

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(2) 590-5071



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Commission Action:

W 21g.**STAFF REPORT: REGULAR CALENDAR**

RECORD PACKET COPY

APPLICATION NUMBER: 5-01-365**APPLICANT:** Del Rey Yacht Club and Los Angeles County Beaches and Harbors**PROJECT LOCATION:** 13900 Palawan Way, Marina del Rey**PROJECT DESCRIPTION:** Install two approximately 5.5 foot wide by 130 linear foot and 206 linear foot auxiliary floating docks (walkways), and remove and relocate two existing piles and install three new piles for the walkways. There will be no change to the number or configuration of the existing boat slips.**LOCAL APPROVALS RECEIVED:** Approval in Concept**SUBSTANTIVE FILE DOCUMENTS:** Marina Del Rey certified Local Coastal Plan, 1995.**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission grant a permit for the proposed development with conditions regarding best management practices, compliance with the requirements of the U.S. Army Corps of Engineers, and assumption of risk. As conditioned, the proposed development conforms with all applicable policies of the Coastal Act.

Staff Note: The Coastal Commission certified the Marina del Rey Local Coastal Plan in 1984. The Commission retained jurisdiction over submerged lands (original jurisdiction), which is all areas seaward of the mean high tide line. In Marina del Rey, the

Commission's original jurisdiction is generally demarcated by the marina's bulkhead. Therefore, development seaward of the bulkhead is within the Commission's original jurisdiction and permit authority is retained by the Commission.

The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The County's certified LCP is advisory in nature and may provide guidance for development.

STAFF RECOMMENDATION:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-01-365:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-01-365 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or

authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. CONSTRUCTION RESPONSIBILITIES AND DEBRIS REMOVAL

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to inundation or dispersion in the waters of the marina;
- (b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
- (c) No machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone;
- (d) If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity;
- (e) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day;
- (f) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss; and
- (g) Reasonable and prudent measures shall be taken to prevent all discharge of fuel or oily waste from heavy machinery, pile drivers or construction equipment or power tools into the waters of the Marina del Rey. The

applicant and the applicant's contractors shall have adequate equipment available to contain any such spill immediately.

2. LOCATION OF DEBRIS DISPOSAL SITE

PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the disposal site of the demolition and construction debris resulting from the proposed project. Disposal shall occur at the approved disposal site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

3. PILING CONSTRUCTION

The applicant shall use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments. The applicant shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

4. CONFORMANCE WITH THE REQUIREMENTS OF THE U.S. ARMY CORPS OF ENGINEERS

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director a copy of a permit issued by U.S. Army Corps of Engineers, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the U.S. Army Corps of Engineers. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

5. ASSUMPTION OF RISK LEASE RESTRICTION

- A. By acceptance of this permit, the applicant, Dey Rey Yacht Club, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant, Del Rey Yacht Club, shall execute and record a lease restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The lease restriction shall include a legal description of the applicant's entire parcel. The lease restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This lease restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

6. **ASSUMPTION-OF-RISK, WAIVER OF LIABILITY, AND INDEMNITY DEED RESTRICTION APPLICABLE TO COUNTY OF LOS ANGELES.**

- A. By acceptance of this coastal development permit, the co-applicant, County of Los Angeles, acknowledges and agrees (i) that the site may be subject to hazards from wave and tidal action; (ii) to assume the risks to the applicants and to the property that is the subject of this permit, of injury, damage, or death from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards, (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from injury or damage due to such hazards.
- B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the co-applicant, County of Los Angeles, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (a) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the co-applicant, County of Los Angeles, shall provide a written agreement pertaining to Parcel 30, which is leased to the co-applicant, Del Rey Yacht Club, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition and providing that upon termination of the applicant's lease

of the property that is the subject of this coastal development permit, the County agrees to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the terms of subsection A of condition no. 4 above. The agreement shall include a legal description of the landowner's entire parcel and the land subject to the lease. The written agreement shall run with the land, binding all successors and assigns, and written agreement shall not be amended or changed without a Commission amendment to this coastal development permit.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to install two auxiliary floating walkways connecting existing floating boat docks (docks E700 to E900 and docks D1000 to D1200). The project will include removing existing fingers adjacent to the bulkhead, and in their place, install 5.5-foot wide, 206 linear foot and 130 linear foot floating walkways. The walkways will include removing and relocating two existing piles and installing one new pile for the walkway located between docks D1000 and D1200 and adding two new piles for the walkway located between docks E700 and E900, and adding float assemblies.

The auxiliary walkway located between docks E700 and E900 will require the removal of one dock finger at each dock, which forms one side of a single boat slip at the two docks, creating two 27.5-foot wide double boat berths. Therefore, although two fingers are being removed there will not be a change to the number of existing boat slips. According to the applicant the purpose of the project is to provide internal boater access between the two docks and to facilitate public access along the bulkhead on the landside portion of the parcel.

