

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

W21G

Filed: 9/03/04
49th Day: 10/22/04
180th Day: 3/02/05
Staff: AJP-LB
Staff Report: 11/9/04
Hearing Date: 12/8-10/04
Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NUMBER:** 5-04-362**APPLICANT:** Mariners Bay Company and Los Angeles County Beaches and Harbors**AGENT:** Cathleen Hayes**PROJECT LOCATION:** 14000 Palawan Way, Marina del Rey**PROJECT DESCRIPTION:** Replace deteriorating boat dock fingers (perpendicular dock extensions from walkway) within a 407 boat slip anchorage. There will be no change to the number, size, 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: 1) construction responsibilities and debris removal; 2) location of debris disposal site; best management practices; 3) water quality measures, 4) assumption of risk; 5) assumption of risk for County of Los Angeles; and 6) five year time limit on completion of dock improvements. 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 5-04-362:

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

MOTION: *I move that the Commission approve Coastal Development Permit #5-04-362 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. WATER QUALITY MANAGEMENT PLAN

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a detailed Water Quality/Best Management Practices (BMPs) Program for minimizing to the maximum extent practicable adverse impacts to water quality related to long-term water-borne berthing of vessels in the marina. The plan shall be prepared by a qualified professional with expertise in the control of water quality impacts related to marinas.

1. The plan shall demonstrate that long-term water-borne berthing of vessels in the marina shall be managed in a manner which protects water quality and that persons using the marina are made aware of the rules related to boat maintenance and use. To the extent to which physical features or objects (trash containers, recycling bins) are required in the plan, an attached site plan shall show the location where these features or objects will be installed.
2. The plan shall include, at a minimum, the following components or measures:
 - (a) Boat Cleaning Management Measures:
 1. The marina shall prohibit in-water boat hull washing that does not occur by hand;
 2. The marina shall prohibit in-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls;
 3. The marina shall ensure that marina tenants, when using cleaning components and detergents for washing boats, utilize detergents

and cleaning components that are phosphate-free and biodegradable. Amounts used shall be minimized; and

4. The marina shall prohibit the use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
- (b) Implementation of a solid waste reduction and recycling program including the following Solid Waste Management Measures:
1. Trash receptacles shall be provided at the entrances to all docks;
 2. Containers for recyclables shall be provided and sited so that they are convenient for boaters (i.e. close to the dock); and
 3. All trash and separate containers for recyclables, oil wastes, fish wastes, etc. shall be clearly marked, have the capacity to handle all waste streams, and be sited so that they are convenient for boaters (i.e. close to the dock).
- (c) Implementation of a liquid material control program which provides and maintains appropriate storage, transfer, containment and disposal facilities for liquid materials commonly used in boat maintenance including the following Liquid Waste Management Measures:
1. The marina shall provide a secure location to store hazardous wastes, including petroleum products, old gasoline or gasoline with water, absorbent materials, used oil, oil filters, antifreeze, lead acid batteries, paints, solvents and other hazardous wastes. Storage areas shall be impervious to stored materials and shall comply with hazardous waste storage and disposal requirements of the local certified uniform permitting agency;
 2. Containers for anti-freeze, lead acid batteries, used oil and used oil filters which will be collected separately for recycling shall be provided by the marina;
 3. Signage shall be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The containers shall notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes; and
 4. The marina shall maintain an adequate supply of absorbent pads for use by marina tenants and lessees for the cleaning of minor spills.
- (d) Dock Painting/Sealing Maintenance
1. The protocol and schedule for painting or sealing the wood docks for maintenance shall be provided. Tarps or other type of

containment material shall be used during painting or sealing to minimize debris and paint or sealant from entering the water.

(e) Petroleum Control Management Measures:

1. The marina shall provide a service that reduces oily discharges from in-board engines, either a bilge pump-out facility (with an oil-water separation device) or the marina shall promote the use of oil-absorbing materials in the bilge areas or engine compartments of all boats with inboard engines. When distributing oil absorbents to boaters, the marina shall provide adequate safety warnings as to the safe use and handling of flammable materials and methods to prevent fouling the bilge pump. Oil absorbent materials should be examined at least once a year and replaced as necessary. The marina shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The marina environmental policies shall encourage boaters to regularly inspect and maintain engines, lines and hoses in order to prevent oil and fuel spills. These policies shall encourage boaters to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. The use of soaps that can be discharged by bilge pumps shall be discouraged.

