

# RECORD PACKET COPY

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
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Filed: 5/8/97  
49th Day: 6/26/97  
180th Day: 11/4/97  
Staff: A. Padilla  
Staff Report: 6/3/97  
Hearing Date: 7/8-11/97  
Commission Action:



### STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-055

APPLICANT: Loyola Marymount University

AGENT: Tomas Osinski

PROJECT LOCATION: Parcel #BB, Fiji Way, Marina del Rey, Los Angeles County

PROJECT DESCRIPTION: Remove existing 3,600 square foot, 13-foot high, one-story moored floating barge (boathouse) and replace with a 4,480 square foot, 25-foot high, 2-story floating barge (boathouse) with training room, lockers, shower, bathroom, office, kitchen, storage room, faculty banquet room and launching float.

Lot area:	11,706 sq. ft.
Building coverage:	4,604 sq. ft.
Parking spaces:	0
Plan designation:	water
Ht abv waterline:	13.5 ft. to 22.5 feet.

LOCAL APPROVALS RECEIVED: County of Los Angeles Regional Planning Approval Concept.

SUBSTANTIVE FILE DOCUMENTS: Marina del Rey certified LCP.

### SUMMARY OF STAFF RECOMMENDATION:

Staff recommends denial of the proposed project due to the project's inconsistency with visual and access policies of the Coastal Act as well as the certified Marina del Rey Local Coastal Program which provides guidance for development within the Marina.

STAFF SUMMARY: The proposed project raises visual and public access issues. The proposed project is inconsistent with the LCP's 15 foot height limit for development on the water, and will impact public views of the Marina from the adjacent public walkway and nearby street. Furthermore, the proposed project, which will provide no additional parking, will adversely impact parking within the adjacent public parking lot.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Denial

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976.

II. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Background

The applicants propose to remove an existing 3,600 square foot, one-story, moored floating barge (boathouse), used for the storage of boats (racing hulls), and launching float, and replace with a 4,480 square foot, 2-story, 25 foot high, floating barge (boathouse) and launching ramp, with boat storage area on the first floor, and training room, lockers, shower, bathroom, office, kitchen, storage room, faculty banquet room, and deck on the second floor.

The existing barge provides an enclosed area for the storage of boats (rowing hulls), training area, bathroom, showers, lockers, and includes an open deck atop the boathouse.

The proposed site is located off of Fiji Way in Marina del Rey in the County of Los Angeles. The proposed site is situated entirely within the waters of the Marina on a parcel (#BB) designated as a Water Category parcel in the certified LCP. The area is designated as the Fisherman Village Development Zone in the certified LCP. Surrounding development includes Fisherman Village to the west, the eastern portion of Fisherman's Village surface parking lot to the south, and a marine commercial facility to the east.

The existing moored floating barge is used by Loyola Marymount University (LMU) as a boathouse for storing boats (hulls) for the University's rowing program. The University has been using this water parcel for storing their boats since approximately 1966.

The certified LCP allows boathouses, rowing clubs and facilities associated with crew racing as a conditional use. At the time the boathouse was installed, approximately 1966, the County did not require conditional use permits for such uses so the County has no permit on record for the use.

The LMU rowing facility is one of two facilities maintained within Marina del Rey. The other facility is operated by the University of California at Los Angeles (UCLA). However, UCLA's boathouse is located on dry land. The UCLA's facility has a ramp and dock on the water in which to launch boats. All other ancillary facilities are located on dry land.

The proposed project is entirely within the Marina's waters. The Marina's waters are within the Commission's original jurisdiction. The Commission retains permit authority for all development in the Commission's original

jurisdiction and all Coastal Development permits must be issued by the Commission. The standard of review is the Chapter 3 policies of the Coastal Act. The certified LCP provides guidance to the Commission on whether projects in the area of original jurisdiction are consistent with the Coastal Act.

B. Visual

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 states that new development shall:

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed project is located on the water within the Marina, adjacent to and east of the Marina's visitor-serving Fisherman's Village and directly seaward from the Village's easternmost surface parking lot. The Land Use category for the project site is designated Water in the LCP. The LCP provides that the height of development located on parcels designated as Water parcels is limited to 15 feet above the water surface.

The applicant proposes to replace the existing barge, used for the storage of boats, with a new larger barge. The existing barge measures approximately 11 feet in height from the waterline to the top of the roof. Since the barge floats atop the water, the height, as measured from the Marina's bulkhead, varies depending on the tide. The existing barge rises from a minimum of approximately 1 foot to a maximum of 10 feet above the Marina's bulkhead. The new proposed 2 story barge will measure 25 feet in height from the waterline to the top of the roof, with flag poles extending to 32 feet. Depending on the tide, the roof of the proposed 25 foot high barge will rise from a minimum of 13.5 feet to a maximum of 22.5 feet above the Marina bulkhead.

Fisherman's Village is a popular visitor-serving destination. Fisherman's Village offers gift and specialty shops, service concessions (i.e., boat rentals, sport fishing), food and drink establishments and full service restaurants.

A pedestrian promenade runs atop the Marina's 10 foot high bulkhead. The promenade extends from the eastern end of the subject parcel to the western end of Fisherman's Village, a distance of approximately 900 feet. The

promenade provides the only public pedestrian access and marina viewing opportunities along the entire length of Fiji Way from Admiralty Way to the terminus of Fiji Way, a distance of approximately 3,400 feet. Because this area provides the only public walkway for the public to enjoy the scenic views of the harbor and boating related elements, the preservation of the views in this area is paramount.

As proposed, the project is inconsistent with the LCP height limit for water category parcels, inconsistent with the height of existing development on water category parcels, and will have a greater adverse visual impact on the marina from the pedestrian promenade and from Fiji Way than the existing one-story barge.