The proposed project is located on the north and south side of the Palawan Way mole road, within the 11-acre water portion of Parcel 30. Parcel 30 is located in the northwest section of Marina Del Rey, at the end of Palawan Way. The waterside portion of Parcel 30 is currently developed with approximately 310 boat slips for use by the private Del Rey Yacht Club, which is located on the landside portion of the parcel

B. Areawide Description

Marina del Rey covers approximately 807 acres of land and water in the County of Los Angeles. Marina del Rey is located between the coastal communities of Venice and Playa

Del Rey. The marina is owned by the County and operated by the 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 4,626 boat slips, within approximately 26 separate anchorages. Other boating facilities include transient docks, a public launching ramp, repair yards, charter and rental boats, harbor tours, and sailing instruction schools.

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 occurred on all but one leasehold parcel. 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. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

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

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234 of the Coastal Act states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

The proposed project is located between the nearest public road and the sea as well as within coastal waters. The anchorage within Parcel 30 is a privately operated facility with berthing slips available only to members of the yacht club. The proposed project will reconfigure four slips by converting the slips from four, approximately 10-foot wide single slips, to two 27.5-foot wide double slips. The proposed project will provide internal boater access between docks.

Slip size and slip number has been an issue with the Commission for Marina del Rey due to the potential impact on boater access. Although the private yacht club provides recreational boating opportunities within the marina the anchorage is a private yacht club, and the slips are not available to the general public. Therefore, changes to the number or size of slips will not have a significant impact on general public boater access within the marina.

Furthermore, the development includes no intensification of use along the waterside or landside. There will be no increase in demand on the roadway system or surrounding waterways. Therefore, the LCP standard of requiring public walkways is not required for this development.

The applicant states that construction of the new floating walkway will be done off-site. The walkway will be floated into position and attached to the existing docks. During the assembly of the walkways boating use of the slips and pedestrian access along the bulkhead will not be significantly disrupted. In the event a boat needs to be removed from an affected or adjacent slip during construction, the boat will be moved to a vacant slip within the yacht club parcel and then returned once work is completed. Therefore, the proposed project will not use any public slips during construction. As proposed, the project will be consistent with Sections 30213, 30224, and 30234 of the Coastal Act.

D. Marine Resources

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240(b) of the Coastal Act states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Commission has reviewed numerous reports concerning the impacts of chemical pollution and siltation on marine organisms and on coastal recreation. In addition, given the location of the proposed work within a marina supporting both sensitive species and recreational activities, there are concerns about how the work may be performed. In response to these concerns the Commission has begun to impose conditions on development to prevent siltation, spills and pollution as a result of development.

1. Water Quality and Construction Impacts

The proposed project is the installation of two floating walkways and removing and installing piles within an existing marina. Due to the proposed project's location on and in the water, the proposed work may have adverse impacts upon water quality and the marine environment.

The proposed project was submitted to the U.S. Army Corps of Engineers for their review and approval. In the Corps preliminary review, the Corps determined that water quality

would not be affected by the proposed project due to the low biological value due to current recreational use and infrastructure. Further attributing to the low biological value is poor water circulation in this area of the marina. Although the project area may have low biological values, construction activity can still affect the biological values in the area, as well as the surrounding area. Therefore, it is important that all projects within the marina minimize any potential for impacts from construction through the implementation of Best Management Practices (BMPs)

The BMPs include the use of turbidity screens/siltation curtains to isolate work area during pile removal and installation, floating booms to contain debris or spills, recovery of any non-buoyant debris by divers as soon as possible after loss. The Commission finds that it is necessary to impose Special Condition No.'s 1 and 2 requiring the applicant to utilize best management practices during the construction including the following construction related restrictions: all construction materials and equipment shall be stored landward of the bulkhead, on impervious surfaces only; all construction materials or waste shall be stored in a manner which prevents their movement via runoff, or any other means, into coastal waters; and that any and all construction equipment, materials and debris are removed from upland areas at the conclusion of construction. In addition, demolition of existing structures will generate debris that will need to be disposed of off-site. Since the applicant has not identified a disposal site and in order to prevent impacts to coastal waters that could occur if such debris were not properly disposed, the Commission imposes a special condition which requires that all demolition debris be disposed of at a legal site approved by the Executive Director, if located within the coastal zone. Choice of a site within the coastal zone shall require an amendment to this permit or a new coastal development permit.

In past permit approvals, the Commission has required development that involve construction of new marinas or major dock renovations to submit and implement a water quality management plan that incorporates BMPs for the operation of the marina. In this particular development, the project does not include renovation of the marina or the creation of any new boat slips. The project will only provide two walkways each connecting two docks and will not add or significantly affect the existing boat slips within these docks. Therefore, the Commission finds that for this particular project it is not necessary to impose BMPs for the operation of the marina. However, the permit is conditioned to require water quality measures during construction.

The proposed project will maintain the present use and is not expected to create additional adverse impacts on marine resources. However, the Commission finds it necessary to identify the permittee's responsibilities regarding construction and the utilization of best management practices and has conditioned the project accordingly. Therefore, only as conditioned does the Commission find that the proposed project conforms with Sections 30230 and 30231 of the Coastal Act.

