

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY**

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Hearing Date: 1/9-12/00  
Commission Action:

**TH 7.d**

**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE for A-5-MDR-00-472**

**LOCAL GOVERNMENT:** County of Los Angeles

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-MDR-00-472

**APPLICANT:** Marina Pacific Associates

**PROJECT LOCATION:** 4400 and 4500 via Marina, Marina Del Rey, County of Los Angeles

**PROJECT DESCRIPTION:** Demolition of an administration building and construction of one 120 unit, 60-foot tall apartment building (72 one-bedroom and 48 two-bedroom units; four residential stories over two levels of parking) with appurtenant office administration (leasing) and fitness center facilities on Parcel 112, Marina Del Rey ; phased replacement and reconfiguration of the existing Marina Harbor Anchorage, on the waterside portions of Parcels 111 and 112 (replacing 590 existing, aging boat slips); phased renovation of the 846 existing apartment units on Parcels 111 and 112, including improvement to the exterior "hardscape" and landscape of the developed parcels; construction of a public promenade along the seawall bulkhead of Parcels 111 and 112, including an approximately 4,500 square foot public viewing park at the eastern corner of Parcel 112, adjacent to the main channel; and realignment of Bora Bora Way approximately 60 feet to the north of its current intersection with Via Marina to facilitate construction of the proposed apartment building.

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed because the project approved by the County is not consistent with Coastal Act policies regarding public access.

**APPELLANTS:** California Coastal Commissioners Sara Wan & Cecilia Estolano; Coalition to Save the Marina Inc.

**SUBSTANTIVE FILE DOCUMENTS:**

1. Marina Del Rey certified Local Coastal Plan, 1995.

**I. APPEAL PROCEDURES**

After certification of a local coastal program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, mean high tide line, or the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

The County of Los Angeles' Marina Del Rey LCP was certified on May 10, 1995. The County approval of the proposed project is appealable because the project is located between the sea and the first public road paralleling the sea and is also located within tidelands.

Section 30603(a) of the Coastal Act identifies which types of development are appealable. Section 30603(a) states, in part:

- (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.*

The grounds for appeal of an approved local Coastal Development Permit in the appealable area are stated in Section 30603(b)(1), which states:

*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.*

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. 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 Commission is deemed to have found that the appeal raises a substantial issue, 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 the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, 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.

II. APPELLANTS' CONTENTIONS

The County approval of the proposed development was appealed on November 29, 2000, by two appellants. The project was appealed by the California Coastal Commissioners Sara Wan and Cecilia Estolano; and by the Coalition to Save the Marina Inc. (John Davis). The appellants contend that the proposed development is not consistent with the access policies of the Coastal Act and does not conform to the requirements of the Local Coastal Program.

The appeal by the California Coastal Commission contends that:

1. The County's submittal does not include a traffic analysis to support their finding that the project will not generate additional traffic trips and therefore, traffic mitigation is not necessary. Transportation fees are required under the certified LCP, as mitigation to off-set any impacts new projects generate. These fees are used for traffic improvements in and around the Marina. Traffic increases generated by new development, if not properly mitigated, could have an adverse impact on the public's ability to access the beach in and around the Marina. Based on the information provided, it can not be determine whether there will or will not be traffic impacts and if mitigation is necessary.
2. The certified LCP requires that new development provide view corridors from adjacent public streets. The width of required view corridors on the parcel increases with the height of the proposed development. The County's findings indicate that the project will reduce the existing view corridor along Via Marina (public street) by approximately 18 feet. As proposed the view corridor comprises the existing street, rather than a percentage of the parcel to be developed as required in the certified LCP. The County's findings state that the view corridor through Bora Bora Way will actually be improved by the proposed realignment and straightening of the road which will improve the line of sight. Furthermore, according to the County's findings, the viewing area lost will be compensated for by the proposed view park at the end of Bora Bora Way.

The County has not provided a view analysis that would support the finding that the views would be improved and that the view park is an appropriate alternative that would adequately compensate for the potential loss of views from Via Marir. The loss of 18 feet of viewing area could have an adverse impact on pedestrians and motorists' ability to view the marina from Via Marina.

The appeal by Coalition to Save the Marina Inc. contends:

1. Non-compliance with Coastal Act Sections 3001.5c, 30210, 30211, 30212 and 30252.

2. Non-compliance with Section 65590 Planning and Zoning law
3. Non-compliance with Public resources Code Sections 2690-2699.6
4. California Environmental Quality Act violations
5. National Environmental Protection Act violations

### **III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that a substantial issue exists with respect to the City's approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to Public Resources Code Section 30625(b)(1).

**MOTION:** Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-PDR-00-077 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

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

The Commission hereby finds and declares:

#### **A. Project Description and Area History**

The applicant proposes the demolition of an existing administration building, construction of one 120 unit, 60-foot tall apartment building (72 one-bedroom and 48 two-bedroom units; four residential stories over two levels of parking) with appurtenant office administration (leasing) and fitness center facilities on Parcel 112; phased replacement and reconfiguration of the existing Marina Harbor Anchorage, resulting in the elimination of 271 existing boat slips and replacement of 590 existing boat aging slips; phased renovation of 846 existing apartment units on Parcels 111 and 112, including improvement to the exterior "hardscape" and landscape of the developed parcels; construction of a public promenade along the seawall bulkhead of Parcels 111 and 112, including an approximately 4,500 square foot public viewing park at the eastern corner of Parcel 112, adjacent to the main channel; and realignment of Bora Bora Way

approximately 60 feet to the north of its current intersection with Via Marina to facilitate construction of the proposed apartment building.

Parcels 111 and 112 are located along Bora Bora Way and Via Marina, in the southwest portion of Marina Del Rey.

**B. Area wide Description**

Marina del Rey covers approximately 807 acres of land and water in the County of Los Angeles (see Exhibit No. 1-3). 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 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 Marina 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, 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 1960's. 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. Most leases will expire after 2020.

Within the existing Marina development has basically occurred on all leasehold parcels. This development is generally referred to as Phase I development. Recycling, intensification, or conversion of these initial uses on leased parcels is referred to as Phase II development.

**C. Local Coastal Program Background**

In 1984, the Commission certified the County's Land Use Plan portion of the Marina Del Rey/Ballona segment of the County of Los Angeles Local Coastal Program. Subsequent

to the Commission's certification, the City of Los Angeles annexed over 525 acres of undeveloped land, which was a portion of the County's LCP area located south of Ballona Creek and east of Lincoln Boulevard (known as Area B and C). Subsequent to the City's annexation, the City submitted the identical Land Use Plan (the Playa Vista segment of the City's Local Coastal Program) covering the City's portion of the original County LCP area. The Commission certified the 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. The undeveloped area in the County, Playa Vista Area "A" was segmented from the marina and no ordinances were certified for the area. After accepting the suggested modifications, the Commission effectively certified the Marina Del Rey LCP and the County assumed permit issuing authority.

In 1995, the County submitted an amendment to the LCP. In May 1995, the Commission certified the LCPA with suggested modifications. The County accepted the modifications and the LCP was effectively certified.

#### **D. DESCRIPTION OF LOCAL APPROVAL**

On October 18, 2000, the County of Los Angeles Regional Planning Commission approved a coastal development permit, with conditions, associated with land-side redevelopment on Parcels 111 and 112, and phased replacement of the existing Parcel 111 and Parcel 112 "Basin A" anchorage (see Exhibit No. 6).

The action by the Planning Commission was appealable to the County's Board of Supervisors. However, no appeals were filed with the Board and notice of the County's final action was received by the Coastal Commission's South Coast District office on November 13, 2000.

#### **E. SUBSTANTIAL ISSUE ANALYSIS**

Section 30603(a)(1) of the Coastal Act states:

*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*

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., tit. 14, section 13115(b)). In previous decisions on appeals, the Commission has 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 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 only 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 the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City raises a substantial issue with regard to the appellants' contentions regarding coastal resources.

**1. Appellants' Contentions that Raise a Substantial Issue**

The contentions raised in the appeal present valid grounds for appeal in that they allege the project's inconsistency with the access policies of the Coastal Act and the Commission finds that a substantial issue is raised.



As stated above, two separate appellants have filed appeals. Listed below are the appellants' contentions that address access policies of the Coastal Act:

a) Access/Traffic

The appellants contend that the project raises a substantial issue regarding consistency with the public access policies of the Coastal Act. Non-conformance with the public access policies of the Coastal Act provides valid grounds for appeal pursuant to Section 30603(b)(1) of the Coastal Act.

Section 30211.

*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 30212.

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

*(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*

*(2) adequate access exists nearby, or,*

Section 30212.5.

*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 30252.

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

**i) Appeal by Commission contends:**

1. The County, in its findings, indicates that the project will not generate additional traffic trips since the project will be eliminating 271 boat slips and a 4,031 square foot office commercial building. Therefore, since the project will not generate additional traffic trips, the County concludes that transportation fees, which are used to mitigate traffic impacts, are not required for the proposed project since there are no traffic impacts. The County's record does not include a traffic analysis to support their finding that the project will not generate additional traffic trips. Therefore, based on the information provided, it can not be determine whether there will or will not be traffic impacts and if mitigation is necessary.

**ii) The appeal by Coalition to Save the Marina Inc. contends:**

Non-compliance with Coastal Act Sections 30210, 30211, 30212, 30252 and 3001.5c.

The Coastal Act requires that development maintain and enhance public access to the coast by assuring that development occurs in areas that can accommodate it and by reserving capacity on access routes for recreational traffic.

The appellants contend that the information provided is not sufficient to conclude that the proposed project will not generate additional traffic trips. The County's record indicates that the applicant is proposing to reduce the number of boat slips by 271 and eliminate 4,031 square feet of commercial office space. Therefore, the County asserts that the project would result in a net reduction in traffic trips.

However, based on the record submitted by the County, the County relied on a one-page letter, and attached table submitted by the applicant's consulting traffic engineer, to determine the trip generation of the proposed expansion (see Exhibit No.7). The letter concluded that there would be a net decrease in trips compared with the current trips during the 24-hour period and both peak hours.

It appears that the one page analysis was based on standard trip generation assumptions. However, the analysis does not provide or reference the basis for these assumptions or explain why it was determined to be appropriate to use trip generation assumptions for these uses in this particular area. Furthermore, the estimated trip generation in the table does not indicate if the vehicle trip peak is for weekday or weekend. Such information is important for analyzing a project's potential impact on traffic and beach access in this area. Without such information a finding that the project is consistent with the access policies of the Coastal Act can not be made.

Transportation fees are required under the certified LCP, as mitigation to off-set any impacts new projects generate. These fees are used for traffic improvements in and around the Marina. Traffic increases generated by new development, if not properly mitigated, could have an adverse impact on the public's ability to access the beach in and around the Marina by contributing to the congestion of the roadway system and exacerbating access difficulties to public recreational areas. Therefore, based on the information provided, it can not be determined that there will be traffic impacts and no mitigation is necessary. Therefore, the appellant's contentions do raise a substantial issue with respect to the public access provisions of the Coastal Act.

## 2. Appellants' Contentions that Do Not Raise a Substantial Issue

### a) Public Views

In part, the appellants contend that the development does not protect public views from public roads and is inconsistent with the policies of the certified LCP. The certified LCP requires that new development provide view corridors from adjacent public streets. Section 22.46.1060(E)(2) states:

*View Corridor Requirements. Parcels located between the water and the first public road shall provide a view corridor allowing uninterrupted views of the harbor from the road to the waterside, at ground level. The design, location and feasibility of view corridors shall be determined by the Director and shall be based on the distance from the first public road to the bulkhead, the parcel's land use category, configuration and the intensity of development allowed by the Specific Plan.*

*a. Where a view corridor is physically feasible, the optimum width of such a view corridor shall be a minimum of 20 percent of the water frontage of the site.*

*b. Where the Director finds an alternate method for providing a view corridor, the Director may apply credit toward the view corridor percentage standards.*

*c. Where the Director finds that a view corridor cannot be physically located anywhere on the parcel to provide a view of the harbor from the road, the Director may waive the requirement.*

*3. View Corridor Standards. View corridors shall be maintained so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and passing motorists. Unobstructed views are defined as views with no inhibition of visual access to the water. Parking lots may be depressed below grade such that views are possible over parked vehicles; the Director shall determine whether a parking lot designed as such warrants credit toward the view corridor requirement. A depression of two feet below grade shall be the minimum*

*considered for view corridor credit through a parking lot. Additionally, landscaping shall be placed and maintained so as not to obstruct water views. Where the Director finds that such combination is appropriate, view corridors shall be combined with vertical accessways.*

The intent of the view corridor requirement is to provide increased public views from the first public road on parcels that are proposed for development or redevelopment. The proposed project consists of two separate parcels: Parcel 111 and 112 (see Exhibit No. 4). On Parcel 111 the applicant is proposing to renovate the existing apartment units including improvements to the exterior "hardscape" and landscape of the developed parcel; and construction of a public promenade along the seawall bulkhead of Parcels 111. No existing buildings will be demolished and no new buildings will be constructed on parcel 111.

