

## CALIFORNIA COASTAL COMMISSION

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

Filed: 12/4/96  
49th Day: 1/22/97  
180th Day: 6/2/97  
Staff: AJP  
Staff Report: 1/14/97  
Hearing Date: 2/4-7/97  
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: A5-MDR-95-189A2

APPLICANT: Fantasea Yacht Charters/County of Los Angeles

PROJECT LOCATION: 4333 Admiralty Way, Marina del Rey, County of Los Angeles.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Reconstruction of a deteriorating dock, reconfiguration of a dock and boatslips, and the operation of a charter boat company with off-site parking.

DESCRIPTION OF AMENDMENT: Modify special conditions No. 2 and 3 to allow the applicant to include Lot Q as an alternative to Lot OT as support parking during summer weekends and holidays, between the hours of 8:00 AM and 4:00 PM and special events, as specified in the special conditions of the original permit.

LOCAL APPROVALS RECEIVED: Beaches and Harbors approval.

SUBSTANTIVE FILE DOCUMENTS: Marina del Rey 1986 certified LCP. CDP 5-94-267 (Los Angeles County Department of Beaches and Harbors & Marina City Club).

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment is consistent with the requirements of the Coastal Act.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STAFF NOTE:

This project is an amendment to a permit that was approved by the Commission on appeal of a local government action. The County of Los Angeles Local Coastal Development Permit No. 94-150-(4) was approved by the County of Los Angeles Regional Planning Commission on May 3, 1995 after a public hearing. Local Coastal Development Permit 94-150-(4) approved the reconstruction of a deteriorating dock, reconfiguration of a dock and boatslips, and the operation of a charter boat company with off-site parking.

On July 25, 1995, the South Coast District office received appeals from Commission Chairman Williams and Commissioner Doo appealing the County's approval of the proposed project. Subsequently, the appeal was scheduled for the September 1995 Commission hearing. At the September hearing the Commission found a substantial issue existed with respect to the conformity of the project with the policies of the County of Los Angeles's Marina de Rey 1986 certified Local Coastal Program and the access policies of the Coastal Act. During the same hearing in the de novo portion of the appeal action, the Commission approved the project on with three Special Conditions. The three conditions required the applicant to sign a lease restriction to ensure that Lot OT was used for patron parking during peak beach use, submit a parking management plan and required the County, as co-applicant and landlord of the property to be bound by the Conditions of the permit. The three conditions required charter visitors to park in the "outer ring of the marina instead of in the parking lot serving beachgoers.

The applicant subsequently submitted an amendment to revise the legal language of the lease restriction. The amendment was determined to be immaterial and approved in April 1996. The amendment currently before the Commission is for a modification to Special Conditions No. 2 and 3 of the permit to allow a second parking lot (Lot Q) to be used for support parking.

STAFF RECOMMENDATION:

I. Approval

The Commission hereby grants, subject to the conditions below, a permit 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. SPECIAL CONDITIONS

1. Modify Condition No. 2 of the original permit as follows:

### Lease Restriction

Prior to issuance of the coastal development permit, the applicant and landowner shall execute and record a lease restriction in a form and content acceptable to the Executive Director, stating that the operator of the charter boat service shall agree to use public parking Lot OT or Lot Q for all patrons of the charter boat service during summer weekends and holidays, such as Memorial day, Fourth of July and Labor day, between the hours of 8:00 A.M. and 4:00 P.M., and during special Marina events, such as the Boat Parade. Such lease restriction shall bind the lessee, and successors and assigns of the Permittee or leaseholder. Such restrictions shall run with the land.

2. Modify Special Condition No. 3 as follows:

### Parking Management Plan

Prior to issuance of the permit the applicant shall submit for review and approval of the Executive Director, a parking management plan which indicates that during summer weekends and holidays (Memorial Day, Fourth of July, and Labor Day), between the hours of 8:00 A.M. and 4:00 P.M., and special events, such as the Boat Parade, patrons of the charter boat service will use Lot OT or Lot Q for off-site parking.

The plan shall at a minimum include the following: (1) List of special events and holidays, such as Memorial Day, Fourth of July, and Labor Day, that are expected to generate a parking demand above normal summer weekend use; (2) Method of informing patrons of the parking lot location and restrictions; (3) Method of enforcing parking requirements, such as limiting validation for those that park in the appropriate parking lot.

Note: Unless specifically changed by this permit all conditions of Coastal Development Permit A5-MDR-95-189 remain in effect.

