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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



Filed: May 09, 1996
49th Day: Jun 27, 1996
180th Day: Nov 05, 1996
Staff: JLR-LB
Staff Report: May 22, 1996
Hearing Date: June 11-14, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-037

APPLICANT: Marina Cove, Ltd.

PROJECT LOCATION: 208 Yacht Club Way, Redondo Beach

PROJECT DESCRIPTION: Reconfigure an existing boat marina by removing 118 boat-slips under 30' and 23 slips over 30' in length to be replaced with 74 slips over 30' in length. Also included is relocating a gate and ramp and add a 420 sq. ft. patio to an existing catering facility to be converted into a restaurant.

LOCAL APPROVALS RECEIVED: Approval in Concept-City of Redondo Beach

SUBSTANTIVE FILE DOCUMENTS: City of Redondo Beach Certified Land Use Plan (LUP).

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with a Special Condition regarding compliance with marine/habitat mitigation measures as required by the resource agencies.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

1. Conformance with the Requirements of the Resource Agencies with Respect to Habitat and Marine Environmental Mitigation Measures.

The applicant shall, by accepting this permit, agree to abide with fully executed agreements with the Department of Fish and Game, Regional Water Quality Control Board, and the United States Army Corps of Engineers and the United Fish and Wildlife Service addressing each party's responsibilities with respect to preservation of habitat and the marine environment. Specifically, the applicant shall not discard or dump construction materials, toxics, debris or refuse into the waterway.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location

The applicant proposes to reconfigure an existing boat marina by removing 118 boat-slips under 30' and 23 slips over 30' in length to be replaced with 74 slips over 30' in length. Also included is relocating a gate and ramp and add a 420 sq. ft. patio to an existing catering facility to be converted into a restaurant. Following is a more detailed description of the project as submitted by the applicant:

In addition to the proposed re-construction of boat slips, the applicant seeks approval of several smaller-scale modifications to existing development within the marina, including the following items:

1. Enclosure of roughly one-half (308 square feet) of an existing second-story deck, located on the west side of 212 Yacht Club Way, with a glass-enclosed solarium structure.
2. Conversion of the existing building, located at 120 Yacht Club Way, into a restaurant, including the addition of a 420 square foot outdoor seating area, located on the west side of the building. The total seating capacity of the restaurant is to be 94 patrons. The total seating area of the facility is to encompass 1,250 square feet of floor area. Exterior architectural changes to the building include: skylights, open mesh screening of rooftop mechanical equipment, additional windows and an entrance, and screening of the proposed outdoor seating area. The new outdoor seating area would result in the reduction of one traffic lane (down to two lanes) at the entrance to the parking lot located adjacent to Yacht Club Way, northeast of Harbor Cove Apartments.
3. Installation of security fencing and gates at the Marina Way and Yacht Club way entrances to the property, including architectural changes intended to upgrade the appearance of the gatehouses and installation of signage. The applicant has provided details of the proposed security plan for the property as an attachment to the application materials.

Reconstruction of Boat Slips: The applicant has designed the proposed enlarged boat slips consistent with the design requirements for the marina, as contained within the lease between the City and Marina Cove LTD. The proposed re-contruction results in a significant reduction in the total number of slips within the marina, resulting in a corresponding 49-space reduction in the parking requirements for the boat slips. As has been the case with similar past approvals, the applicant will be required to ensure that all improvements are confined within the leasehold for King Harbor Marina. In addition, the applicant shall be required to hire a firm with coastal engineering expertise to develop the final design for the boat slip re-contruction, including specifications, demolition plans and water pollution control plans.

The proposed reduction of boat slips will reduce parking demand for the boat slips by 49 parking spaces within the leasehold. The proposed restaurant use will generate an additional parking demand of 25 spaces, which is less than the number of parking spaces made available by the reduced number of boat slips. Therefore, adequate parking is being provided consistent with Coastal Act requirements.

B. Why a Coastal Permit is Required:

The proposed development, as defined by Coastal Act Section 30610, provides that no coastal development permit is required for the following types of development and in the following areas:

(Section 30610(d)) Repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair activities; provided, however, that if the Commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall be by regulation, require that a permit be obtained pursuant to this chapter.