On Parcel 112 the applicant proposes to demolish an existing commercial building and construct 120- apartment units, construct a public promenade along the seawall bulkhead and view park along the eastern end of the parcel (see Exhibit No. 5).

On parcel 111, since no new buildings are proposed that would impact public views from the public roads (Via Marina and Tahiti Way), additional view corridors are not required. However, the project includes realigning Bora Bora Way, by moving the intersection approximately 60 feet north across parcel 111(see Exhibit No. 5a). The realignment will require the removal of a section of a surface parking lot, which contributes to the area for the view corridor. This realignment will reduce the width of the view corridor by 18 feet, according to the County. However, the County's record, which includes exiting site plans and photographs of the area, indicates that views from Via Marina through Bora Bora Way are virtually blocked by existing vegetation (large mature trees).

The County's findings state the proposed project will enhance views from Via Marina through the realignment, which will result in a more direct line of sight from Via Marina to the water, and through the re-landscaping of the area, which will open the area up and provide unobstructed views. The redesign of the roadway will relocate the majority of the parking spaces currently located within the view corridor, and at street level, to outside of the view corridor. The 7 to 8 spaces remaining in the new realigned view corridor will be depressed 2 to 4 feet below Via Marina, consistent with the LCP requirements. To ensure that the views are enhanced from Via Marina and its view corridor the County has required the applicant, as a condition of the permit, to provide landscaping plans that will maintain all view corridors so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and motorists. The condition also requires that the applicant maintain the landscaping so as not to obstruct water views.

Furthermore, on parcel 111, the applicant is maintaining the existing view corridors from the public streets that are located throughout the parcel along Via Marina and Tahiti Way. The existing view corridors, not including Bora Bora Way, amount to 21% of the parcel's water frontage (see Exhibit No. 5b). Under the LCP policy, if the parcel was being redeveloped, the minimum view corridor width would be 20 percent.

On Parcel 112, the applicant is proposing the demolition of an existing structure and construction of a 120-unit apartment complex, along with renovation of existing apartments and access improvements. On this site, because the applicant is proposing a new structure, the provision of a view corridor must be considered. The LCP states that parcels located between the water and the first public road shall provide a view corridor from the road to the waterside. On this particular site, however, the first public road (Bora Bora Way) is located between the water and the parcel (on most other mole roads, the developable parcels are located between the road and water). The parcel fronts on Bora Bora Way and backs up against existing development on an adjacent parcel. Therefore, public views are from and along Bora Bora Way and development on parcel 112 will not adversely impact views to the water. Therefore, the County found that since the development on parcel 112 would not impact views from Bora Bora Way, an additional view corridor was not required.

Furthermore, the applicant is proposing to provide a 4,800 square foot view park, with 147 lineal feet of water frontage, at the eastern end of the parcel and at the end of Bora Bora Way (see Exhibit No. 5d). Under the certified LCP, a 500 square foot view park is required as an access improvement on parcel 112. The proposed park will provide additional viewing opportunities for pedestrians and motorists along Bora Bora Way.

The LCP allows the County the discretion to determine if view corridors are physically feasible and practical for each parcel. On parcel 111 the County found that the view corridor will be reduced by 18 feet but views will be enhanced over the present obstructed views by improving the sight line and re-landscaping. Moreover, parcel 111 will maintain the remaining view corridors found throughout the parcel. On parcel 112 the County found that the proposed development did not adversely impact public views from the first public road and that the applicant will enhance public views through the proposed pedestrian walkway and the proposed view park. The Commission concurs with the County's analysis and finds that the approved project, as conditioned, will not adversely impact public views and is consistent with the view policies of the certified LCP. Therefore, the proposed project does not raise a substantial issue with respect to views.

### Conclusion

The Commission finds that substantial issues exist with respect to the approved project's conformance with the access policies of the Coastal Act. Therefore, appeal No. A-5-

MDR-00-472 raises a substantial issue with respect to the grounds on which the appeals have been filed with regards to the access policies of the Coastal Act.

**3. Issues Raised by Appellants that do not Address the Approved Project's Inconsistency with the certified LCP or Access Polices of the Coastal Act**

As stated, the grounds for an appeal are limited to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. The contentions listed below do not address any grounds for appeal with respect to the LCP or Access polices of the Coastal Act.

**The appeal by Coalition to Save the Marina Inc. contends:**

**a. Non-compliance with Section 65590 Planning and Zoning Law**

Section 65590 of the Planning and Zoning Law addresses the provision of low and moderate income housing within the Coastal Zone for local governments. The provision of low and moderate income housing is not a standard of the certified LCP and is not a Coastal Act issue. This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

**b. Non-compliance with Public Resources Code Sections 2690-2699.6**

Public Resources Code Section 2690-2699.6 refers to the Seismic Hazards Mapping Act. The appellant has not stated how this code section pertains to the standards of the LCP and the proposed project's consistency with the LCP. This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

**c. California Environmental Quality Act violations**

All Coastal Development Permits must comply with the applicable provisions of the California Environmental Quality Act (CEQA). However, this contention raises no specific issues with respect to the project's non-compliance with CEQA and does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

**d. National Environmental Protection Act violations**

This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

**F. INFORMATION NEEDED FOR DE NOVO HEARING**


As discussed previously in this report, additional traffic analysis is necessary to evaluate the project's traffic impacts. Once this information is provided, staff can prepare a recommendation for the de novo portion of the appeal. A de novo hearing will be scheduled at a future Commission meeting.



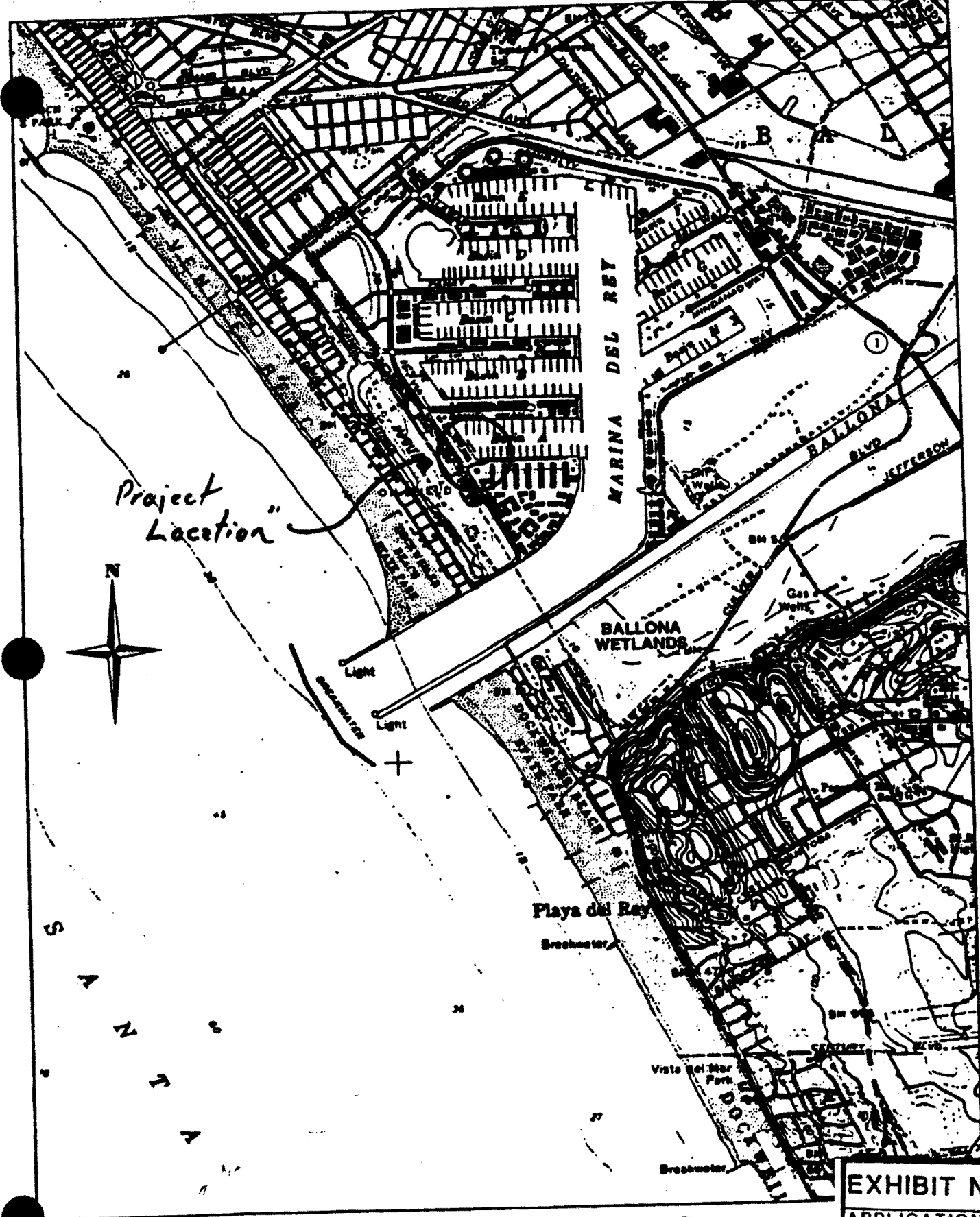
Not to Scale

Source: State of California Department of Parks and Recreation, 1990



PF	EXHIBIT NO. 1
	APPLICATION NO. A-5-MDR-00-472
	Vicinity Map
 California Coastal Commission	





*Project Location*



BALLONA WETLANDS

Playa del Rey

Breakwater

Vista del Mar Park

Breakwater

EXHIBIT NO. 2

APPLICATION NO.

A5-MDR-06-472














Location Map



Not to Scale  
 Source: State of California Department  
 of Parks and Recreation, 1990

# LAND USE PLAN

MAP 9

	RESIDENTIAL III		MARINE COMMERCIAL		WATER
	RESIDENTIAL IV		PARKING		WATERFRONT OVERLAY
	RESIDENTIAL V		OPEN SPACE		MIXED USE OVERLAY
	HOTEL		PUBLIC FACILITIES		
	OFFICE		VISITOR-SERVING/CONVENIENCE COMMERCIAL		