The marina's LCP considers Fisherman's Village as a positive scenic element and a public viewing vantage point and designates Fiji Way as a Scenic Drive. The certified LCP also states in part that:

The Marina del Rey Small Craft Harbor represents a land use of tremendous significance and distinction to Los Angeles County. As a whole, it symbolizes a lifestyle based upon coastal amenities. For this reason, the most significant qualities of the area in terms of visual resources are the waters within the small craft harbor, the boats, and boating related elements (e.g., masts, sails, moles, slips, etc.) Boats in motion provide a particularly pleasant viewing experience. Undoubtedly, this visual setting is one of the major factors in the area's very high popularity for non-boaters as well as boaters.

Policy e. 1. of the certified LCP states:

Views of the Harbor a Priority. Maintaining and enhancing views of the Marina shall be a priority goal of this Plan. Enhancing the ability of the public to experience and view the Marina waters shall be a prime consideration in the design of all new, modified or expanded development. This goal shall be achieved by placing conditions on permits for new development to enhance public viewing, to allow for greater public access, and to create new view corridors of the waterfront.

One of the major issues the Commission dealt with in certifying the LCP was development height and the protection of public views of the marina. To protect views of the harbor the LCP provides height standards for waterside and landside development. The Commission approved building heights that varied from 25-75 feet for landside lots along the waterfront to 225 feet for specific lots located further away from the waterfront. The heights of development depended on the provision of view corridors to the water by the development through the development's property. The size of the view corridors was based on a complicated formula. The view corridors varied from twenty percent up to forty percent of the parcel's water frontage, depending on the height of the development. The view corridors ensure that views of the Marina are enhanced, preserved and protected.

To ensure that views of the marina's waters and scenic resources were further protected and preserved the LCP limits the height of development built on the water (designated as Water category parcels in the LCP), to a maximum height of 15 feet. The 15 foot height limit maintains a low profile for water dependent structures, such as boating-related equipment storage structures,

bait shops, and other marine commercial buildings and protects public views of the marina's scenic resources from areas such as public walkways located atop the bulkhead and surrounding streets.

Currently, the Marina contains no structure higher than 15 feet above the water line. With the 10 foot high bulkhead, structures built to the maximum height of 15 feet, as measured from the waterline, would rise approximately 5 to 14 feet above the height of the bulkhead, depending on the tide. The proposed project, which will measure 25 feet from the waterline to the top of the roof, will rise 13.5 feet to 22.5 feet above the Marina bulkhead. Given the garage's location in a prominent view area (i.e. in the area visible from Fiji Way and the public walkway) this increased height will have a significant adverse effect on the visual quality of the Marina.

Although some of the uses proposed on the barge may be considered facilities associated with crew racing, and as such are permitted by the LCP, the replacement of the existing one-story barge with a 25 foot, two-story barge is not necessary or integral to the operation of the barge as a boathouse. The proposed ancillary uses such as the training room, kitchen and banquet rooms are uses that could be provided on dry land. Furthermore, the proposed private boathouse is not the type of recreational boating protected and encouraged under Coastal Act policy 30234 which states in part that:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided....

By proposing a larger two-story barge within the Marina the applicant is attempting to extend a private urban development that is not water dependent nor encouraged or protected under the Coastal Act, onto the water. The type of development and its associated adverse impacts to the visual resources of the marina can not be found consistent with the visual resource policies of the Coastal Act.

The proposed project will individually and cumulatively adversely impact public views of the Marina from a designated Scenic Drive (Fiji Way) and a public walkway. Furthermore, the proposed project will establish an adverse precedent for future development on parcels located seaward of the marina's bulkhead and will add to the visual degradation of the marina. The Commission, therefore, finds that the applicant's proposed project which will exceed the 15 foot height limit by 14 feet, in order to provide uses that are not coastal dependent nor encouraged or protected by the Coastal Act, is inconsistent with the visual resource protection policies of the Coastal Act and with the County's Local Coastal Program. Therefore, the proposed project is denied.

The Commission notes that the denial of this permit does not preclude the applicant from continuing the use of the barge for the storing of boats which has been in use since approximately 1966. If the applicant wants additional space for ancillary uses the applicant has other alternatives available to provide such ancillary uses that will have less of an impact on the visual resources of the marina and which the Commission may find consistent with the policies of the Coastal Act and with the certified LCP. A few alternatives

available to the applicant are: keep the one-story barge or replace it with a new barge if the old barge is deteriorated to a point where it needs to be replaced; enlarge the one-story barge without increasing its height; construct a facility on a nearby dry land parcel; or the applicant can use land based facilities, either in the marina or at their nearby campus.

### C. Parking

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 proposed project will be two-stories and 4,536 square feet with 1,840 square feet of exterior decking. The first floor will contain 2,800 square feet of interior space for boat storage. The proposed second story will have 1,736 square feet of interior space for a banquet room, training room, office, lockers, kitchen, and storage room. The banquet and training room are adjoining and separated by a moveable partition for special events (award ceremonies, meeting, etc.). The two adjoining rooms occupy a total of 1,120 square feet.

According to the applicant the current occupancy of the rowing facility is 3 coaches and 31 students. The applicant has stated that the additional square footage will not increase the occupancy since the number of students and coaches will remain the same.

However, the expansion of the facilities will allow the applicant to increase the number of students and faculty that use the facility at any one time and increase the occupancy of the barge during special events. According to the applicant these special events are held during the week and weekend.

Currently, the students and coaches use public parking lot (W), which provides 483 parking spaces for use by Fisherman's Village, Shanghai Reds (a restaurant adjacent to Fisherman's Village, and the currently vacant parcel 55. According to the County LMU is allocated one bus parking space. Those that do not come by bus park within the public parking lot. During special events, such as banquets and award ceremonies, attendees to these functions, also park within the public parking lot, which is the only public parking in the area. With the proposed larger facilities the applicant can increase the attendance to the special events.

The parking in the area, in general, provides sufficient capacity to serve the area, however, peak demand at restaurants and during summer peak use periods create parking deficiencies. The weekends are generally the peak use periods for Fisherman's Village.