(f) Public Education Measures:

In addition to these specific components outlined in Special Condition 3.2.(a) through (e) above, the BMP program shall also include enforcement provisions, including eviction from the marina and notice of possible civil or criminal fines and/or penalties, to assure compliance with this program by all marina tenants. The marina shall provide information about all of the measures in the BMP program through a combination of signage, tenant bill inserts and distribution of the BMP program to new tenants and each year to repeat tenants. The program shall be posted at the dockmaster's office and at all dock entrances, and be included and attached to all slip lease agreements.

4. **ASSUMPTION OF RISK LEASE RESTRICTION**

- A. By acceptance of this permit, the applicant 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, Mariners Bay Company, 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. This lease restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. 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 28, which is leased to the co-applicant, Mariners Bay Marina, 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.

6. Time Limit

This permit is valid for 5 years. If at the end of the 5 year period the applicant and/or lessee has not replaced all 407 boat slips as described in this permit, the applicant and/or lessee shall submit a new application for approval to continue replacing the remaining docks.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to replace over time all deteriorating boat dock fingers within an existing 407 boat slip anchorage (Exhibit No. 3). A finger is a portion of a floating dock section which is perpendicular to the walkways and is used for tying up and boarding boats (see No.4 for typical dock layout). The new dock fingers will be the same dimensions as the existing dock fingers. The purpose of the project is to replace old and deteriorating dock fingers, as County required maintenance, to ensure that the anchorage is maintained in a safe and operable condition. There will not be a change to the number or size of the existing boat slips which are formed by the fingers.

The project will take place in increments, with ten to eleven slips replaced per month. Currently, there are approximately 90 fingers that have been inspected by the County and listed for replacement. This permit will allow the applicant to replace all 407 dock fingers, if necessary. Because of the age of the anchorage, the applicant is anticipating that all fingers will eventually need to be replaced as time goes by the County continues to

periodically inspect the anchorage. Therefore, the applicant is applying for a permit to replace all fingers within the anchorage.

The proposed project is located on the 10-acre water portion of Parcel 28. Parcel 28 is located in the northwest section of Marina Del Rey. The landside portion of Parcel 28 is developed with residential development and is encircled by the mole road Palawan Way. The water portion of the parcel, and boat docks are, located on the north and south side of the mole road (see Exhibit No. 3).

In 2001, the Commission approved a Coastal Development Permit (No. 5-01-328) for the same development currently proposed. That permit expired prior to the applicant initiating work under that permit.

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.

Section 30252 of the Coastal Act states in part:

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

The proposed project is located between the nearest public road and the sea as well as within coastal waters. The project is the replacement of fingers within a public boating marina. The anchorage within Parcel 28 is a privately operated facility with berthing slips available to the

general public on a month-to-month basis for a fee. The proposed project does not include any proposed change to the method of leasing. Upon completion of the proposed development, the marina slip leases will remain available to the general public. The proposed project does not include reconfiguring the docks or slip size distribution.

The proposed project will replace deteriorating slips so that the slips will continue to be available for boating. The marina will continue to provide the current mix of slip sizes that range from under 28 feet to over 50 feet.

As with this anchorage, a large number of anchorages in Marina del Rey are reaching, or have reached, their useful life expectancy. These other anchorages will need to rebuild and possibly reconfigure their slips in the near future. The applicant has indicated that the purpose of this application is to do the necessary maintenance that the County is requiring, based on monthly inspections, so that the slips will continue to be available for use. At this time the County has sited approximately 90 fingers for repair work. The applicant is working on a plan to renovate the entire anchorage (docks, slips, ramps, and pilings) and will eventually submit an application to the Commission. However, because of the deteriorated state of some of the fingers, the applicant is proposing to replace the fingers, as required by the County, until the plans for renovation for the entire anchorage are completed and approved.

The applicant states that construction of the new floating dock fingers will be done off-site. The dock fingers will be floated into position and attached to the existing docks. The applicant estimates that approximately 10-11 fingers will be replaced per month. During the assembly of the fingers to the docks boating use of the slips will not be disrupted. In the event a boat needs to be removed from the slip during construction, the boat will be moved to a vacant slip and then returned once work is completed. Thus, access to this recreational facility will be preserved consistent with the access policies of the Coastal Act.

