

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Application No. 5-14-0770 (MDR Boat Central, LLP and Los Angeles County Department of Beaches and Harbors, Los Angeles Co.) Application of MDR Boat Central, LLP and Los Angeles County Dept. of Beaches and Harbors to construct 75 to 82-ft high dry stack boat storage facility with 11,600 square feet of water coverage, supported by 22 bearing piles driven 60 feet below surface of water at Basin II, 13837 Fiji Way, Marina del Rey, Los Angeles County.

Date and time of receipt of communication:

December 30, 2014 at 2:00pm

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Michael Tripp, Roger VanWert, Tom Hogan, Susan McCabe, Anne Blemker

Person(s) receiving communication:

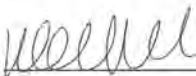
Wendy Mitchell

Detailed substantive description of the content of communication:

I received a briefing from County staff and representatives of Boat Central (as co-applicants) in which they described the proposed project, provided background on the "Map and Text Amendment" to the Marina del Rey LCP that was approved by the Commission in November 2011, and went through a briefing booklet that was previously provided to staff. As described, the project involves the construction of a dry stack storage facility over the water in Marina del Rey, as contemplated in the LCPA. The landside portion of the project was approved by the County and not appealed to the Commission. According to the representatives, the dry stack storage facility will increase public access and recreational boating opportunities by providing a new storage option for small boats. Staff has concluded that the project will not set a precedent for new over-the-water development since the LCP language has been carefully structured. The applicants are in complete agreement with the staff recommendation and special conditions and request approval by the Commission.

Date:

Signature of Commissioner: _____



CALIFORNIA COASTAL COMMISSION

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



Click here to go to
original staff report

F13a

ADDENDUM

DATE: January 6, 2015

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **Addendum to Item F13a:** Coastal Development Permit Application No. 5-14-0770 (MDR Boat Central, LP and Los Angeles County Department of Beaches and Harbors), scheduled for the Commission meeting of January 8, 2015

I. Changes to the Staff Report

The purpose of this addendum is to correctly identify the co-applicant's legal structure, which is a limited partnership (LP), misidentified as a limited liability partnership (LLP) in the staff report. Additionally, the addendum includes a correction to a typo in Special Condition 3(K). To reflect changes to the staff report, new text is **bolded and underlined**; deleted text is ~~struck through~~.

1. Amend all references to "~~MDR Boat Central, LLP~~" to "**MDR Boat Central, LP**." References exist on pages 1, 11, 12, and 14, and on the headings of every page except the first page.
2. Amend Special Condition 3(K) on page 7 as follows:

Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into **the marina** ~~Alamitos Bay~~ or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

II. Letters from Interested Parties

The Commission received two emails from members of the public, dated January 5, 2015 and January 6, 2015, included in this addendum. The interested parties raise concerns over the height of the proposed structures, the loading times of the dry stack boat storage facility, and the potential costs to small boat owners. All of these issues were addressed in the staff report.

Additionally, an attorney representing FantaSea Yachts submitted a letter and related exhibits dated December 29, 2014, included in this addendum. FantaSea Yachts currently operates a private business off of a dock which is proposed to be demolished by the subject development, which may be classified as visitor serving under the Coastal Act and the certified Marina del Rey Land Use Plan. They request that should the Commission approve the subject coastal development permit application, it condition its approval to protect the docking and customer parking interests of FansaSea Yachts at a relocated facility at Dock 55.

Commission staff declines to modify its recommendation as requested by FantaSea Yachts because the County of Los Angeles has already protected FantaSea's interests through Special Condition 36 of its approval of the landside portion of the proposed development. Special Condition 36 of Project No. R2008-02340-(4) (including local Coastal Development Permit No. 200800007, a conditional use permit, a variance, and a parking permit) reads as follows:

Prior to obtaining any demolition permit or commencing any demolition work for the project, the permittee shall obtain written verification from DBH that the physical improvements to Dock 55 at Fisherman's Village, which improvements are necessary to allow the charter boat use currently located at Dock 52 to operate at Dock 55, are functional and operational, that all permit(s) and/or environmental review required by law, if any, to construct and complete said physical improvements are obtained and/or completed, and that the customers of the charter boat operator have access to public parking lots 55 and W, which lots are adjacent to Fisherman's Village. This condition shall in no way be construed to grant any person or entity the exclusive use of any parking lot. For the purposes of clarity, any proposed modification of this condition shall be subject to the provisions set forth in sections 22.56.1600 through 22.56.1655, inclusive, and/or section 22.56.2530 of Title 22 of the Los Angeles County Code.

Commission staff has confirmed with County staff that the plan to relocate FantaSea Yachts and several charter fishing operations to Dock 55 is still current and that Special Condition 36 of the County approval is binding. Therefore, the request to include a similar condition in the Commission's action is redundant.

Rehm, Zach@Coastal

From: Ainsworth, John@Coastal
Sent: Tuesday, January 06, 2015 9:00 AM
To: Rehm, Zach@Coastal
Cc: Padilla, Al@Coastal
Subject: FW: Dry Stack Storage Project

From: Nora Nicosia [<mailto:noranic@ca.rr.com>]
Sent: Monday, January 05, 2015 8:19 PM
To: Ainsworth, John@Coastal
Cc: nora nicosia
Subject: Dry Stack Storage Project

Although I cannot attend your meeting, I wish to send my voice of opposition to this 75' high Boat Central Dry Stack Storage Project with its 82' crane.

The homeowner's community of Marina Del Rey will start to look like the Docks in San Pedro.

Respectfully submitted by homeowner.....Nora Nicosia
310 301-0475

Rehm, Zach@Coastal

From: Ainsworth, John@Coastal
Sent: Tuesday, January 06, 2015 8:59 AM
To: Rehm, Zach@Coastal
Cc: Padilla, Al@Coastal
Subject: FW: MDR Boat Central

From: Lynne Shapiro [<mailto:liro2323@gmail.com>]
Sent: Tuesday, January 06, 2015 8:54 AM
To: Ainsworth, John@Coastal
Subject: MDR Boat Central

Mr. Ainsworth and Members of the CCC:

I am unable to attend Friday's meeting because of an important medical appointment but wish to voice my disapproval of this ungainly building in Marina del Rey. The time it will take to pull boats out of and into the building, the charges incurred by small boat owners and the height of both the building and the crane do not belong here. No part of MDR is more beautiful than the small boats that ply these waters and the ocean (over which you preside and of which I have a view). This is a perfect example of allowing wealth to super cede the rights of recreational boaters with small craft. Please vote against this project!

Yours truly,
Lynne Shapiro

ALSTON & BIRD LLP

333 South Hope Street, 16th Floor
Los Angeles, CA 90071-1410

213-576-1000
Fax: 213-576-1100
www.alston.com

Edward J. Casey

Direct Dial: 213-576-1005

December 29, 2014

RECEIVED
South Coast Region

DEC 31 2014

CALIFORNIA
COASTAL COMMISSION

Email: ed.casey@alston.com

VIA FACSIMILE & U.S. MAIL
(562) 590-5084

Steve Kinsey, Commission Chair
California Coastal Commission
South Coast District Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Attention: Zach Rehm, Coastal Program Analyst

Re: Agenda Item F13a
Coastal Development Permit No. 5-14-0770 to Permit Development
of Dry Stack Boat Storage Facility

Dear Mr. Kinsey:

We represent FantaSea Yachts, which is one of the oldest visitor serving businesses in Marina del Rey. FantaSea Yachts is a family business that hosts approximately 400 events a year on its charter boats, ranging from weddings, birthday and anniversary events as well as corporate and charity celebrations, cruises and events for schools and colleges. FantaSea currently operates at Dock 52 and its customers park at the lot immediately adjacent to Dock 52. FantaSea's operations are classified as "Visitor Serving" under both the Marina del Rey Land Use Plan and the Coastal Act, both of which expressly encourage visitor serving uses and mandate their protection for the benefit of the public. The viability of its business depends on adequate docks and sufficient adjacent parking for the visitors aboard on FantaSea's boats. We submit this letter in connection with the requested Coastal Development Permit No. 5-14-0770 ("CDP") for construction of a 75-foot high dry stack boat storage facility ("Project") on Parcel 52.

The Project would displace the visitor serving uses currently operating at Dock 52, namely, FantaSea Yachts and fishing charter businesses, which together host more than 100,000 visitors to Marina del Rey. FantaSea supports the plan to develop dry stack storage at the Marina, but only if the plan fully accommodates all existing uses, particularly visitor serving uses given their protected status under the Coastal Act.

Accordingly, FantaSea submitted comment letters to the County in 2013 raising those concerns. (Copies of those letters are enclosed with this letter.)

In granting the necessary permits for the Project in 2013, the County, most notably the Department of Regional Planning and Department of Beaches and Harbor, carefully crafted an appropriate compromise that accommodated these visitor serving uses and the proposed Project. In Condition 37 in the County permits, the County conditioned its approval of the Project as follows: "the elimination of Dock 52 will not occur until the charter boat docking and parking uses are relocated to Dock 55." (A copy of Condition 37 from the County permits is enclosed with this letter.)

We urge the Commission to embrace this approach and conditioned its approval of the Project in the same manner. Specifically, Condition 8 of the proposed CDP, which is currently drafted to require compliance with the requirements imposed by different resource agencies, could be modified to also require compliance with the conditions in the permits and approvals granted by the County. Alternatively, a condition could be added to the CDP that mirrors Condition 37 in the County's permits. Either approach would ensure the continuance of longstanding visitor serving uses at Marian del Rey, which is one of the stated policy objectives of the Coastal Act.

We appreciate the opportunity to provide comments on this issue and look forward to working with all interested parties.

Very truly yours,



Edward J. Casey

EJC/ysr
Enclosures

cc: Gary Jones
Director, Department of Beaches and Harbors
County of Los Angeles
(w/encls.)

ALSTON & BIRD L.L.P.

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Email: ed.casey@alston.com

April 18, 2013

VIA EMAIL

Los Angeles County Regional
Planning Commission
320 West Temple Street
Los Angeles, CA 90012

Re: Boat Central Project
Project No. R2008-02340-(4)
Regional Planning Commission agenda, Wednesday, April 24, 2013

Dear Chairman Louie and Honorable Commissioners:

We represent FantaSea Yachts, which is one of the oldest visitor serving businesses in Marina del Rey. FantaSea Yachts is a family business that hosts approximately 400 events a year on its charter boats, ranging from weddings, birthday and anniversary events as well as corporate and charity celebrations and cruises and events for schools and colleges. FantaSea currently operates at Dock 52 and its customers park at the lot immediately adjacent to Dock 52. The viability of their business depends on adequate docks and sufficient adjacent parking for the visitors aboard on their boats.

FantaSea's operations are classified as "Visitor Serving" under both the Marina del Rey Land Use Plan and the Coastal Act, both of which expressly encourage visitor serving uses and mandate their protection for the benefit of the public. Despite those public policies, however, a new dry stack storage facility has been proposed for Dock 52 (Boatyard Central), which would displace the visitor serving uses currently operating at Dock 52, namely, FantaSea Yachts and fishing charter businesses which together host more than 100,000 visitors to Marina del Rey. FantaSea has consistently stated that it supports the development of dry stack storage in Marina del Rey, but the Boatyard Central Project is not appropriately sized or suitable for Dock 52. To avoid repetition, we are enclosing with this letter copies of FantaSea's earlier comment letters and public testimony concerning this project.

In reviewing the voluminous package of materials released on April 11, 2013 by the Department of Regional Planning (DRP), we note that a set of proposed Conditions of Approval are included in the material. Specifically, Condition 36 addresses the relocation of FantaSea's operations to Dock 55 before demolition can commence at Dock

52 for the Boatyard Central Project. While FantaSea appreciates DRP's recognition of the need to ensure that our client's visitor serving use is successfully relocated before the construction of the Boatyard Central Project is started, we believe that the proposed Condition needs to address additional logistical issues inherent in relocating our client's operations. Such issues range from permitting to CEQA review to a new ground lease.

As presently written by County staff, proposed Condition of Approval 36 reads as follows:

"Prior to obtaining any demolition permit for the project, the permittee shall obtain written verification from DHB that improvements to Dock 55 at Fisherman's Village are functional and operational in order to accommodate the uses located at Dock 52, which will relocate to Dock 55 as a result of the project."

In order for the condition to reflect more the of logistics of relocating FantaSea's operations to Dock 55, suggest the condition read as follows:

"Prior to obtaining any demolition permit or commencing any demolition work for the project, the permittee shall obtain written verification from DBH that (a) the physical improvements to Dock 55 at Fisherman's Village necessary to allow the charter boat use currently located at 52 to operate at Dock 55 have been completed, (b) all permits, approvals and environmental clearance under CEQA needed to construct those improvements and allow the charter boat use to operate at Dock 55 have been granted by all necessary agencies, and (c) a ground lease and any other appropriate contract between DBH and the operator of said charter boat use have been fully executed that will allow for said operator's use of Dock 55 on terms similar to its current use of Dock 52 and the immediately adjacent parking lot to fully meet the parking needs of the customers of said charter boat use. Since the enforcement of this condition affects the ongoing operations of an existing tenant at the Marina, this condition cannot be modified without the written consent of the operator of said charter boat use."

A similar condition should be repeated for relocating the fishing boat fleet to Dock 77, as suggested in DRP's Responses to Comments on the Draft EIR.