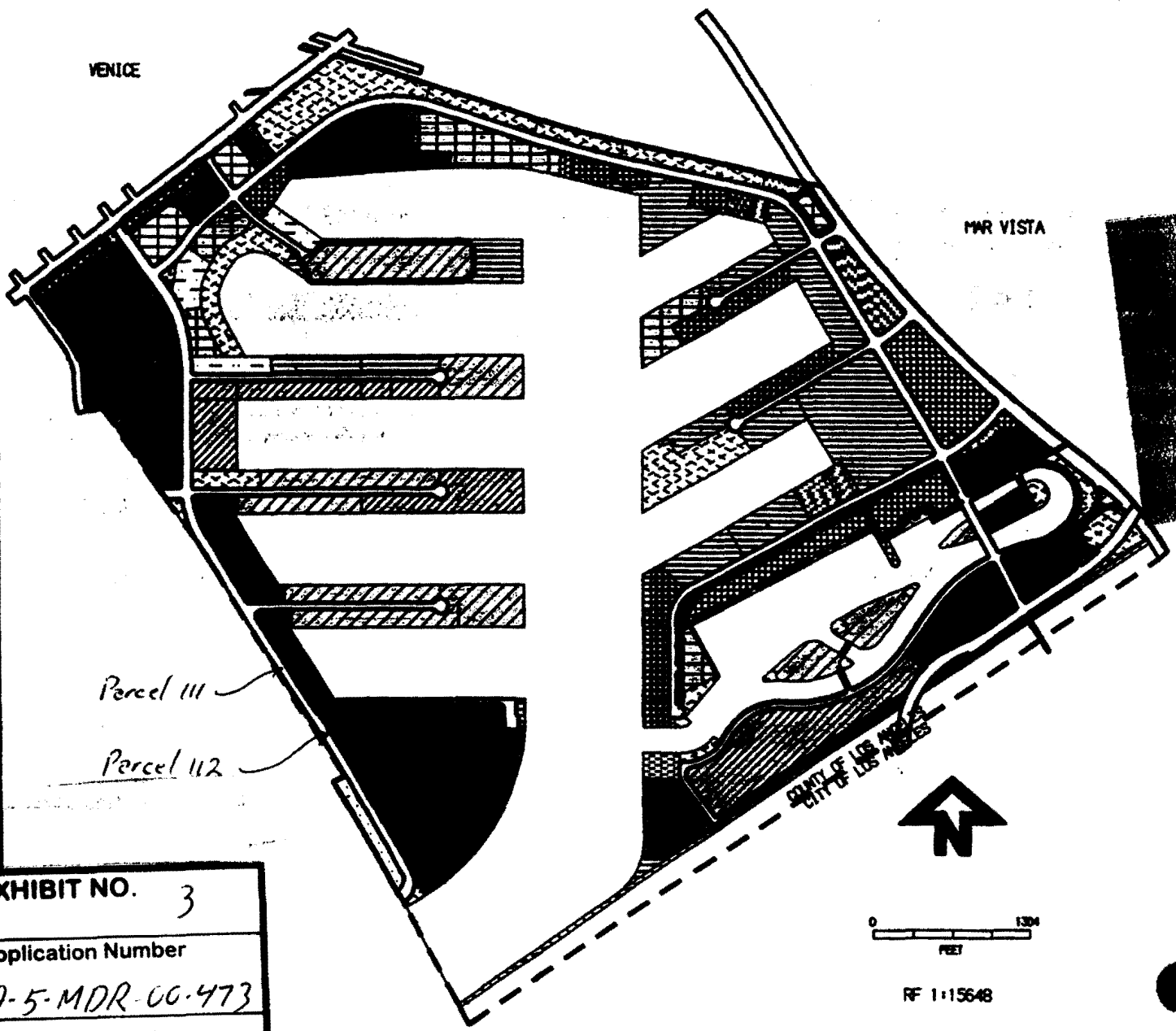















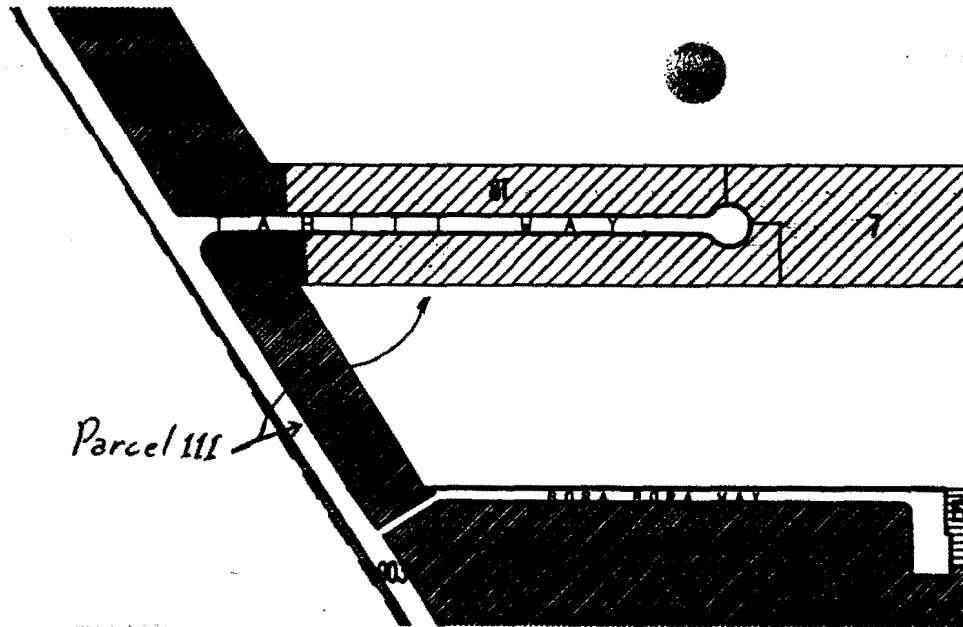
EXHIBIT NO.	3
Application Number	A-5-MDR-00-473
Land Use Plan	
California Coastal Commission	

LOCAL COASTAL PROGRAM

# TAHITI DZ LAND USE

MAP 12

	RESIDENTIAL III		MARINE COMMERCIAL		WATER
	RESIDENTIAL IV		PARKING		WATERFRONT OVERLAY
	RESIDENTIAL V		OPEN SPACE		MIXED USE OVERLAY
	HOTEL		PUBLIC FACILITIES		
	OFFICE		VISITOR-SERVING/CONVENIENCE COMMERCIAL		



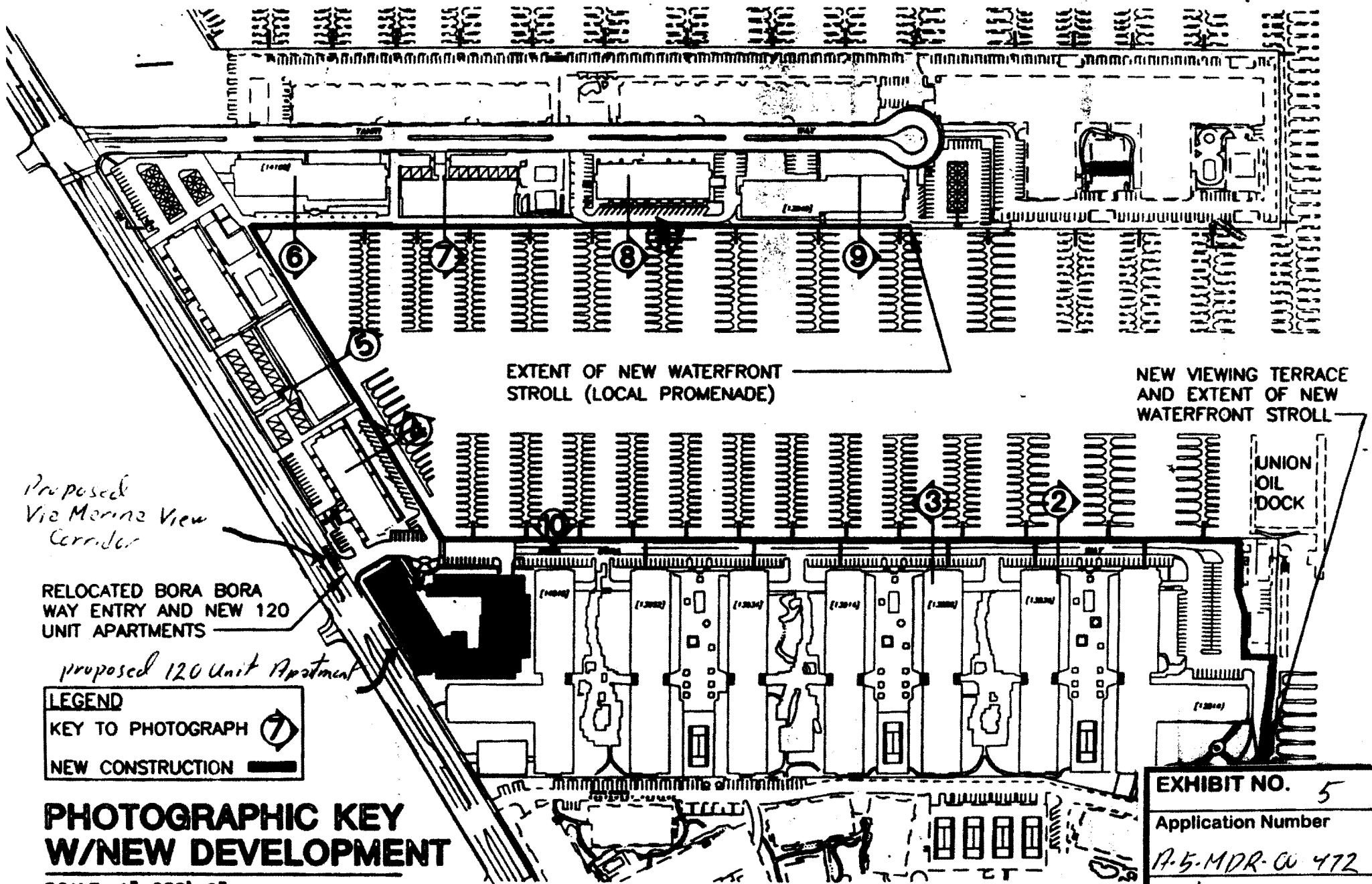
Parcel 111

↑  
Parcel 112

EXHIBIT NO. 4
Application Number
7-5-MDR-00-472
Parcel Map
California Coastal Commission



LOCAL COASTAL PROGRAM





EXTENT OF NEW WATERFRONT STROLL (LOCAL PROMENADE)

NEW VIEWING TERRACE AND EXTENT OF NEW WATERFRONT STROLL

*Proposed  
Via Marine View  
Corridor*

RELOCATED BORA BORA WAY ENTRY AND NEW 120 UNIT APARTMENTS

*proposed 120 Unit Apartment*

**LEGEND**  
KEY TO PHOTOGRAPH   
NEW CONSTRUCTION 

**PHOTOGRAPHIC KEY  
W/NEW DEVELOPMENT**

SCALE: 1"=250'-0"

EXHIBIT NO. 5

Application Number

*A-5-MDR-CO 472*

*Site Plan*



G APARTMENT BUILDING

BASIN 'A'

1501  
EDUARDO AVE.  
SANTA MONICA CA  
90401  
30.35.95

SHADED AREA SHOWS  
EXTENT OF BORA BORA  
WAY ROAD REALIGNMENT  
AND PARKING  
REARRANGEMENT

BORA BORA WAY

VENT

NOT FOR CONSTRUCTION UNLESS  
SIGNED BY THE ARCHITECT

EXISTING  
ADMINISTRATION  
BUILDING AND GYM TO  
BE DEMOLISHED

[14016]  
39,500 S.F.  
98 UNDERGROUND  
PARKING SPACES

**marina harbor**  
APARTMENTS AND ANCHORAGE  
VIA MARINA, MARINA DEL REY, CA

EXISTING  
SITE PLAN  
T-20'-0"

DATE	ISSUE / REV

VIA MARINA

54.8'  
(APPRX.)

61'  
(APPRX.)

75'  
(APPRX.)

400'  
(APPRX.)

75'  
(APPRX.)

EXISTING APARTMENT BUILDING

245'  
(APPRX.)

80'  
(APPRX.)