By increasing the occupancy capacity of the barge the facility will have the potential to increase the number of visitors to the facility. This increase will place a greater demand on the parking that is used by the visitor-serving establishments and usurp public marina parking. Placing an additional demand on parking lot W by a non-coastal dependant use will adversely impact

visitor-serving parking during peak visitor-serving use and limit general public access to the Marina. Therefore, the Commission finds that the proposed project is inconsistent with Section 30211 and 30252 of the Coastal Act, and as such, is denied.

D. Local Coastal Program

Section 30604(a) of the Coastal Act states:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

On May 10 1995, the Commission certified, with suggested modifications, the local Coastal Program for the Marina del Rey area of the County of Los Angeles. The certified LCP contains polices to guide the types, locations and intensity of future development in the Marina del Rey area of the coastal zone. Among these polices are those specified in the preceding section regarding public visual resources. The proposed project is inconsistent with all relevant policies of the LUP regarding visual impacts and access impacts.

E. CEQA

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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.

There are negative impacts caused by the proposed development which have not been adequately mitigated. There are feasible alternatives available to the applicant which would have substantially less of an adverse impact than the proposed project. Therefore, the proposed amendment is found inconsistent with CEQA and the policies of the Coastal Act.

**CALIFORNIA COASTAL COMMISSION**

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Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-97-055

APPLICANT: Loyola Marymount University

AGENT: Tomas Osinski

PROJECT LOCATION: Parcel #BB, Fiji Way, Marina del Rey, Los Angeles County

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Building coverage:	4,604 sq. ft.
Parking spaces:	1 bus space
Zoning:	water category
Plan designation:	boathouse
Ht abv waterline:	13.5 ft. to 22.5 feet.

LOCAL APPROVALS RECEIVED: County of Los Angeles Regional Planning Approval in Concept.

SUBSTANTIVE FILE DOCUMENTS: Marina del Rey certified LCP.

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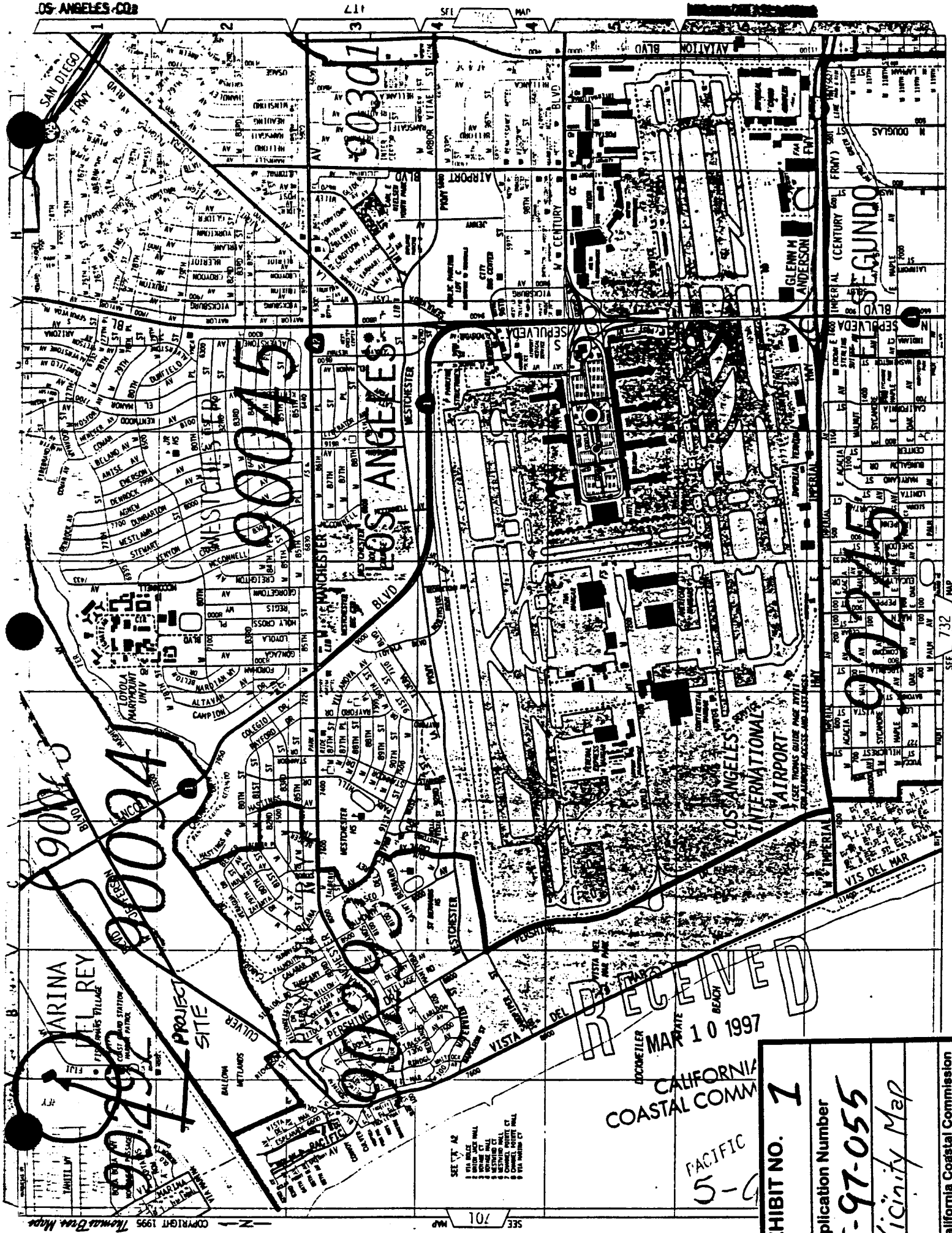
**SUMMARY OF STAFF RECOMMENDATION:**