Section 13252 of the Commission's regulations describes the extraordinary methods of repair and maintenance that do require a permit because they involve a risk of substantial adverse environmental impact:

(3) Any repair or maintenance to facilities or structures or work located... Within 50 feet....of an environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of...any...solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance, and Utility Hookup Exclusion from Coastal Development Permit Requirements, adopted by the Commission on September 5, 1978.

The proposed project is not one of the activities described in the above referenced 1978 Repair, Maintenance and Utility Hookup Exclusion. Therefore,

the proposed project requires a coastal development permit because mechanized equipment is being used and solid materials are being placed and removed within 20 feet of a coastal waters. Additionally, the project involves a change in the intensity of use both in the water and on the land, thus constituting development under the definition contained in the Coastal Act.

C. Wetlands and Environmentally Sensitive Habitat Areas.

The proposed project includes placing fill in coastal waters and wetlands. The permanent fill consists of the placement of 41 new concrete pilings. Additionally, the proposed repair work includes the removal of ten piles.

Section 30233 of the Coastal Act provides as follows, in applicable part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following [eight purposes, including....]

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

Coastal Act Section 30233(a) sets forth a three part test for all projects involving the filling of coastal waters and wetlands. These are:

1. that the project is limited to one of the eight stated uses.
2. that feasible mitigation measures have been provided to minimize adverse environmental effects; and
3. that the project has no feasible less environmentally damaging alternatives.

With regard to the first test, the Commission must determine that the potential proposed wetland fill is both incidental and a public service purpose. The wetland fill is an essential part of maintaining the stability of an existing marina. The purpose of the proposed project is to continue to safely maintain an existing public recreational/boating marina. Therefore, the proposed maintenance/repair work is clearly for a public purpose. In order for the fill to be incidental, the impacts must be temporary (as stated in the Statewide Interpretive Guidelines for Wetlands and other Commission precedents) or the fill must be incidental or secondary to the pre-existing public service purpose.

As stated above, the proposed project would result in the permanent loss of wetlands. Consequently, the impacts cannot be considered temporary. However, although minor fill occurs, the reconfiguration work is necessary to enhance public safety and to ensure that a public marina will continue to be available for recreational users. Therefore, the repair is incidental to the primary pre-existing public recreational purpose.

With regard to the second test, feasible mitigation measures have been considered and reviewed to minimize the project's potential adverse environmental impacts. The applicant is in the process of obtaining final applicable permits from the resource agencies i.e., the U.S. Army Corps of

Engineers and the Regional Water Quality Control Board. These agencies may require environmental mitigation measures to minimize impacts on the marine environment. Staff is recommending a special condition to incorporate those mitigation measures. Therefore, the Commission finds that the proposed development, as conditioned, provides mitigation measures to minimize adverse environmental effects, consistent with Section 30233(a) of the Coastal Act. The Commission further finds that mitigation in the form of creating a new stream or wetland habitat to offset the impact of the project's permanent and temporary fill is not warranted. The potential permanent fill associated with the placement of pilings is so small that its impacts are negligible.

With regard to the third test, it appears that there are no feasible less environmentally damaging alternatives to the proposed fill. The no project alternative is unacceptable because the lack of demand for small boatslips does not encourage recreational boating opportunities. Therefore, the Commission finds that the proposed project employs the least environmentally damaging feasible alternative as required by Section 30233(a).

D. Protection of Biological Productivity, Water Quality, and Environmentally Sensitive Habitat Areas.

Section 30231 of the Coastal Act provides as follows, in applicable part:

the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes....shall be maintained and, where feasible, restored...

As previously discussed, the applicant is in the process of obtaining final applicable permits from the resource agencies i.e., California Department of Fish and Game, the U.S. Army Corps of Engineers and the Regional Water Quality Control Board. These agencies may require environmental mitigation measures to minimize impacts on the marine environment. Therefore, the Commission finds it necessary to impose a special condition to incorporate those mitigation measures. Furthermore, the Commission finds that the project, as conditioned, will minimize adverse impacts on the marine environment by not dumping construction materials/debris into the waterway. Finally, the Commission finds, that as conditioned, the proposed project is consistent with the natural resource provisions of Section 30231 of the Coastal Act.