40'

40'

66  
17

ED.....  
352

**EXHIBIT NO.** *52*

**Application Number**  
*A-5-MDR-00-472*

**Road Realignment**

California Coastal Commission

**A 11**

DRAWING NAME: 01/14/11/01/01/01/01

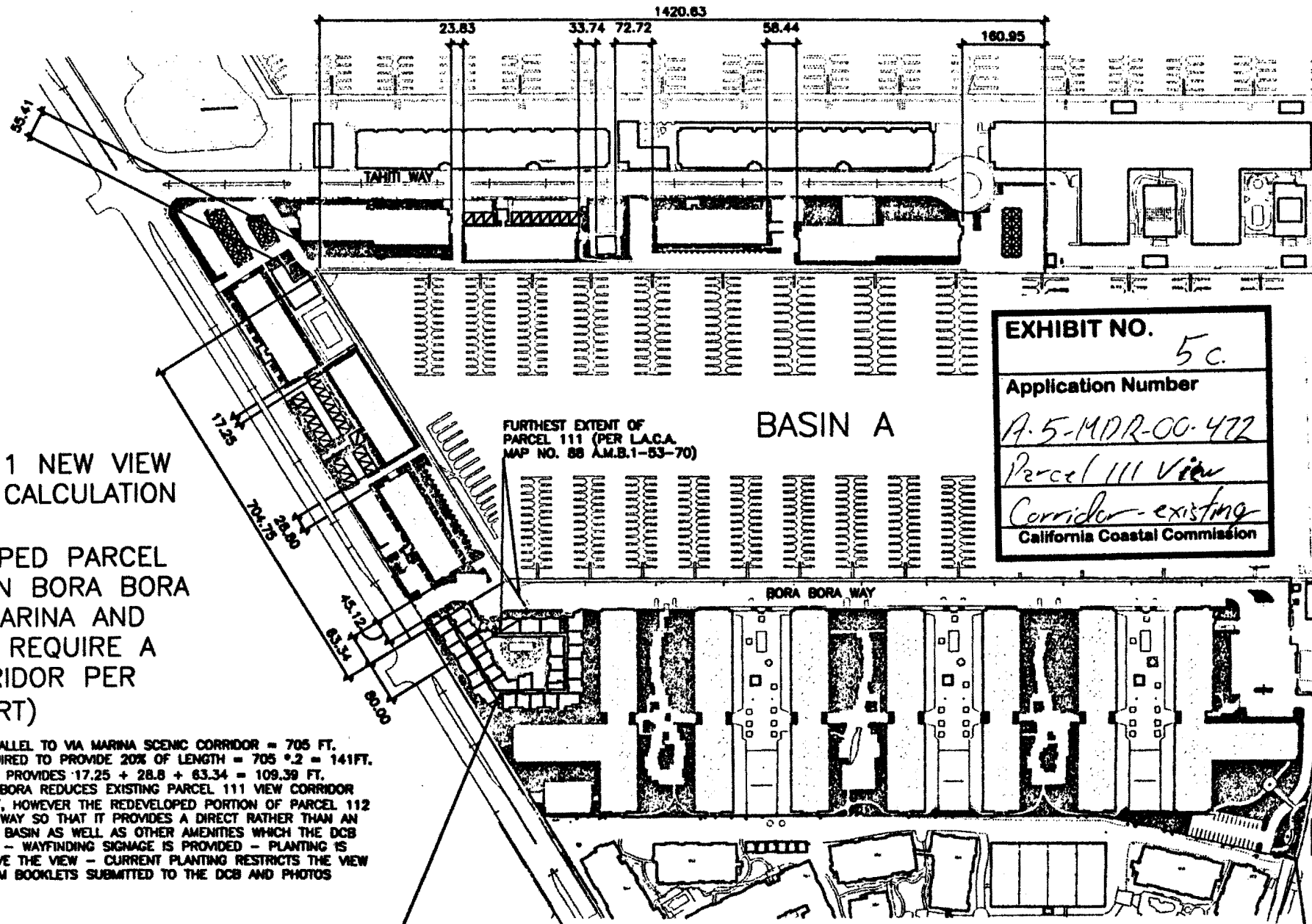
NOTE: IF THIS NON-ORTHOGONAL VIEW INCLUDED THEN THE % FIGURE IS REACHED BY THE PORTION OF PARCEL 111 AT THE BASE OF THE BASIN.

PARCEL 111 NEW VIEW CORRIDOR CALCULATION

(REDEVELOPED PARCELS BETWEEN BORA BORA AND VIA MARINA AND DOES NOT REQUIRE A VIEW CORRIDOR PER DCB REPORT)

LENGTH OF BASIN PARALLEL TO VIA MARINA SCENIC CORRIDOR = 705 FT.  
 VIEW CORRIDORS REQUIRED TO PROVIDE 20% OF LENGTH =  $705 \times .2 = 141\text{FT.}$   
 (EXISTING PARCEL 111 PROVIDES  $17.25 + 28.8 + 63.34 = 109.39\text{ FT.}$   
 RELOCATION OF BORA BORA REDUCES EXISTING PARCEL 111 VIEW CORRIDOR BY APPROXIMATELY 18', HOWEVER THE REDEVELOPED PORTION OF PARCEL 112 REALIGNS BORA BORA WAY SO THAT IT PROVIDES A DIRECT RATHER THAN AN INDIRECT VIEW TO THE BASIN AS WELL AS OTHER AMENITIES WHICH THE DCB FOUND ADVANTAGEOUS - WAYFINDING SIGNAGE IS PROVIDED - PLANTING IS OPTIMIZED TO PRESERVE THE VIEW - CURRENT PLANTING RESTRICTS THE VIEW - SEE EXCERPTS FROM BOOKLETS SUBMITTED TO THE DCB AND PHOTOS (ATTACHED)

PROPOSED 120 UNIT APARTMENT BUILDING



FURTHEST EXTENT OF PARCEL 111 (PER L.A.C.A. MAP NO. 88 A.M.B.1-53-70)

BASIN A

EXHIBIT NO.	5c.
Application Number	A-5-MDR-00-472
	Parcel 111 View
	Corridor - existing
	California Coastal Commission

ED WATERFRONT PARK

PROMENADE  
EXISTING  
RESTROOM

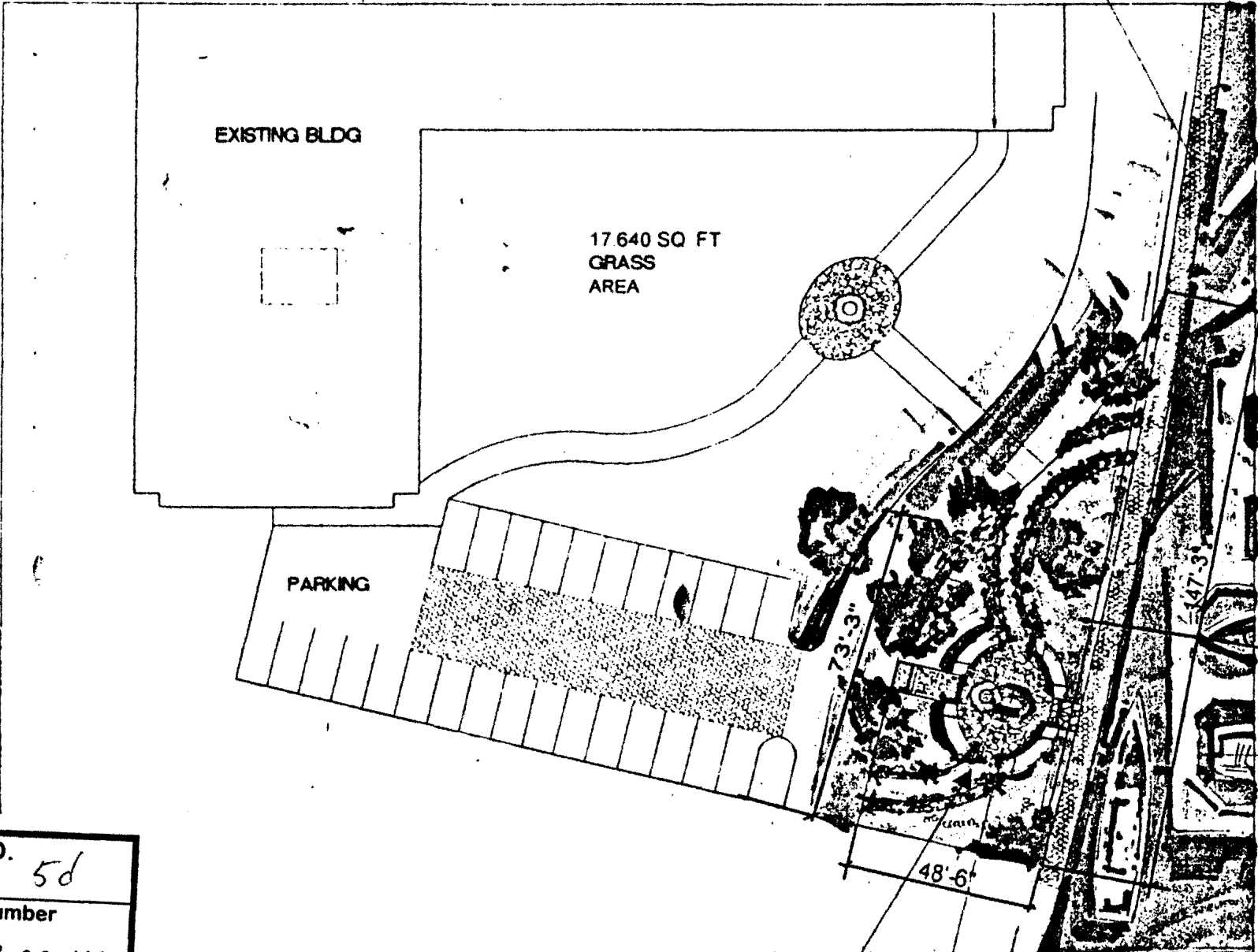


EXHIBIT NO. 5d  
Application Number  
A-5-MDR-00-472  
View park  
proposed on Parcel 112  
California Coastal Commission

# OF VIEWING TERRACE

PERSPECTIVE  
TAKEN HERE

VIEWING TERRACE



November 7, 2000

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

California Coastal Commission  
 South Coast District  
 200 Oceangate, 10<sup>th</sup> floor  
 Long Beach, CA 90802-4302

Attention: District Director

**RE: NOTICE OF FINAL DECISION**  
**COASTAL DEVELOPMENT PERMIT CASE NO. 00-39-(4)**

**LOCATION:** 4400 and 4500 Via Marina, Marina del Rey  
 (Parcels 111 & 112)  
**APPLICANT:** Marina Pacific Associates (Mr. Jerry Epstein)

<b>EXHIBIT NO.</b> 6
<b>Application Number</b> A-5-MDR-00-472
County's Notice of Final Decision & Staff Report
California Coastal Commission

The County of Los Angeles Regional Planning Commission, in its action on October 18, 2000, approved **Coastal Development Permit No. 00-39-(4)**. The Regional Planning Commission's action on Coastal Development Permit No. 00-39-(4) authorizes the construction of a phased development project, as follows:

- Construction of one 120-unit, 60-foot tall apartment building (72 one-bedroom and 48 two-bedroom units; four residential stories over two levels of parking) with appurtenant office administration (leasing) and fitness center facilities on Parcel 112, Marina del Rey (to be located on the present site of an administration building which the applicant proposes to demolish);
- The phased replacement and reconfiguration of the existing Marina Harbor Anchorage, located within Basin A of the small craft harbor on the waterside portions of Parcels 111 and 112, Marina del Rey (replacing 590 existing, aging boat slips with 319 contemporary boat slips);
- The phased renovation of the 846 existing apartment units on Parcels 111 and 112, including improvements to the exterior "hardscape" and



landscape of the developed parcels;

- Construction of a public promenade along the seawall bulkhead of Parcels 111 and 112, including an approximately 4,500 square foot public viewing park at the eastern corner of Parcel 112, adjacent to the main channel; and
- Realignment of Bora Bora Way approximately 60 feet to the north of its current intersection with Via Marina to facilitate construction of the proposed apartment building.

Pursuant to Section 22.56.2440 of title 22 of the Los Angeles County Code, the California Coastal Commission, the project applicant, and other interested parties are hereby notified that approval of Coastal Development Permit No. 00-39-(4) by the Regional Planning Commission has become final.

Approval by the Coastal Commission of Coastal Development Permit No. 00-39-(4) is automatic unless an appeal is filed within ten (10) days following receipt of this notice by the Executive Director of the California Coastal Commission. Appeals may be filed by the applicant, any two members of the Coastal Commission, or any aggrieved person who has exhausted local appeals as provided in Section 22.56.2450(D) et seq. of Title 22 of the Los Angeles County Code. This notification has also been mailed to the applicant. **No local appeals were filed on this project.**

**Appeals as provided for by this notice must be filed in the Coastal Commission district office listed above.**

The entire code sections cited above may be viewed by accessing the internet web page of the Department of Regional Planning at <http://planning.co.la.ca.us> then clicking Los Angeles County Code.

Inquires concerning this case may be made to the Coastal Commission District Office at the above address, or by telephoning (562) 590-6443.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING  
James E. Hartl, AICP  
Director of Planning

California Coastal Commission  
Attn: District Director

Page 3  
November 7, 2000



Donald C. Culbertson  
Acting Administrator  
Current Planning Division

DCC:AC

Attachment: Findings and Conditions

c. Applicant

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
COASTAL DEVELOPMENT PERMIT CASE NO. 00-39-(4)**

**COMMISSION HEARING DATES:**  
September 6, 2000; October 2, 2000

**SYNOPSIS:**

The applicant, Marina Pacific Associates, has requested a coastal development permit to authorize land-side redevelopment on Parcels 111 and 112, and phased replacement of the existing Parcel 111 and Parcel 112 "Basin A" anchorage, Marina del Rey (Marina). The subject property is located at 4400 and 4500 Via Marina, Marina del Rey.

