have over 450 active members and we are an Authorized sailing School with the American Sailing Association.

We co-sponsor with the Los Angeles County Sheriff's Department, various sailing programs for the Boys & Girls Clubs of Venice where we teach "at risk youths" sailing, leadership, teamwork, safe boating, and respect and care for the environment. To do this, we manage and maintain a fleet of 8 Hobicat sail boats and a Boston Whaler motorized dinghy support boat, all of which are owned by the Boys & Gilrs Clubs. For the last 13 years, Michael Pashaie and David Taban, together with Pacific Marina Ventures have graciously supported our programs by accommodating the storage of our boats at no cost to the Boys & Girls Clubs of Venice. This is indicative of the strong community sentiments held by the Applicants who care greatly about the Community and for less fortunate members of Society.

COASTAL COMMISSION

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In keeping with these admirable objectives, PMV have designed a much needed redevelopment plan for Parcel 44 that will be of enormous benefit to Marina Del Rey and the Communities it serves.

The entire Boating Community and the people of Marina Del Rey are strongly supportive of this project. The current facilities in Parcel 44 are run down and in much need of improvement.

The proposed development will substantially enhance the amenities and facilities available to boaters. We will have direct access from the water to the new flagship West Marine Store, access to restaurants, community rooms, parking slips a new boat hoist, a new boat repair shop and boat storage facilities.

The project will also greatly enhance public access to the marina for the non-boating public. There will be a new expansive pedestrian promenade along the waterfront and a much needed realignment of the bike trail. The project will also offer charming open views of the marina to residents and visitors to Marina Del Rey.

This project has been delayed far too long and I strongly urge you to deny the frivolous appeal before you. I encourage you to support the findings of your staff, that the project, as conditionally approved by the county, raises no substantial issue regarding the project's consistency with the marina's Local Coastal Program or the applicable public access and recreation policies of the Coastal Act.

Thank you for our consideration and for all you do for our Community.

Yours truly,

Richard Windebank

J. Richard Windebank
Commodore – FYC
Volunteer - BGCV

COASTAL COMMISSION

EXHIBIT # 6
PAGE 10 OF 24

BOB KOEPPLE YACHT SALES
@ PIER 44

4627 Admiralty Way
Marina del Rey Ca. 90292

Tel. (310) 821-0007 Fax (310) 821-2215

5-21-16

**SUBJECT: Request for No Substantial Issue Determination re:
Appeal of the Parcel 44 Visitor- and Boater-Serving Retail
Project, Marina del Rey (Coastal Commission Appeal No. A-5-
MDR-16-0018)**

Attention: Mr. Steve Kinsey, Chair California Coastal Commission

I would like to add my support for the proposed Pier 44 remodel, which in my opinion, is long over due. The building we now occupy is very old and has issues. The docks are in such need we are afraid to have our clients rent slips for the showing of their vessels. The time for renovation is now and our business is counting on it. I feel this is such an important issue that I am willing to appear in person, in front of the commission, to express my views.

Sincerely



Bob Koepple, Bob Koepple Yachts Sales

COASTAL COMMISSION

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**Marina del Rey
Lessees Association**

C/o Mr. Timothy C. Riley, Executive Director
8537 Wakefield Avenue
Panorama City, CA 91402
Telephone: 818-891-0495; FAX: 818-891-1056

May 22, 2016

Via email

California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Coastal Commission Appeal No. A-5-MDR-16-0018
Appeal of the Parcel 44 Visitor- and Boater-Serving Retail Project
Marina del Rey, California

Dear Chairman Kinsey and Honorable Commissioners

The Marina del Rey Lessees Association consists of the leaseholders of anchorages, residential, commercial, marine and visitor-serving properties in unincorporated Marina del Rey. The Association has long supported efforts to enhance the visitor-serving uses in Marina del Rey. It is for this exact reason we have a keen interest in seeing the redevelopment of Parcel 44 (Pier 44) come to fruition. This project is specifically designed to provide easily accessible visitor-serving amenities for residents, visitors and boaters and to increase public access to the waterfront.