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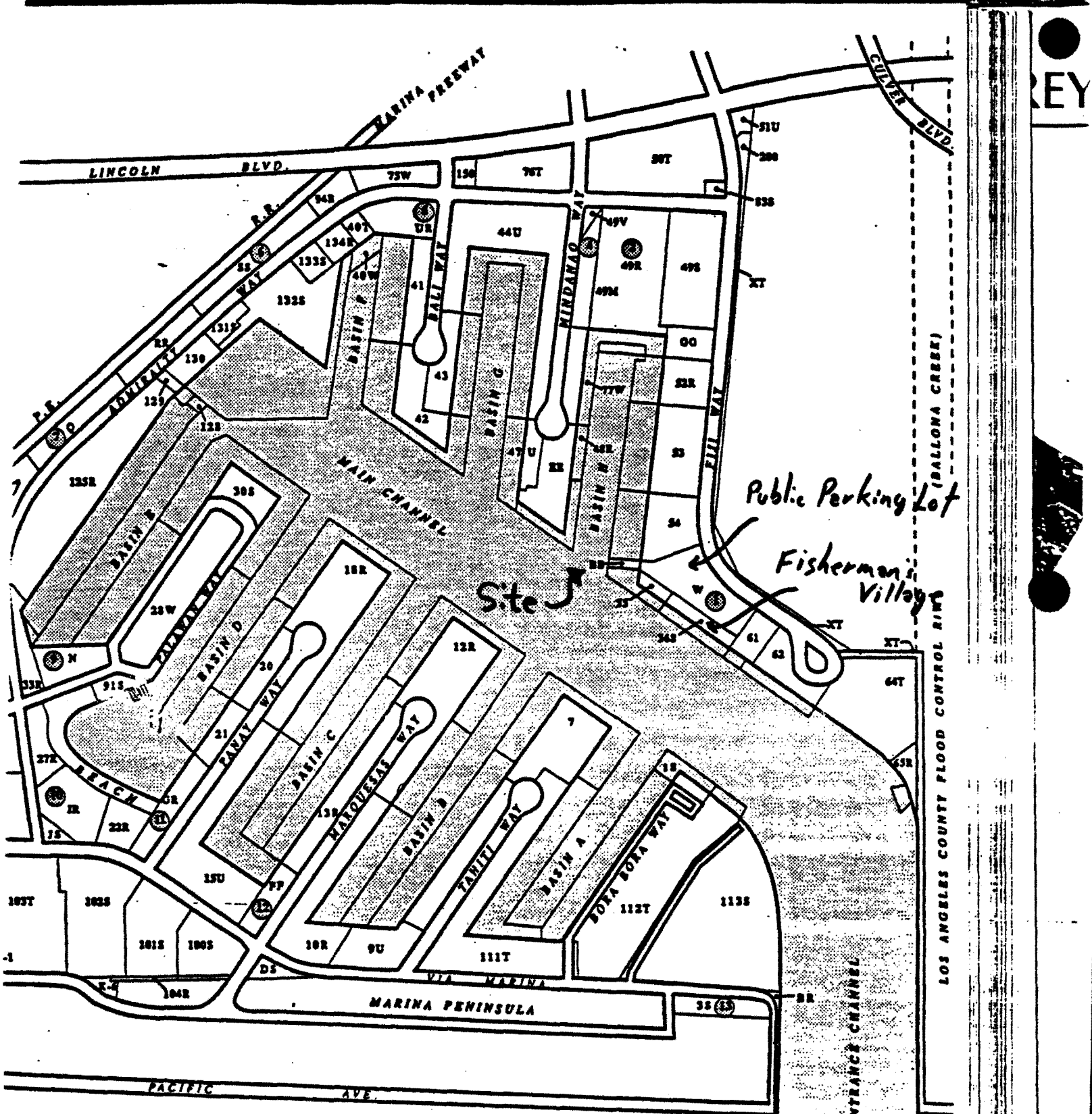
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RECEIVED  
MAR 10 1997  
CALIFORNIA COASTAL COMM

EXHIBIT NO. 1
Application Number 5-97-055
Vicinity Map
California Coastal Commission