While we urge the Planning Commission to adopt our proposed version of Condition 36, we understand that the entitlement and environmental review process for the Boatyard Central Project may continue at the same time that the Commission considers our proposed language. Accordingly, we must request that the Commission

continue this hearing in order for us to have sufficient time to review and respond to the new studies provided for the first time in the proposed Final EIR released just one week ago. In fact, since those studies address potentially significant environmental impacts not studied in the Draft EIR, CEQA mandates that the Draft EIR be recirculated for further public review and comment. State CEQA Guideline 15088.5 provides that:

A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

The proposed Final EIR includes two new studies, the Basin H Vessel Traffic Study and a new parking study dated March 8, 2013 by an outside consulting firm (the "New Parking Study"). Most importantly to our client, the New Parking Study analyzes potentially new significant impacts, almost by definition, and therefore triggers the need for recirculation. The New Parking Study analyzes the loss of parking at the lot adjacent to Dock 52 for the visitor serving uses currently using that lot¹ and the corresponding impact on other parking lots in the Marina attributable to those visitor serving uses accessing those lots (including FantaSea's proposed use of the lot immediately adjacent to Dock 55 if FantaSea's operations are relocated to Dock 55.) Indeed, that study uses parking data attributable to the operations of FantaSea and other existing tenants that is not included in the Draft EIR.² Further, the Draft EIR does not discuss any issue

¹ The Final EIR seeks to diminish the loss of parking at the Dock 52 lot by calling it a "temporary" parking lot. That position, however, is factually and legally wrong. That lot has been used for parking for over 30 years, and the California Supreme Court has held that "A long line of Court of Appeal decisions holds ... that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than to allowable conditions defined by a plan or regulatory framework." (*Communities for a Better Environment v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 321-22.)

² We note that the parking data in the New Parking Study may not be complete or comprehensive for the reasons discussed in the letter to the Commission from the Marina Del Rey Lessees' Association dated April 17, 2013.

associated with relocating FantaSea to Dock 55 since the Draft EIR did not analyze any impact associated with displacing FantaSea's operations, let alone relocating them to a specific location at the Marina. Thus, for the first time, the New Parking Study analyzes new and potentially significant impacts not studied in the Draft EIR, and the Final EIR proposes new mitigation measures to address those impacts. Therefore, by definition, the test for recirculation under CEQA Guideline 15088.5 has been met and the County is required to recirculate the Draft EIR for additional public review and comment. The need to do so is particularly justified in this case since no person can adequately analyze these new studies within one week, let alone retain a qualified expert in the relevant areas to provide an opinion on the technical adequacy of the studies.

These issues are all "substantial issues," as are the issues raised in FantaSea's comment letter on Draft EIR. As described in more detail in that letter (a copy of which is enclosed), the Draft EIR failed to provide essential information about the existing uses at Dock 52. Absent an accurate description of existing conditions at the site of a proposed project, no EIR can satisfy CEQA's important public policy of providing a full and complete analysis of what environmental impacts will be caused by the proposed project and how existing conditions will change. (See *Communities for a Better Environment*, 48 Cal.4th at p. 89 [an EIR "fails as an informational document" where the EIR fails to provide a consistent and accurate description of environmental baseline].)

FantaSea supports the County's plan to develop dry stack storage at the Marina, but only if the plan fully accommodates all existing uses, particularly visitor serving uses given their protected status under the Coastal Act. We look forward to continuing to work with the County to achieve that mutual goal.

Very truly yours,



Edward J. Casey

EJC/ysr
Enclosures

cc: Hon. Don Knabe, Supervisor, Fourth District (w/encls.)
Santos Kreimann, Director, Department of Beaches and Harbors
(Via Email, w/encls.)
Steve Napolitano, Field Deputy Fourth District (Via Email, w/encls.)
Gary Jones, Department of Beaches and Harbors (Via Email, w/encls.)



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January 27, 2011

Via Overnight Delivery

Clerk of the Board of Supervisors of the County of Los Angeles
Attn: County of Los Angeles Board of Supervisors
500 W. Temple Street, Room 383
Los Angeles, CA 90012

Re: Marina del Rey Map and Text Amendment

Honorable Mayor Antonovich and Los Angeles Country Supervisors:

We are writing in reference to the Marina del Rey "Map & Text" Amendment that your Board will be hearing at its February 1, 2011 meeting.

FantaSea Yachts is one of the oldest visitor-serving businesses in Marina del Rey, now celebrating our 31st year as a family business providing affordable and easy access to boating in the marina. Over these years, our passenger charter vessels have hosted hundreds of thousands of visitors to the Marina. Many of our guests have been Los Angeles County residents who have used our charters to enjoy a night on the water in their marina, while many other of our guests have come from around the country and world, eager to enjoy the unique Marina del Rey boating experience we offer.

We would like to draw your attention to the critical importance of maintaining adequate commercial docks and adjacent parking for the passenger charter vessels operating in Marina del Rey. Parcel 52 (the site of the proposed "Almar" dry stack boat storage project that is a component of the Map & Test amendment before your Board) is the main commercial charter dock for passenger vessels and charter fishing boats serving Marina del Rey. Parcel 52 is literally the gateway for tens of thousands of visitors each year looking for easy and affordable boating and fishing experiences in Marina del Rey.

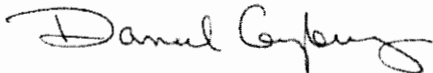
"We treat every celebration as if we are entertaining members of our own family."

- Uri & Daniel Ginzburg, Founders

The pending Map & Text Amendment includes a land use change for Parcel 52 that would facilitate the elimination of the commercial dock and the adjacent 236 public parking spaces at Parcel 52, and the subsequent conversion of this parcel to dry stack boat storage. We look forward to the continued revitalization of the marina and appreciate the efforts to balance the different elements. However, on behalf of the commercial boating community and the tens of thousands of visitors we serve with affordable boating opportunities in Marina del Rey, we request that you condition your approval of the Map & Text amendment to require the replacement of comparable commercial dock and adjacent parking facilities elsewhere in the Marina prior to allowing for the elimination of these critical visitor-serving, recreational boating facilities at Parcel 52.

Thank you for your valued consideration.

Sincerely,



Daniel Ginzburg
Owner

cc:

- Nicole Englund, Planning Deputy to Hon. Supervisor Gloria Molina, 1st District (via email)
- Dan Rosenfeld, Planning Deputy to Hon. Supervisor Mark Ridley-Thomas, 2nd District (via email)
- Vivian Rescalvo, Department of Beaches & Harbors Deputy to Hon. Supervisor Zev Yaroslavsky, 3rd District (via email)
- Julie Moore, Planning Deputy to Hon. Supervisor Don Knabe, 4th District (via email)
- Steve Napolitano, Department of Beaches & Harbors Deputy to Hon. Supervisor Don Knabe, 4th District (via email)
- Edel Vizcarra, Planning Deputy to Mayor Michael D. Antonovich, 5th District (via email)
- Santos Kreimann, Director of Beaches & Harbors (via email)

GOOD EVENING, MY NAME IS DANIEL GINZBURG.

I AM THE CO-OWNER OF FANTASE YACHTS: WE HAVE PASSENGER BOATS, **PARTY BOATS** AS THEY ARE CALLED. WE SPECIALIZE IN DINNER CRUISES AND WEDDINGS, BIRTHDAY PARTIES, ANNIVERSARIES, CORPORATE, CHARITY, HIGH SCHOOL AND COLLEGE EVENTS. YOU NAME IT, WE HAVE DONE IT. OUR ONBOARD GUESTS, **VISITORS** TO MARINA DEL REY, COME FROM AS CLOSE AS NEXT DOOR AND FROM THE FAR REACHES OF THE COUNTY AND EVEN SOMETIMES THE WORLD.

MY FATHER STARTED OUR BUSINESS IN 1980 AND I GREW UP WORKING IN THE BUSINESS. WE'RE ONE OF THE OLDEST CONTINUOUS BUSINESSES IN THE MARINA AND WE ARE VERY PROUD TO BE IN MARINA DEL REY.

THANK YOU FOR ALLOWING ME TO SPEAK AND I AM GRATEFUL FOR THE OUTREACH EFFORTS AND WORK OF THE DEPARTMENT OF BEACHES & HARBORS TO FIND THE BEST POSSIBLE USES AND BALANCES FOR MARINA DEL REY. THIS IS NOT EASY.

LAST YEAR, FANTASEA YACHTS HAD MORE THAN **25,000 VISITORS** BOARDING OUR BOATS AT DOCK 52 AND OVER THE YEARS **HUNDREDS OF THOUSANDS** OF VISITORS. **BUT** YOU WOULDN'T KNOW THAT BY READING THE **EIR**.

DOCK 52 IS THE **PRIMARY** COMMERCIAL DOCK IN MARINA DEL REY. THE **ONLY** SUCH DOCK ON THE NON-RESIDENTIAL SIDE OF THE MARINA. **BUT**, YOU WOULDN'T KNOW THAT BY READING THE **EIR**.

WE HAVE USED DOCK 52 FOR MORE THAN 30 YEARS AND IS THE COMMERCIAL BOATING **GATEWAY** TO MARINA DEL REY, **BUT** YOU WOULDN'T KNOW THAT BY READING THE **EIR**.

DOCK 52, IS ALSO THE **PRIMARY** CHARTER FISHING DOCK IN MARINA DEL REY, **BUT** YOU WOULDN'T KNOW THAT BY READING THE **EIR**.

THE PUBLIC PARKING LOT AT DOCK 52, SCHEDULED FOR ELIMINATION, IS ONE OF THE **LARGEST** IN THE MARINA, **BUT** YOU WOULDN'T KNOW THAT BY READING THE **EIR**.

THE BOAT CENTRAL PROJECT WOULD TURN THIS **VITAL** VISITOR SERVING AREA INTO A **STORAGE** FACILITY FOR OUT OF WATER BOATS.

IN FACT, THIS PROJECT WAS ORIGINALLY REJECTED BY BOTH THE MARINA DEL REY DESIGN CONTROL BOARD AND **AND** THE SMALL CRAFT HARBOR COMMISSION. **BUT** YOU WOULDN'T KNOW THAT BE READING THE **EIR**.

OF THE **HUNDREDS OF THOUSANDS** OF WORDS IN THE EIR, **FEWER** THAN 100 WORDS ADDRESS THE **DIRECT AND UNAMBIGUOUS PRE-DEVELOPMENT** REQUIREMENT TO REPLACE THE DOCK 52 COMMERCIAL DOCK AND ASSOCIATED PARKING. **BUT** THE EIR DOESN'T SAY **HOW**. DOESN'T SAY **WHERE?** **DOESN'T** EVEN CLEARLY SAY **WHEN**.

WHAT THE COASTAL COMMISSION, REGIONAL PLANNING AND THE DEPARTMENT HAVE MADE VERY CLEAR IS THE **WHEN**: THIS MUST BE **DONE, AND IN PLACE, PRIOR** TO ELIMINATING DOCK 52 AND THIS REPLACEMENT COMMERCIAL DOCK AND PARKING MUST BE **CLOSELY COMPARABLE** TO WHAT THEY ARE ELIMINATING AT DOCK 52.

I AM ENCOURAGED THAT THERE HAS BEEN SOME TALK AND DISCUSSIONS ABOUT POSSIBLE ALTERNATIVE SCENARIOS AND PLANS: **BUT** THE **-WHO, WHAT & HOW** NEEDS TO BE WORKED OUT IN **ADVANCE** WITH **CLARITY** AND **FAIRNESS** AND MUST BE MADE PART OF THE DEVELOPMENT RECORD AND APPROVAL PROCESS.

DOCK 52 IS TOO VITAL TO THE VISITOR SERVING AND HOSPITALITY COMMUNITY OF MARINA DEL REY FOR ANYTHING LESS.

THANK YOU FOR YOUR CONSIDERATION.



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February 29, 2012

Via Email & US Mail

Anita Gutierrez
Los Angeles Department of Regional Planning
Special Projects Section, Room 1362
320 W. Temple Street
Los Angeles, CA. 90012

RE: Boat Central Project-Dock 52. Country Project #R2008-02340-(4)

Dear Ms. Gutierrez:

Thank you for the opportunity to voice my concerns at the First Public Hearing for the above referenced project on February 8, 2012. We have reviewed this project's Draft Environmental Impact Report (DEIR) and find that it substantially misstates, mischaracterizes and significantly under estimates the current uses and proposed impacts to this vital visitor serving area the Marina del Rey Community knows long and well as "Dock 52".

Dock 52 is the primary commercial charter dock in Marina del Rey and has been for more than 30 years. From this single long dock, more than 50,000 visitors to Marina del Rey each year board charter dinner cruise and fishing boats. Over the years, more than 1,000,000 visitors from near and far have used Dock 52 to enjoy dinner, weddings, birthday parties, corporate events or for a fun fishing outing. Dock 52 offers easy and affordable access to the waterfront and a cruise through the marina and Santa Monica Bay. This is exactly what the Coastal Commission, The Department of Regional Planning and the Department of Beaches & Harbors have held up as amongst the very highest of priorities for Marina del Rey. If approved as proposed, The Boat Central Project would take away this critical marina visitor serving dock with its large 245 space public parking lot and turn it into a long-term boat storage facility.

"We treat every celebration as if we are entertaining members of our own family."