The Association supports the proposed redevelopment of Parcel 44 (Pier44), as it responds to the community's long-requested demands for a complete upgrade of this water-oriented parcel. The Project will stimulate boater and marine commercial uses on a site that has become outmoded for its intended purpose.

From our perspective, there are several salient points in favor of the proposed development that have become more and more evident as it worked its way through the regulatory process over many years. Foremost, the Pier 44 Project is consistent with the Marina del Rey Local Coastal Program (LCP) in that the project does not require any amendment to the existing LCP.

During the multi-year review process, the Project consistently received support of the County's various proprietary and regulatory bodies, including the Small Craft Harbor Commission, the Regional Planning Commission, and the Design Control Board. As a result of input received from these County entities and the public, the Project has been further refined and improved on several fronts, creating an even better project, in function and design, than the one initially reviewed by the Design Control Board in 2013.

COASTAL COMMISSION

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Most significantly, the Project now provides a wider view corridor along Admiralty Way, offering views of the water in excess of LCP requirements and increasing public access opportunities. The redesign and massing along Admiralty Way widens and intensifies the drive-by water view at an entry midway between Mindanao and Bali, resulting in a highly appealing amenity that was desired by the community.

The bike path through Pier 44 has been reconfigured for a clear and safe transition from Bali to Mindanao, with a dedicated 10-foot wide bicycle promenade that is in addition to the adjacent 28-foot wide walking promenade. This creates an expansive waterside experience for bicyclists and pedestrians, thereby significantly improving access to the public for water views and enhancing recreational opportunities.

The South Coast Corinthian Yacht Club will now have its own separate building, including many boater-serving amenities. The Applicant worked with the boating community to achieve greater accessibility from street-level parking conveniently located near the boat slips. The iconic West Marine building responds to the boating community's desire for an appropriately located marine commercial business that caters to the needs of boaters with an extensive stock of boating supplies.

The Pier 44 Project will do much to enhance visitor-serving commercial uses. The Applicant proposes to bring the popular specialty market of Trader Joe's to the Marina. Restaurants as well as casual outdoor dining areas will be located with great views of the water, which will appeal to residents and visitors alike for the waterside experience. These commercial businesses and the specialty market will cater to boaters and visitors with opportunities to dine outdoors at benches and tables for public use and to gather in the large public spaces to enjoy waterfront views.

The Marina del Rey Lessees Association believes the redevelopment of Pier 44, as envisioned by the Lessee, will bring a beneficial improvement to the entire community.

We urge the California Coastal Commission to deny the appeal that has no merit and to follow its staff's recommendation that the project, as conditionally approved by the County, raises no substantive issue.

Thank you for your consideration of this marine and visitor-serving redevelopment project.

Sincerely,



David O. Levine
President, Marina del Rey Lessees Association

COASTAL COMMISSION

EXHIBIT # 6
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9100 S. Sepulveda Blvd., Ste. 210
Los Angeles, CA 90045
tel 310.645.5151
info@laxcoastal.com

May 23, 2015

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Case No: **Request for No Substantial Issue Determination re: Appeal of the Parcel 44 Visitor- and Boater-Serving Retail Project, Marina del Rey (Coastal Commission Appeal No. A-5-MDR-16-0018)**

Dear Hon. Chair Kinsey and Commissioners:

On behalf of the LAX Coastal Chamber of Commerce which represents over 500 businesses in the Marina del Rey area, many of which are located within County-owned Marina del Rey, I am writing to express our enthusiastic support of the Pier 44 project. This development plan was approved unanimously by our Marina Affairs Committee, Public Policy Committee and our Board of Directors.

We have been following this project for over a year and believe it will be of tremendous benefit to the community. It is our understanding that this project has been appealed because of "limited public access." This statement is completely false and in fact this project provides greater, easier and expanded access on many levels.