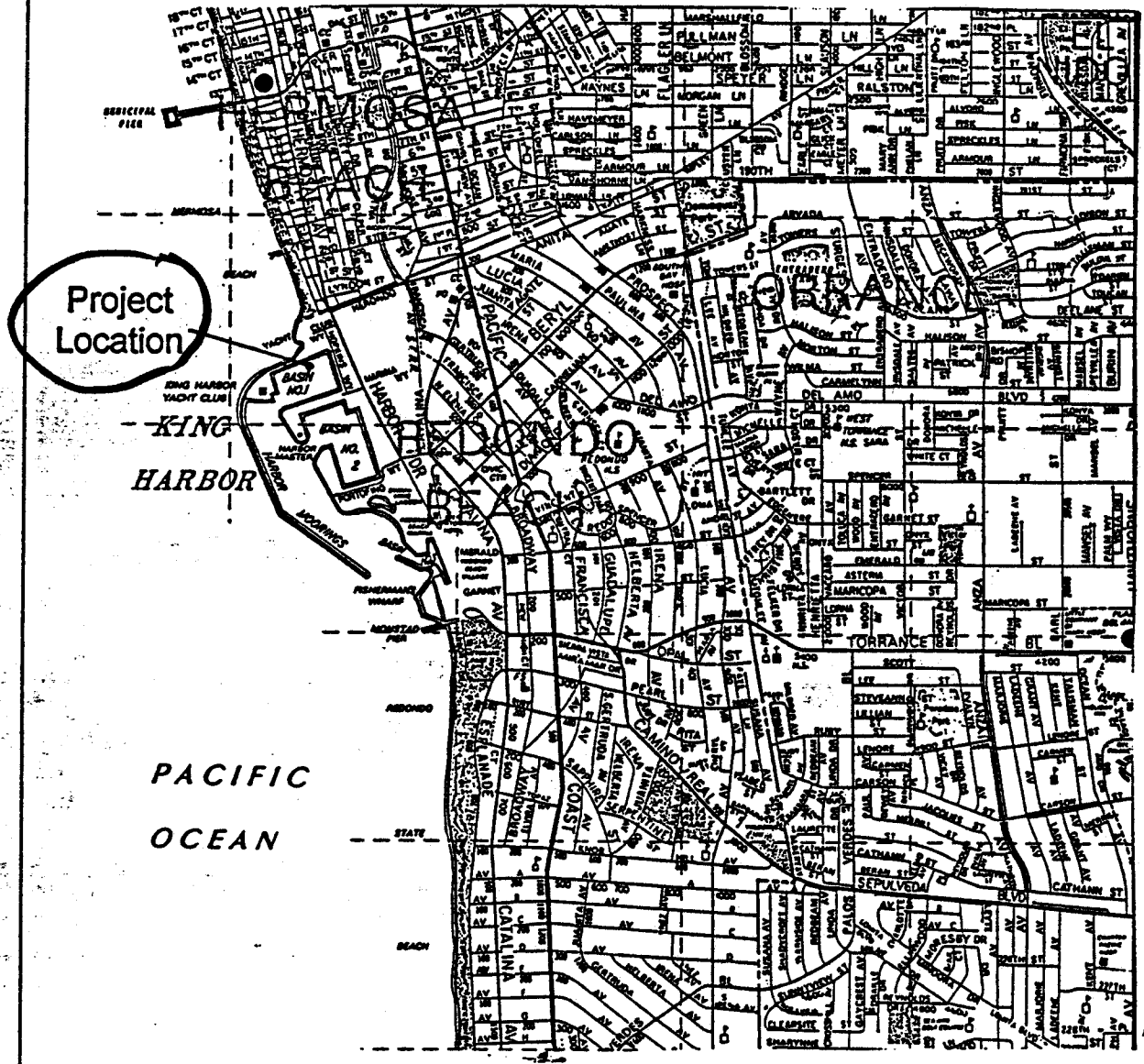
E. C.E.Q.A.:

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives

or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The proposed project, which includes mitigation measures, will minimize potential adverse impacts on marine resources. The Commission has considered a less environmentally damaging alternative. That alternative, which would be no project, is not feasible because it will not provide the public safety to ensure a public service, i.e., will continue to be safely available. Therefore, the Commission finds that the project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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JR/lm