The maintenance of the boat slips will enhance the anchorage and improve recreational boating in the Marina del Rey harbor as a whole. The proposed project will maintain the current mix of recreational boat slip lengths and number of boat slips and continue to provide recreational opportunities for the public. The project will provide the same public access to the docks and boat slips as in the past. Furthermore, the upgrading of the docks will encourage recreational boating use of the marina. 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 replacement of existing boat slip fingers within an existing marina. Due to the proposed project's location on the water, the proposed work may have adverse impacts upon water quality and the marine environment.

The proposed project will not involve disturbance of the marina bottom, where turbidity could pose an impact to water quality. However, the project may include drilling and other construction activity over the water, and adjacent to the water, that may create debris that may fall or be washed into the water. In addition, the improper storage of construction equipment and materials during construction can contribute to water quality impacts. The Commission finds it necessary to require the use of best management practices to minimize impacts upon water quality. In addition, the Commission finds it necessary to identify the following other 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. Furthermore, boating facilities and their associated activities, such as boat cleaning, storage of hazardous materials, can adversely impact water quality. Therefore, it is necessary to provide a special condition requiring the applicant to provide and implement a Water Quality/Best Management Practices Program that will address these issues.

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. Choice of a site within the coastal zone shall require an amendment to this permit or a new coastal development permit.

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. Furthermore, Special Condition No. 6 sets a five year time limit to the construction allowed by this permit to ensure that the Commission will reanalyze the project to ensure that environmental conditions have not changed or that the best management practices continue to be adequate. Therefore, only as conditioned does the Commission find that the proposed project conforms with Sections 30230, 30231 and 30240(b) 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 in the Playa Vista area, 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.

The Department of Fish and Game has indicated that since the proposed project does not include pile driving and will not produce excessive noise or vibration during the finger/dock assembly, the proposed activity will not have a significant adverse effect on existing marine resources and habitats. The Commission finds that, as proposed, the project would not have significant adverse impacts to sensitive marine species. Therefore, the Commission finds that 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 landside portion of the site is developed with residential units. 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 replace an existing deteriorating dock system with a new system. As with the existing, the proposed dock fingers will rise approximately 1.5 feet above the waterline. As proposed, the new fingers will improve the visual aesthetics of the marina by replacing old and deteriorating dock fingers, and 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 dock fingers 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 LCPA 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 an 18 foot wide promenade/fire road along the water that would be open to the public.

With this particular project, the project is not a redevelopment of the entire leasehold (land and water). Development under this permit is only for the waterside and is repair and maintenance of portions of the existing waterside facilities. As proposed, since the landside is not being redeveloped view and access mitigation, as required for landside redevelopment under the LCP, is not required.

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.

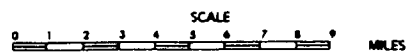
H. California Environmental Quality Act

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.