2. Sensitive Species Impacts

According to EIR's that have been done for various projects in the Marina area, there are no special status benthic invertebrate, fish, insects, reptiles or mammals occurring in the marine portions of the project site. However, special status birds were observed or are expected to utilize open water habitat present in the marina and on the project site. Such birds include the California Brown Pelican, Peregrine falcon, Great blue heron, and the California Least Tern.

While there has been some nesting habitat identified in trees in the Bird Sanctuary and along one mole that is located adjacent to identified wetlands, with these two exceptions, there is little suitable breeding or nesting habitat for birds or mammals available within the Marina del Rey. However, the California least tern (*Sterna antillarum brownii*) nests at nearby Venice Beach. Least terns feed on small fish directly under the water surface. They have been observed to use all portions of the Marina del Rey harbor for foraging. Construction activity, such as pile driving, may cause turbidity in the water column which would affect foraging species ability to see food normally visible in the water. In addition, pile driving would generate noise in the water column that would disturb fish and other species normally present upon which foraging least terns would normally feed.

In past projects within the marina, the Department of Fish and Game has determined that similar construction activities would not have a significant adverse effect on existing marine resources and habitats, provided no open water activities that have the potential to create water turbidity or excessive noise and vibration (e.g. pile driving) occur during the Least Tern season and the use of silt curtains are implemented. The Commission has previously prohibited construction activities between April 1 through September 1, in order to avoid adverse impacts to the tern's foraging.

Section 30230 and 30231 of the Coastal Act state that the biological productivity and the quality of coastal waters shall be maintained. Therefore, in order to ensure that adverse impacts to the biological productivity and marine resources are avoided, the Commission finds that it is necessary to impose a condition which prohibits pile driving activity, between April 1 and September 1 of any year during which construction occurs, that would impact foraging species in the area. Construction activity that does not create turbidity or excessive noise, such as float assembly, is permitted during this time. Evidence of final approval from the U.S. Army Corps of Engineers will pinpoint for the Commission whether such approvals have any effect upon this coastal development permit approval. Therefore, the Commission imposes a special condition which requires that the applicant submit evidence of approval from the U.S. Army Corps of Engineers prior to commencement of construction.

Piling construction and all activities that might disturb the benthic sediments of Marina del Rey pose a threat to water quality and marine organisms because the benthic sediments are contaminated with metals and immediate oxygen demanding substances. The Marina del Rey Benthic Conditions Report, submitted to the Coastal Commission by the Los Angeles County Department of Beaches and Harbors, states that the sediments near the

development project contain elevated levels of copper, iron, mercury, tributyl tin, and zinc. The sediments exceed ER-M or AET for the above-listed contaminants. ER-M is the 50th percentile of toxicity of chemicals to benthic organisms. The 1990 NOAA report entitled *The Potential for Biological Effects of Sediment-Sorbed Contaminants Tested in the National Status and Trends Program*, compiles the toxicity information for most chemicals found in the marine environment, and establishes the ER-M values. A second threshold, AET, is somewhat similar to ER-M and is defined as the sediment concentration of a selected chemical above which statistically significant biological effects always occur.

Thus, the sediments near the project site in Marina del Rey, which for the contaminants listed above exceed ER-M or AET, may be toxic to marine organisms and will degrade water quality. The sediments should be prevented from entering the water column to the greatest extent possible. Methods of piling construction such as driving in pilings rather than hydraulically injecting the pilings limit the amount of sediment stirred in the water column. The less intrusive and sediment-disturbing techniques are preferred. The pounding and driving techniques, or any equivalent method of equal or lesser impact to the environment, should be employed in the Marina del Rey construction. As an additional condition of this permit the applicant shall use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments.

Other marine resources that could be impacted by the development is Eelgrass (*Rupia maritima*). Eelgrass is considered worthy of protection because it functions as important habitat for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG). However, prior research and documentation for the marina, and a visual survey by the applicant, indicate that eelgrass is not present in the area of the proposed project site.

As conditioned, the Commission finds that the proposed project would minimize significant adverse impacts to marine resources and sensitive species such as the least tern. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Sections 30231 and 30240(b) of the Coastal Act.

E. Visual Impacts

Section 30251 of the Coastal Act states:

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

Section 30253 states that new development shall:

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

The proposed project is located on the water in the northwestern portion of the marina. The surrounding area is developed with a yacht club and residential development. The Land Use category for the project site is designated Water in the LCP. The LCP provides that the height of development located on parcels designated as Water parcels is limited to 15 feet above the water surface. The proposed project will involve installation of floating walkways that extend approximately 1.5 feet above the water level similar to the existing dock system. As proposed, the new walkway will not adversely impact views of the marina. The Commission, therefore, finds that the proposed project is consistent with the visual resource protection policies of the Coastal Act and with the County's Local Coastal Program.

F. Hazards

Section 30253 of the Coastal Act provides in part:

New Development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazards...