**PROCEEDINGS BEFORE THE COMMISSION:**

September 6, 2000 Public Hearing

A duly noticed public hearing was held. All Commissioners were present. Eleven persons were sworn and testified: two persons representing the applicant and nine persons testifying in opposition. Staff presented a detailed description of the applicant's development proposal. Following staff's presentation, the applicant's agents gave testimony in support of the project. The Commission then posed questions of the applicant relating to traffic impacts, view-related issues, pedestrian promenade access, and the applicant's boat slip reduction proposal. Nine community members next presented a number of their concerns including traffic and view impacts, parking, noise impacts during construction and the proposed boat slip reduction. Following this opposition testimony, the Commission continued the public hearing to October 2, 2000.

October 2, 2000 Continued Public Hearing

A continued public hearing was held. Three Commissioners were present (Commissioners Campbell and Helsley were absent). Six persons were sworn and testified: two senior staff members from the Department of Beaches and Harbors, one senior staff member from the Traffic and Lighting Division of the Department of Public Works, and three community members. The Traffic and Lighting Division staff member first presented an overview of the Marina del Rey traffic mitigation program and anticipated Marina traffic improvements. Department of Beaches and Harbors personnel next briefed the Commission on Southern California boating trends and explained the Department's rationale for supporting a measured reduction of small-vessel boat slips (i.e., slips 35 feet in length and under) in the Marina. Opponents then testified to the inadequacy of the traffic analysis conducted for the project and reiterated concerns related to the proposed reduction of small-vessel boat slips.

When involved with a subdivision, Fire Department requirements for access, fire flows and hydrants are addressed during the subdivision tentative map stage.

It is strongly suggested that fire sprinkler systems be installed in all commercial and residential buildings. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use.

**HIGH-DENSITY RESIDENTIAL:**

Development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of the buildings, their relationship to other structures, property lines, and types of construction used. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

1. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
2. No portion of a building should exceed 400 feet via vehicular access from a properly spaced fire hydrant.
3. Additional hydrants will be required if the hydrant spacing exceeds specified distances.

All on-site driveways shall provide a minimum unobstructed width of 26 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The 26 feet width does not allow for parking, and shall be designated as a "Fire Lane", and have appropriate signage. The 26 feet width shall be increased to:

1. Provide 34 feet width when parallel parking is allowed on one side of the access way.
2. Provide 36 feet width when parallel parking is allowed on both sides of the access way.
3. Provide 28 feet in width for buildings of three or more stories or 35 feet or more in height, with no parking allowed.
4. Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map, and final building plans. Driveway labeling is necessary to ensure access for Fire Department use.

Should any questions arise regarding design and construction, and/or water and access, please contact Inspector Mike McHargue at (323) 890-4243.

There being no further testimony, the Commission closed the public hearing and, by a 2-1-0-2 vote (Commissioners Vargo and Pederson voting their intent to approve, Commissioner Valadez dissenting, with Commissioners Campbell and Helsley absent), directed staff to return with findings and conditions for approval of the subject coastal development permit with the following additional condition:

- That the applicant designate the equivalent of 15 percent of the project's 120 proposed new residential units (18 units) for low-income, senior citizen tenants (62 years of age and older) for the life of the ground lease within the adjacent, existing apartment building.

**REGIONAL PLANNING COMMISSION FINDINGS:**

1. The applicant, Marina Pacific Associates, has requested a coastal development permit to authorize construction of a phased development project, as follows:
  - Construction of one 120-unit, 60-foot tall apartment building (72 one-bedroom and 48 two-bedroom units; four residential stories over two levels of parking) with appurtenant office administration (leasing) and fitness center facilities on Parcel 112, Marina del Rey (to be located on the present site of an administration building which the applicant proposes to demolish);
  - The phased replacement and reconfiguration of the existing Marina Harbor Anchorage, located within Basin A of the small craft harbor on the waterside portions of Parcels 111 and 112, Marina del Rey (replacing 590 existing, aging boat slips with 319 contemporary boat slips), including the immediate replacement of the four oldest (wood) docks (dock numbers 2200, 2400, 2600 and 2800) with one ADA-compliant concrete dock;
  - The phased renovation of the 846 existing apartment units on Parcels 111 and 112, including improvements to the exterior "hardscape" and landscape of the developed parcels;
  - Construction of a public promenade along the seawall bulkhead of Parcels 111 and 112, including a large public viewing park at the eastern corner of Parcel 112, adjacent to the main channel; and
  - Realignment of Bora Bora Way approximately 60 feet to the north of its current intersection with Via Marina to facilitate construction of the proposed apartment building.
2. The project site is located adjacent to and within the Marina del Rey small craft harbor and consists of two contiguous parcels, designated Parcel 111 and Parcel 112 in the certified Marina del Rey Local Coastal Program (certified LCP). Cumulatively, the project site consists of 25.2 acres on the land-side and 15.2 acres on the water-side. Parcel 111 (9.3 land-side acres) occupies land that

COASTAL DEVELOPMENT PERMIT NO. 00-39-(4)

fronts on Tahiti Way and Via Marina adjacent to Basin A of the small craft harbor. Parcel 112 (15.9 land-side acres) occupies land that fronts on Bora Bora Way and Via Marina adjacent to Basin A and the main channel of the small craft harbor.

3. Access to Parcel 111 is provided to the north via the Tahiti Way mole road, by Via Marina to the west, and via Basin A of the Marina del Rey small craft harbor; access to Parcel 112 is provided via Basin A of the Marina del Rey small craft harbor and along Bora Bora Way, which intersects with Via Marina at the northwest corner of the parcel.
4. Parcel 111 is currently developed with a total of nine apartment buildings (containing 240 well-maintained apartment units) and 1,700 square feet of commercial use (laundry and coffee shop).
5. Parcel 112 is currently developed with a total of seven apartment buildings (containing 606 well-maintained apartment units) and 4,031-sq. ft. of commercial office space leased by the applicant to outside firms.
6. Land uses within a 700-foot radius of each parcel include:  
Parcel 111:
  - Apartments and boat slips and to the north;
  - Apartments to the south;
  - Apartments to the east; and
  - Condominiums and single-family residences to the west.Parcel 112:
  - Apartments and boat slips and to the north;
  - Apartments to the south;
  - A boat fueling station and the main channel of the small craft harbor to the east; and
  - Condominiums and single-family residences to the west.
7. The applicant's site plan (Exhibit "A") depicts the proposed 120-unit apartment building (four residential stories over two levels of parking) sited on Parcel 112, southeasterly of the Via Marina/Bora Bora Way intersection (which the applicant proposes to realign as part of the project). The applicant's plan also depicts 299-garage parking spaces, a 4,885-sq. ft. apartment administrative/leasing office, a 4,770-sq. ft. apartment tenant gym/recreation room and an outdoor pool proposed as part of the apartment building construction. The plan further details the extent of the proposed public promenade and public viewing park.
8. The subject property's zoning is "SP" (Specific Plan) as set forth in the Marina Del Rey Specific Plan.

9. Certified LCP land use designations located within a 700-foot radius of the project site are as follows:
  - Residential III, Residential V, Hotel, and Water to the north;
  - Residential III to the south;
  - Residential III, Marine Commercial, and Water to the east; and
  - City of Los Angeles' jurisdiction to the west.
10. The existing site-specific land use designation for both subject Parcels 111 and 112 is Residential V - Waterfront Overlay Zone (WOZ).
11. The Water Overlay Zone designation is intended to provide additional flexibility for development of coastal-related, and marine-dependent land uses, primarily on waterfront parcels.
12. The certified LCP specifies that office commercial uses are not a priority in the Marina, shall be discouraged in new or expanded developments, and shall be confined to sites outside the WOZ. To bring the subject property into compliance with this policy, the applicant has elected not to replace the 4,031 square feet of commercial office space that will be eliminated with demolition of the existing administration office.
13. The proposed project is consistent with Water Overlay Zone development standards specified in the certified LCP in that it does not contemplate development that would displace existing public recreation or visitor serving uses.
14. The subject Parcel 112 is located within the Bora Bora Development Zone (Development Zone 1) as specified in the certified LCP, which has a present residential development allocation of 610 units. The applicant's 120-unit development proposal is within the allocated development potential of the Bora Bora Development Zone.
15. The applicable Residential V land use classification permits a maximum density of 75 dwelling units per net acre and a maximum building height of 225 feet. Comprising 15.9 net land-side acres, the maximum permitted density for Parcel 112 is 1,192 dwelling units (15.9 net acres x 75 units per net acre). Therefore, the development of 120 additional apartment units on Parcel 112 would be well below the maximum permitted residential density of the parcel. With a proposed height of 60 feet, the Parcel 112 apartment building is also well under the maximum building height limit (225 feet) established for the parcel.
16. A wind study was submitted by the applicant, reviewed by the Department of Regional Planning, and is sufficient to indicate that the project will not have an adverse effect on wind patterns within the small craft harbor.

COASTAL DEVELOPMENT PERMIT NO. 00-39-(4)

17. The project received conceptual approval from the Design Control Board of the County Department of Beaches and Harbors on February 9, 2000, as provided in the certified LCP.
18. Consistent with Government Code Section 65590 and the Marina del Rey Land Use Plan, the project provides for affordable senior housing by reserving on-site the equivalent of 15% (or 18 units) of the 120 proposed apartment units for low-income, senior citizen tenants (62 years of age or older) for the life of the ground lease (until 2061). As such, the proposed project will assist in providing needed housing for low-income senior citizens. There are currently no low-income senior citizen dwelling units located in Marina del Rey.
19. To ensure continuing availability of the project's affordable units, the permittee shall enter into a joint covenant and agreement with the Los Angeles County Community Development Commission and the Department of Regional Planning, to be recorded in the office of the County Recorder as a covenant running with the land, guaranteeing that no less than eighteen (18) of the Parcel 112 apartment units will be allocated to low-income tenants (as defined in Section 22.08.090 of the Zoning Ordinance) 62 years of age and older for the life of the ground lease (until 2061). Moreover, to ensure ongoing monitoring of the project's affordable units, the applicant will, on an annual basis for the life of the ground lease, be required to submit unit affordability compliance documentation to both the Director of Planning and the Director of the Los Angeles County Community Development Commission.
20. Final building permit approval for the 120 market rate apartment units authorized under this grant shall not be granted until the 18 affordable housing units are offered to low-income senior citizen tenants.
21. The project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 111 and Parcel 112 bulkhead, in conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 ("Shoreline Access") of the Marina del Rey Land Use Plan. The applicant will construct an eight-foot wide public promenade along the entire length of the Parcel 111 and Parcel 112 bulkhead. The provision of important new public access to the waterfront is best exemplified by the waterfront public viewing park that will be developed as part of the project at the Parcel 112 promenade terminus, adjacent to the main channel of the small craft harbor. The certified LCP requires the construction of a 500 square foot waterfront public viewing park with any redevelopment on Parcel 112; the applicant will develop an approximately 4,500 square foot waterfront viewing park on that parcel—4,000 square feet larger than that required under the certified LCP. In furtherance of these important shoreline access policies, the applicant will provide signage at the subject property's Bora Bora Way entrance and at each bulkhead entrance of each public vertical accessway identifying these public accessways and the viewing park. The applicant will also provide signage at conspicuous locations



along the length of the bulkhead public accessways (public promenade) identifying the accessways as public.