VICINITY MAP



Applicant: Marina Cove, Ltd.
Project: King Harbor Marina
King Harbor, Pacific Ocean
Los Angeles County
City of Redondo Beach
February 23, 1996
Sheet 1 of 3

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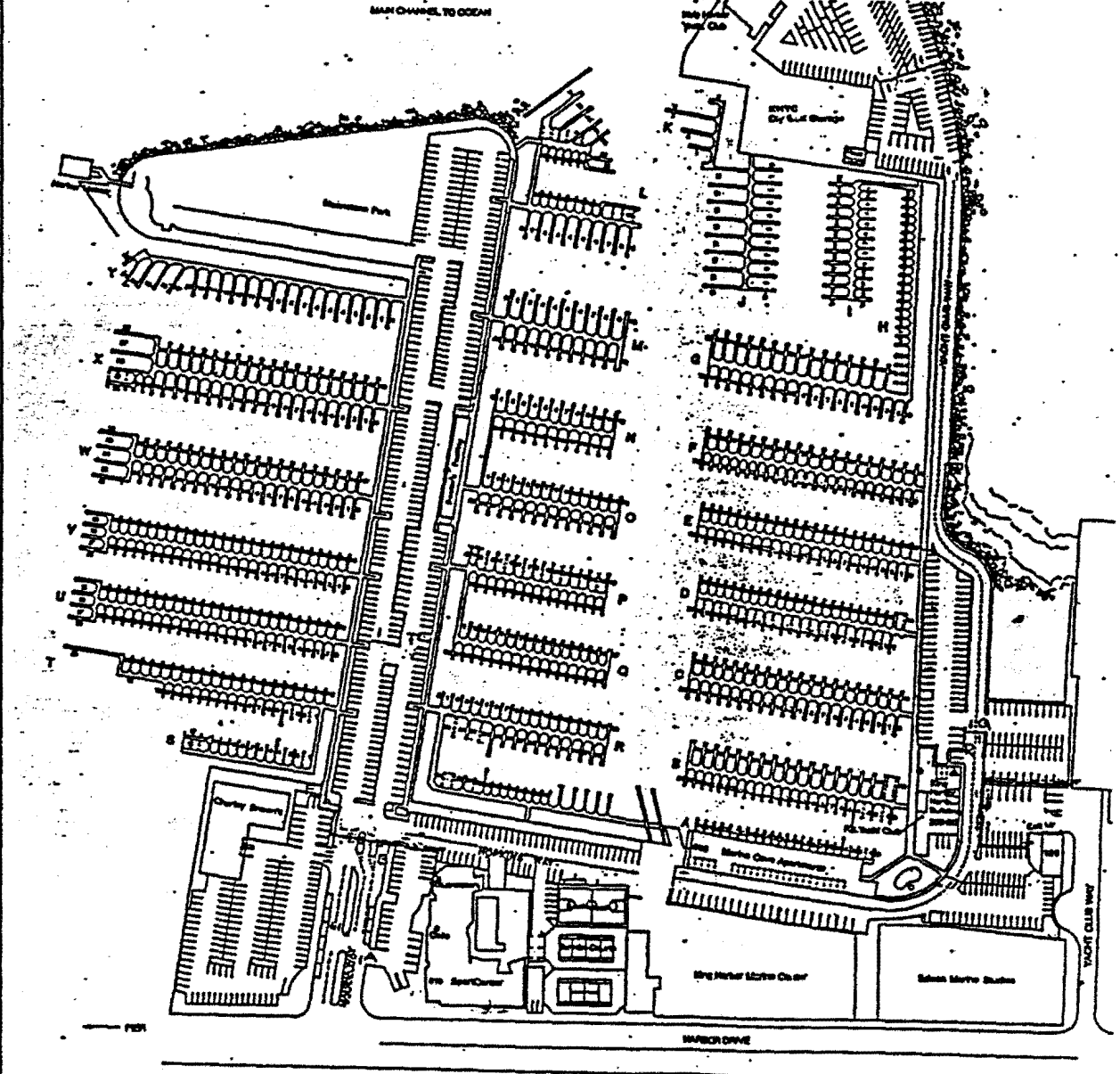
FEB 20 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