The proposed walkway will be designed in accordance with the County's building code for docks to ensure structural integrity. However, because of its location, the docks are potentially subject to the effects of tsunamis and seiches. The LCP indicates that Marina del Rey has sustained only minor damage in the past due to tsunami and seiches because of special design standards embodied in the moles, docks and breakwater. However, there remains the potential for damage from wave and tidal action. Therefore, the Commission finds that the applicants must also record a deed and lease restriction assuming the risk of developing in an area where an extraordinary potential for damage from wave and tidal action exists as an inherent risk to life and property, waiving the Commission's liability for damage that may occur as result of such hazards. This is necessary because the design is a result of a study for which the applicant and its engineer are responsible. Wave hazards cannot be predicted with certainty, so the applicant and future owners must be put on notice that the Coastal Commission is not liable for damages resulting from wave and tidal action.

G. Local Coastal Program

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 Land Use Plan Amendment 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 an Implementation Program pertaining to the existing marina, with suggested modifications. 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 LCOPA with suggested modifications. The County accepted the modifications and the LCP was effectively certified. The revised 1995 LCP represented a major change in the county's approach to Marina del Rey development. Abandoning the bowl concept, which limited height on moles and next to the water, the County presented the Commission with a redevelopment plan that allowed greatly increased heights if and when developers provided view corridors over no less than 20% of the parcel. Increased height would be contingent on the provision of increased views. Secondly, the County agreed that at the time of renegotiations on of the leases, the lessees would be required to reserve a 18 foot wide promenade/fire road along the water that would be open to the public.

The certified LCP designates the proposed site as "Water". Under the "Water" category of the LCP the permitted uses are recreational uses, wet boat slips, docking and fueling of boats, flood control and light marine commercial. The proposed use is a permitted use. However, the proposed development is located seaward of the mean high tide and is within the Commission's original permit jurisdiction. The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The County's certified LCP is advisory in nature and may provide guidance for development. As stated in the preceding sections, as conditioned, the project will not adversely impact coastal and marine resources or coastal access and is consistent with the certified LCP. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act.

H. California Environmental Quality Act

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

21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

Potential impacts are to boater access, marine resources, water quality and the visual resources of the area. As conditioned, all potential adverse impacts have been adequately mitigated. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

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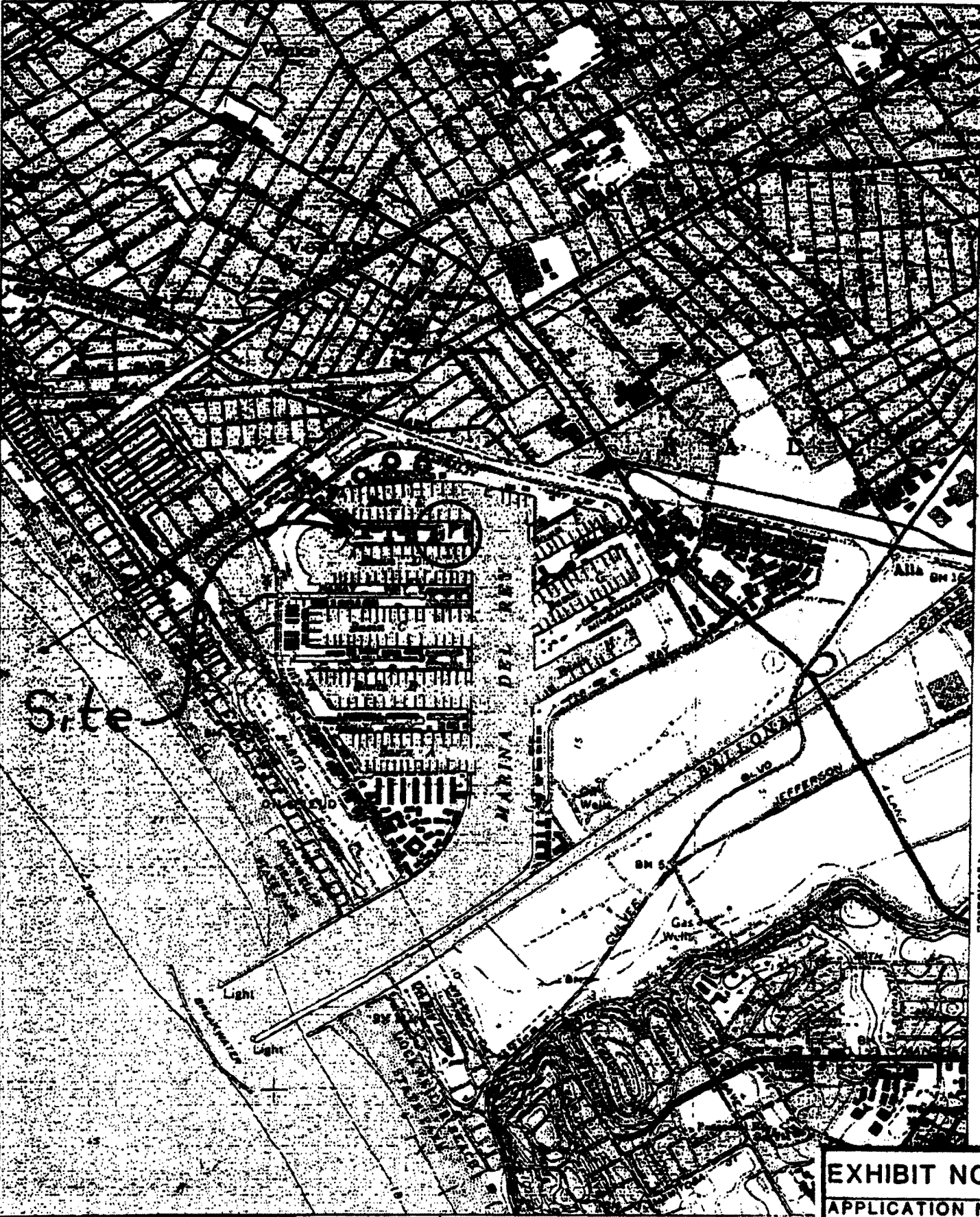
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Site