22. Consistent with Los Angeles County Code (LACC) Section 22.46.1160.C (Marina del Rey Specific Plan – Access Restrictions), the project's eight-foot wide public promenade improvement is appropriate because existing on-site conditions (i.e., adjacent proximity of existing Bora Bora Road on Parcel 112 and existing apartment buildings on Parcel 111) make development of a 28-foot wide promenade (the width required for second-generation development in the Marina) impractical and/or infeasible.
23. The project is located within, contiguous with, or in close proximity to, existing developed areas which are able to accommodate it. In addition, the project is designed to minimize alteration of natural landforms, to be visually compatible with the character of the surrounding areas, and to enhance visual quality. The project is consequently consistent with Sections 30250 and 30251 of the California Coastal Act and Chapter 8 ("Land Use Plan") of the Marina Del Rey Land Use Plan.
24. Adequate vehicular and emergency access to the site will be provided via Tahiti Way, Bora Bora Way and Via Marina.
25. Sewer, water and utilities services are available to service the property.
26. The proposed development of 120 new units and the consequent realignment of Bora Bora Way will reduce slightly the existing view corridor along via Marina, although only by approximately 18 feet. The road realignment will actually improve the public view of the small craft harbor at this location because there will now be a direct sight line to the water. Under existing conditions, trees, landscaping and the angle of Bora Bora Way at the entry to Parcel 112 combine to inhibit water views from Via Marina. As noted, the applicant will create a large viewing park near the end of Bora Bora Way on the main channel. What few feet may be lost from the distant sight line on Via Marina will be compensated for by the important public access to the 4,500 square foot viewing park.
27. The project's parking facilities are integrated into the overall design of the development and are appropriately landscaped, consistent with the Parking Policies contained in Chapter 2 ("Recreation and Visitor-Serving Facilities") of the Marina Del Rey Land Use Plan.
28. The apartment building construction will include 299 garaged parking spaces in conformance with parking standards specified in LACC 22.52.1000 et seq. (County Zoning Ordinance – Vehicle Parking Space).
29. In order to reduce construction impacts on adjacent residential uses, construction activities for the project have been limited to the hours between 7:00 a.m. and

**COASTAL DEVELOPMENT PERMIT NO. 00-39-(4)**

5:00 p.m. Pacific Standard Time, and 7:00 a.m. and 6:00 p.m. Pacific Daylight Time. Moreover, grading work, hauling and pile driving will not commence before 8:00 a.m., Monday through Friday, and are prohibited on Saturdays, Sundays and legal holidays. The applicant will also be required to provide neighbors with a pile-driving schedule 10-days in advance of any pile-driving activities, and a three-day notice of any re-tapping activities that may need to occur. To further reduce construction noise impacts, temporary portable noise barriers will be placed in all areas on the project site where construction equipment is left stationary and operating for more than one day within 100-feet of residential land uses. Finally, the applicant will be required to implement a construction management plan, to maintain a log of all construction-related complaints, and to take appropriate action to minimize noise generated by the offending activity where feasible.

30. To reduce adverse air quality impacts during construction of the project, the permittee will develop and implement a dust control plan which will include air pollution attenuation measures recommended by the South Coast Air Quality Management District (SCAQMD). To further reduce adverse air quality impacts during construction, all project construction vehicles will be maintained in compliance with the requirements of the SCAQMD for vehicle emissions.
31. To help finance construction of local park facilities in the existing Marina del Rey, the permittee will contribute its fair share to funding of the mitigation measures described in the Coastal Improvement Fund as specified in LACC 22.46.1950 (County Zoning Ordinance, Marina del Rey Specific Plan – Coastal improvement fund fee).
32. To avoid adverse impacts on the local Marina and greater ocean waters, the permittee will be required to comply with National Pollution Discharge Elimination System requirements of the California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.
33. The technical and engineering aspects of the project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Health Services, and Regional Planning.
34. An Initial Study was prepared for this project in compliance with the CEQA guidelines and the environmental reporting procedures of the County of Los Angeles. During the initial study process, staff identified a number of environmental issues including geotechnical, fire, water quality, biota, visual, traffic, environmental safety. Mitigation measures were incorporated in the project which will reduce impacts in the above areas to below levels of significance. The mitigation measures reflected in the Mitigated Negative Declaration are incorporated as conditions of approval of the coastal development permit.

35. There were public protests to the approval of the project, both written and verbal. Testifiers expressed concerns about traffic, views, parking, noise impacts during construction, and the proposed boat slip reduction.

36. The proposed anchorage reconstruction and reconfiguration is designed to address the current and future needs of the boating public. The reconfiguration responds to emerging and future boating needs. Several trends are evident:

- There is considerable excess capacity of boat slips of 35-feet or smaller at Parcels 111 and 112 and throughout Marina del Rey and Southern California;
- There is increasing demand from the recreational boating public for slips of larger than 40 feet.
- New boats, even small new boats, are wider, and require wider berths than existing boats, which in turn will mean that a reduction in the number of slips will be necessary in any reconfiguration.
- State and Federal regulations regarding access for disabled persons will require future physical modifications to current dock design practices which will also lead to an inevitable reduction in the number of slips.
- Other trends, including the increasing market for powerboats, increased maintenance costs, and greater environmental regulation, will all lead to an actual, as well as proportionate, decrease in the number of "in-water slips."
- New construction of additional "dry stack" storage facilities is anticipated in Marina del Rey, just as such facilities have been expanded elsewhere in Southern California and throughout the nation.

The subject proposal to reconstruct and reconfigure the anchorage conforms to the requirements of the certified LCP. A repetition of the number and distribution of existing boat slips would not maintain the present level of service to the boating public. In fact, by adjusting to emerging market demands, boating technology, access requirements, and environmental regulations, the proposed new anchorage will provide a superior level of service to a broader range of the boating public, consistent with the certified LCP.

37. Opposition comments suggested that the proposal would exacerbate existing traffic and circulation problems in the Marina. County Department of Public Works' Traffic and Lighting Division, however, has determined that project development will result in no additional traffic trips during the p.m. peak-hour. County Department of Public Works made this finding based on the applicant's proposal to reconstruct the existing anchorage with a reduced number of boat

**COASTAL DEVELOPMENT PERMIT NO. 00-39-(4)**

slips and to eliminate the existing office commercial uses on the site. The proposed 319-slip anchorage configuration would result in the elimination of 271 boat slips. The applicant also proposes to eliminate 4,031 square feet of office commercial space presently located in the existing administration building. The number of additional p.m. peak-hour traffic trips created as a result of development of the proposed 120-unit apartment building and appurtenant leasing office would be more than offset by the reduction in p.m. peak-hour trips resulting from the planned anchorage reconfiguration and elimination of existing office commercial uses presently located on the site.

Therefore, no Local Coastal Program transportation fees are required for the project. The reductions of existing boat slips and elimination of existing office space mean that the new development of 120 new apartments will have no impact on the internal circulation system or on major highways leading into and around the Marina plan area.

38. The permittee will establish a functional transportation systems management (TSM)/Transportation Demand Management (TDM) program, or will participate in an existing TSM/TDM program.
39. The permittee's compliance with the mitigation conditions deemed necessary to ensure that the project will have no significant adverse impact upon the environment will be monitored by the County's Department of Public Works, Regional Planning, Department of Health Services and by other involved county agencies through periodic development inspections and, if appropriate, by state and other agencies. This monitoring program provides adequate assurances that these mitigation measures will be implemented during project implementation.
40. The proposed project has been designed to be compatible with the surrounding area in terms of land use patterns, designs, and established community character.
41. There is no evidence that the proposed project will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the project site.
42. The project will be reasonably proximate to public transit and necessary services and facilities, including services essential to senior citizens.
43. The project is consistent with the "Phase II" development program approved by the County as part of the certified LCP and currently being pursued by the County Department of Beaches and Harbors in its Marina del Rey Asset Management Strategy, approved by the Board of Supervisors in April 1997.

**COASTAL DEVELOPMENT PERMIT NO. 00-39-(4)**

44. The project is consistent with the goal of the certified LCP to encourage controlled change in the Marina over the next 30 years. The project is also consistent with the certified LCP's goal to encourage private lessees within the Marina to replace and update facilities to maintain the physical and economic viability of the Marina.
45. The project complies with applicable policies and development standards of the certified LCP, including but not limited to adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space and visitor-serving recreational uses, provision of adequate traffic capacity, and provision for affordable senior housing as required, consistent with Priority Objective No. 8 of Chapter 8 of the Marina del Rey Land Use Plan.

**BASED ON THE FOREGOING, THE COMMISSION CONCLUDES:**

**WITH RESPECT TO THE COASTAL DEVELOPMENT PERMIT:**

- A. That the proposed development will be and is in conformity with the certified Local Coastal Program; and
- B. That the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

**AND, THEREFORE,** the information submitted by the applicant presented at the public hearing substantiates the required findings for a coastal development permit as set forth in Section 22.56.2410 of the Los Angeles County Code.

**REGIONAL PLANNING COMMISSION ACTION:**

1. The Regional Planning Commission has considered the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration.
2. In view of the findings of fact presented above, Coastal Development Permit No. 98-172-(4) is granted, subject to the attached conditions of approval.

**COASTAL DEVELOPMENT PERMIT NO. 00-39-(4)**

**VOTE:** 4-0-1-0

**Concurring:** Vargo, Pederson, Valadez, Helsley

**Dissenting:**

**Abstaining:** Campbell

**Absent:**

**Action Date:** October 18, 2000

1. Unless otherwise apparent from the context, the term "permittee" shall include the permittee and any other person, corporation, or entity making use of this grant.
2. This grant shall not be effective for any purpose until a duly authorized representative of the property involved has filed at the office of the Department of Regional Planning his/her affidavit stating that he/she is aware of, and accepts, all the conditions of this grant.
3. If any provision of this grant is held or declared to be invalid, the grant shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a condition of this permit that if any condition hereof is violated, the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the permittee has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission may, after conducting a public hearing, revoke or modify this grant, if the Commission 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.
6. The subject property 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 subject property. Failure to the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$3,000.00**. The fee shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. **The fee provides for annual inspections for 30 years.**
7. If any future inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee may be required to reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. 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 Government Code Section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action or proceeding and the County shall cooperate fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
9. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000.00 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the 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 on the deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to the completion of litigation.
  - b) At the sole discretion of the permittee, the amount of the initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost of collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

10. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested before the expiration date.
11. This grant authorizes the demolition of the existing Parcel 112 administration building and the phased demolition of the existing 590-slip Marina Harbor Anchorage (within Basin A of the Marina del Rey small craft harbor), Marina del Rey. This grant further authorizes: construction



of a 120-unit apartment building with leasing office, gym, pool, parking and other appurtenant facilities on Parcel 112 (at the site of the demolished administration building); phased construction of a new 319-slip anchorage within Basin A of the small craft harbor; construction of a public promenade along the seawall bulkhead of Parcels 111 and 112; construction of an approximately 4,500 square foot public viewing park at the terminus of the Parcel 112 promenade; phased renovation of the 846 exiting apartment units on Parcels 111 and 112, including improvements to the exterior "hardscape" and landscape of the developed parcels; and realignment of Bora Bora Way approximately 60 feet to the north of the road's current intersection with Via Marina, subject to the following conditions:

- a. The permittee shall enter into a joint covenant and agreement with the Community Development Commission of Los Angeles County and the County Department of Regional Planning stipulating that no less than eighteen (18) of the existing Parcel 112 apartment units shall be allocated to low-income tenants (as defined in Section 22.08.090 of the Zoning Ordinance) 62 years of age and older for the life of the ground lease (until 2062). Prior to the issuance of any building permits for the project, the permittee shall record said agreement in the office of the County Recorder. The permittee shall, prior to recordation in the office of the County Recorder, submit a copy of said agreement to County Counsel of the Department of Regional Planning and the Community Development Commission for review and approval. Once approved by County Counsel, the permittee shall submit a copy of said agreement to the Director of Planning. Final building permit approval for the 120 market rate apartment units authorized under this grant shall not be given until said 18 affordable housing units are offered to low-income senior citizen tenants. The permittee shall locate said 18 affordable units in the exiting apartment building adjacent to the site of the subject 120-unit apartment building;
- b. The permittee shall on an annual basis, commencing from the date of final building permit approval for the apartment building and extending through the life of the ground lease (until 2062), submit the following documentation to both the Director of Planning and the Director of the Los Angeles County Community Development Commission:
  - i) Annual Owner's Tenant Certification Form;
  - ii) Proof of compliance with Affirmative Marketing efforts; and