- Uri & Daniel Ginzburg, Founders

The DEIR in the Existing Condition (4.2) and Existing Setting (5.7.1) sections substantially under represents the usage demands of Dock 52, much like a report about the Staples Center omitting a reference to The Lakers or a study about the 405 Freeway not including a discussion on traffic. Nowhere in the DEIR would you be able to read about the high usage and critical visitor serving role of Dock 52. In fact, our company, FantaSea Yachts, the oldest charter operator in the marina (now more than 30 years) and the largest charter user of Dock 52 is not even mentioned in the DEIR. The largest charter fishing operator at Dock 52, Marina del Rey Sportfishing, is also not mentioned in the DEIR. Instead, the DEIR and associated appendices ambiguously cites to "charter fishing ventures" and "Marina Cruise Line" a company that does not even exist in Marina del Rey and can not be found in the broadest of "Google" searches.

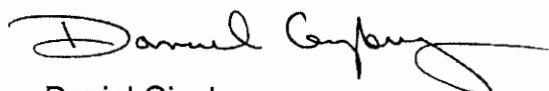
The Coastal Commission, The Department of Regional Planning and the Department of Beaches & Harbors have all made it clear to the public and the effected visitor serving and commercial operators that there is a requirement that before Dock 52 can be eliminated, alternative comparable commercial docking and associated parking must be identified and built. But in the more than 1,000 pages of the DEIR and Appendices less than 1/2 page is allocated to this critical pre-development requirement and only then with a vague and uncertain reference to a possible alternative location. But the DEIR fatally fails to specifically reference, the "How" "When" "Where" or "Who" of this important question. We are grateful for the recent efforts of the Department of Beaches & Harbors to facilitate discussions towards identifying possible alternative commercial docks and parking. However, while discussions are helpful, they do not offer the certainty and specification as required by the DEIR.

We also share the boating community's concern about this project's impact on the safety and navigation of boats in H Basin given the proposed storage facility's size, footprint over the water and amount of additional boats that would be launched in H-Basin. The DEIR does not adequately address this important safety issue nor the impact on the immediately adjacent launch ramp. In fact, it was for some of these reasons that when the Boat Central Project was presented to Small Craft Harbor Commission and the Marina del Rey Design Control Board, both marina oversight bodies rejected this project. The DEIR does not fully reveal this important and substantive regulatory history.

February 29, 2012

Dock 52 is vital to the visitor serving, hospitality and boating community in Marina del Rey and is the most heavily utilized public access facility to the waterfront in the marina. Only a full, honest and in depth analysis would do justice to a process that contemplates the elimination of such a community asset. The DEIR falls well short of this standard.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Daniel Ginzburg", with a stylized flourish at the end.

Daniel Ginzburg,
Owner

cc:

- Don Knabe, Los Angeles County Supervisor 4th District. (via US Mail)
- Santos Kreimann, Director, Department of Beaches & Harbors (via email)
- Gary Jones, Department of Beaches & Harbors (via email)
- Steve Napolitano, Deputy to Supervisor Don Knabe, 4th District (via email)
- Richard Bruckner, Director, LA County Dep't of Regional Planning (via US Mail)



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 1, 2013

Roger Van Wert
12301 Wilshire Boulevard, Suite 203
Los Angeles, CA 90025

**REGARDING: PROJECT NO. R2008-02340-(4)
COASTAL DEVELOPMENT PERMIT NO. 200800007
CONDITIONAL USE PERMIT NO. 200800191
VARIANCE PERMIT NO. 200800015
PARKING PERMIT NO. 200800010
13483 Fiji Way, Marina del Rey**

The Regional Planning Commission, by its action of **April 24, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **May 8, 2013**. **Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action. For questions or for additional information, please contact Anita Gutierrez of the Special Projects Section at (213) 974-4813, or by email at agutierrez@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Samuel Dea, Supervising Regional Planner
Special Projects Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;
SD:ADG

CC.060412

1,560 square feet in size will be located at the terminus of a promenade along the western property edge overlooking the marina. The view park will provide views of the marina and will include a picnic area, benches and other public amenities. An existing bicycle trail known as the South Bay Bike Trail runs adjacent to the project site along Fiji Way. The bicycle path provides the public with a lower cost recreational opportunity consistent with the goals of the LCP. As noted on page 5-243 of the DEIR, bicyclists have historically used the temporary public parking lot on Parcel 52 as a starting point for using the bicycle trail. The bicycle trail shall be retained as it exists. However, the parking lot will be unavailable once construction of the project commences. Alternative parking will be available at Parcel 49M (located at Admiralty Way and Mindanao Way) and on Parcel UR (located at intersection of Admiralty Way and Bali Way). Construction activities and staging will not result in any permanent closure of the bicycle trail. The dry stack storage building will be approximately 70 feet in height with a gantry crane and protective covering adding an additional seven (7) feet in height. Due to the gentle slope of the project site (which descends approximately eight (8) feet from the street to the bulkhead), the dry stack storage structure will be approximately 67 feet at Fiji Way and about 75 feet along the water, with the crane and covering ranging in height from 70 feet to 81.5 feet. The Facility would protrude into Basin H and overhang the water by approximately 45 feet on the eastern side and approximately 97 feet on the western side. The new docks would extend approximately 150 feet into Basin H on the eastern side and 200 feet on the western side, within the water lease line. The project will increase the total capacity of boat storage within the Mindanao Area.

36. The project landscaping along site perimeters (Fiji Way) will maintain a minimum width of eight feet and will allow visual access into the lot, as required by the certified LCP.
37. The Project is consistent with Boat Storage development standards, pursuant to County Code Section 22.46.1490. The dry stack storage building will be approximately 70 feet in height with a gantry crane and protective covering adding an additional seven (7) feet in height. Due to the gentle slope of the project site (which descends approximately eight (8) feet from the street to the bulkhead), the dry stack storage structure will be approximately 67 feet at Fiji Way and approximately 75 feet along the water, with the crane and covering ranging in height from 70 feet to 81.5 feet. The site plan depicts a 5 foot vegetated side yard setback on the eastern property boundary, and a 32.5 foot side yard setback along the western property boundary. The applicant is requesting a variance to authorize construction of the dry stack building within the 5 foot rear yard setback and within 15 feet of the bulkhead. The project is providing a 50% view corridor to the water. The corridor consists of two components, 1) a 32.5-foot-wide side pathway along the western edge of Parcel 52, comprised of a paved promenade with landscaping on either side ending in a passive public park and overlook area. 2) A 168-foot-wide pathway from the eastern wall of the dry stack storage facility to the western

edge of the Sheriff/Lifeguard facility. This larger area of the corridor affords the public a view of Basin H, the public launch ramp and areas beyond.

The Project will not reduce the amount of land area devoted to an existing coastal-dependent boating use as the property was being used as a temporary parking lot and Dock 52 uses (primarily charter fishing boat and dinner cruise loading and unloading) will be relocated to Dock 55 as a condition of approval. Parking will be available at Parcel 49M and Parcel UR during peak periods. In accordance with the phasing requirements of Section 22.46.1490, the elimination of Dock 52 will not occur until the charter boat docking and parking uses are relocated to Dock 55.

38. Consistent with LCP policy in Recreational Boating , the LCP allows discretion in determining the appropriate number of parking spaces for a dry storage use. An analysis of industry design ratios for dry stack storage facilities was prepared by Linscott, Law & Greenspan Engineers in the Traffic Impact Analysis: Dry Stack Boat Storage, dated May 20, 2010 (Appendix J of DEIR.) The analysis submitted by the applicant supports a determination that the ratio of 1:3 is sufficient to meet the parking needs of the Project. The permittee will provide parking calculated at a parking ratio of one (1) space per three (3) dry storage spaces (for boat storage) and a ratio of one (1) space per 400 square feet for office use. A minimum of 134 parking spaces shall be provided on-site, of which 122 shall be standard parking spaces and 12 shall be compact will provide adequate parking for the Project.
39. The permittee has requested a Parking Permit to allow for valet parking. The valet will alleviate any parking congestion during peak operating times, the valet-assisted parking will increase the Project's functional parking capacity to 147 spaces (results in approximately 13 additional valet spaces in the center parking aisles).
40. The permittee has requested a Variance for the construction of the dry stack storage building within the five (5) foot rear yard setback and within 15 feet of the bulkhead. The Project's over the water design requires development from the land to the water without interruption, which requires building over the bulkhead. The Facility is designed so that the piles that support the structure do not penetrate the earth in the setback area or the bulkhead zone. The structure will occupy the airspace of the setback area and the bulkhead zone, however it will not attach to the ground, the bulkhead or the sea floor within the setback or bulkhead zone. The over the water component is essential is the function and efficiency of the project design for moving boats to and from the water. Due to special circumstances and uniqueness of the this design the Planning Commission finds the requested Variance for the construction of the dry stack storage building within the five (5) foot rear yard setback and within 15 feet of the bulkhead is needed.
41. The DCB is charged with regulating the design of Marina del Rey signage through its "Revised Permanent Sign Controls and Regulations" (Section 22.46.1060 (D))

28. In the event of discovery of Native American remains or of grave goods, §7050.5 of the Health and Safety Code, and §5097.94, §5097.98 and §5097.99 of the Public Resources Code (all attached) shall apply and govern the permittee's development activities.
29. The applicant shall provide signage at conspicuous locations along the length of the promenade along the western edge of the facility identifying the promenade and view park as public, to the satisfaction of Regional Planning. Benches shall be provided at the view park.
30. Outside lighting shall be so arranged to prevent glare or direct illumination onto any adjacent properties and shall be subject to the requirements of the DCB.
31. All necessary Public Works facilities and infrastructure shall be provided for the project prior to the County's issuance of a Certificate of Occupancy for the project, to the satisfaction of the Director of the Department of Public Works. All project infrastructure shall be designed and constructed in an environmentally sensitive manner, in full conformance with County Department of Public Works' requirements to the satisfaction of said Department, and shall follow the design and recreation policies of the certified Local Coastal Program, including landscaping standards required by the DCB.
32. 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.
33. The permittee shall comply with all recommended conditions listed in the attached letter from the Department of Public Works dated October 12, 2011 except as otherwise required by said department.
34. The permittee shall comply with all recommended conditions listed in the attached letter from the Los Angeles County Fire Department dated March 29, 2010, except as otherwise required by said department.
35. The applicant shall provide fire sprinklers in all structures in accordance with County Building Code, Chapter 38, sections 3802(b) 5 and 3802 (h) to the satisfaction of the County Fire Department.
36. Prior to obtaining any demolition permit or commencing any demolition work for the project, the permittee shall obtain written verification from DBH that the physical improvements to Dock 55 at Fisherman's Village, which improvements are necessary to allow the charter boat use currently located at Dock 52 to operate at Dock 55, are functional and operational, that all permit(s) and/or environmental review required by law, if any, to construct and complete said physical

improvements are obtained and/or completed, and that the customers of the charter boat operator have access to public parking lots 55 and W, which lots are adjacent to Fisherman's Village. This condition shall in no way be construed to grant any person or entity the exclusive use of any parking lot. For the purposes of clarity, any proposed modification of this condition shall be subject to the provisions set forth in sections 22.56.1600 through 22.56.1655, inclusive, and/or section 22.56.2530 of Title 22 of the Los Angeles County Code.

37. The building height shall not exceed 75 feet, except for the gantry crane and protective covering, which will extend an additional seven (7) feet in height and is allowed to exceed the height limitations pursuant to County Code Section 22.46.1880. Maximum height with crane shall not exceed 82 feet.
38. As outlined in the attached MMP, Prior to the issuance of building permits, the project applicant shall pay Transportation Improvement Program fees based on the PM peak hour trips generated by the project in the amount specified by Public Works.
39. The permittee shall establish a functional Transportation Demand Management (TDM) program or shall participate in an existing TDM program. Viable TDM components may include, but shall not be limited to:
 - Carpools;
 - Ridesharing;
 - Vanpools;
 - Increase use of bicycles for transportation;
 - Bicycle racks;
 - Preferential parking for TDM participants;
 - Incentives for TDM participants;
 - Disincentives.

Said TDM program shall follow the guidelines in the Transportation Improvement Program contained in Appendix G of the Marina del Rey Local Coastal Program. A report on the effectiveness of the TDM program shall be provided to the Director, upon request.