MARTINA DEL REY

JEFFERSON

Gas Wells

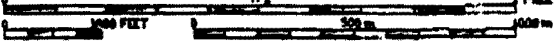


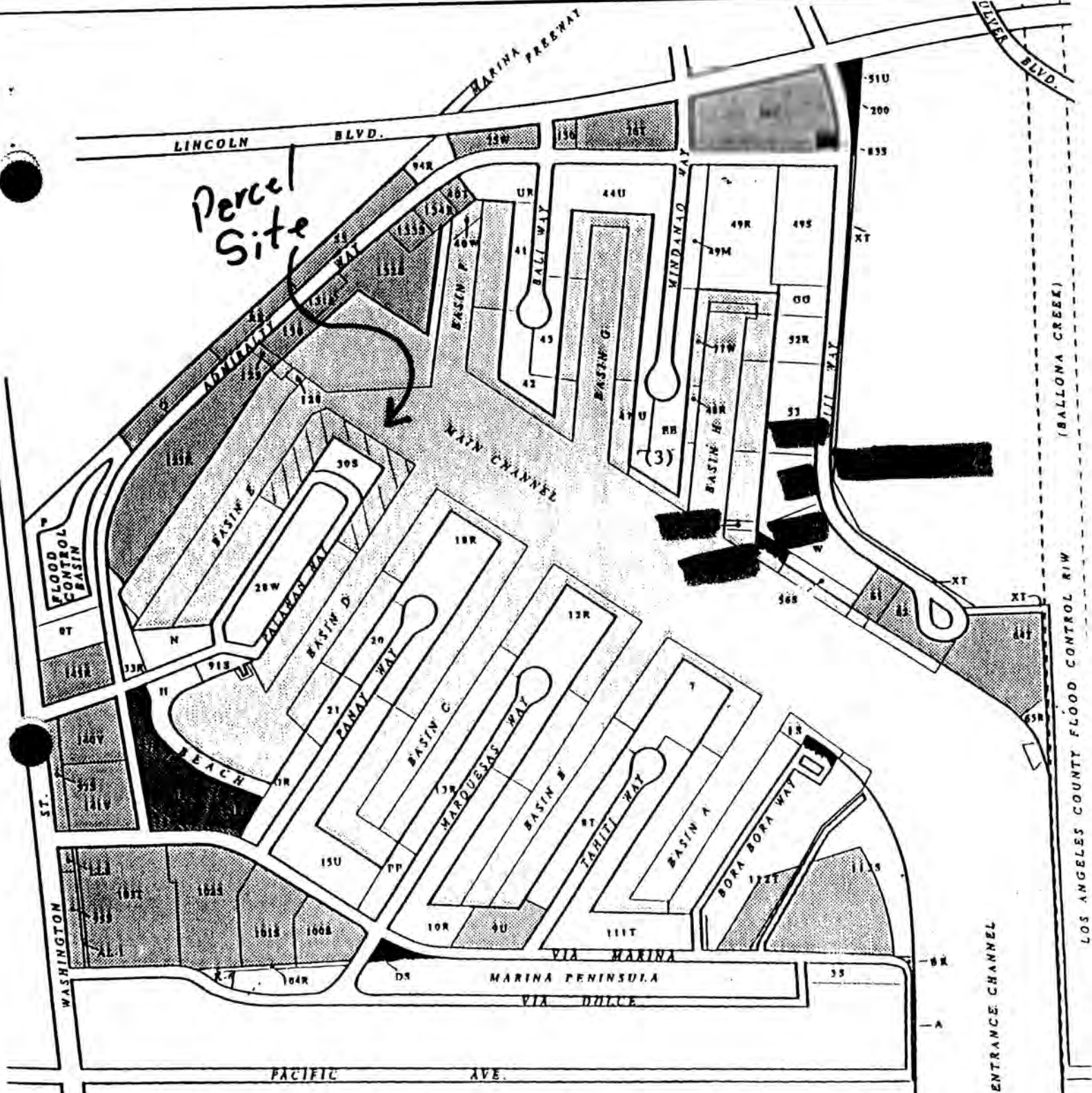
EXHIBIT NO. 1

APPLICATION NO.
5-01-365

Vicinity Map

California Coastal Commission

TN MEN 14



LOS ANGELES COUNTY
DEPT. OF BEACHES AND HARBORS

MARINA DEL REY
PARCEL MAP



EXHIBIT NO. 2

Application Number

5-01-365
Parcel Map

California Coastal Commission

FLOOD
EBR

be used prior to any change in ordinance requirements or within two years. Such approval shall not be construed to permit the violation of any provision of any County Ordinance or State law.