### III. Findings and Declarations.

The Commission hereby finds and declares as follows:

#### A. Project Description

This is a request to amend permit #A5-MDR-95-189A by modifying special conditions #2 and 3 to include the County owned parking Lot Q as an alternative for support parking along with the County owned parking Lot OT during summer weekends and holidays, between the hours of 8:00 A.M. and 4:00 P.M. and special events, as stated in the special condition, for the charter boat service approved under the original permit.

The Commission approved the reconstruction of a deteriorating dock, reconfiguration of a dock and boatslips, and the operation of a charter boat company with off-site parking. The permit was approved with three special conditions. The conditions were as follows:

### 1. Agreement to be Bound

Prior to issuance of the coastal development permit, the permittee shall obtain and submit a written agreement from the County and master leaseholder subject to the review and approval of the Executive Director, stating that in the event of termination of the lease, and for so long as the development permitted pursuant to coastal development permit A5-MDR-95-189 is in operation, the landlord will agree to require each new or different tenant, occupant or operator, including itself, to sign a lease restriction or other appropriate instrument agreeing to comply with the conditions set forth in Special Condition No. 2.

### 2. Lease Restriction

Prior to issuance of the coastal development permit, the applicant and landowner shall execute and record a lease restriction, free and clear of prior liens and encumbrances, and in a form and content acceptable to the Executive Director, stating that the operator of the charter boat service shall agree to use public parking Lot OT for all patrons of the charter boat service during summer weekends and holidays, such as Memorial day, Fourth of July and Labor day, between the hours of 8:00 A.M. and 4:00 P.M., and during special Marina events, such as the Boat Parade. Such lease restriction shall bind the lessee, and successors and assigns of the Permittee or leaseholder. Such restrictions shall run with the land.

### 3. Parking Management Plan

Prior to issuance of the permit the applicant shall submit for review and approval of the Executive Director, a parking management plan which indicates that during summer weekends and holidays (Memorial Day, Fourth of July, and Labor Day), between the hours of 8:00 A.M. and 4:00 P.M., and special events, such as the Boat Parade, patrons of the charter boat service will use Lot OT for off-site parking.

The plan shall at a minimum include the following: (1) List of special events and holidays, such as Memorial Day, Fourth of July, and Labor Day, that are expected to generate a parking demand above normal summer weekend use; (2) Method of informing patrons of the parking lot location and restrictions; (3) Method of enforcing parking requirements, such as limiting validation for those that park in the appropriate parking lot.

The dock and proposed location of the charter boat service is located on a 10.2 acre water parcel owned by Los Angeles County and leased to Marina City Companies. The applicant has an agreement with the County and a sublease with Marina City Companies to operate from the site. The parcel is located at 4333 Admiralty Way, Basin E, in Marina del Rey (see Exhibit #1 and 2).

The parking lot (Lot Q) that the applicant is proposing to include as an alternative parking lot for the charter boat service is located approximately 1,000 feet to the northeast, on the inland side of Admiralty Way. The lot provides a total of 118 parking spaces.

## B. Public Access

Section 30604(b) of the Coastal Act requires that the issuing agency or the Commission on appeal finds the proposed project is in conformity with the certified local coastal program. Additionally, Section 30604(c) requires that for any development between the first public road and the sea, a specific finding also be made that the project is in conformity with the public access and recreation policies of Chapter Three. The proposed project is between the first public road and the sea and includes development within the Commission's area of retained jurisdiction. Consequently, the proposed project must also satisfy all the public access and recreation policies of Chapter Three.

Section 30211 of the Coastal Act states:

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

Section 30252 of the Coastal Act states in part:

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

The applicant proposes to amend the conditions of the permit to include Lot Q as an alternative parking lot for the charter service during peak summer beach use. Under the original permit the applicant received approval for the operation a charter boat service. The charter boat service consisted of the use of three boats with a combined total occupancy of 280 occupants. Based on the County's parking requirements the charter boat service required 93 parking spaces to support the use.