PERMIT SPECIFIC CONDITIONS – Parking Permit

40. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one (1) space per three (3) dry storage spaces (for boat storage) and a ratio of one (1) space per 400 square feet for office use.
41. A minimum of 134 parking spaces shall be provided on-site, of which 122 shall be standard parking spaces and 12 shall be compact. No inoperable vehicles shall be parked, stored, or otherwise allowed to remain in the required parking spaces. On

CALIFORNIA COASTAL COMMISSION

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



F13a

Filed:	9/16/14
180th Day:	3/15/15
Staff:	Z. Rehm-LB
Staff Report:	12/18/14
Hearing Date:	1/9/15

STAFF REPORT: REGULAR CALENDAR

Application Number: 5-14-0770

Applicants: MDR Boat Central, LLP and Los Angeles County Department of Beaches and Harbors

Agents: Roger Van Wert, Van Wert Inc.
Timothy Bazley, Blue Water Design Group
Michael Tripp, LA County Dept. of Beaches and Harbors

Project Location: Overwater southeasterly section of Basin H, Parcel 52, adjacent to 13483 Fiji Way, Marina del Rey, Los Angeles County; APN 4224-010-900

Project Description: Construction of 75-foot high dry stack boat storage facility and 82-foot high crane apparatus with approximately 11,600 square feet of water coverage, supported by 22 48-inch steel bearing piles, extending up to 97 feet into Basin H. Construction of approximately 6,738 square feet of modular concrete floating queuing docks, supported by 30 16-inch concrete guide piles, extending up to 200-feet into Basin H. Installation and continuous maintenance of a trash skimmer and implementation of water quality management plan.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The development proposed by this application is the waterside portion of the Boat Central Project within the Commission's permit jurisdiction in Marina del Rey. The Boat Central Project includes a 345-space dry stack boat storage facility, 6,738 square feet of modular concrete floating queuing

docks, a 30-space mast-up sailboat storage facility, a County Sheriff's maintenance facility, a customer lounge and restroom area, a 134-space parking lot, and a public promenade and park. The Boat Central Project was analyzed and planned for in Local Coastal Program (LCP) Amendment MDR-MAJ-1-11, approved by the Commission with suggested modifications on November 3, 2011. That major update to both the Marina del Rey Land Use Plan and Implementation Plan designated Parcel 52 as a future site for a dry stack storage facility and increased the height limit to 75 feet, excluding accessory cranes which may be taller. The LCP amendment analyzed potential impacts to public access and recreation, habitat, water quality, and visual resources and set specific policies and standards for development of a dry storage facility (and for other future "Pipeline Projects").

After holding multiple public hearings, the County of Los Angeles found that the landside portion of the proposed Boat Central Project was consistent with the policies and standards set forth in the Marina del Rey LCP and approved the landside portion of the project through local Coastal Development Permit No. 200800007. The County also approved a Conditional Use Permit, a Parking Permit for the 134-space lot, and a variance for a zero setback from the bulkhead.

The Commission has permit jurisdiction over the development proposed on the seaward side of the bulkhead, including the approximately 11,600 square foot portion of the proposed structure which projects up to 97 feet into Basin H. Development subject to this permit also includes approximately 6,738 square feet of modular concrete floating queuing docks and the piles necessary to support the dry storage structure and the floating docks. Chapter 3 of the Coastal Act is the standard of review.

The proposed waterside improvements have the potential to impact public access and recreation, habitat, water quality, and visual resources. Impacts to public access include the proposed removal of an approximately 175-foot long County-owned dock used by charter fishing operators and the siting of the structure along the bulkhead line, limiting public passage along the water. These impacts are mitigated by the provision of 345 dry storage boat spaces which will be offered for lease to the public and by the provision of a public promenade and park surrounding the proposed structure.

Approximately 300 square feet of soft bottom habitat is proposed to be filled by the proposed installation of 22 48-inch steel bearing piles necessary to support the waterside portion of the dry stack storage facility and by 30 16-inch concrete guide piles for the queuing dock. The area around the site does not contain eelgrass and is not known to support endangered or sensitive species. The habitat impacts will be mitigated by the additional vertical surface area of the piles, which will support barnacles and mollusks. Additionally, the applicants have proposed to install on-site and maintain a trash skimmer to remove debris and filter water within the project area. In order to further preserve and enhance water quality, the applicants have proposed a set of construction best management practices and enhanced drainage features within the parking lot and the design of the structures. The 75 to 82-foot high structure extending over the water will impact visual resources, but such impacts were contemplated in the major LCP amendment and will not impact view corridors.

Commission staff recommends **approval** of Coastal Development Permit Application No. 5-14-0770 with special conditions requiring the applicants to conduct eelgrass and *Caulerpa Taxifolia* surveys, implement construction best management practices to preserve water quality, minimize impacts from pile driving, undertake development in conformance with the permit, comply with the requirements of the resource agencies, agree to conditions for repair and removal of the development, and assume the risks of the development.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Plans

Exhibit 3 – Elevations

Exhibit 4 –Applicants’ Proposed Water Quality Management Plan

Exhibit 5 – Applicants’ Proposed Construction and Operational BMPs

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-14-0770 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves Coastal Development Permit No. 5-14-0770 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the 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 alternatives that will substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 applicants 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 on which the Commission voted on the application. 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 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 applicants to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Eelgrass Survey(s).**

- A. **Pre-Construction Eelgrass Survey.**

A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicants shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

- B. **Post-Construction Eelgrass Survey.**

If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicants shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicants shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicants shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation: impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

2. **Pre-construction *Caulerpa Taxifolia* Survey.**

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit, the applicants shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
 - B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
 - C. Within five (5) business days of completion of the survey, the applicants shall submit the survey:
 - (1) for the review and approval of the Executive Director; and
 - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish and Wildlife (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.
 - D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicants shall not proceed with the project until 1) the applicants provides evidence to the Executive Director that all *Caulerpa taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicants have revised the project to avoid any contact with *Caulerpa taxifolia*. No revisions to the project shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
3. **Water Quality.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into the sea, the applicants shall implement the following construction-related and operational best management practices:
- A. Silt curtains will be utilized to control turbidity during removal and placement of piles.
 - B. Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases.
 - C. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
 - D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
 - E. Prior to demolition, mollusks (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and other native marine animals found on the piles

and docks to be removed from the project site shall be relocated to another part of the marina.

- F. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- G. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Marina del Rey.
- H. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Marina del Rey or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach.
- I. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
- J. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.
- K. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- L. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- M. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- N. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- O. The applicants shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

- P. At the end of the construction period, the applicants shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.
- Q. Material used for construction of piers, pilings, docks, dolphins, or slips shall not include timber preserved with creosote, (or similar petroleum-derived products). Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve, or similar sealant. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g., PVC Pilewrap) and reinforced plastic for pilings (e.g., high density polyethylene (HDPE) pile armor), shall conform to the following requirements:
1. The material used shall be durable and a minimum of one-tenth of an inch thick.
 2. All joints shall be sealed to prevent leakage.
 3. Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
 4. The plastic sleeves shall extend a minimum of 18 inches below the mudline.
 5. Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway. A comprehensive inspection and maintenance plan shall be a requirement of any approval for projects involving plastic/or similar material wrapped piles, for the life of the piles.
 6. The applicants shall be made responsible for removal of failed docks or materials.
 7. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for new piles or piling replacement, the least environmentally damaging materials and/or methods should be required for such projects, where feasible.

Consistent with their proposal detailed in Exhibit 4 of the staff report dated 12/18/14, the applicants shall install and operate a trash skimmer within the project site and shall implement the all measures of the water quality management plan detailed in Exhibit 4. The equipment shall be maintained throughout the life of development approved under this Coastal Development Permit No. 5-14-0770. If the trash skimmer ceases to perform its functions of removing debris and filtering the water within the marina as proposed by the applicants, the applicants shall replace it with a new device that performs the same functions within 10 days of the failure of the previous device.

Additionally, the applicants shall implement all construction and operational Best Management Practices consistent with their proposal detailed in Exhibit 5 of the staff report dated 12/18/14.

The applicants shall include the requirements of this condition on all plans and contracts issued for the project. The applicants shall implement and carry out the project staging and construction plan during all staging and construction activities.

4. **Pile Construction.** The applicants shall use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments. The applicants shall limit the suspension of benthic sediments into the water column to the greatest extent practicable. At a minimum, the applicants shall comply with the recommendations of the Regional Water Quality Control Board (RWQCB), which state that the applicant shall ensure that the project does not result in:

- A. Increases of water turbidity by more than twenty percent (20%) of the natural turbidity during non-storm conditions; nor
- B. Dissolved oxygen in the receiving waters being depressed below 5.0 mg/l.

BY ACCEPTANCE OF THIS AUTHORIZATION FOR DEVELOPMENT, the applicants agree to retain the services of a qualified independent marine biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to review the pile driving and waterside construction plan and make recommendations for preservation of marine resources. The recommendations shall be implemented into the final plans and carried out in a manner that will sustain biological productivity of the coastal waters.

5. **Construction and Pile Driving Noise Level Restrictions.** BY ACCEPTANCE OF THIS AUTHORIZATION FOR DEVELOPMENT, the applicants agree to retain the services of a qualified independent biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a biological survey of the trees within 500 feet of project site prior to (within seven days) the commencement of demolition and construction activities, and once a week upon commencement of demolition and construction activities that include use of heavy equipment that can cause excessive noise, odors, or vibrations (e.g., pile driving). The environmental resource specialist shall be directed to conduct the survey in order to determine the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species within 500 feet of the work site and immediately report the findings of the survey to the applicants and the Executive Director of the Coastal Commission.

In the event that the environmental specialist reports any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within 500 feet of the work site, the following restrictions shall apply:

- A. The trees or habitat where nesting behavior is observed shall be preserved until the qualified independent biologist or environmental resources specialist has determined that nesting season is complete and the trees or habitat are not populated by black-crowned night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species.
- B. Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to

minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall not bring pets (e.g. dogs and cats) to the construction site.

- C. Noise generated by construction (including, but not limited to, pile driving) shall not exceed 85 dB at any active nesting site within 500 feet of project site for black-crowned night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 500 feet of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
6. **Least Tern Protection.** In order to reduce potential adverse impacts on the California least tern during nesting and foraging season, no pile driving activity that may generate noise or turbidity shall occur during the period commencing April 1st and ending September 1st of any year.
7. **Future Development.** This Coastal Development Permit No. 5-14-0770 is only for the development expressly described and conditioned herein. The applicants shall undertake development in accordance with the approved coastal development permit. Any proposed changes to the development, including any change to the sequence of construction, shall be reported to the Executive Director. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.
8. **Conformance with the Requirements of the Resource Agencies.** The applicants shall comply with all permit requirements and mitigation measures of the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment. Any changes to the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.
9. **Repair and Removal of the Development.** By acceptance of this Permit, the applicants agree, on behalf of themselves and all other successors and assigns, that should any development approved under this Permit, including but not limited to the boat storage facility and the queuing docks, become threatened due to structural failure, wave action, or other manmade or natural processes, the applicants shall conduct a study of the structural stability of the approved development and an analysis of alternatives for correcting any structural deficiencies. This study shall be submitted to the Executive Director in order to

determine if the proposed correction requires a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

If, at any time, a government agency orders the development to be decommissioned, the applicants or their successors and assigns shall conduct an analysis to determine the least environmentally damaging alternative for decommissioning the development. At the end of the useful life of the development, the applicants or their successors and assigns shall conduct an analysis to determine the least environmentally damaging alternative for decommissioning the development. Removal of the development shall be one of the alternatives considered in any analysis required by this condition. No removal/decommissioning of the approved development shall take place until the applicants submits the required analyses, as stated above, to the Executive Director in order to determine if the removal/decommission of the development requires a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

10. Assumption of Risk, Waiver of Liability, and Indemnity Agreement Applicable to Applicant-Lessee.

By acceptance of this permit, the applicant-lessee, MDR Boat Central, LLP, on behalf of (1) itself; (2) its successors and assigns and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding, sea level rise, and erosion; (ii) to assume the risks to the applicants 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; (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; and (v) to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the restrictions identified in (i) through (v).

11. Assumption of Risk, Waiver of Liability, and Indemnity Agreement Applicable to Applicant-Lessor.

By acceptance of this permit, the applicant-lessor, the Los Angeles County Department of Beaches and Harbors, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding, sea level rise, and erosion; (ii) to assume the risks to the applicants-lessor 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; (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; and (v) 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 the prior condition.

12. Deed and Lease Restriction.

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the lessee and lessor have executed and recorded against the parcel(s) governed by this permit a deed and lease restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed and lease restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed and lease restriction shall also indicate that, in the event of an extinguishment or termination of the deed and lease restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The development proposed by this application is the waterside portion of the Boat Central Project within the Commission's permit jurisdiction in Marina del Rey, an unincorporated area of Los Angeles County. The Boat Central Project is proposed on Parcel 52, which encompasses 3.09 acres of land and 1.1 acres of water, extending up to 200 feet over the water into the southeasterly section of Basin H. Basin H is the southeasternmost waterway of the marina and is bordered by the Ballona Wetlands Ecological Preserve to the east (**Exhibit 1**).

The co-applicants are the Los Angeles County Department of Beaches and Harbors and MDR Boat Central, LLP, which proposes to lease the parcels from the County and construct improvements needed to operate a dry stack boat storage concession (**Exhibit 2**). The primary feature of the dry storage concession is a 75-foot high, 47,100 square foot facility (11,600 feet of which hang over the water), designed with translucent polycarbonate panels. The proposed structure is enclosed on three sides and surrounds an 82-foot high crane apparatus which will extend over the water, lift boats out of the water, and place them in one of 345 dry storage spaces on one of six levels within the facility. The crane apparatus is capable of loading or unloading approximately six boats per hour at peak demand. The waterside portion of the structure is proposed to be supported by a foundation featuring 22 48-inch steel bearing piles driven 60 feet below Mean Lower Low Water (MLLW) into the soft bottom of the marina basin (**Exhibit 3**). The landside portion of the dry storage structure will also include an indoor boat repair area, a pump out system for boat waste, and fuel delivery system with underground fuel tanks.

The other waterside feature subject to this coastal development permit application is approximately 6,738 square feet of modular concrete floating queuing docks, supported by 30 16-inch concrete guide piles, driven 60 feet below MLLW, extending up to 200-feet into Basin H (**Exhibit 2**). The docks would surround the waterside portion of the dry storage structure, allowing boats to queue up while waiting for the crane to lift them out of the water. No permanent wet slips are proposed.