This project uses the land adjacent to the water that does exactly what the Coastal Act mandates: It harmoniously marries people to the water and invites all to join in by providing access to public. It is also important to note that this project has moved through the various entitlement Boards and Commissions, it has consistently received unanimous favorable votes for its concept and design, its adherence to the Coastal Act and the Marina del Rey Local Coastal Plan. Pier 44 follows all the rules and has significant community support. By its design, this project responds directly to the needs of boaters while also providing amenities for the non-boating public.

This project also has all the other important components that create access: The waterside promenade provides a walkable path for the public, the bike path allows for cyclist to enjoy daily exercise and the amenities will serve local residents with areas to shop and enjoy the marina. The project further encourages biking by providing over 100 parking spaces for bikes. It invites visiting boaters access dingy docks, a water taxi stop and mobility for everyone whether they be a boater, a hotel or day visitor, or a local resident. The expansive view corridors from all three streets on which the project is located allow passing motorists to see the water and the boats as they pass by.

We urge you to deny this appeal by voting in favor of your staff's recommendation that the project, as conditionally approved by the County, raises no substantive issue. The project is consistent with the Marina del Rey Certified Local Coastal Program and, further, provides the appropriate public access per the Coastal Act.

Sincerely,

Christina Davis
President/CEO

COASTAL COMMISSION

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PAGE 14 OF 24

RICHARD HORNER
WESTCOAST ATHLETIC FOUNDATION
8117 W. Manchester Avenue, #100, Playa Del Rey, CA 90293
ph: 877-968-7248 fax: 877-843-3299
WestCoastAthletic@gmail.com

May 22, 2016

Via E-Mail & U.S.P.S. Priority Mail

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

SUBJECT: Costal Commission Appeal No: A-5-MDR-16-0018

Honorable Chair and Commissioners:

My name is Richard Horner and I have lived, worked and played in Marina Del Rey since childhood. My family and I grew up participating in many activities, patronized many establishments and have been members of various clubs and groups that defined this region as a major worldwide attraction as an important destination spots for visitors as well as local residents.

Often, I have been a vocal opponent of many major development projects, here in the Marina Area, in what is the largest man-made Recreational Harbor in the World. Additionally, I am active in Sailing and Boating, a Volunteer in the Coast Guard Auxiliary and have served and supported community organizations such as the "Marina Tenants Association", "The Coalition To Support the Marina", The Boys and Girl Club, The Boy-Scouts and am a long time Coach of Local Middle and High Schools in the community over the years.

I would like emphasize that it is extremely rare that a Developer/Leaseholder would go through such extraordinary lengths, above and beyond what is normally required, to involve the myriad of groups in the community, with all their different ideas and needs, in its project plans and design to the extent that Pier 44 has indeed done in its proposed development and improvement plans for the above project.

With regard to the Individual in Opposition to this project, I would like to call specific attention to the Appellant personally. While I applaud any effort to voice an "individual and personal opinion" and I encourage him to call attention to: support or oppose, ideas or plans, I caution this commission to be aware that this is a exactly that: An individual and Personal Opinion.

COASTAL COMMISSION

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California Coastal Commission
Page Two
May 22, 2016

This Appeal is A voice of a Marina Resident/Boat Owner that is NOT involved with any activities other than his "Activism for Identity", "To Oppose, for the sake of Opposing" with a history of no resolve or willingness to mitigate or seek inclusion of others, yet he stands on the pedestal of so-called representation of the Boating Community but is rather "A Coalition of ONE", and Quite frankly it is my contention that "ill-intended opposition" often defuses other legitimate and important issues that need attention or scrutiny, often support or opposition.

Most importantly I would like to call specific attention to the Commission of the Individuals personally that have put forth and submitted the plan that is under Appeal and the subject of the upcoming Costal Commission hearing. I would like to restate and emphasize that it is extremely rare that Developers with such wherewithal have taken such extraordinary measures to involve and include the Community in their plans, to go out of the way to take into consideration the vast difference in ideas, concerns and needs of all that would be impacted from residents to tourists, from casual bikers and joggers to entrenched Clubs and Associations that are rooted in the Marina and All the boaters that call the Marina their home or playground.