The off-site parking lot that was originally proposed as support parking for the charter boat service was Lot N. Lot N located directly south of the docks within Basin E, along Palawan Way. Lot N is a county owned and operated public lot consisting of 191 total parking spaces within a 76,063 square foot parcel. The lot is used by beach goes to the Marina's only beach (Mother's Beach) and the Jamaica Bay Club for overflow parking. The Commission found that by placing an additional demand of 93 spaces that would be generated by the charter boat service on a public parking lot that is used for beach parking the project would significantly impact the limited number of public parking spaces that are available for beachgoers. To ensure that the proposed charter service would not adversely impact public beach parking within Lot N special conditions were placed on the permit. Special condition #2 required that the applicant record a Lease Agreement and Special condition #3 required the submittal of a parking management plan. The special conditions required that the charter service's support parking be provided within an alternative parking lot (Lot OT), which is located just north of the proposed dock site, during summer weekends, holidays, and major special Marina events, such as the boat parade and the Fourth of July (the applicant agreed to the condition). Lot OT was not located on the waterfront and was not heavily used. The use of Lot OT would minimize any parking conflicts between the charter boat patrons and beachgoers during peak beach use periods.

The applicant is requesting an amendment to include Lot Q as an alternative parking lot to ensure that at least one lot is available in the future in the event that the County choose to develop the lot with another use consistent with the certified LCP.

Lot Q is located inland of Admiralty Way and approximately 1,000 feet from the charter boat service location. Lot Q provides 118 parking spaces. Because of its location Lot Q is not heavily used for beach recreation. The County has submitted parking counts for Lot Q for the 1994-1995 fiscal year. The data shows that during the peak summer period the lot averages approximately 23 vehicles per day (see County letter, Exhibit #3). Based on the County's data Lot Q has adequate parking to support the demand from the charter service if the applicant was to use Lot Q. The Commission finds, therefore, that as amended the proposed project will be consistent with Section 30211 and 30252 of the Coastal Act and with the County's certified LCP.

### C. California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as modified 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, as amended, will not have any adverse impacts on the environment within the meaning of the California Environmental Quality Act. Therefore, the proposed amendment is found consistent with CEQA and the policies of the Coastal Act.

8382F

49

49

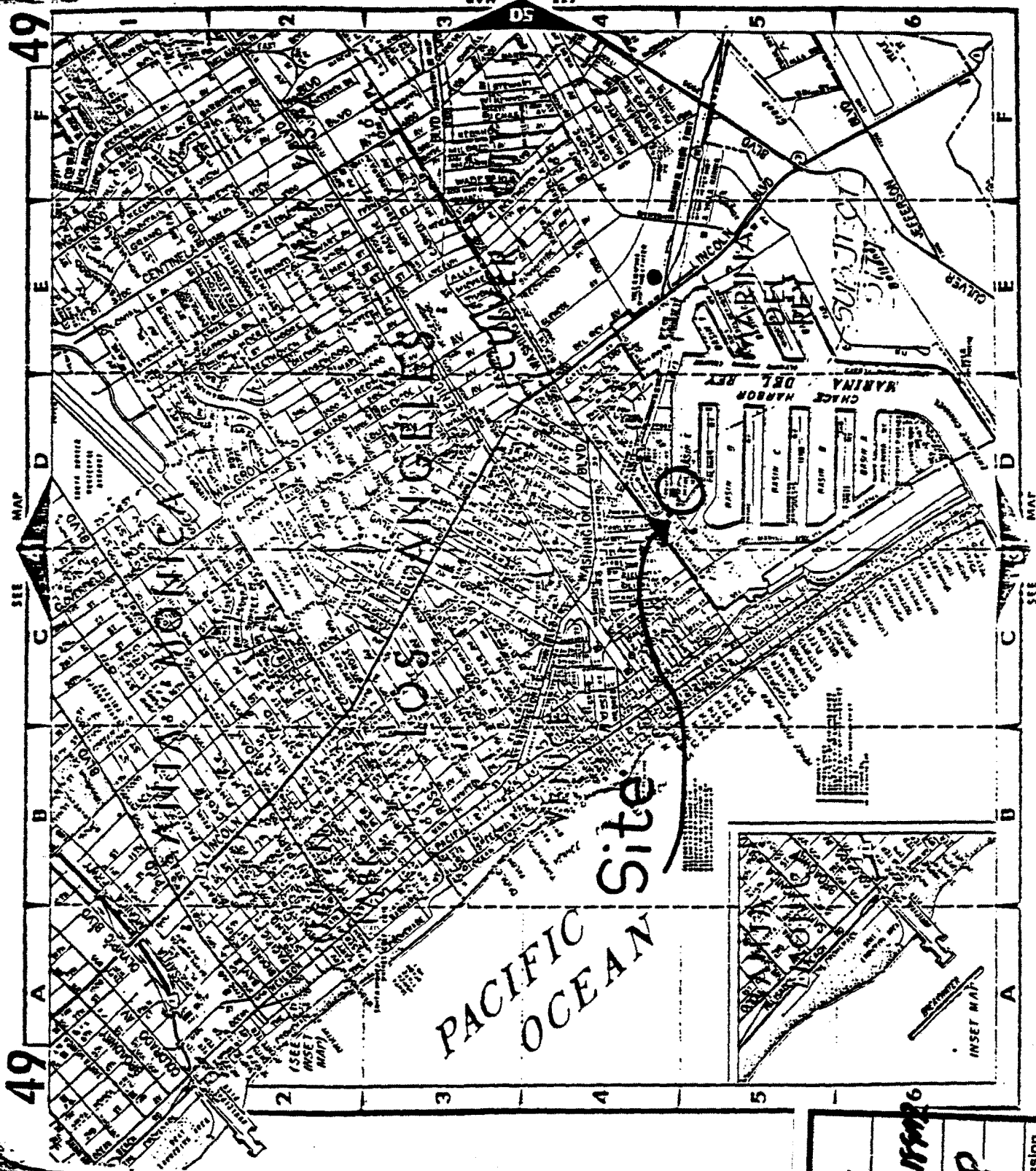
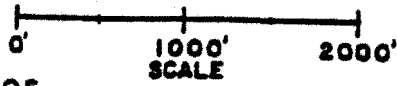