An approximately 175-foot long, approximately 1,000 square foot County-owned dock at the eastern side of the proposed structure is proposed to be removed and an adjacent approximately 1,000 square foot dock used by the Los Angeles County Sheriff's Department is proposed to remain.

Construction of the waterside improvements will take place concurrently with construction of the landside improvements included in the Boat Central Project. Construction is projected to last one year and water access within Basin H will be maintained throughout. Most components of the structure and the floating docks will be assembled offsite and delivered to the site by truck. Fiji way and all pedestrian accessways outside of Parcel 52 will remain open throughout construction. Waste materials will be transported to recycling and disposal sites offsite.

B. PROJECT HISTORY

Marina del Rey is located in a manmade, inland basin off Santa Monica Bay between the coastal communities of Venice and Playa del Rey (**Exhibit 1**). Its location affords direct access to Catalina Island and the Channel Islands and positions the harbor as an important and unique boating resource for Los Angeles County and Southern California. The marina caters primarily to recreational boaters, with a number of docks reserved for commercial boating uses.

The marina facilities are formed by eight basins (labeled A through H) that radiate from a single 1.5-mile long main channel measuring approximately 1,000 feet in width. Six of the eight basins measure 600 feet wide and two measure 450 feet wide. A 2,340-foot offshore breakwater, two jetties, and nearly seven miles of concrete bulkhead support the channel and infrastructure. The marina covers approximately 800 acres, split nearly evenly between land and water areas.

Within the marina, most of the landside and waterside improvements were constructed by private entrepreneurs, and continue to be operated under long-term ground leases that were awarded by open competitive bids in the 1960s.

The marina currently supports approximately 4,900 wet boat slips. The Boat Central Project would add 345 dry storage spaces to the total, increasing supply by about 7%. Such an expansion would not be possible in the same location under a traditional wet slip dock configuration. The Los Angeles County Department of Beaches and Harbors has prioritized a dry storage facility in the proposed location because it will add capacity to the marina with minimal water coverage.

The Boat Central Project was analyzed and planned for in Local Coastal Program (LCP) Amendment MDR-MAJ-1-11, approved by the Commission with suggested modifications on November 3, 2011 and certified on February 8, 2012. That major update to both the Marina del Rey Land Use Plan and Implementation Plan approved the merger of two parcels (Parcel 52R and Parcel GG) and the designation as a future site for a dry storage facility and increased the height limit to 75 feet, excluding accessory cranes which may be taller. The LCP amendment analyzed potential impacts to

public access and recreation, habitat, water quality, and visual resources and set specific policies and standards for development of a dry storage facility (and for other “Pipeline Projects”). The LCP applies to landside projects within the Coastal Zone for which the Commission has granted permit jurisdiction to Los Angeles County.

Following certification of its Local Coastal Program update, Los Angeles County reached an agreement with MDR Boat Central, LLP to lease Parcel 52, at the southeastern section of the marina, accessible off of Fiji Way (**Exhibit 1**). On April 24, 2013, after holding multiple public hearings, the County of Los Angeles Regional Planning Commission found that the landside portion of the proposed Boat Central Project was consistent with the policies and standards set forth in the Marina del Rey LCP and approved the landside portion of the 75-foot high dry storage structure, the 82-foot high crane apparatus, a 30-space mast-up sailboat dry storage facility, a customer lounge and restroom facility, a relocated County Sheriff’s maintenance facility, a 134-space parking lot, and a public promenade and park through local Coastal Development Permit No. 200800007. The County also approved Conditional Use Permit No. 2000800191 to allow for the uses agreed to with MDR Boat Central, LLP. Parking Permit 2000800010 No. permitted a 134-space parking lot, with 13 additional valet spaces available during periods of high demand (holiday weekends). Variance No. 2000800015 allows for a zero setback from the bulkhead, which is necessary given the unique design of the facility, which crosses over the bulkhead and extends over the water into Basin H (but lies entirely within the subject parcels which also extend over the water).

No one filed an appeal of the County’s approval of the landside components within the 60-day local appeal period or the 10-day Commission appeal period. The co-applicants submitted Coastal Development Permit Application No. 5-14-0770 to the Commission’s South Coast District Office on May 22, 2014 and the application was filed on September 16, 2014. The development subject to this permit application is the waterside improvements of the Boat Central Project, including a portion of the dry storage structure and crane apparatus which the County has already approved.

C. OTHER AGENCY APPROVALS

The applicants have received approvals from the Los Angeles County Department of Public Works and the Los Angeles County Fire Department. The Los Angeles County Sheriff’s Department agreed to the proposed relocation of its maintenance facility. The applicants applied for a permit from the U.S. Army Corps of Engineers (SPL-2014-00307-BLR), which has not yet been processed. Should additional approvals from the Regional Water Quality Control Board, the California Department of Fish and Wildlife, or other agencies be required, **Special Condition 8** requires the applicants to comply with the requirements of the resource agencies.

D. 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 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

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.

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project conforms with the Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Public access to the site is currently available by automobile along Fiji Way. Part of the site is currently a 236-space free parking lot used by charter fishing boat customers and general marina visitors. That parking lot will be partially covered by the proposed dry storage structure, the customer lounge and restroom facility, and the relocated County Sheriff's maintenance facility. The applicants commissioned a traffic analysis and parking study¹ which analyzed traffic patterns in the area and parking demand at other wet-slip marinas and dry storage facilities. The study concluded that the proposed 134-space parking lot would more than accommodate demand on all but a few holiday

¹ Traffic Impact Analysis: Dry Stack Boat Storage. Linscott, Law, and Greenspan Engineers. May 20, 2010

weekends, when the applicants proposed the operation of a valet program capable of expanding capacity of the lot by an at least 13 spaces.

The applicant's traffic analysis and parking study concluded that free and paid public parking is available at up to six other parking lots within ¼ mile of the site. Multiple bus routes stop approximately 500 feet away along Lincoln Boulevard. The marina also offers extensive bicycle parking and the Los Angeles County Department of Beaches and Harbors sponsors two free electric vehicle charging stations in Parking Lot 77, on the other side of Basin H.

Pedestrian access along the shoreline is currently available at the edge of the parking lot above the bulkhead, approximately seven feet above Mean Water Level. The dry storage facility and crane apparatus will partially block access along the shoreline because the structures will extend over the water and the public will not be allowed to pass through them for safety reasons. In order to mitigate this impact, the applicants propose an eight-foot wide curving paved walkway, buffered by landscaping, at the south side of the site where an approximately five-foot wide paved sidewalk currently exists. At the west side of the site, the applicants propose to connect the landscaped walkway to a 30-foot wide landscaped promenade, which will lead to a 1,560 square foot public view park at the water's edge including benches, a picnic area, drinking fountain, and bicycle racks.

The general public will not have access to the floating queueing docks (unless they lease one of the dry storage spaces), but there is a free public boat launch ramp and dock immediately to the northeast of the site. Pedestrians are permitted access on all public docks within the marina.

Coastal Act Section 30224 specifically encourages the provision of dry storage areas which increase recreational boating use of coastal waters. The proposed facility will accommodate 345 boats owned by members of the public. Spaces will be leased on a monthly or yearly basis and will primarily support small (20 to 35-foot) recreational boats. The applicants have not released lease prices, but have stated that their goal is to lease the dry storage spaces for the same rate or a lower rate than the market rate for wet slips. Advantages to recreational boaters include enhanced security and less wear and tear/maintenance of boats.

The proposed facility is also consistent with section 30234 of the Coastal Act because it upgrades an existing recreational boating facility, providing greater recreational opportunities. The existing use of the space serves a parking lot and a 175-foot long County-owned dock utilized by charter fishing boats and their customers. That facility will be relocated to Fisherman's Village, within the marina allowing the proposed facility to serve up to 345 recreational boats. In order to create 345 new wet slips, approximately three acres of water would be required, which would require relocating many other facilities or dredging a new basin. The proposed project is an efficient use of scarce water space which will benefit more existing public boaters because it will add to the existing stock of available storage options for the existing boaters (as well as potential new boaters who may not have been able to utilize traditional wet slips but will be well served by the amenities and convenience offered by the dry storage facility and crane apparatus).

The applicants commissioned an analysis of water maneuverability within Basin H² which concluded that "there is ample water area for proper vessel separation and safe maneuverability in Basin H," that "the forecast increase in vessel traffic volumes does not in and of itself create significant impacts on

² Basin H Vessel Traffic Study. BlueWater Design Group. July 2012.

congestion,” and that “the location of the dry stack storage operation in proximity to the public launch ramp is a compatible use given the similarity of vessel mix, sizes, and destinations.” The applicants’ studies show that during the busiest periods (holiday weekends), the queueing docks will provide sufficient space to accommodate all vessels departing and arriving at the facility while they wait for the crane apparatus to hoist them in and out of the dry storage facility. At peak capacity, the crane apparatus will be able to load or unload approximately six boats per hour, while other vessels wait on the queueing docks. The concessioner of the facility will offer a reservation system to allow customers to plan to have their boats ready for use in advance, helping to manage demand at peak periods. Customers will not be allowed to idle in Basin H or obstruct access to the public launch dock to the northeast of the site.

For all of the preceding reasons, the Commission finds that as proposed the project is consistent with the public access and recreation policies of the Coastal Act.

E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS AND FILL OF COASTAL WATERS

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 proposed site is bordered to the south – directly across Fiji Way – by the Ballona Wetlands Ecological Preserve. The Preserve is an environmentally sensitive habitat area which supports black-crowned night herons, great blue heron, snowy egrets, and other sensitive species. Great blue herons have also been observed roosting and nesting in mature trees adjacent to the wetlands, within the marina. The proposed project will not displace any roosting or nesting site; however, nesting birds within the marina could be adversely affected by construction noise. The certified Marina del Rey LCP, which is used as guidance in determining this project’s consistency with the Coastal Act, includes a comprehensive set of nesting bird protection policies to minimize construction impacts on nesting birds.

In order to protect birds and other sensitive species which may be nesting within the environmentally sensitive habitat area or the adjacent habitat, **Special Condition 5** requires the applicants to conduct a biological survey of the trees within 500 feet of the project site prior to construction activities and reduce noise levels caused by pile driving activities to 85 decibels as measured from any nest sites. **Special Condition 6** protects nesting and foraging Least Terns by prohibiting pile driving activity that may generate noise or turbidity between April 1st and September 1st.

The boat storage structure has been designed with a unique architectural cladding that absorbs light and allows it to penetrate through the structure. Polycarbonate panels allow sunlight into the structure, which eliminates the need for lighting in the storage structure during the day. The structure will be internally lighted with up to 40 foot candles of down light shortly before daylight and for a few hours after sunset at times when demand is higher, such as during Daylight Saving Time. The polycarbonate material of the structure has a high shading co-efficient, which helps block the escape

of direct light. The lighting scheme complies with bird-safe standards that call for minimizing light spillage and maximizing light shielding.

The parking lot will be lighted at minimum legal levels. Additionally, cutoff fixtures will direct light downward and will confine light to the project site. The materials used for the boat storage structure and the landside facilities were selected to reduce the effects of glare.

Approximately 300 square feet of soft bottom habitat is proposed to be filled by the proposed installation of 22 48-inch steel bearing piles necessary to support the waterside portion of the dry stack storage facility and by 30 16-inch concrete guide piles for the queuing dock (**Exhibit 2**). The area around the site does not contain eelgrass and is not known to support endangered or sensitive species. The Commission has not previously designated soft bottom habitat within Marina del Rey as environmentally sensitive habitat; however, 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

The proposed project is consistent with Section 30233 because it will provide public access and recreational opportunities and there is no feasible less environmentally damaging alternative. The project will provide boating opportunities for up to 345 members of the public and their guests. The EIR analyzed alternatives to the project and found that traditional wet slip docks would be more environmentally damaging because they would require more water coverage, more piles, and would not offer the same physical BMPs that dry storage facilities offer. The foundation system of the proposed structure has been designed to support the building with as few piles as possible.

The impacts to soft bottom habitat will be mitigated by the additional vertical surface area of the piles, which will support barnacles and mollusks. Thus, adequate mitigation is provided by the proposed new piles and as mitigation for the removal of the existing piles that are currently covered by these marina organisms. **Special condition 3** requires that all large motile native marina invertebrates, including mollusks (snails), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.), and any other large motile native marine invertebrates found on the existing piles and floats shall be removed from the project site and relocated to another part of the marina.

The increase in suspended sediments caused by piledriving could also decrease light penetration, deter small fish from using soft bottom habitat in the area, and interfere with bird foraging. The increase in turbidity can interfere with this sight-based feeding. However, wildlife foraging for food in the water column would not need to go a significant distance to avoid areas that are affected by turbidity. Furthermore, the Regional Water Quality Control Board, a State agency

that regulates discharges into coastal waters, sets turbidity standards. The standards for acceptable levels of turbidity include a maximum increase of 20% of naturally occurring turbidity and dissolved oxygen levels of not less than five milligrams per liter. The Commission finds that it is necessary to ensure that these turbidity standards are not exceeded and to assure that acceptable levels of turbidity are maintained, the Commission imposes **Special Condition 4**.