This parcel is destined to be the gateway to the Marina and the visible face of for decades to come and my grave concern is that if we lose this special group, the current developers and leaseholders, for whatever reasons (unnecessary and burdensome delay, lack of interest, other projects in other communities) it would have catastrophic consequences for far into the future and for decades to come.

I urge this Commission to DENY THIS APPEAL and to Grant Approval of this Project, a long overdue and badly needed restoration and revitalization for what will ultimately become and be known as the "GateWay to the Marina".

Kindly keep me informed and on the mailing list of this particular issue, upcoming hearings and please put me on the agenda to speak personally on this item.

Sincerely,

Richard Horner

COASTAL COMMISSION

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**RIKKI BARKER
13900 PALAWAN WAY - SLIP 10
MARINA DEL REY, CA 90292**

May 19, 2016

Via E-Mail

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

AGENDA ITEM:

11a ; June 9, 2016

SUBJECT: Request for No Substantial Issue Determination re: Appeal of the Parcel 44 Visitor- and Boater-Serving Retail Project, Marina del Rey (Coastal Commission Appeal No. A-5-MDR-16-0018).

Honorable Chair Kinsey and Commissioners:

It is with much support for the Pier 44 project that I write this letter to you. As long-time and very active members of the boating and residential community of Marina del Rey, my husband and I want you to know that we represent the vast silent majority of community stakeholders. We have lived in Marina del Rey since 1975 and have been liveaboards since 1995. We are active boaters, belong to the Del Rey Yacht Club and are actively involved in organizations that support and benefit Marina del Rey. This IS our home. I serve on the BOD of the Marina del Rey Historical Society and am a docent for the Marina del Rey Harbor Tours. I own my own business in the Marina.

OUR VOICE IS THE VOICE OF THE MAJORITY - PLEASE DENY THIS APPEAL

I have told you about us to emphasize that we are not isolated, lone voices. Everywhere we go – whether it is to the gym, the yacht club, the grocery store, the various groups we participate in we hear the same comments over and over. **We can hardly wait until this project is built!** This project followed all the rules and is being held up needlessly. It conforms to the Coastal Act and the Marina del Rey LCP. The Developer did extensive community outreach over a number of years and incorporated nearly every requested improvement.

Despite what you may hear from a very few people, please know they do not represent us, the huge majority of stakeholders who want Marina del Rey to be better every day. We want Marina del Rey to grow up, to look beautiful, to serve the community here and at large,

whether that community is viewed to be a resident, boater, tourist, visitor, landside business. We want the water and the land in Marina del Rey to welcome all.

To be frank, we are, as a group, *dumbfounded* that a frivolous appeal was *again* made against this excellent and long-awaited project, and, we understand, that the basis of the appeal was "access". This makes no sense at all because this project is exactly the opposite. This project welcomes and invites people to visit and linger along the water. It promotes tourism and boating while serving the local residential community. It *eradicates the dated, dismal view along Admiralty that is the most unwelcoming, underutilized stretch of old asphalt that does nothing for anyone and certainly does not enhance Marina del Rey.*

The Pier 44 project is beautiful, right-sized and addresses the needs and desires of the larger community – tourism, boating, residential, business. As it is today, Pier 44 is not worthy of the Marina, it does not celebrate the water and does not serve stakeholders or visitors to the level it should. *We are frustrated by these tedious appeals and want this project to begin today*

CONCEPT OF ACCESS AND TRAFFIC FEARS

I have heard the gentlemen who filed this Appeal speak. His logic and that of his associates is twisted and convoluted. They talk about traffic. "No more development because of traffic".

Traffic is just a part of urban life. Where do you go in Los Angeles that there is no traffic? The cities neighboring County-Owned Marina del Rey do not shut down right-sized projects that bring old outdated uses into the modern world because of traffic. Marina del Rey cannot remain outdated, underutilized – with old *inaccessible* projects -- because of traffic fears!