EXHIBIT A
5-96-037

5-96-037

SITE PLAN - EXISTING SLIP CONFIGURATION



Applicant: Marina Cove, Ltd.
 Project: King Harbor Marina
 King Harbor, Pacific Ocean
 Los Angeles County
 City of Redondo Beach
 February 23, 1996
 Sheet 2 of 3 - SCALE 1" = 250'

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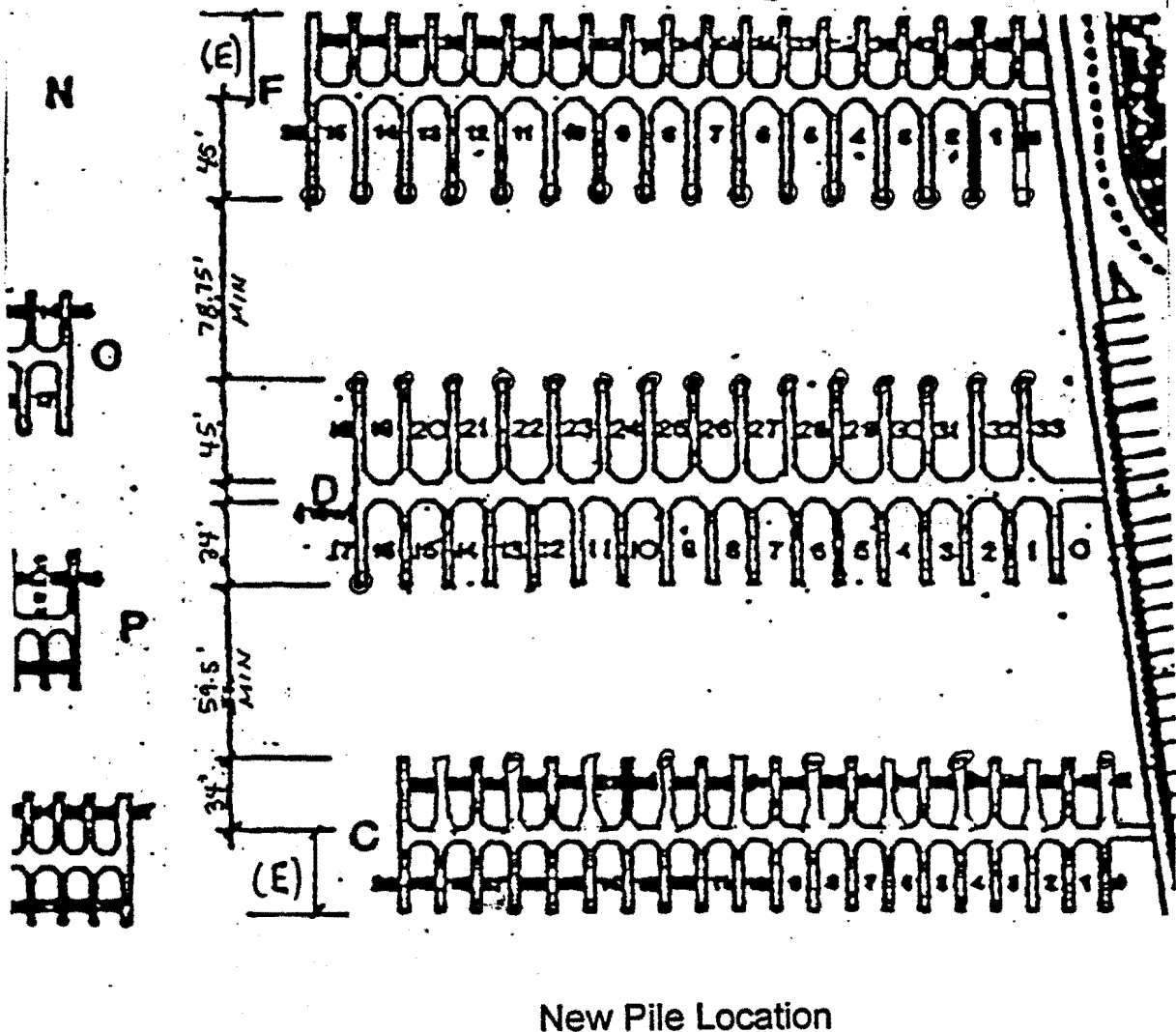
FEB 28 1996 5-96-037 Exhibit B