- iii) Summary of Applicants.
- c. The subject apartment building shall be limited to 120 dwelling units (72 one-bedroom and 48 two-bedroom);
- d. The subject apartment building shall not exceed a height of 60 feet as defined by Section 209.H of the Uniform Building Code, Volume 1 of the Los Angeles County Code;
- e. The permittee shall provide public pedestrian and emergency vehicle access and shall ensure passive recreational use to and along the Parcel 111 and Parcel 112 bulkheads, as depicted on the approved Exhibit "A" on file;
- f. The permittee shall post signage at the subject property's Bora Bora Way and Tahiti Way entrances and one sign at each bulkhead entrance of each public vertical accessway identifying them as public. The permittee shall post signs conspicuously along the length of the bulkhead public accessways (public promenade) and at the viewing park identifying such as public. Prior to final building permit approval, the permittee shall submit a signage plan to the Design Control Board of the Department of Beaches and Harbors that is consistent with the requirements of LACC 22.46.1060.D. The plan shall include signs that direct the public to the waterfront promenade, Parcel 112 viewing park and adjacent public parking area. A copy of the Design Control Board-approved sign plan shall be submitted Director of Planning for a determination of consistency with the certified Local Coastal Program;
- g. All development authorized under this grant shall be constructed consistent with the view corridors shown on the approved View Corridor Study Exhibit, marked Exhibit "B" in the case file. The permittee shall maintain all view corridors so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and passing motorists. Unobstructed views are defined as views with no inhibition of visual access to the water. Project landscaping shall be placed and maintained so as not to obstruct water views;
- h. The permittee is authorized to demolish the existing 590-slip anchorage and reconstruct in its place a 319-slip anchorage, as depicted on the approved anchorage reconstruction plan on file marked Exhibit "C"; in eight (8) phases. The permittee shall conduct

said demolition/reconstruction activities in strict compliance with all applicable development requirements/standards contained in the *Manual for the Specifications and Minimum Standards for Architectural Treatment and Construction*;

- i. Three (3) months prior to any phased demolition activity associated with the existing Marina Harbor Anchorage, the permittee shall distribute a notice (a copy of which shall be submitted to the Director of Planning prior to distribution) to all affected boat slip tenants informing said tenants of the requirement to vacate. The permittee shall, at the time of notice, provide all boat owners slip availability information for the 16 other anchorages and the associated dockmasters that occur within Marina del Rey. The permittee shall also schedule a meeting providing boat owners information regarding available dock space and dry stack storage at other marinas in the South Coast region;
- j. All development shall comply with the requirements of the Zoning Ordinance and of the specific zoning of the subject property except as specifically set forth in this permit, including the approved exhibits, or as otherwise authorized by a plot plan or revised exhibits approved by the Director of Planning;
- k. Building setbacks shall be as shown on the approved Exhibit "A";
- l. Prior to issuance of any building permits, the applicant shall submit a final parking plan for the review and approval by the Department of Regional Planning and the Los Angeles County Fire Department, who shall review said plan for consistency with the parking and Fire Department access requirements of this grant and the certified Local Coastal Program. Parking space quantities for the project shall be provided as depicted on the parking tabulation table on the approved Exhibit "A";
- m. The permittee shall provide no less than 10 public parking spaces adjacent to the Parcel 112 viewing park. Said spaces shall be clearly marked "public";
- n. On-street parking shall be prohibited, as shall parking in unmarked spaces and in private driveways;

- o. Fire lanes within the proposed development shall be provided to the satisfaction of the County Fire Department and posted with "no parking" signs to the satisfaction of said department;
  - p. Construction activities shall be restricted to the hours between 7:00 a.m. and 5:00 p.m. Pacific Standard Time, and 7:00 a.m. and 6:00 p.m. Pacific Daylight Time. Grading work, hauling and pile driving shall not commence before 8:00 a.m., Monday through Friday. Grading work, hauling and pile driving shall not occur on Saturdays, Sundays or legal holidays;
  - q. The permittee shall maintain the subject property in a neat and orderly fashion and shall maintain free of litter all areas of the premises under which the permittee has control;
  - r. 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;
  - s. Trash enclosure areas shall be screened from public and private view corridors;
  - t. The subject property shall be developed and maintained in substantial compliance with the exhibit maps on file marked Exhibit "A", Exhibit "B" and Exhibit "C". In the event that subsequent revised plans are submitted, the written authorization of the property owner is required. Approval of the revisions to said exhibits shall be at the discretion of the Director of Planning, who shall find that such revisions are consistent with the intent and conditions of this grant.
12. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
13. All project infrastructure shall be designed and constructed in an environmentally sensitive manner, and shall follow the design and recreation policies of the certified Local Coastal Program, including landscaping standards required by the Design Control Board of the Department of Beaches and Harbors.
14. The permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.

15. Provision shall be made for all drainage to the satisfaction of the Department of Public Works. Drainage plans and grading plans signed by a registered engineer shall be submitted to the Department of Public Works for approval prior to grading. Prior to the issuance of building permits, a final grading plan approved by the Department of Public Works shall be submitted to the Department of Regional Planning. The permittee shall place impervious barriers (e.g., hay bales) around the perimeter of all onshore areas of exposed dirt. The permittee shall grade on-site material to provide for drainage away from the small craft harbor.
16. All construction and development within the subject property shall comply with the applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County of Los Angeles.
17. Parking of construction worker vehicles shall be restricted to areas that do not adversely affect residences located in the vicinity of the subject property.
18. 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 Department of 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. As the Project is constructed, the use of building structures as noise barrier would be sufficient.
19. The permittee shall provide adjacent owners and tenants with a pile driving schedule 10 days in advance of activities, and a three-day notice of any re-tapping activities that may need to occur. The permittee shall submit a copy of the schedule and mailing list to the County Department of Public Works prior to the initiation of construction activities.

20. 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 register questions and complaints. The permittee shall keep 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 permittee and submitted to the County of Los Angeles Department of Environmental Health.
21. The permittee shall develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
- a. Configure construction parking to minimize traffic interference.
  - b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
  - c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
  - d. Consolidate truck deliveries when possible.
  - e. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
  - f. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
  - g. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
  - h. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
  - i. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.

- j. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
22. The permittee shall develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
- a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - b. Replace ground cover in disturbed areas as quickly as possible.
  - c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - d. Water active grading sites at least twice daily.
  - e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - f. 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.
  - g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
  - h. 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).
  - i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.

- j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
  - k. Enforce traffic speed limits of 15 mph or less on all unpaved roads.
23. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage not authorized by the Los Angeles County Code.
24. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage no later than 72 hours after occurring, weather permitting. The only exception shall be seasonal decorations.
25. All construction vehicles shall be maintained in compliance with the requirements of the South Coast Air Quality Board for vehicle emissions.
26. Three copies of a landscaping plan, which may be incorporated into the required site plan or plans, shall be submitted to and approved by the Director of Planning prior to the issuance of building permits within the covered area. The landscape plan shall indicate the size, type, and location of all trees, plants and irrigation facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. The permittee shall utilize a watering system, such as drip irrigation, designed to conserve water. Irrigation shall only be used until the plants are well established and, thereafter, only as necessary to maintain the health of the plants.

Project landscaping shall include trees and shrubbery, with adequate ground cover to protect the soil. Landscaped border used to shield obtrusive uses shall have a minimum width of eight (8) feet and shall consist of vegetation of sufficient density to hide said use. Landscaping along site perimeters shall have a minimum width of eight (8) feet and shall allow visual access into the lot, except where the landscaping is being used to screen an obtrusive use. Landscaping includes areas planted with trees, shrubs and improved with walkways incidental to these uses and/or set aside specifically for public viewing, passive recreation and public access. Landscaping does not include sidewalks within roadway rights-of-way, or areas paved for vehicular access such as alleys, driveways, parking area or fire lanes. The aforementioned landscaping standards shall be implemented in a manner consistent with all other



provisions of the certified Local Coastal Program standards, including public access requirements found in LACC 22.46.1100-1150, and to encourage unique site design, view corridor standards, lot coverage standards, and design standards, as found in Sections 22.46.1060.B and E of the certified Local Coastal Program.

27. The permittee shall provide the following improvements to the satisfaction of the Department of Public Works:
- a. Dedicate the right to restrict vehicular access to Via Marina.
  - b. Construct wheelchair ramps and full width sidewalk at all returns.
  - c. Reconstruct the median on Via Marina in the vicinity of Bora Bora Way to the satisfaction of the Department of Public Works.
  - d. Relocate any above-ground utilities within the areas affected by the realignment of Bora Bora Way.
  - e. Close any unused driveway with curb, gutter, and sidewalk.
  - f. Submit signing and stripping plans on Via Marina to the satisfaction of the Department of Public Works.
  - g. Conform with the following street lighting requirements:
    1. Install/relocate street lights on concrete poles with underground wiring on Via Marina and Bora Bora Way to the satisfaction of the Department of Public Works.
    2. The permittee shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$18,000 upon project approval. Upon CUP approval, the permittee shall comply with the conditions listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The Board of Supervisors must approve the levy of assessment prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.
  - i. Request Street Lighting Section to commence levy of assessment proceedings.

- ii. Provide business/property owners name(s), mailing address(es), site address, and Assessor Parcel Number(s) of territory to be developed to the Street Lighting Section.
- iii. Submit legal description and map of the proposed development including any roadway conditioned for street lights that are outside the proposed development area to Street Lighting Section. Contact the Street Lighting Section for legal description and/or map requirements at (626) 458-5026.

The assessment balloting process takes approximately three to four months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans.

Information on the levy of assessment process can be obtained by contacting Street Lighting Section (626) 458-5926.

For acceptance of street light transfer billing, all street lights in the development, or the current phase of the development, must be constructed according to Public Works approved plans and energized for at least one year as of July 1st of the current year.

- h. Plant street trees on Via Marina the satisfaction of the Department of Public Works.
- i. Underground all utility lines to the satisfaction of the Department of Public Works.
- j. Repair any broken or damaged improvements on Via Marina to the satisfaction of the Department of Public Works.

The permittee shall enter into a secured agreement with the County of Los Angeles Department of Public Works to provide the aforementioned conditioned offers of this grant or this permit shall be subject to revocation.

- 28. The applicant shall prepare a Fire Safety Plan in accordance with LACC 22.46.1180 (15) of the Zoning Code and obtain approval by the Fire Department prior to issuance of any building permits.

29. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. The permittee shall provide fire flow, hydrants, gated access width, emergency access, and any other necessary facilities as may be required by said Department.
30. The applicant shall provide fire sprinklers in the subject 120-unit apartment building to the satisfaction of the Los Angeles County Fire Department.
31. The applicant shall comply with all requirements stipulated in the attached County of Los Angeles Fire Department letter dated May 15, 2000.
32. The applicant shall provide, to the satisfaction of the Los Angeles County Department of Health Services, the Department of Public Works and the California Regional Water Quality Control Board (CRWQCB), adequate water and sewage facilities in compliance with County and State requirements.
33. The permittee shall comply with National Pollution Discharge Elimination System requirements (Order No. 96054) of the California Regional Water Quality Control Board (Permit CAS614001) and the Los Angeles County Department of Public Works. The applicant shall comply with all stormwater quality management programs of the Federal, State and County agencies. This shall be ensured and monitored through the filing of the appropriate development permits with the Department of Public Works.
34. The permittee shall provide estimates of the quantity and quality of project wastewater discharge to Wastewater Program Management Division of the City of Los Angeles Department of Public Works prior to the issuance of sewer connection permits.
35. Prior to issuance of any building permits, the permittee shall submit to the Director of Planning evidence of the Design Control Board's approval of final plans for waterside improvements authorized under this grant (i.e., dock system reconfiguration) and project design details including signage, building color and materials palette, landscaping and plant palette.
36. In accordance with the geologic information submitted with the application for development, project development shall occur in geologically safe areas. Any structure affecting personal safety (e.g., gas lines) shall not transect geologically unstable areas.

37. The proposed development shall utilize earthquake resistant construction and engineering practices. A detailed geotechnical report prepared by a certified engineering geologist shall be submitted for approval by the Department of Public Works, prior to the issuance of any grading or development permits, in accordance with Section 22.24.1180(5) of the Zoning Code.
38. To reduce the volume of solid and hazardous waste generated by the construction and operation of the project, the permittee shall develop a solid waste management plan. Said plan shall be reviewed and approved by the County of Los Angeles Department of Public Works. Said plan shall identify methods to promote recycling and re-use of material, as well as safe disposal consistent with the policies and programs contained in the County of Los Angeles Source Reduction and Recycling Element. Methods could include locating recycling bins on construction sites and placing such facilities in proximity to dumpsters used by future on-site residents.
39. The project permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible, 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 County of Los Angeles Department of Public Works, prior to final building permit issuance.
40. In accordance with the archaeology report submitted with the application for development, resources found in the project area shall be collected and maintained at the nature center planned at the wetland preserve (Area D), or at the Los Angeles County Natural History Museum or as otherwise required by State law.
41. The permittee shall agree to suspend all construction in the vicinity of a cultural, historical or palaeontological resource encountered during development of the site, and leave the resource in place until a qualified archaeologist or palaeontologist can examine them and determine appropriate mitigation measures. The permittee shall also agree to comply with mitigation measures recommended by the archaeologist/palaeontologist and approved by the Department of Regional Planning.
42. The permittee shall notify the Office of State Historic Preservation and the Native American Heritage Commission of the location of the grading

proposed, the proposed extent of the grading and the dates on which the work is expected to take place.