The proposed development is construction of a dry boat storage facility which promotes recreational boating and is an encouraged marine related use. The placement of piles for new or expanded boating facilities is an allowed use within coastal waters under Section 30233 of the Coastal Act. The proposed development has been designed to minimize the fill of coastal waters. The proposed development has been conditioned to minimize adverse effects on the marine environment by avoiding or mitigating impacts upon sensitive marine resources, such as eelgrass (**Special Condition 1**), and to avoid contributing to the dispersal of the invasive aquatic algae, *Caulerpa taxifolia* (**Special Condition 2**). As conditioned, there are no feasible less environmentally damaging alternatives. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30240 and 30233 of the Coastal Act.

F. WATER QUALITY

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.

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located on top of and within coastal waters of the Pacific Ocean. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources. The permit is conditioned to protect these marine resources.

Due to the project's location near coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect water quality or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and sedimentation during construction and as a result of

driving piles to support the foundation of the structure and the floating docks. The applicants have proposed a list of best management practices for the construction and for long-term protection of water quality (**Exhibit 5**). The applicants have also proposed landside structural BMPs to protect water quality, including bioswales in the surface parking lot.

Additionally, the applicants have proposed to purchase, install, and maintain on-site a trash skimmer system which will filter and enhance water around the project site. Consistent with **Special Condition 3**, the equipment shall be maintained throughout the life of development. If the trash skimmer ceases to perform its functions of removing debris and filtering the water within the marina, the applicants shall replace it with a new device that performs the same functions. **Special Condition 3** also requires the applicants to implement all BMPs proposed in their application and requires the applicants to implement a set of BMPs the Commission has imposed on past permits within marinas. In order to prevent adverse impacts to marine waters from construction activities, the Commission imposes **Special Condition 4**, which requires the applicants to shall use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments. **Special Condition 4** also requires the applicants to retain the services of a qualified independent marine biologist or environmental resources specialist, with appropriate qualifications acceptable to the Executive Director, to review the pile driving and waterside construction plan and make recommendations for preservation of marine resources, which the applicants will be required to implement in the final plans. The Commission finds that only as conditioned will the proposed project ensure that marine resources and water quality are protected as required by Sections 30230 and 30231 of the Coastal Act.

G. VISUAL RESOURCES

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 governments shall be subordinate to the character of its setting.

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected. The proposed project involves construction of a 75 to 82-foot high structure which will be visible from parts of the shoreline and which will partially restrict existing views from the marina towards the Pacific Ocean.

Visual impacts were contemplated in LCP Amendment MDR-MAJ-1-11 and will not impact any established view corridors. The Marina del Rey LCP, which may be used as guidance in this permit application, contains standards for development within the subject site. As conditioned by local Coastal Development Permit No. 200800007, which approved the landside portion of the same 75 to 82-foot high structure, the proposed development is consistent with the standards of

the LCP. The structure has been designed to preserve a partial ocean view from the surrounding parcels and public roads, with 50% of the site retained for view preserving uses (a surface parking lot and a public promenade and park).

The development is not being proposed in a highly scenic area as defined by section 30251 of the Coastal Act. Surrounding land uses include surface parking lots, boat launch facilities, a boat repair yard with a hoist apparatus, and recreational buildings. Other existing structures in the area are taller than 82-feet, including the Marina City Club towers, each of which is 183-feet high. The LCP allows for structures up to 225-feet high on Parcels 112 and 113, landward of Via Marina and Admiralty Way.

The LCP allows for a 75-foot high structure on the subject site, Parcel 52, excluding accessory cranes which may be taller. The development has been designed to preserve partial views from the site and to minimize alteration of the natural landform. **Special Condition 7** requires the applicants to undertake development in conformance with the permit. The Commission finds that as conditioned the project is consistent with Section 30251 of the Coastal Act.

H. NATURAL HAZARDS

Section 30253 of the Coastal Act states:

New development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with the requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30253 of the Coastal Act requires that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Marina del Rey is an area of high flood and fire hazard. The applicants commissioned a geotechnical investigation of the site where the development is proposed³, which found that the soil was suitable for building and that 22 48-inch

³ Report of Geotechnical Investigation Proposed Boat Storage Facility. Van Beveren and Butelo Inc. February 25, 2008.

thick piles driven 60 feet below MLLW will be able to support the waterside portion of the structure. The EIR found that the development will be able to withstand any impacts from sea level rise, being approximately seven feet above mean water level and incorporating durable floor materials and floating docks into the design.

However, no development in the ocean or near the shoreline can be guaranteed to be safe from hazards. All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms, and erosion. The proposed project is located within an area subject to tidal action and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. **Special Condition 9** requires that should any development approved under this permit, including but not limited to the boat storage facility and the queuing docks, become threatened due to structural failure, wave action, or other manmade or natural processes, the applicants shall conduct a study of the structural stability of the approved development and an analysis of alternatives for correcting any structural deficiencies. **Special Condition 10** and **Special Condition 11** ensure that each of the co-applicants understands and assume the potential hazards associated with the development. **Special Condition 12** requires the applicants to execute and record against the parcel(s) governed by this permit a deed and lease restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

I. LOCAL COASTAL PROGRAM

In 1984, the Commission certified the 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, although the Commission retains permit jurisdiction over all water areas within the marina.

In 1995, the County submitted an amendment to the LCP. In May 1995, the Commission certified the amendment 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 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 [an access promenade was reserved and approved by the County as part of the proposed landside redevelopment of Parcel 20 (CDP No. 98-172(4))].

On January 9, 2008, the Commission approved a Periodic Review evaluation of the County's certified LCP. The Periodic Review identified policy areas where County actions have implemented the certified LCP in a manner that is not in conformity with the Coastal Act, and where the specific provisions of a certified LCP do not reflect new information or changed conditions such that the LCP is not being implemented in conformity with the Coastal Act. The Commission's major recommendations included in part:

- Revised boating recommendations to include provisions to expand affordable boating opportunities through a variety of measures including reservation of slips for rental or membership clubs; creation of youth boating programs that provide low cost boating opportunities for youths; new storage facilities; day use rentals; and increased opportunities to launch and use kayaks and other smaller craft.
- Revised boating recommendations to ensure no loss in total boat slips and slips 35 feet and under.
- Revised Water Quality recommendations to reflect requirements and ensure integration of the existing NPDES, SUSMP and TMDL requirements and to clarify application of BMPs.
- Revised Water Quality recommendations to include monitoring of all implemented BMPs.
- Revised development recommendations to recommend that the County undertake a comprehensive LCP update of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process.
- Revised Biological Resources and ESHA recommendations and acknowledges that trees currently or historically used as roosting or nesting habitats by herons, egrets or other significant avian species constitutes ESHA as defined by Section 30107.5 of the Coastal Act, and requires a marina-wide assessment of the trees that may provide habitat for birds protected by Fish and Game code and the Migratory Bird treaty Act. The recommendations also expand areas where site-specific resource assessments should be undertaken as part of the LCP Amendment or development review process.

The recommendations made in the Periodic Review do not directly amend the certified LCP. The recommendations suggest actions that could be carried out through such means as policy and ordinance changes in future amendments to the LC, changes in how the County implements the LCP in issuing coastal permits, or through other implementing actions such as new studies, educational efforts, or County programs.

At the November 3, 2011 Coastal Commission meeting, the Commission certified the County's Marina del Rey LCP amendment MDR-MAJ-1-11, authorizing Land Use Plan changes, new development standards and zoning ordinance changes related to four proposed projects in the marina requiring LCP amendments. That LCP amendment addressed the majority of the major issues raised in the Marina del Rey Period Review listed above. The LCP amendment, as modified, included provisions for smaller boat storage slips (under 35-feet), lower cost boating opportunities such as non-motorized boating support and launch facilities, new dry stack boat storage facilities, and an in-lieu fee for lower cost boating programs. The LCP amendment, as modified, included new water quality protection policies and sensitive resource protection policies related to sensitive nesting birds.

The proposed project, as conditioned, is consistent with the LCP in that it provides a priority use in dry stack boat storage for boats 35-feet and smaller. Furthermore, the project, as conditioned, is consistent with the water quality and sensitive biological resource protection policies related to nesting birds and marine resources.

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. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and the Certified LCP.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit application 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.

The Los Angeles County Department of Regional Planning is the lead agency for the purposes of CEQA review. After allowing time for public review and comment on a Draft Environmental Impact Report published in January 2012, the County certified the Final EIR in March, 2013. There were no challenges to the Final EIR.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require the applicants to conduct eelgrass and *Caulerpa Taxifolia* surveys, implement construction best management practices

to preserve water quality, minimize impacts from pile driving, undertake development in conformance with the permit, comply with the requirements of the resource agencies, agree to conditions for repair and removal of the development, and assume the risks of the development.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

1. LCP Amendment MDR-MAJ-1-11 (County of Los Angeles)
2. Coastal Development Permit No. 5-11-131 (Los Angeles County Department of Beaches and Harbors; Essex Property Trust, Inc./Essex Marina City Club, L.P.; Neptune Marina/Legacy Partners; Holiday-Panay Way Marina, L.P.; MGC Marina del Rey International; Golden West Properties; The boat yard, Harbor Real Estate)
3. Coastal Development Permit No. 5-14-0269 (City of Long Beach)

Exhibit 1:

Vicinity Map

Application No:
5-14-0770



California Coastal
Commission



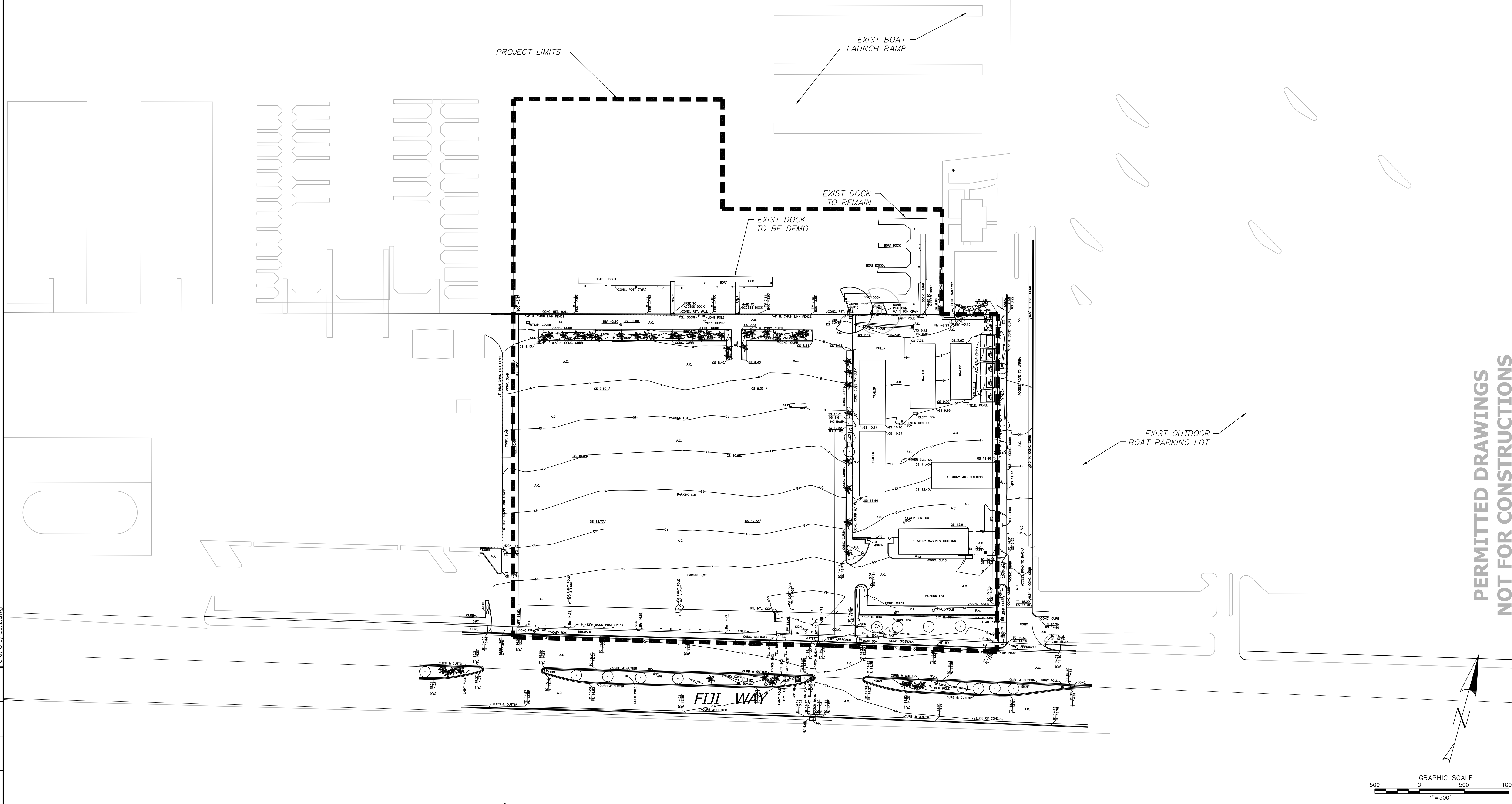
Photo: Bing Maps

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Exhibit 2: Site Plans
Page 1 of 4
Application No. 5-14-0770
California Coastal Commission