I want to specifically address the presumptive issue of traffic generated by Trader Joes. I live here. I AM the future Trader Joes customer; my neighbors and other community residents who live here ARE also the future Trader Joes customer. We will not create *more* traffic if we, on occasion, go to Trader Joes instead of to Ralphs in the Waterside Center which is almost opposite Pier 44. In truth, we will shop at both – with the same car! I can also tell you *for certain* that my friends who live in adjacent communities are not going to come to Marina del Rey to this Trader Joes when they can go to "their" Trader Joes near their home.

Plus, Pier 44 gives boaters what we have begged for: dinghy docks! We can navigate to Pier 44 by water – no vehicle traffic at all.

This concept can be further expanded: When this wonderful project is built, we who live here or have boats here are the same people with the same cars who will be future customers of the new Pier 44: West Marine, the boat brokers, the restaurants. Of course, this new project will bring new visitors to the water – but isn't that what Marina el Rey is supposed to do? We welcome and look forward to inviting others to join us at the water!

COASTAL COMMISSION

PIER 44 INCORPORATES "ACCESSIBILITY" IN REAL LIFE

As I wrote previously, this project promotes "access" in many ways. No matter how you define "access" this project surpasses every test. For example:

1. The South Coast Corinthian Yacht Club provides boating opportunities for the entry sailor or the person of moderate means. This Developer is building the Club an amazing 2 story facility that they, on their own, could never afford. By providing this clubhouse for SCCYC, the Pier 44 Developer has put its money where it truly counts. They have made certain the SCCYC can continue to make boating "accessible" to all without regard to the thickness of their wallet.
2. It aligns the California Bike Trail which is now a treacherous ride as it passes through Pier 44. Although a rider can access it now, it is dangerous. The Pier 44 section of the Trail is ridden by thousands of bikers every year. This realignment provides "access" to the water *where it has never been*. The new bike path which provides 2 lanes for bicyclists, not only addresses the issue of safety, it actually gives us bike riders a close-up view of the water as we ride along Admiralty.
3. The open and welcoming planning and architectural design of this project will make all who pass-by *want* to visit and explore, to walk along the water, to take a quiet break or have a casual meal at a table along the water. This project has been designed in such a way that it marries the water to the land in a seamless manner. It doesn't shout at you. It just *is*. When visitors come, they will find everything anyone needs to make their visit "accessible": Ramps and elevators and wayfinding signage and even public bathrooms and drinking fountains. Shade areas, waterside tables and chairs, steps that serve as benches. All assembled and constructed with all in mind whether the visitor is an active 6 year-old, a person with physical challenges, a bicyclist, a boater, a tourist, a resident.

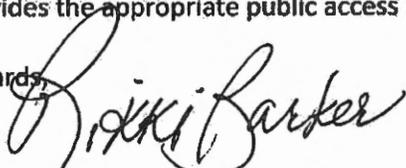
THANK YOU AND PLEASE DENY THIS APPEAL

Thank you for your time to read this letter, and thank you for your service to the citizens of California. Thank you for using care and thought as you consider your vote.

I (we) urge you to deny this frivolous appeal by voting in favor of your staff's recommendation that the project, as conditionally approved by the County, raises no substantive issue. The project is consistent with the Marina del Rey Certified Local Coastal Program and, further, provides the appropriate public access per the Coastal Act.

Regards,

Rikki Barker



COASTAL COMMISSION

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MARE CO. MARINE REPAIR CO.

Office Location: 4030 Del Rey Avenue, Marina del Rey, CA 90292
Mailing Address: P.O. Box 9104, Marina del Rey, CA 90295
(310) 822-9344 • FAX: (310) 823-0364

May 20, 2016

Agenda Item: 11.a on 6-9-16

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Stret, Suite 2000
San Francisco, CA 94105

SUBJECT: **Request for No Substantial Issue Determination re: Appeal of the Parcel 44 Visitor-
and Boater-Serving Retail Project, Marina del Rey.
Coastal commission Appeal No. A-5-MDR-16-0018**

Honorable Chair Kinsey and Commissioners:

As boatowner and business person in this Marina del Rey community since 1964, I have matured concomitantly with the growing pains and beautiful development of Marina del Rey.