43. The permittee shall notify the State Historic Preservation Office, and the Department of Regional Planning if any resource is discovered during any phase of development, and the permittee shall submit a recovery program as an amendment to the permit.
44. In the event of discovery of Native American remains or of grave goods, Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Sections 5097.98 and 5097.99 of the Public Resources Code apply.
45. The permittee shall 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 for TSM/TDM participants;
  - Incentives for TSM/TDM participants;
  - Disincentives.

Said TSM/TDM program should follow the guidelines in the Transportation Improvement Program contained in Appendix G. An annual report on the effectiveness of the TSM/TDM program shall be submitted to the department of regional planning.

46. Project development shall 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.
47. The permittee shall mitigate all direct impacts on the internal circulation system before occupancy of the development. Prior to this grant becoming effective, the permittee shall demonstrate to the Director of Public Works that adequate funding is available so that all traffic improvements necessary to mitigate the impacts of the development project on the internal Marina del Rey circulation system will be completed before

occupancy of project structures. Building permits for the project shall not be issued until the permittee demonstrates that adequate funding of the necessary internal circulation traffic improvement has been guaranteed.

48. The permittee shall, to the satisfaction of the Director of Planning, participate in, and contribute his fair share to, funding of the mitigation measures described in the Coastal Improvement Fund as specified in LACC 22.46.1950.
49. The permittee's small craft harbor lease agreement with the County Department of Beaches and Harbors shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.
50. The permittee shall implement in a timely manner all mitigation measures in the approved Mitigated Negative Declaration (contained in the attached Project Changes/Conditions due to Environmental Evaluation), which are conditions of approval. As a means of ensuring the effectiveness of the mitigation measures, which are conditions of approval, the permittee shall submit mitigation monitoring reports to the Department of Regional Planning as follows:
  - a. At the time of building permit issuance for each project phase, including verification of payment of applicable fees;
  - b. Annually; and
  - c. Additional reports as deemed necessary by the Department of Regional Planning.

At the time of submittal for the first report noted above, the permittee shall deposit the sum of \$5,000 with the Department of Regional Planning to defray the cost of reviewing and verifying the information contained in the reports required by this condition.

51. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel 111 and Parcel 112.

AC:AC



**PROJECT CHANGES/CONDITIONS  
DUE TO ENVIRONMENTAL EVALUATION**

**Project: 00-039 (CDP)**

The Department of Regional Planning staff has determined that the following conditions or changes in the project are necessary in order to assure that the proposed project will not cause significant impacts on the environment.

**GEOTECHNICAL**

The applicant shall comply with all County Code requirements that mitigate potential impacts due to geotechnical characteristics of the project site as identified in the Initial Study. The applicant shall process a grading plan for the new buildings with the Department of Public Works (DPW) prior to any permanent construction. This shall be ensured and monitored through the filing of the appropriate development permits with the DPW.

The proposed development shall utilize earthquake resistant construction and engineering practices. A detailed geotechnical report prepared by certified engineering geologist shall be submitted for approval by the DPW, prior to the issuance of any grading or development permits, in accordance with Section 22.46.1180(5) of the Zoning Code.

**FIRE**

The applicant shall comply with all County Fire Department code and ordinance requirements for construction, access, water mains, fire flows and hydrants that mitigate potential impacts due to fire hazard characteristics of the project site as identified in the Initial Study and the Fire Department comment letter of May 15, 2000. Fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration are required for multiple residential projects. Fire hydrant spacing shall be 300 feet. All on-site driveways shall provide a minimum unobstructed width of 26 feet clear-to-sky and does not allow parking. The "Fire Lane" width shall be increased to 34 feet width where parallel parking is allowed on one side of the access way, 36 feet width where parallel parking is on both sides of the access way and 28 feet width for buildings of three or more stories or 35 feet or more in height (with no parking allowed). Any access way less than 34 feet in width shall be designated as a "Fire Lane" on final building plans and with appropriate signage. The on-site driveway is to be within 150 feet of all portions of the exterior wall of the first story of any building. The applicant shall participate in an appropriate financing mechanism to provide funds for fire protection facilities which are required by new residential development in an amount proportionate to the demand created by this project. The applicant shall contact the Los Angeles County Fire Department at (213) 881-2404 to discuss mitigation arrangements.

The applicant shall provide sprinklers in all structures in accordance with Los Angeles County Building Code, Chapter 38, Sections 3802(b)5 and 3802(h).

**ENVIRONMENTAL SAFETY**

The applicant shall comply with Section 110.4 of the Los Angeles County Building Code regulating methane gas.

If any additional oil wells are uncovered during construction or if any saturated soil or seepage is detected during construction, the California Department of Conservation, Division of Oil, Gas and Geothermal Resources shall be contacted immediately. A leak test of the existing on-site abandoned oil wells shall be conducted prior to the issuance of any building permits.

As the applicant, I agree to incorporate these changes/conditions into the project, and understand that the public hearing and consideration by Planning Commission will be on the project as changed/conditioned.

David O. Levine  
Applicant

7-17-00  
Date

(subject to possible revision prior to public notice: 1) submittal of detailed geotechnical; 2) Fire Dept; and, 3) Environmental Safety clarification)

No response within 10 days. Environmental Determination requires that these changes/conditions be included in the project.

\_\_\_\_\_  
Staff

\_\_\_\_\_  
Date





# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330



P. MICHAEL FREEMAN  
FIRE CHIEF  
FORESTER & FIRE WARDEN

May 15, 2000

Kerwin Chih, Section Head  
Impact Analysis Section  
Department of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

Dear Mr. Chih:

**SUBJECT: NEGATIVE DECLARATION WITH MODIFIED PROJECT AND INITIAL STUDY QUESTIONNAIRE -- "MARINA HARBOR APARTMENTS & ANCHORAGE PROJECT" -- MARINA DEL REY (EIR #859/2000)**

The Negative Declaration with modified project and Initial Study questionnaire for the Marina Harbor Apartments and Anchorage Project has been reviewed by the Planning, Subdivision, and Forestry Divisions of the County of Los Angeles Fire Department. The following are their comments:

**DESIGN AND CONSTRUCTION -- GENERAL REQUIREMENTS:**

Size, complexity, and projected use of the proposed development may necessitate multiple ingress/egress access for the circulation of traffic, and emergency response issues.

The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and hydrants. Specific fire and life safety requirements for the construction phase will be addressed at the building fire plan check. There may be additional fire and life safety requirements during this time.

All bridges/driving structures (for Fire Department access) are to be constructed and maintained in accordance with nationally recognized standards and designed for a live load sufficient to carry a minimum of 70,000 pounds.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

- |               |           |             |                      |           |                      |                       |                  |
|---------------|-----------|-------------|----------------------|-----------|----------------------|-----------------------|------------------|
| AGOURA HILLS  | BRADBURY  | CUDAHY      | HIDDEN HILLS         | LANCASTER | PALMDALE             | ROLLING HILLS ESTATES | TEMPLE CITY      |
| ARTESIA       | CALABASAS | DIAMOND BAR | HUNTINGTON PARK      | LA PUENTE | PALOS VERDES ESTATES | ROSEMEAD              | WALNUT           |
| AZUSA         | CARSON    | DUARTE      | INDUSTRY             | LAWDALE   | PARAMOUNT            | SAN DIMAS             | WEST HOLLYWOOD   |
| BAIRDWIN PARK | CERRITOS  | EL MONTE    | IRWINDALE            | LOMITA    | PICO RIVERA          | SANTA CLARITA         | WESTLAKE VILLAGE |
|               |           |             | LA CANADA FLINTRIDGE | MALIBU    | POMONA               | SIGNAL HILL           | WHITTIER         |
|               |           |             |                      |           | RANCHO PALOS VERDES  | SOUTH EL MONTE        |                  |

Kerwin Chih, Section Head

May 15, 2000

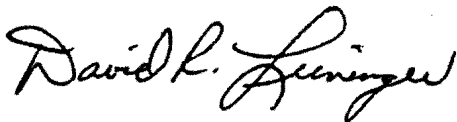
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**OTHER ENVIRONMENTAL CONCERNS:**

The statutory responsibilities of the County of Los Angeles Fire Department Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance. The proposed project will not have significant environmental impacts in these areas.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

A handwritten signature in cursive script that reads "David R. Leinger".

DAVID R. LEINGER, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION BUREAU

DRL:lc

**ARTHUR L. KASSAN, P.E.**

*Consulting Traffic Engineer*

August 22, 2000

Mr. David O. Levine  
Marina Pacific Associates  
4201 Via Marina  
Marina del Rey, CA 90292

Subject: Expansion of Marina Harbor Residential Development

Dear Mr. Levine:

Enclosed is the analysis of the potential traffic impacts of the proposed expansion of Marina Harbor, located on Via Marina at Bora Bora Way. The analysis was prepared to comply with the "Supplemental Filing Requirements for Projects in Marina del Rey" of the *Marina Specific Plan*. It incorporates the new anchorage plan that was submitted to the County in July 2000.

The expansion, conforming with, will consist of three items, as follows:

- Addition of 120 dwelling units
- Removal of 4,031 square feet of general offices leased to outside businesses
- Reduction of 271 boat slips, from 590 existing slips to 319 future slips

The estimates of the trip generation of the proposed expansion are in Table 1, enclosed. As shown, there will be a net decrease in trips compared with the current trips during the 24-hour period and both peak hours. The proposed expansion will conform with the phasing schedule of the *Marina del Rey Local Coastal Plan*.

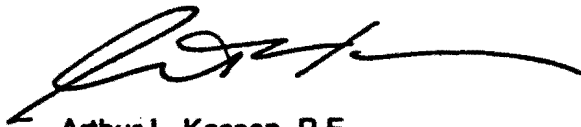
With no net new trips, a traffic study would not be required. Furthermore, no additional CMP analysis will be required.

In conjunction with the expansion, you have proposed that Bora Bora Way, the development driveway, be realigned to intersect Via Marina north of the current intersection. It will be necessary to modify the existing median on Via Marina to provide an opening for turns into and out of the realigned driveway and to provide an adequate length of left-turn lane for southbound traffic on Via Marina approaching the driveway.

No trip fees will have to be paid, because no new trips will be generated.

If you have any questions about the analysis, please contact me at your convenience.

Very truly yours,




Arthur L. Kassan, P.E.  
Registered Civil Engineer No. 15553  
Registered Traffic Engineer No. 152

Encl.

Telephone  
(310) 558-0808

5105 Cimarron Lane  
Culver City, California 90230

FA  
(310) 55

EXHIBIT NO. 7
APPLICATION NO. A-5-MDR-00-472
Traffic Engineers Letter
 California Coastal Commission

**TABLE 1**

**ESTIMATED TRIP GENERATION  
EXPANSION OF MARINA HARBOR**

<u>COMPONENT</u>	<u>SIZE</u>	<u>NUMBER OF VEHICLE TRIPS</u>						
		<u>24 HOURS</u>	<u>MORNING PEAK HOUR</u>		<u>AFTERNOON PEAK HOUR</u>			
		<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>
Apartments	120 units	436	8	34	42	27	13	40
Removal of Offices	(4,031 square feet)	- 63	- 7	- 1	- 8	- 1	- 7	- 8
Reduction in Boat Slips	(271 slips)	<u>- 501</u>	<u>- 12</u>	<u>- 23</u>	<u>- 35</u>	<u>- 12</u>	<u>- 25</u>	<u>- 37</u>
<b>TOTALS</b>		<b>- 128</b>	<b>- 11</b>	<b>10</b>	<b>- 1</b>	<b>14</b>	<b>- 19</b>	<b>- 5</b>

**ALLOWABLE TRIPS IN DEVELOPMENT ZONE 1**

<u>COMPONENT</u>	<u>SIZE</u>	<u>NUMBER OF VEHICLE TRIPS</u>						
		<u>24 HOURS</u>	<u>MORNING PEAK HOUR</u>		<u>AFTERNOON PEAK HOUR</u>			
		<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>
Apartments	610 units	2,216	38	175	213	135	64	199