PUBLIC PARKING LOT NUMBERS

LOS ANGELES COUNTY  
OF BEACHES & HARBORS

EXHIBIT NO.
APPLICATION NO.
5-97-055
Parcel location In Marina

# EXISTING SHORELINE ACCESS

MAP 3

-  OPEN TO PUBLIC (PRIVATE LEASEHOLD)
-  OPEN TO PUBLIC (COUNTY LEASEHOLD)
-  RESTRICTED ACCESS

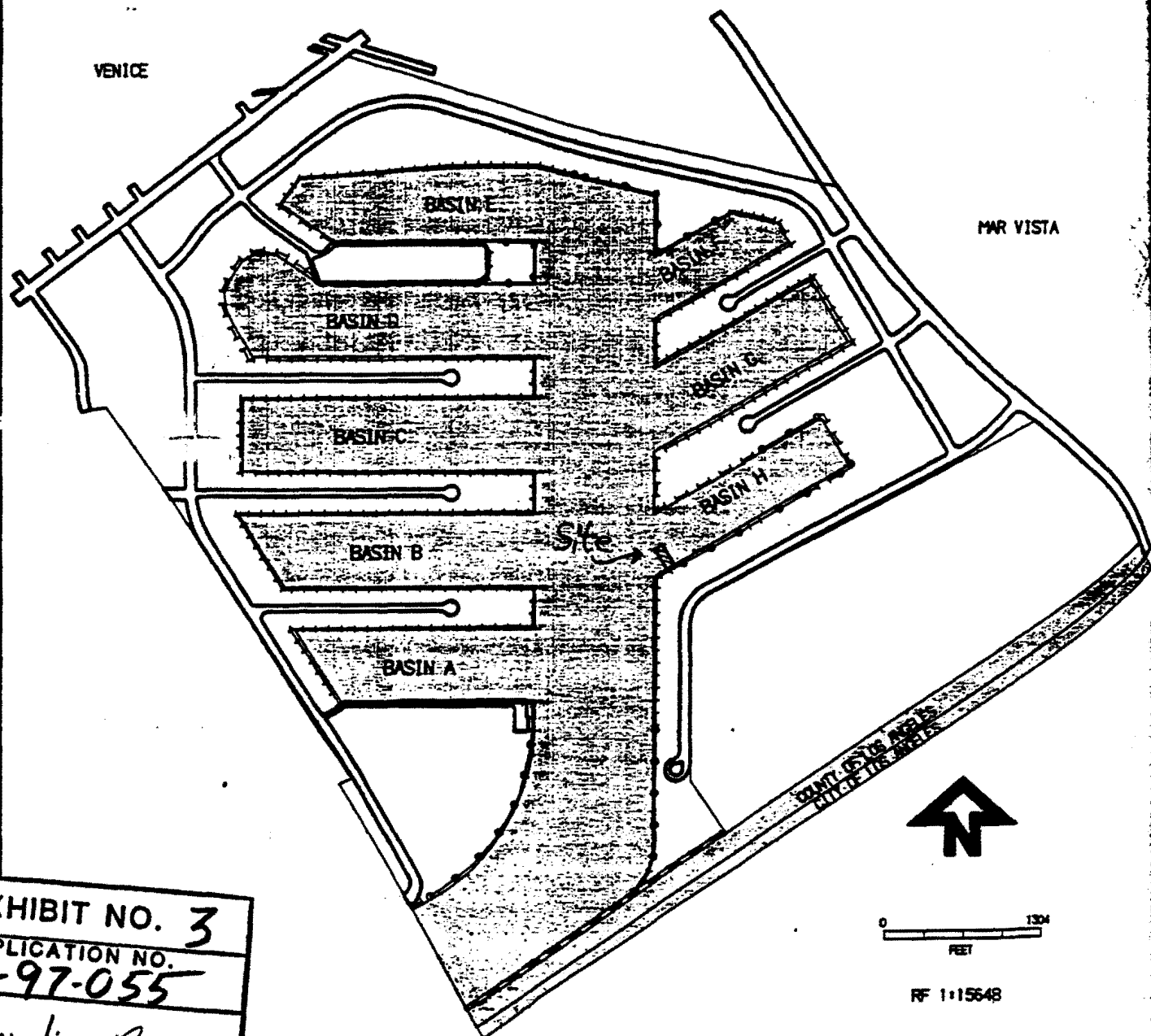
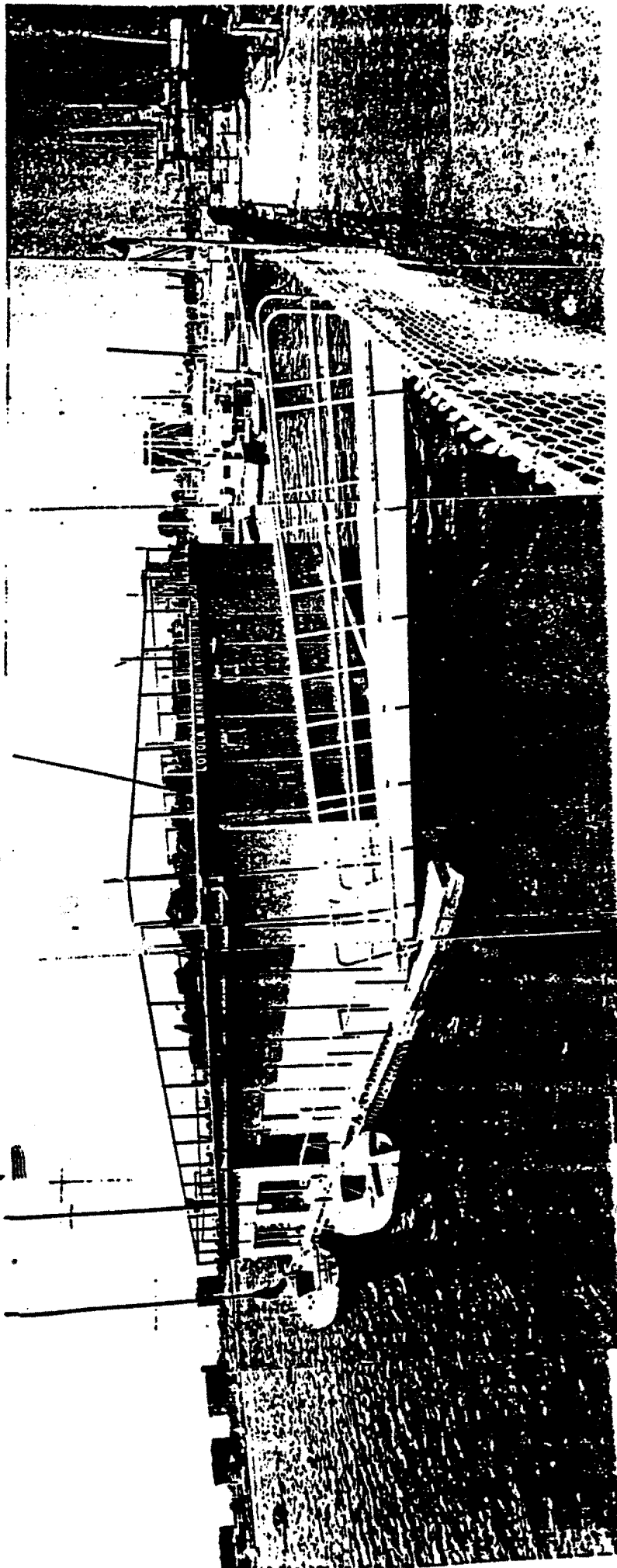


EXHIBIT NO. 3  
APPLICATION NO.  
5-97-055  
Shoreline Access  
California Coastal Commission