The Pier 44 plan is a breath of fresh air and a very welcome and needed addition to our community which has suffered from a lack of keeping in step with the 21st century, especially when it comes to serving the new generation millenials as well as the seasoned "boomers" who prefer to have their comforts and conveniences close by. This plan has been vetted at all public levels and has received unanimous favorable votes for its concept and design, its adherence to the Coastal Act and the Marina del Rey Local Coastal Plan.

It is my understanding that this hearing addresses an appeal that this project limits *public access*. In **NO WAY** does this project limit public access, IT **PROMOTES** it!

Because Pier 44 is a marina, it responds directly to boater needs with a flagship West Marine shopping mecca, a new two-story club house for Santa Monica Bay's oldest yacht club, South Coast Corinthian Yacht Club, an affordable first class clubhouse will be provided by the developer where entry-level boaters of moderate means can truly enjoy access to Marina del Rey's pristine, wondrous waters and gateway to the ocean experience. Docks will provide access to shopping areas via small dinghies instead of driving a car, especially to Trader Joes where boaters "Day Sail Food Baskets" can be conveniently purchased.

The **non-boating public** is very much catered to with other very important access components: A huge waterside promenade provides leisure strolling areas with benches; bicyclists have a safe Marvin Braude Bicycle Trail as well as over 100 racks to tether their bikes to while they dine at any of the many dining spots, as well as at Trader Joes; a water taxi service creates on-water access for visitors and residents (the **50th**

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CRUISING SAILS
SAIL REPAIR
RIPSTOP FABRICS



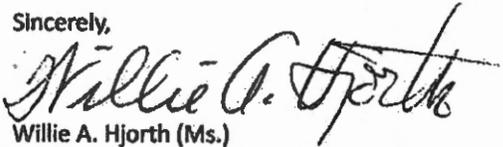
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CANVAS
NETS & TRAMPOLINES
CUSTOM INDUSTRIAL SEWING

birthday celebration of Marina del Rey's official opening in April 2015 saw thousands of public persons taking the \$1 harbor cruise over the summer, acclaimed the BEST RIDE in LA!); and best of all, widening of

part of Mindanao Way will facilitate vehicle entry and exit locations for open parking on the site. Expansive view corridors from all three streets (Bali Way, Admiralty Way, and Mindanao Way) surrounding the project allow motorists to see the water and boats as they pass by.

I wholeheartedly support this project which has been approved by various entitlement Boards and Commissions. I urge you to deny this appeal. Please vote in conformance of your own staff's recommendation that Pier 44 project, as approved by the Los Angeles County Board of Supervisors, raises no substantive issue; that the project is consistent with the Marina del Rey Certified Local Coastal Program and does provide public access per the Coastal Act.

Sincerely,



Willie A. Hjorth (Ms.)

Owner, Mare Co. Sails

[President, Marina del Rey Historical Society]

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MARINA DEL REY

convention and visitors bureau

May 23, 2016

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Request for No Substantial Issue Determination re: Appeal of the Parcel 44 Visitor- and Boater-Serving Retail Project, Marina del Rey (Coastal Commission Appeal No. A-5-MDR-16-0018)

Honorable Chair Kinsey and Commissioners:

On behalf of the Marina del Rey Convention & Visitors Bureau, I am writing to express support for the Pier 44 redevelopment project.

The Marina del Rey Convention and Visitors Bureau is a joint venture of private hospitality businesses in Marina del Rey and the County of Los Angeles. Our mission is to promote Marina del Rey as a visitor and tourism destination. It is important that we advocate for projects that will improve Marina del Rey as a tourism destination.

We enthusiastically support the Pier 44 project. This project raises the profile of Marina del Rey and increases the aesthetic appeal of our community. Pier 44 will serve as a breathtaking gateway to Marina del Rey and will replace existing buildings that appear tired and dated. The architectural design includes elements that reflect nautical and boating components and demonstrates the attention to detail that has been applied in the planning of this project.