LOS ANGELES AREA

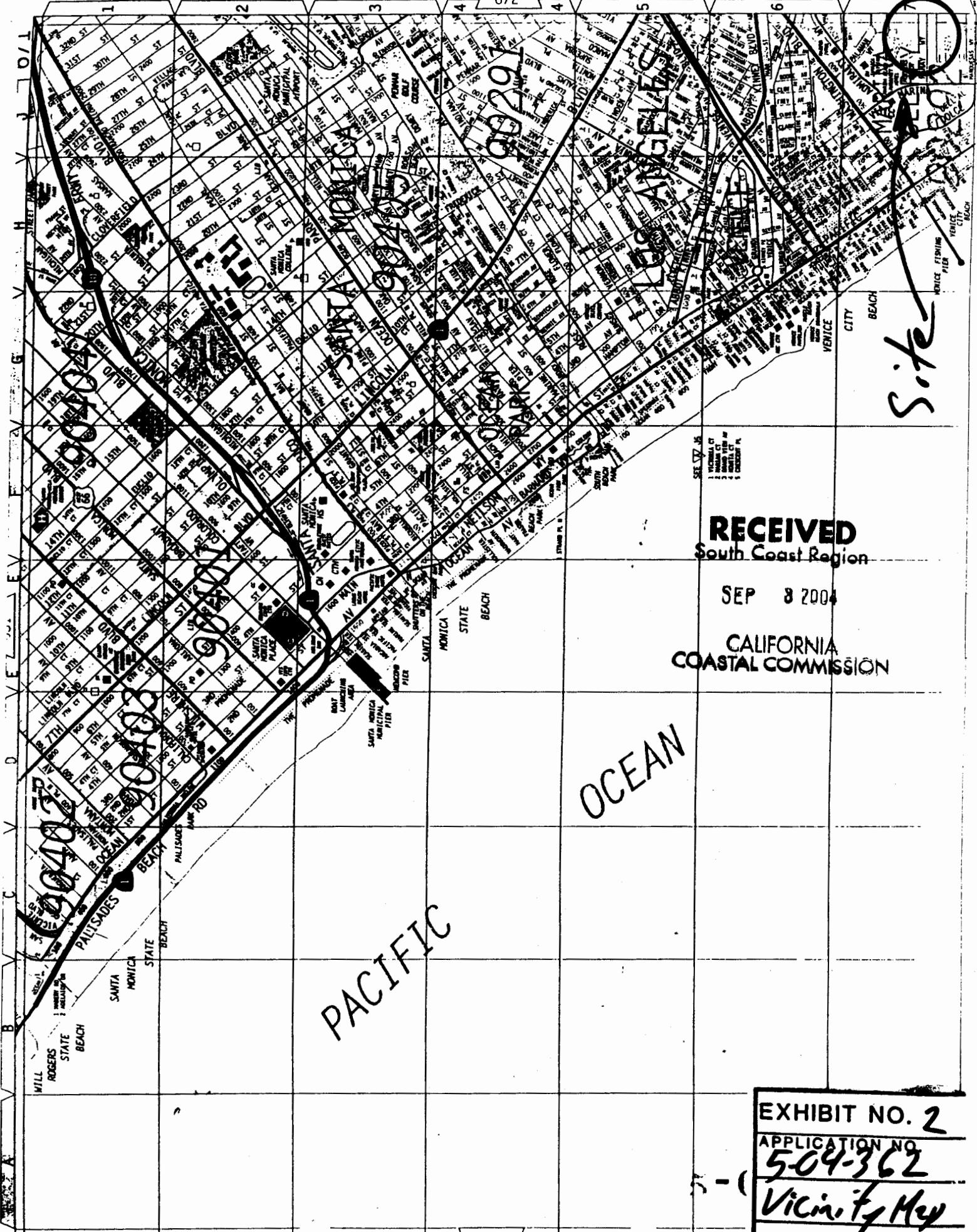


RECEIVED
 Pacific Coast Region
 CALIFORNIA
 COASTAL COMMISSION

HUNTINGTON BI

EXHIBIT NO. 1
 APPLICATION NO.
 5-04-362
 Region 1 Map

California Coastal Commission



Site

RECEIVED