LOCAL COASTAL PROGRAM



EXISTING

RECEIVED

MAR 10 1997

CALIFORNIA  
COASTAL COMMISSION

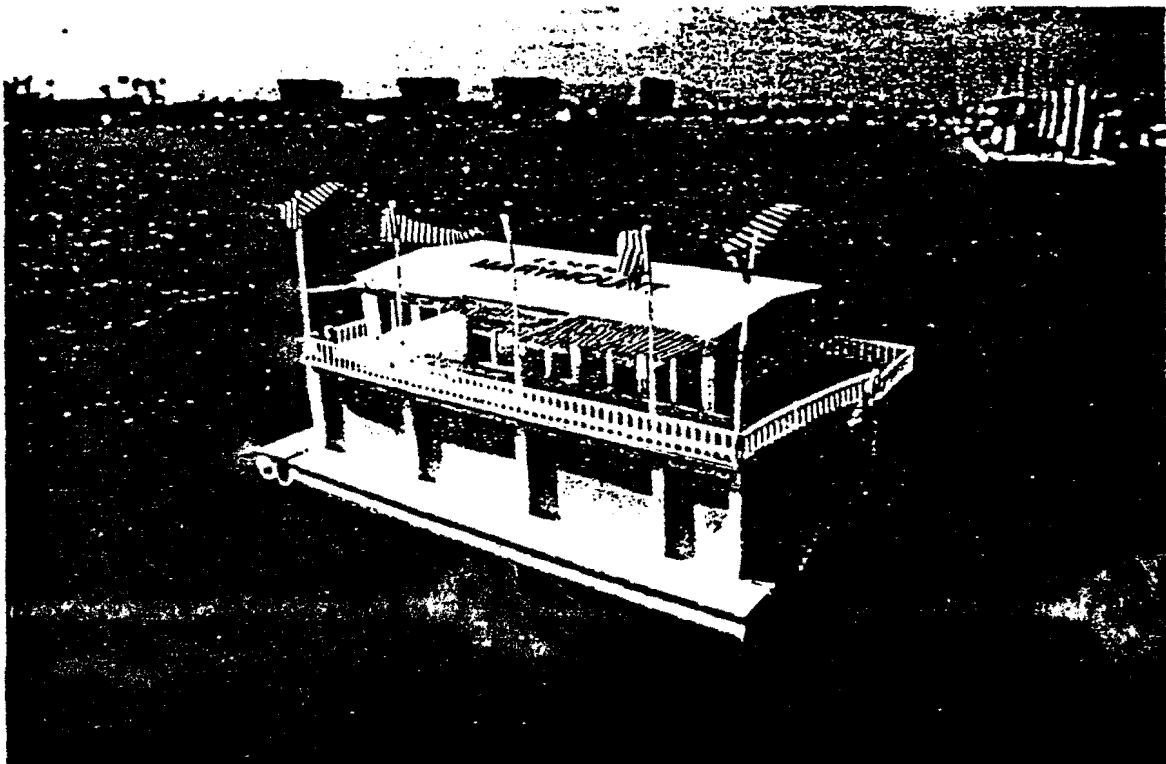
EXHIBIT NO. 4
Application Number 5-97-053
Photo of Existing
Serge
California Coastal Commission

**TOMAS OSINSKI DESIGN**

TEL 213 226 0576

4240 GLENMUIR AVE., LOS ANGELES, CA 90065

FAX 213 227 8803



**PROPOSED**

Loyola Marymount University  
Rowing Crew Boat House  
Marina del Rey

**RECEIVED**  
MAR 10 1997

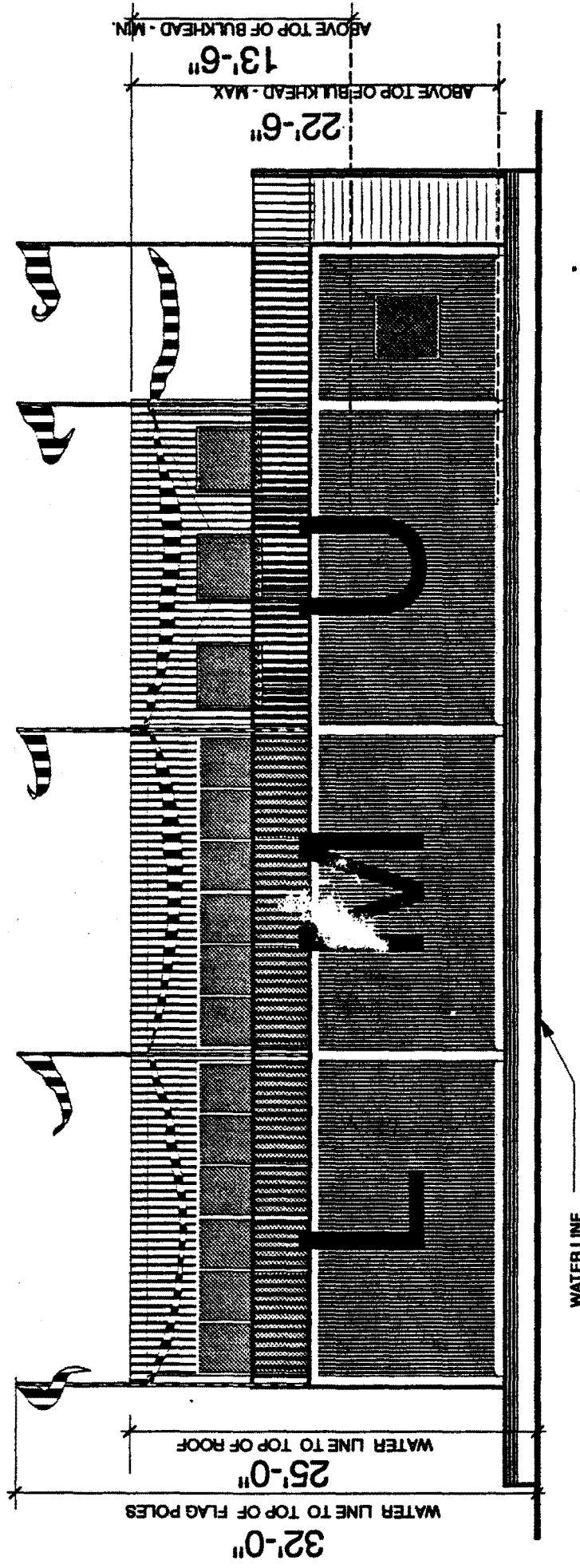
CC

EXHIBIT NO. **5**

APPLICATION NO.  
**5-97-055**

**Proposed Barge**

California Coastal Commission



**SOUTH ELEVATION**  
SCALE 1/8"=1'-0"

EXHIBIT NO. <b>6</b>
Application Number <b>5-97-055</b>
Elevation of <i>Proposed</i>
California Coastal Commission