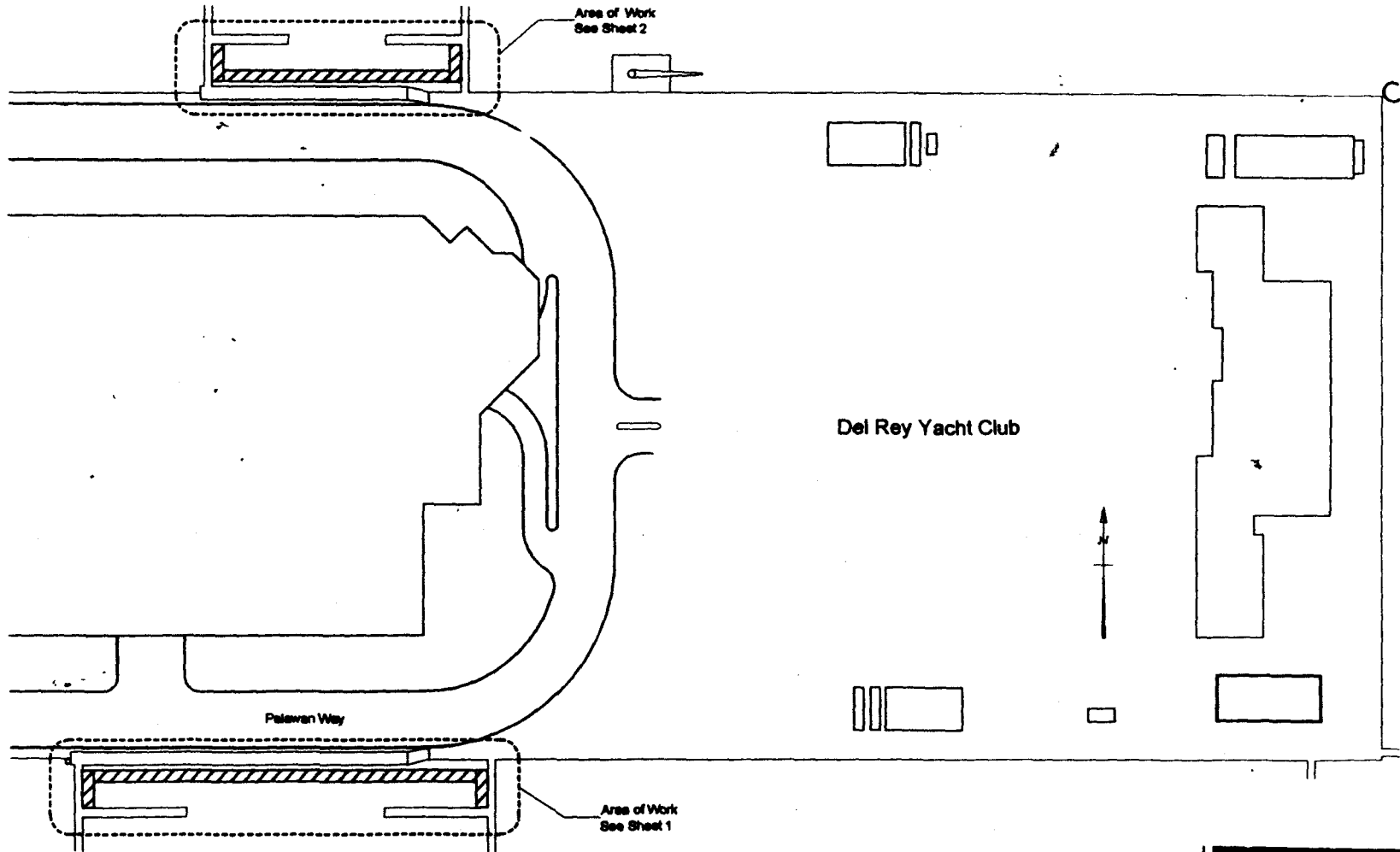
Signature: A. Clark

Date: 8/7/04

RECEIVED
South Coast

SEP 1

CALIFORNIA
COASTAL COMMISSION



1 SITE PLAN
SCALE: 1" = 40'-0"

EXHIBIT NO. 3
Application Number
5-01-365
Site Plan
California Coastal Commission