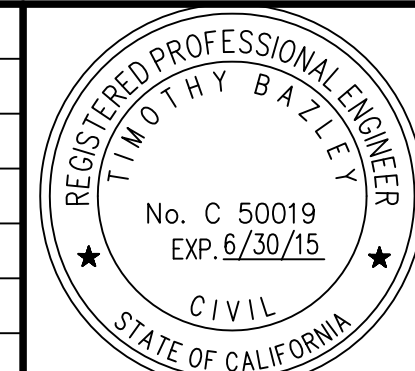


PERMITTED DRAWINGS
NOT FOR CONSTRUCTIONS

PROJECT
**BOAT CENTRAL
PARCEL 52
MARINA DEL REY, CA**

CCC
CDP 5-14-0770

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BLUEWATER
Design Group
Planning and Engineering Services
For Marinas and Waterfront Resorts

2500 Via Cabrillo Marina, Suite 200
San Pedro, CA 90731
Tel: 310 548 3132
Fax: 310 548 1924

DESIGNED BY: TB
DRAWN BY: CL/GH
CHECKED BY: TB

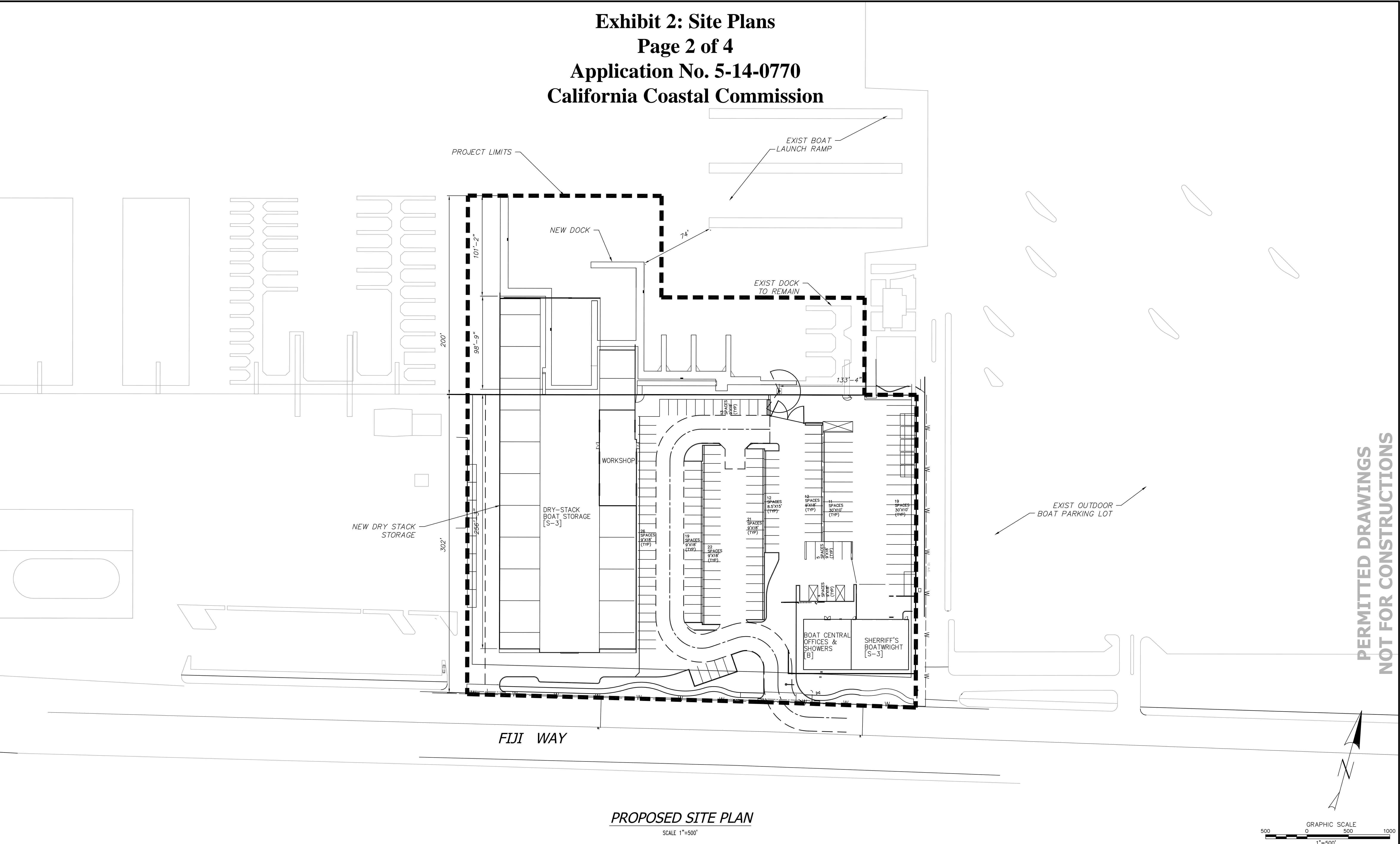
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SHEET #	2 of 7

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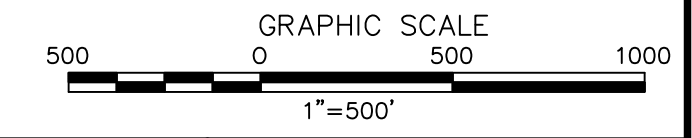
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PROPOSED SITE PLAN

SCALE 1"=500'









PERMITTED DRAWINGS
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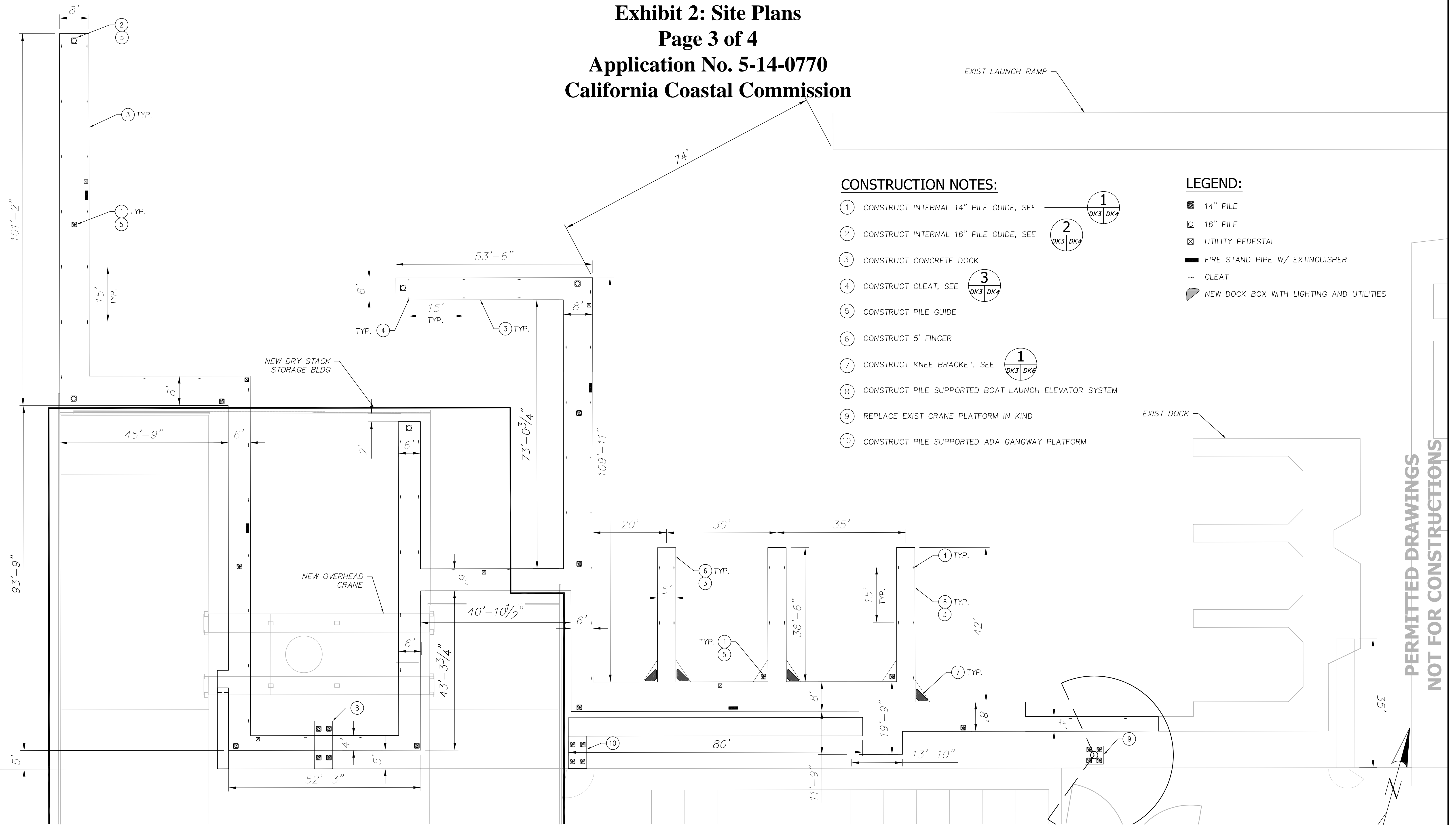
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PROPOSED SITE PLAN

EXIST LAUNCH RAMP

LEGEND:

- | | |
|---|--|
|  | 14" PILE |
|  | 16" PILE |
|  | UTILITY PEDESTAL |
|  | FIRE STAND PIPE W/ EXTINGUISHER |
|  | CLEAT |
|  | NEW DOCK BOX WITH LIGHTING AND UTILITIES |



**PERMITTED DRAWINGS
NOT FOR CONSTRUCTIONS**



STATUS	CONCEPT	%	%	100%	FINAL
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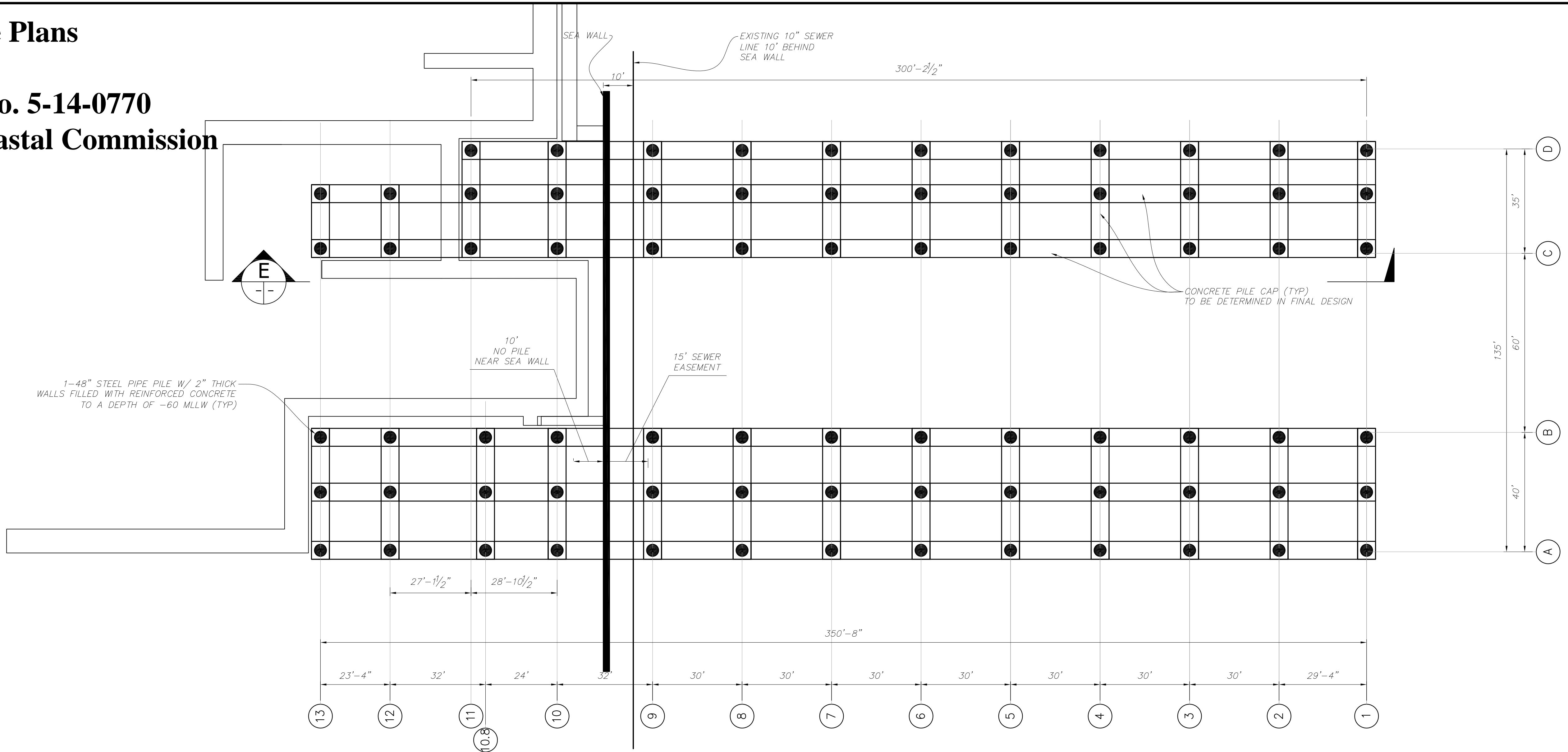
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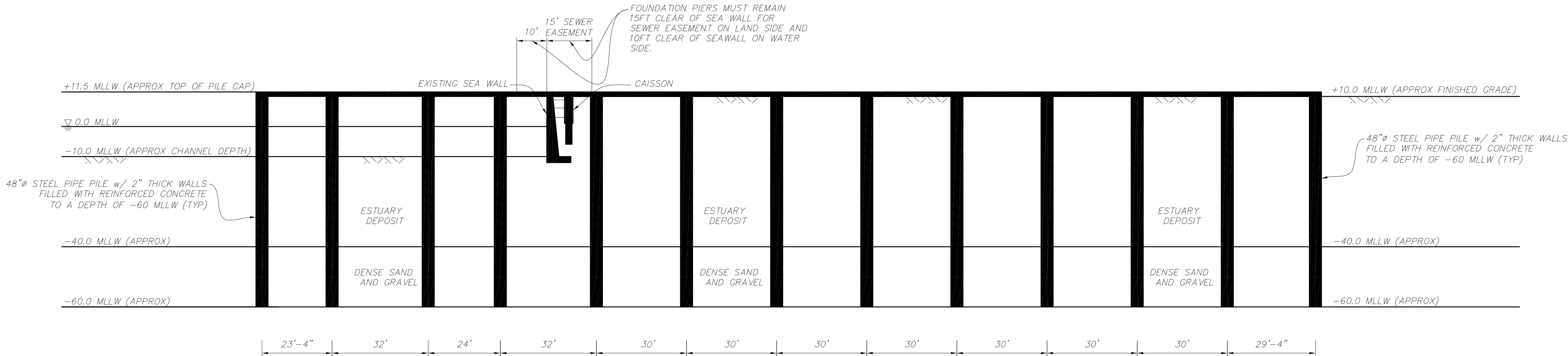
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Exhibit 2: Site Plans
Page 4 of 4
Application No. 5-14-0770
California Coastal Commission