5-96-037

CALIFORNIA
 COASTAL COMMISSION
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PLAN VIEW - MODIFIED SLIPS

Pile Height: +14.0 MLLW
Channel Depth: - 9.0 to -12.0 MLLW



Applicant: Marina Cove, Ltd.
Project: King Harbor Marina
King Harbor, Pacific Ocean
Los Angeles County
City of Redondo Beach
February 23, 1996
Sheet 3 of 3 - Scale 1" = 80'

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5-96-037
Exhibit C

5-96-037

February 23, 1996

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FEB 23 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Mr. Jim Ryan
California Coastal Commission
South Coast District
P.O. Box 1450
Long Beach, CA 90801-1450

Dear Mr. Ryan:

Enclosed please find an application for a Coastal Permit to convert 141 small slips into 72 larger spaces, enclosing with a solarium a portion of an upstairs patio deck connected to an office and an addition to existing food service facility at King Harbor Marina.

When the marinas were first built in King Harbor in the late 1950's and early 1960's, trailerable boats were usually 20' and under. A large number of 24' to 30' slips were constructed because they could accommodate boats that were too large to trailer and yet were still affordable to many boaters. The marinas were properly built for the time as evidenced by the fact that they filled and had waiting lists. However, over the years the marketplace changed and boats up to 32' in length are now trailered. This has caused the demand for smaller slips to steadily decrease.

In 1990, 9% of King Harbor Marina's slips under 29' were vacant. This vacancy has grown each year and reached 38% in 1995. A chart showing the vacancy for various sized slips over the years (87.55K) is enclosed. Since repetitive reduction of slip rental rates and strong incentives such as "first two months free" have not stopped the increasing vacancy, it is clear that there are far more small slips than the number of small boat owners wanting to rent them. While the vacancy for small slips soared, the vacancy for larger slips only varied slightly. In the 40' and over category the small number of vacancies is attributable to turnover.

At King Harbor Marina 56% of the slips are under 29' in length. For competitive marinas, slips under 29' in length average only 31% of the total and many are also experiencing high vacancies with small slips. The proposed slip conversion will reduce the number of King Harbor Marina's slips under 29' in length to 47%. After the conversion, we will still have 74 vacant slips under 29' in length and we believe we will have to modify additional slips in the future. A chart showing the percentage of slips by size category (87.52K) for King Harbor Marina and competing marinas is also enclosed.

In order to make the conversion, two small slip docks will be removed and replaced with one larger dock. The slips facing the new dock on both sides will be lengthened. A total of 118 slips under 30' in length and 23 slips over 30' in length will be removed or modified and replaced with 74 slips all over 30' in length. A chart showing the length of each slip to be modified or removed and the length of each slip added is enclosed (87.56K). All tenants occupying slips to be removed

Exhibit D
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5-96-037

King Harbor Marina

212 Yacht Club Way, Redondo Beach, California 90277-2006 • Tel: (310) 376-6926 • Fax: (310) 376-6067

or replaced can be relocated to other vacant slips. No one will have to be evicted or will be required to pay a higher rent than they would have had to pay had they remained in their present slip. This is our standard policy when we relocate tenants for any reason.

King Harbor currently has 3 - 36' slips and 36' boats are a popular size. The project will add 25-36' slips, 11- 37' slips, and 30 - 48' slips.

The project will also result in a gain in surplus parking spaces. At 3/4 of a space per slip, the reduced number of slips will supply 49 additional spaces. The solarium addition to the office will result in a loss of 1 surplus space and the restaurant conversion will require 21 additional spaces (1,250 sq. ft. @ 1 per 50 sq. ft. = 25 less 4 already required for the present use). Therefore, the project will result in an increase of 27 surplus spaces.

No one benefits from empty slips and the proposed conversion will result in a higher number of occupied slips and greater use of the coastal zone. I am also enclosing a letter of support from the King Harbor Yacht Club.

Because the proposed work consists of improving existing structures, we believe this application qualifies for an Administrative Permit.

Very truly yours,

KING HARBOR MARINA, INC.



Gordon McRae, Jr.
President and General Manager
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GM/

Enclosures

EXHIBIT D
2042
5-96-075