RECEIVED
NOV 28 2001

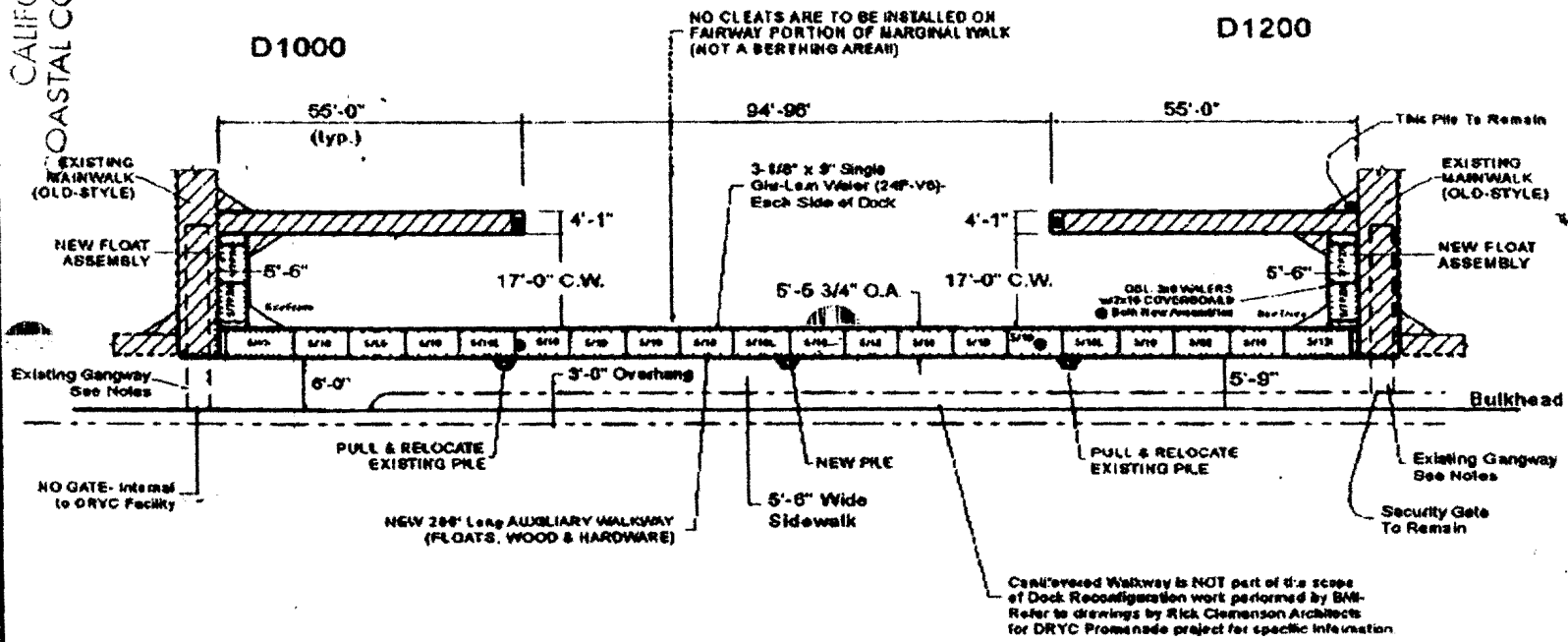
CALIFORNIA
COASTAL COMMISSION

Notes

1. DEL REY YACHT CLUB WILL BE RESPONSIBLE FOR UNHOOKING, REMOVING AND REPLACING ALL EXISTING UTILITIES PRIOR TO AND FOLLOWING BELLINGHAM MARINE CREW'S DOCK INSTALL SCOPE.
2. THREE (3) EXISTING PILES ARE TO BE REMOVED AND REDRIVEN IN NEW LOCATIONS (AS SHOWN). ONCE PULLED, PILES ARE REQUIRED TO BE INSPECTED BY DELREY YACHT CLUB'S ENGINEER PRIOR TO REUSE. ENGINEER SHALL PROVIDE WRITTEN COMMENTS REGARDING PILE CONDITIONS.
3. A REGISTERED CIVIL ENGINEER (S&B REPRESENTATIVE) SHALL BE PRESENT DURING PILE INSTALLATION. NO SETTING OF PILES IS ALLOWED.
4. ALL GATES WHICH WOULD PROVIDE ACCESS TO WORK AREAS ARE TO BE PERMANENTLY CLOSED TO THE PUBLIC DURING THE ENTIRE COURSE OF WORK.
5. EXISTING GANGWAYS ARE TO REMAIN IN PLACE DURING WORK (ALL GANGWAYS ARE TO BE REVISED, NOT REPLACED).
6. FLOAT MODULES AT PILE GUIDES ARE CALCULATED TO SUPPORT ECCENTRIC LOADS OF GUIDES, AND THE LEVELNESS WALKWAY SHOULD NOT BE ADVERSELY AFFECTED BY THESE LOADS.

● - EXISTING PILE LOCATIONS

S



/// DENOTES EXISTING FLOAT SYSTEM - TO REMAIN

D1000 & D1200



WE'VE DEVELOPED SOLUTIONS FOR THE MARINE INDUSTRY...
Our products are designed to meet the unique requirements of the marine industry...
We are committed to providing the highest quality products and service to our customers.

DelRey Yacht Club
NEW AUXILIARY WALKWAY ADDITIONS
@ 'D' and 'E' Berthings

Overall Layout:
D1000 / D1200

Job No. 01-3-213

Revisions:
All Revisions are indicated by
[Symbol] [Date]

Checked By:

Drawn By: D. DeCaro
Scale: 1" = 20'-0"
Date: 8-20-01
Sheet: 1 of 1

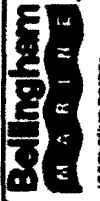
EXHIBIT NO. 4

Application Number

5-01-365

Proposed Walkway

D1000 - 1200



DeiRey Yacht Club
NEW AUXILIARY
WALKWAY ADDITIONS
@ 'D' and 'E' Berthings

Overall Layout:
E700 / E900
with Modified Slips

Job No. 01-3-213

Revised by:
All revisions are indicated by
a circled number in the notes.