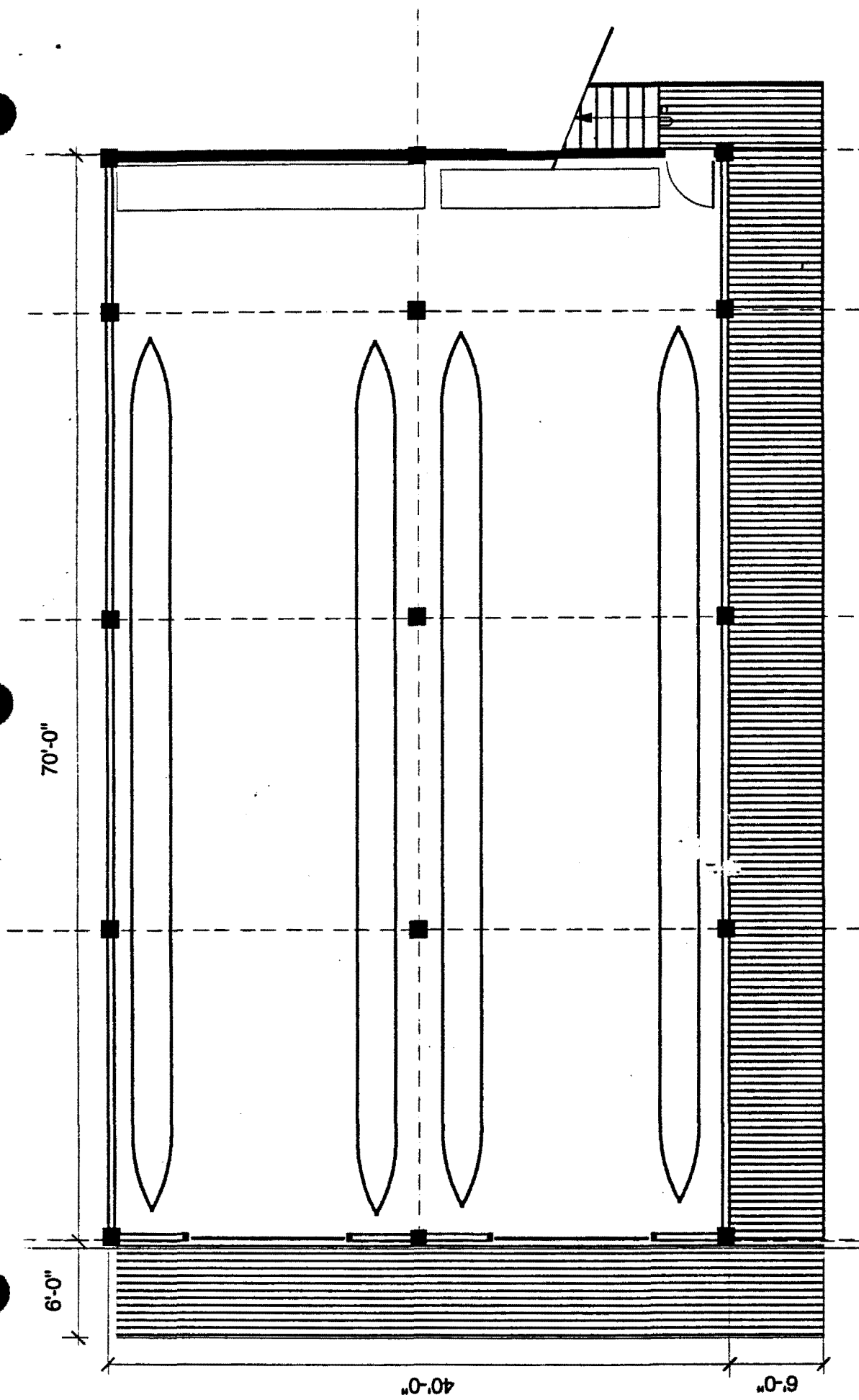


EXHIBIT NO.	7
Application Number	5-97-055
	First Floor Plan
California Coastal Commission	