South Coast Region

SEP 8 2004

CALIFORNIA
COASTAL COMMISSION

OCEAN

PACIFIC

EXHIBIT NO. 2
 APPLICATION NO.
 5-04-362
 Vicinity Map

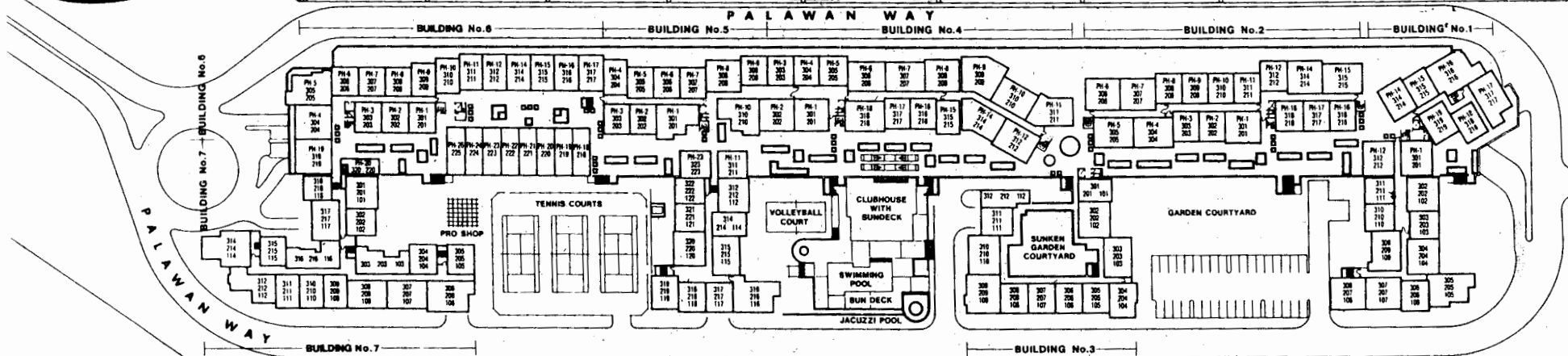
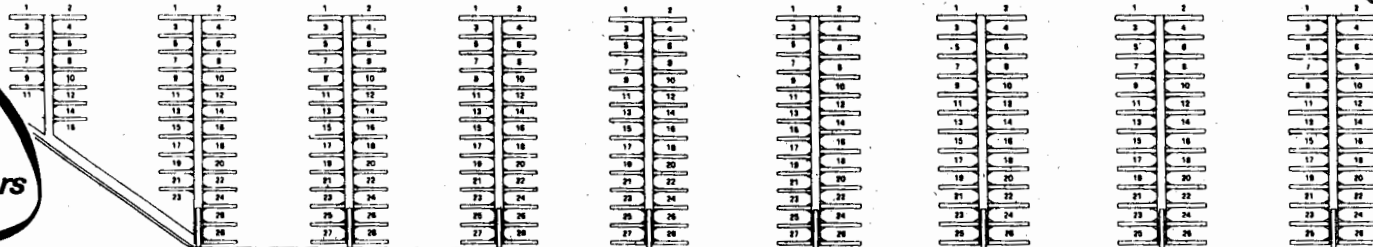
RECEIVED
South Coast Region