The Marina del Rey Convention & Visitors Bureau sincerely appreciates the time that those involved with this project have taken to solicit feedback from community stakeholders. Our recommendations have resulted in the addition of extra boat slips to accommodate recreational boaters so that they can enjoy the dining and retail amenities available.

We are certain that Pier 44 will become one of Marina del Rey's popular attractions for visitors and locals and will generate excitement within the community. The transformation of Parcel 44 is in line with the County's vision for Marina del Rey's future and provides easy access for everybody. We are pleased that Pier 44 will integrate the kinds of casual restaurants and shopping experiences that visitors, boaters, and residents will enjoy. Additionally, the project is cycling and pedestrian friendly and provides easy access to cyclist as it falls along a popular bike path.

The Marina del Rey Convention & Visitors Bureau is excited to see the Pier 44 project come to fruition as soon as possible. We strongly urge you to support the project. Thank you for your consideration.

Sincerely,

Janet Zaldua
Chief Executive Officer

4551 Glencoe Avenue #260 Marina del Rey, CA 90292 visitmarinadelrey.com

   @marinadelrey_ca #ilovemdr

COASTAL COMMISSION

EXHIBIT # 6
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Agenda Item: 11.a, 6/9/2016

May 19, 2016

Via E-Mail

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

AGENDA ITEM: _____

SUBJECT: **Request for No Substantial Issue Determination re: Appeal of the Parcel 44 Visitor- and Boater-Serving Retail Project, Marina del Rey (Coastal Commission Appeal No. A-5-MDR-16-0018)**

Honorable Chair Kinsey and Commissioners:

We are writing this letter to express our support for the re-development of Pier 44 and ask that you vote to Deny the Appeal before you today.

This project has been designed with care to assure that all of the elements, both land and water, comply with the Marina del Rey Local Coastal Plan and with the California Coastal Act. The developers have left no stone unturned in their pursuit of an outstanding project. They have made certain to address stakeholders of many kinds and of many economic levels: The coastal visitor, the international tourist, the avid boater, the occasional boater, the residents, the bicyclists, the business community, and the existing tenants.

We understand the Appeal before you is based on the theory of "access". We understand that the gentleman who filed the Appeal claims that Pier 44 prevents "access". We could not disagree more. "Access" can have many meanings, not just the physical architecture and design of the project, which, by the way, is outstanding, but it can also mean "availability" in terms of economics. To this end, this Developer has made certain that at Pier 44 (and, by default, in all of Marina del Rey) small boaters will have "access" to the marine maintenance services amply provided elsewhere in the Marina for the big boater.

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COASTAL COMMISSION

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please allow me to explain how this developer's actions to retain and enhance our small business as a part of the new Pier 44 ensures that the small boater has "access" to the same services as the big boater. It is from this perspective that I address the issue of "access".

We are a small marine repair and maintenance business that serves small boaters. We perform services for boat owners who can be forgotten when projects such as Pier 44 are re-developed.

Our customers do not have large yachts or mega yachts. They have small boats (both sail and power) and we are the ONLY waterside business in Marina del Rey serving these boaters. Not only will our new location at the redeveloped Pier 44 expand the services we can offer to the small boater, the Developer has assisted and supported us in finding a suitable near-by location so we can continue our business during the re-development construction. This support makes certain we will actually have a business when construction is complete.

Our business could easily have been cast aside. But it has not been. It has been protected so that it can remain a part of Marina del Rey. By assuring our survival, Pier 44 is going a long way to protect and assure the small boaters' "access" to the services they need.

In conclusion: This Appeal uses false reasoning. The Pier 44 project does not prevent access in any way, no matter how you interpret the word. In fact, it exemplifies the meaning of the Coastal Act: Physically, this project welcomes boaters and tourists, residents and visitors, it's architecture and amenities blend the water with the land, and philosophically, it makes certain that no matter what economic capacity a person has, all are invited to enjoy and participate.

We thank you in advance for considering what we have written and urge you to DENY THIS APPEAL

Sincerely yours,



Ruben Flores
Owner

COASTAL COMMISSION

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