EXHIBIT NO. <b>1</b>
Application Number <b>AS-MDR-95-155026</b>
<i>Vicinity Map</i>
California Coastal Commission



LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS  
 MARINA DEL REY PARCEL PLAN



○ PUBLIC PARKING NOS.  
 9/82

EXHIBIT NO. 2
Application Number <b>A5-MDR-95-012</b>
<b>Marina Parcel</b>
<b>Map</b>
California Coastal Commission



EXHIBIT NO. <b>3</b>
Application Number <b>A5-MDR-95-189A2</b>
<b>County Letter</b>
<b>Regarding Lot Q</b>
California Coastal Commission

COUNTY OF LOS ANGELES  
DEPARTMENT OF BEACHES AND HARBORS



RECEIVED

DEC 5 1996

KERRY GOTTLIEB  
DEPUTY DIRECTOR

JUDITH KENDALL  
DEPUTY DIRECTOR

December 3, 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

Mr. Al Padilla  
California Coastal Commission  
245 W. Broadway, Suite 380  
Long Beach, CA 90802

Dear Al:

USE STATISTICS FOR MARINA DEL REY PARKING LOT Q, 1994-95

Uri Ginzburg, the lessee at Fantasea Yacht Charters, indicates that you need parking lot use statistics for Parking Lot Q in Marina del Rey before you can write a staff report on Mr. Ginzburg's request for a permit amendment. Our parking contract monitors have provided me with use statistics for the 1994-95 fiscal year (July through June), the last year for which those statistics are available and they are as follows:

	<u># Cars Parked in 24 hours</u>	<u>Avg./Day</u>
July 1994	1,055	34
August 1994	611	20
September 1994	841	28
October 1994	719	23
November 1994	511	17
December 1994	686	22
January 1995	415	13
February 1995	602	22
March 1995	397	13
April 1995	487	16
May 1995	527	17
June 1995	377	13

These statistics reflect only the number of patrons per day without regard to the length of stay. We know from experience that parking spaces turnover at a rate of at least three times per day in other parking lots. Thus, at a capacity of 114 spaces with no turnover in spaces, Lot Q could accommodate the full 93 spaces required by Fantasea

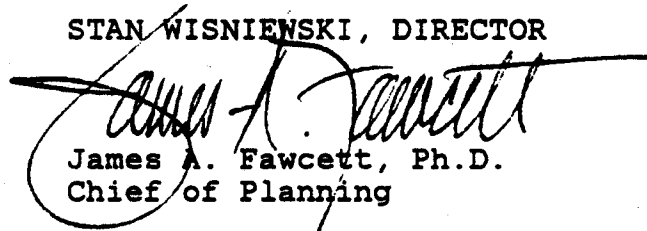
Letter to Mr. Al Padilla  
December 3, 1996  
Page 2

Yacht Charters and continue to retain adequate capacity for the public.

If you need additional information in this matter, please give me a call.

Very truly yours,

STAN WISNIENSKI, DIRECTOR

A handwritten signature in dark ink, appearing to read "James A. Fawcett", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James A. Fawcett, Ph.D.  
Chief of Planning

JAF:jaf