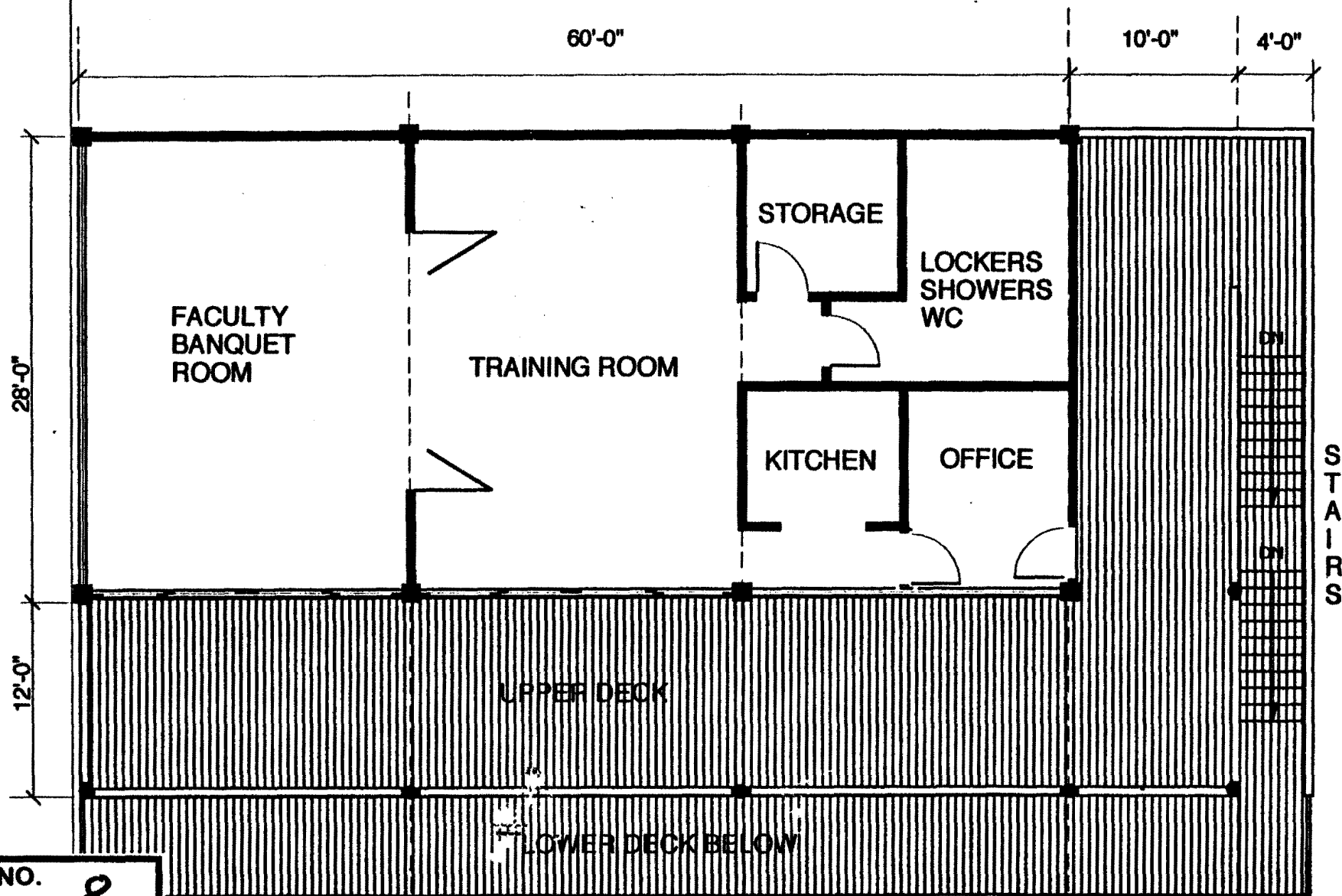


EXHIBIT NO.

8

Application Number

5-97-055

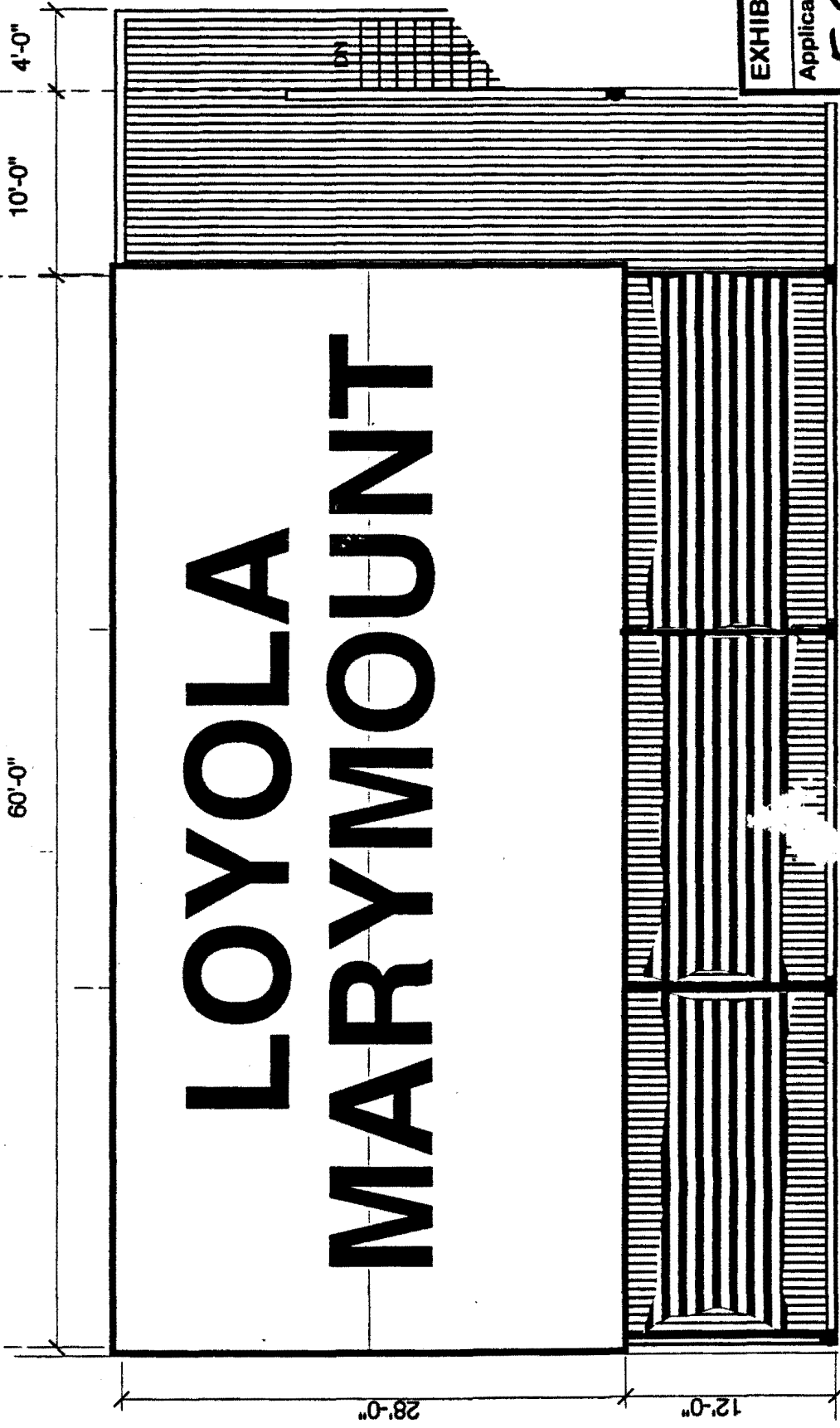
Second Floor Plan

California Coastal Commission

SECOND FLOOR PLAN - PRELIMINARY

SCALE 1/8"=1'-0"





LOYOLA  
MARYMOUNT

EXHIBIT NO. 9

Application Number

5-99-053

Roof Plan

California Coastal Commi-

ROOF PLAN