SEP 9 2004

CALIFORNIA
COASTAL COMMISSION



E2900 E2700 E2500 E2300 E2100 E1900 E1700 E1500 E1300 E1100



DEL REY YACHT CLUB

D2800 D2600 D2400 D2200 D2000 D1800 D1600 D1400

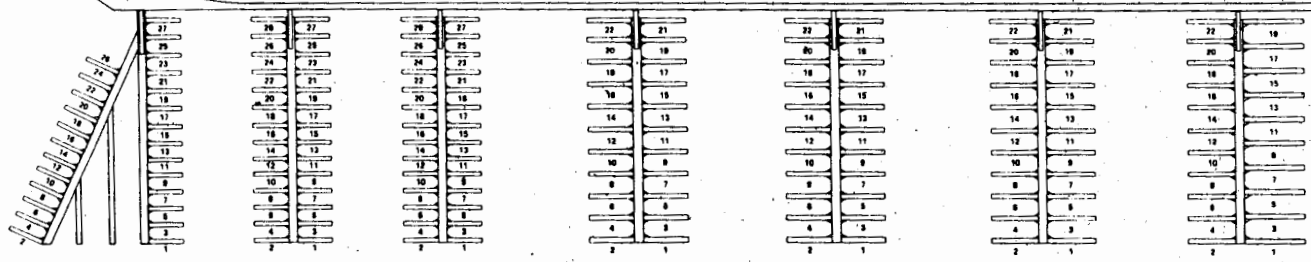


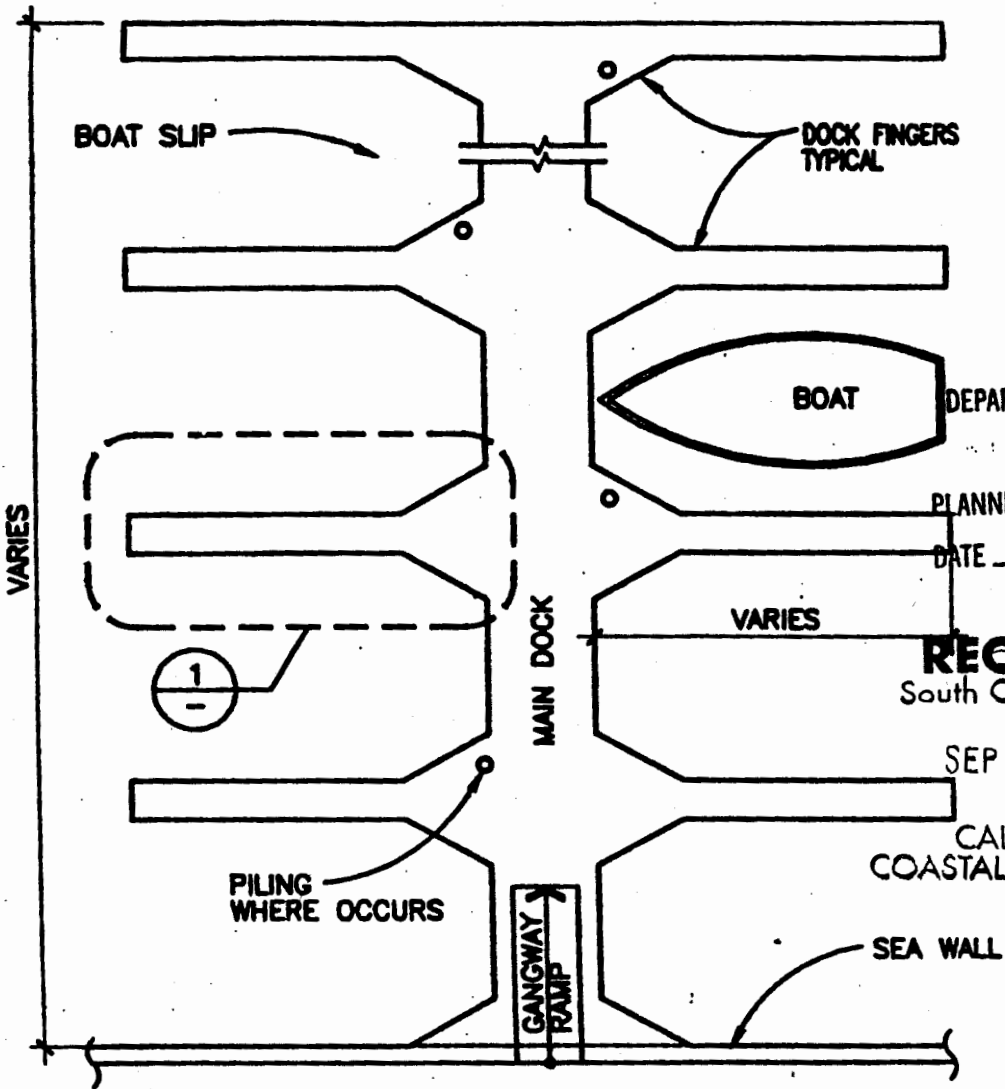
EXHIBIT NO. 3
Application Number
5-04-302
Site Plan
California Coastal Commission

NUTS BEARING ON WOOD SHALL HAVE GALVANIZED STEEL WASHER.

- 5. ALL WOOD DECKING SHALL BE ACX PLYWOOD. ALL LUMBER AND PLYWOOD SHALL BE PRESSURE TREATED WITH CHEMONITE (ACZA) PER AWP A P5 TO A MINIMUM NET RETENTION OF 0.60 PER CUBIC FOOT BY ASSAY PER AWP SPECIFICATIONS. MINIMUM TREATMENT PENETRATION OF .02 INCHES IN NOTCHES.

C. STEEL

- 1. STRUCTURAL STEEL SHALL CONFORM TO ASTM A36 FOR PLATES, ASTM A307 FOR BOLTS.
- 2. ALL BRACKETS SHALL BE HOT DIP GALVANIZED.
- 3. ALL BOLTS TO BE 3/4" CARRIAGE BOLTS AND GALVANIZED.
- 4. NO FIELD WELDING SHALL BE PERMITTED.



APPROVAL IN CONCEPT
 COUNTY OF LOS ANGELES
 DEPARTMENT OF BEACHS & RECREATION
 PLANNING DIVISION

PLANNER *[Signature]*
 DATE *[Blank]*

APPROVAL IN CONCEPT
DCB
 COUNTY OF LOS ANGELES
 DEPARTMENT OF BEACHS & RECREATION
 PLANNING DIVISION

PLANNER *[Signature]*
 DATE 4-19-01

RECEIVED
 South Coast Region
 SEP 3 2004
 CALIFORNIA COASTAL COMMISSION

SCALE: 1/16"=1'-0"

TYPICAL DOCK REFERENCE PLAN

DEPARTMENT OF REGIONAL PLANNING
 CASE NUMBER: PP 47378

This plot plan is APPROVED subject to the requirements of the California Coastal Code and to the conditions stated

APPI
 SIG.
 DATE

EXHIBIT NO. 4
 APPLICATION NO. 5-09-362
Typical Dock
Plan
 California Coastal Commission