Checked by:

Drawn by: O. DeCue
Scale: 1" = 20'-0"
Date: 8-20-01
Sheet: 2 of

EXHIBIT NO. 5

Application Number

5-01-365

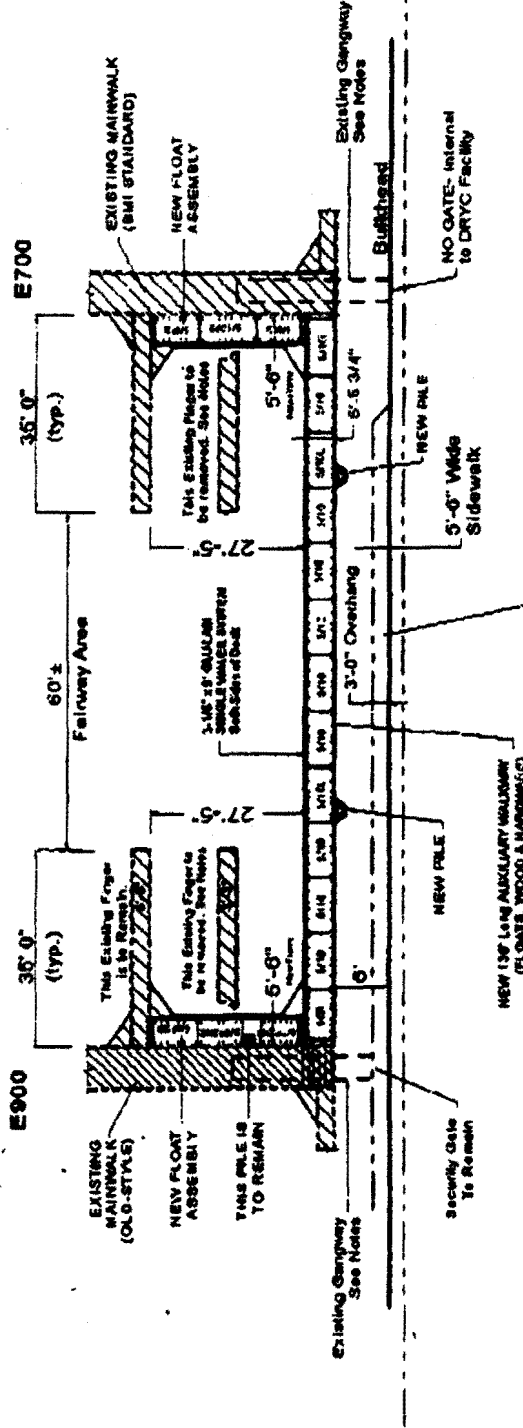
Proposed Walkway

E700/E900

- Notes:
1. SECOND FLOOR FROM BULKHEAD (AS INDICATED) ON EACH DOCK IS TO BE REMOVED BY DELINEY YACHT CLUB CREW (NOT SHI).
 2. DEI REY YACHT CLUB WILL BE RESPONSIBLE FOR UNLOADING, RESCUING AND RELOADING ALL EXISTING UTILITIES PRIOR TO AND FOLLOWING BELLINGHAM MARINE CREW'S DOCK INSTALL SCOPE.
 3. TWO (2) NEW PILES ARE TO BE DRIVEN, AND ONE (1) NEW EXISTING PILE WILL BE FRAMED INTO NEW DOCK ASSEMBLY ON E700.
 4. A REGISTERED CIVIL ENGINEER (OR REPRESENTATIVE) SHALL BE PRESENT DURING PILE INSTALLATION. NO SETTING OF PILES IS ALLOWED.
 5. ALL GATES WHICH WOULD PROVIDE ACCESS TO WORK AREAS ARE TO BE REMOVED BY THE PUBLIC DURING THE ENTIRE COURSE OF WORK.
 6. EXISTING GANGWAYS ARE TO REMAIN IN PLACE DURING WORK (ALL BARRON'S ARE TO BE REUSED, NOT REPLACED).
 7. FLOAT MODULAS AT PILE GUIDES ARE CALCULATED TO SUPPORT LOADS OF GATES, AND THE LEVELNESS WALKWAY SHOULD NOT BE ADVERSELY AFFECTED BY THESE LOADS.

● = EXISTING PILE LOCATIONS

NO CLEATS ARE TO BE INSTALLED ON FAIRWAY PORTION OF MARGINAL WALK (NOT A BEATING AREA)



Cantilevered Walkway is NOT part of the scope of Deck Reconstruction work performed by SHI. Refer to drawings by Eliot Chalmers Architects for DRYC Permission project for specific information.

DENOTES EXISTING FLOAT SYSTEM - TO REMAIN
E700 & E900

CALIFORNIA COASTAL COMMISSION

NOV 28 2001