FOUNDATION PLAN
SCALE 1"=20'



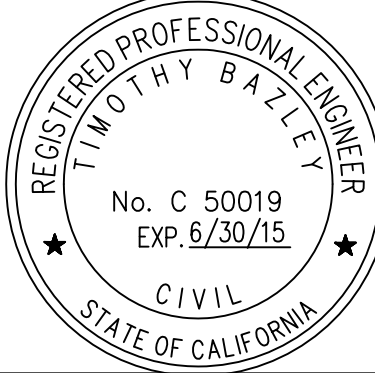
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SCALE 1"=20'

PERMITTED DRAWINGS
NOT FOR CONSTRUCTIONS

PROJECT
**BOAT CENTRAL
PARCEL 52
MARINA DEL REY, CA**

CCC
CDP 5-14-0770

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Planning and Engineering Services
For Marinas and Waterfront Resorts

2500 Via Cabrillo Marina, Suite 200
San Pedro, CA 90731
Tel: 310 548 3132
Fax: 310 548 1924

DESIGNED BY TB
DRAWN BY CL/GH
CHECKED BY TB

**DRY STACK
FOUNDATION PLAN**

SCALE 1" = 20'	DATE 09-08-2014
JOB NO. 2118-B	
SHEET C-3	
SHEET # 7 of 7	

COASTAL COMMISSION

BOAT CENTRAL DRY-STACK STORAGE PROJECT / DEIR EXHIBIT 5.1-3

EXHIBIT # 3
PAGE 1 OF 4

VIEW FROM PUBLIC LAUNCH RAMP



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EXHIBIT # 3
PAGE 2 OF 4

BOAT CENTRAL DRY-STACK STORAGE PROJECT / JMA ELEVATIONS

SUNSET VIEW

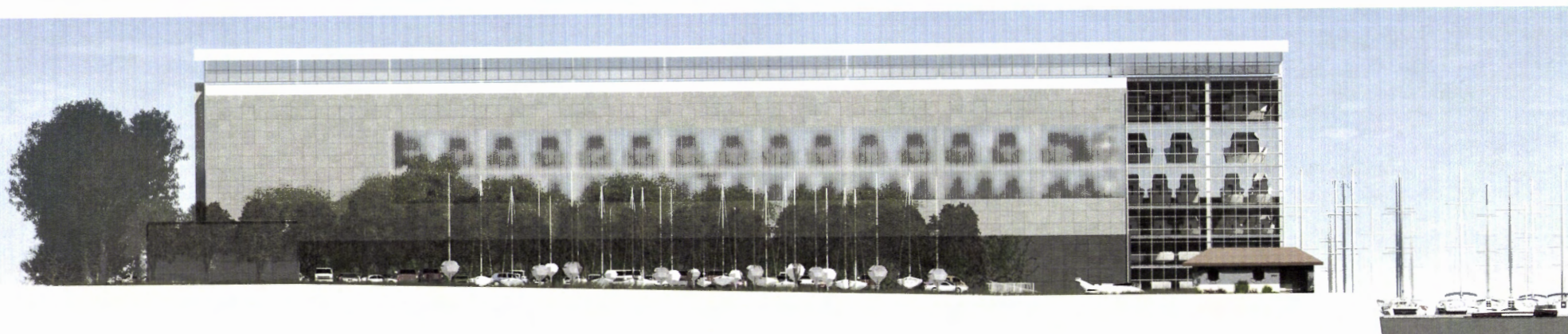


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BOAT CENTRAL DRY-STACK STORAGE PROJECT / JMA ELEVATIONS

EXHIBIT # 3
PAGE 3 OF 4

EAST VIEW



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BOAT CENTRAL DRY-STACK STORAGE PROJECT / JMA ELEVATIONS

EXHIBIT # 3
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NORTH VIEW



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VAN WERT, INC.

LAND USE ENTITLEMENTS CONSULTING

EXHIBIT # 4
PAGE 1 OF 3

To: Zach Rehm, Coastal Program Analyst
200 Oceangate, Suite 1000
Long Beach, California 90802-4302

Date: 12/16/2014

Re: **Water Quality Management Plan Enhancement-CDP No. 5-14-0770**

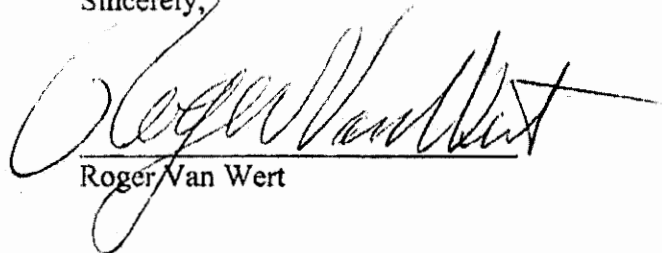
The purpose of this letter is to document the applicant's proposal to provide an enhancement to the Project's Water Quality Management Plan. Van Wert, Inc. represents MDR Boat Central, LP, the applicant. The Boat Central Dry-Stack Boat Storage Project (the "Project") proposes to add a debris skimmer to the Project's water quality maintenance protocols. The skimmer will continuously collect floating debris within Basin H from in and around the Project site.

The skimmer will be an electrically powered Marine Trash Skimmer (MTS) from Marine Accessories Inc. of Bellingham, Washington or equivalent. The skimmer will be operational upon commencement of dry-stack operations so that personnel are available to monitor and maintain the unit, including periodic debris removal for disposal.

The amended Water Quality Management Plan is attached.

If you have any questions or require additional information regarding this Boat Central application supplemental information, please give me a call. We appreciate your efforts and counsel during the review of this Application.

Sincerely,



Roger Van Wert

Cc: Michael Tripp, DBH LA County
MDR Boat Central, LP

Water Quality Management Plan

EXHIBIT # 4
PAGE 2 OF 3

1. Boat Cleaning Management Measures:
 - a. The dry-stack shall ensure that tenants, when washing boats, utilize detergents and cleaning components that are phosphatefree and bio-degradable. Amounts used shall be minimized; and
 - b. The dry-stack shall prohibit the use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
2. Implementation of a solid waste reduction and recycling program including the following Solid Waste Management Measures:
 - a. Trash receptacles shall be provided at the entrances to the docks;
 - b. Containers for recyclables shall be provided and sited so that they are convenient for boaters (i.e. close to the dock);
 - c. 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).
 - d. All solid waste, including sewage, shall be properly disposed of only at appropriately designated facilities.
3. 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:
 - a. The dry-stack shall provide a secure location to store hazardous wastes, including petroleum products, old gasoline or gasoline with water, absorbent materials, and oily rags;
 - b. 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 dry-stack;
 - c. Signage shall be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container.
 - d. The containers shall notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes; and
 - e. The dry-stack shall maintain an adequate supply of absorbent pads for use by dry-stack tenants and lessees for the cleaning of minor spills.
4. Petroleum Control Management Measures:
 - a. The dry-stack shall provide a service that reduces oily discharges from in-board engines, either a bilge pump-out facility (with an oilwater separation device) or the dry-stack 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 dry-stack 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 dry-stack shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The dry-stack 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.

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Pacific Dry-stack Development
Boat Central Dry-Stack Storage
CDP No. 5-14-0770

BLUEWater Design Group

EXHIBIT # 4
PAGE 3 OF 3

5. Public Education Measures:

In addition to these specific components outlined above, the BMP program shall also include enforcement provisions, including eviction from the dry-stack and notice of possible civil or criminal fines and/or penalties, to assure compliance with this program by all dry-stack tenants. The dry-stack 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 office on-site and at all dock entrances, and be included and attached to all slip lease agreements.

6. Floating Debris Removal

A floating debris skimmer will be installed to continuously remove debris from the water surface. Dry-stack personnel will monitor and maintain the skimmer and remove collected debris for disposal as required.

End of Section

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RECEIVED
South Coast Region

EXHIBIT # 5
PAGE 1 OF 3

BOAT CENTRAL WATERSIDE BMP's

SEP 16 2014

CDP Application 5-14-0770

September 7, 2014

CALIFORNIA
COASTAL COMMISSION

Boat Central is a dry-stack boat storage facility that will include an over the water structure and queuing docks in Basin H of Marina del Rey. This list of proposed Best Management Practices (BMPs) shall be utilized during construction and operation of the facility.

Construction Phase

In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Marina del Rey, the following BMPs will be followed during demolition, staging and construction:

- 1) Silt curtains will be utilized to control turbidity during removal and placement of piles.
- 2) Floating booms shall be maintained around the project site in order to capture any floating debris during all demolition and construction activities.
- 3) Where permitted the disturbance of the Basin H Basin bottom shall be minimized.
- 4) Sand bags, tarps or other forms of barriers shall be installed between the water and any landside work support areas, materials or equipment storage to prevent unpermitted material from entering Basin H.
- 5) The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass in Basin H. Stock piles shall be stabilized with geofabric covers or other appropriate cover.
- 6) All drainage inlets to be covered with fiber rolls.
- 7) 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;
- 8) Secure all materials to prevent discharges to receiving waters via wind.
- 9) Provide watertight curbs or toe boards to contain spills and prevent materials, tools and debris from leaving the barge, platform and dock.
- 10) Spills of construction equipment fluids or other hazardous material shall be immediately contained and disposed of in an environmentally safe manner. Spill kits and cleanup materials shall be available at all locations of pile driving. Equipment used shall be leak-free
- 11) Construction equipment/barges operating at the project site shall be inspected daily to insure there are no leaking fluids. If fluid leaks are found, the equipment shall be serviced immediately. Equipment shall be serviced only where containment of hazardous fluids is

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EXHIBIT # 5

PAGE ²~~2~~ ³~~3~~ ~~assured and fluid discharge~~ into Basin H is prevented. Major servicing and wash-down of equipment shall only take place in confined areas specifically designed to control runoff and prevent discharges into Basin H. Thinners, oils and solvents shall not be discharged into sanitary or storm sewer systems. No machinery or construction materials, not essential for project improvements, shall be allowed at any time in the intertidal zone. Provide runoff protection for hammers and other hydraulic attachments by placing them on plywood and covering them w/ plastic or a comparable material prior to the onset of rain.

- 12) Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, or surface waters.
- 13) Use drip pans and absorbent materials for equipment and vehicles and ensure that an adequate supply of spill cleanup materials is available. Drip pans should be placed under all vehicles and equipment placed on docks, barges, or other structures over water bodies when the vehicle or equipment is expected to be idle for more than one hour.
- 14) All floating debris and trash generated by construction activities within the project area shall be disposed of when necessary but prior to the end of the day.
- 15) Divers will recover non-buoyant debris discharged into Basin H as soon as possible after discharge.
- 16) All demolition and construction debris shall be disposed of at an appropriate location and in a timely manner.
- 17) At the end of construction period, the property shall be inspected to ensure that no debris, trash or construction material has been left in the water or not created a hazard to navigation. Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction.
- 18) Materials used in the construction of docks and piles shall not include:
 - a) Timber preserved in creosote (or similar petroleum-derived product).
 - b) Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated copper Arsenate (CCA).

Operational Water Quality Protocols

1. No long term wet slip storage of vessels will be permitted.
2. No in-water boat cleaning will be permitted. All vessel cleaning shall be done land-side where appropriate waste water containment and filters mechanisms to protect water quality are in-place.
3. No in-water maintenance (hull cleaning) of vessels will be permitted.
4. Trash & recycle containers will be conveniently located for boaters returning to the dry-stack facility.

5. All boats will be inspected and cleaned prior to storage in their dry-stack berth to insure there are not leaks, spills or accumulations of petroleum based materials; including within the bilge. Any problems will be corrected prior to long term storage of the vessel.

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