

CALIFORNIA COASTAL COMMISSION

South Coast District Office
200 Oceangate, 10th Floor
Long Beach, California 90802-4416
(562) 590-5071 FAX (562) 590-5084



F6

SOUTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
May Meeting of the California Coastal Commission*

MEMORANDUM

Date: May 07, 2015

TO: Commissioners and Interested Parties
FROM: For Los Angeles Co.: John (Jack) Ainsworth, South Coast District Senior Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the South Coast District Office for the May 2015 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the South Coast District.

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-15-0423-W Attn: Ali Russo	Demolition of a one-story, 856 square foot single family residence and construction of a two-story, 24 foot high, 1,598 square foot single family residence which is part of a 3-unit detached multi-family residential property. No work is proposed to the other two structures on the property, which include a single family residence fronting Ashland Ave. (422 Ashland Ave.), and an apartment over the detached garage (422(a) Ashland Ave.). No grading or landscaping is proposed.	422 Ashland Ave, Santa Monica, CA 90405 06037-4287026003

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-94-010-A12 Attn: Shoreline Village Enterprises	Change parking rates to more closely align with adjacent parking lots.	401 - 435 Shoreline Village Dr., Long Beach, CA

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
5-07-419-E6 910 Hermosa Avenue Development, LLC	Demolition of an existing dry cleaners and private single-story parking garage and construction of a three-story (over subterranean parking structure), 30-foot high, 19,405 square foot commercial condominium complex with 19 on-site parking spaces on a 5,863 square foot, C-2 zoned lot.	906 - 910 Hermosa Ave, Hermosa Beach, CA 06037-4187007021, 06037-4187007022

OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION

Extension of Coastal Development Permit A-5-MDR-12-161-E1
Los Angeles County, Dept. of Beaches & Harbors, Marina del Rey, Los Angeles County

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April 29, 2015

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-15-0423

Applicant: Ali Dello Russo

Location: 422 ASHLAND AVE, UNIT 422 ½, SANTA MONICA (LOS ANGELES COUNTY)

Proposed Development: Demolition of a one-story, 856 square foot single family residence and construction of a two-story, 24 foot high, 1,598 square foot single family residence which is part of a 3-unit detached multi-family residential property. No work is proposed to the other two structures on the property, which include a single family residence fronting Ashland Ave. (422 Ashland Ave.), and an apartment over the detached garage (422(a) Ashland Ave.). No grading or landscaping is proposed.

Rationale: The project is located on a developed 7,505 square foot lot in an established neighborhood of Santa Monica. The property was registered in 1980 with the Santa Monica Rent Control Board, and the applicant was granted a Removal Permit from the Santa Monica Rent Control Board on April 14, 2015. The applicant also received Approval in Concept from the City of Santa Monica on April 10, 2015. The site is designated as R-3, multiple residential land use by the City of Santa Monica and the proposed development is consistent with the zoning. The proposed project will comply with all setback and height requirements. No change in landscaping or irrigation is proposed that would result in an increase in potable water being utilized for irrigation, and is therefore consistent with Executive Order B-29-25. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **May 13-15, 2015** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,
Executive Director

Mandy Revell
Staff Analyst

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302
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5-94-010-A12

NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties

FROM: Charles Lester, Executive Director

DATE: May 4, 2015

SUBJECT: Amendment to Coastal Development Permit **5-94-010** granted to **Shoreline Village Enterprises** for: Conversion of Shoreline Village Shopping Center parking from free to pay.

PROJECT SITE: 401 – 435 Shoreline Village Drive, City of Long Beach, Los Angeles County

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Increase the parking rates at Shoreline Village shopping center parking lot to the following:

Shoreline Village Parking Lot Rates		Rates approved by A10	Proposed Parking Rate
With Validation	Minimum purchase	\$12.00	\$10.00
	Grace Period (No Charge)	15 minutes	15 minutes
	First 2 hours	\$1.00 (= \$0.50/hour)	\$2.00 (= \$1.00/ hour)
	After 2 hours	\$2.00 each 20 minutes	\$2.00 each 20 minutes
	MAX (Daily)	\$8.00	\$16.00
No Validation	Grace Period	15 minutes	15 minutes
	First 2 hours	\$1.00 each 30 minutes	\$2.00 each 20 minutes
	After 2 hours	\$2.00 each 30 minutes	\$2.00 each 20 minutes
	MAX (Daily)	\$8.00	\$16.00
	Lost Ticket	\$8.00	\$24.00
Event Parking (Validation rates still apply)	4 th of July	None	Up to \$25.00
	New Year's	None	Up to \$25.00
	City Approved Events	None	Up to \$25.00
	Jazz Fest	None	Up to \$25.00
	Blues Fest	None	Up to \$25.00
	Gay Pride	None	Up to \$25.00
	Pro-Volleyball	None	Up to \$25.00

FINDINGS:

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment and objection must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

Shoreline Village is a shopping center with a maritime theme located on the waterfront in the Downtown Shoreline area of the City of Long Beach. The shopping center, which is built on former tidelands in the 1970s, shares the downtown Long Beach waterfront area with the Downtown Long Beach Marina, Rainbow Harbor, Aquarium of the Pacific and Shoreline Park. The nearest public beach is located one-half mile east of Shoreline Village.

The Commission originally permitted the permittee to charge for parking in the 433-stall Shoreline Village public parking lot in 1994 in order to discourage long-term parking by visitors of other uses, such as the Long Beach Convention Center, who try to avoid paying for parking. The permitted parking validation program and parking rates at Shoreline Village parking lot have been reviewed and approved by the Commission in 1997, 1999, 2006 and 2008 as part of Permit Amendments 5-94-010-A2, 5-94-010-A4, 5-94-010-A8 and 5-94-010-A10, respectively [5-94-010-A11 was withdrawn].

In 1999, the Commission required that the permittee implement a parking validation program that allows two hours of free parking with a validation. In 2006, the Commission approved Permit Amendment 5-94-010-A4, which allowed the permittee to charge a one dollar fee for two and a half hours of parking (with validation). In 2008, The Commission approved Permit Amendment 5-94-010-A10, which allowed the permittee to charge a one dollar fee for two hours of parking (with validation). The currently proposed amendment would allow the permittee to charge two dollars for two hours of parking (with validation), increase the maximum rate for parking with and without validation, would establish a flat rate of up to \$25 for special events and holidays and additional rate changes as noted above. Validation rates will still apply during event parking. All parking fees will be collected upon vehicle exit from the parking lot at all times.

Currently, there is a 15-minute grace period for all customers regardless of receiving Shoreline Village parking validation. After the 15-minute grace period, a minimum purchase of \$12.00 is required for parking validation. The permittee proposes to keep the 15-minute grace period and reduce the minimum purchase requirement for validation from \$12.00 to \$10.00. Per CDP Amendment 5-04-010-A6, Shoreline Village Enterprises must provide a minimum of 100 employee and tenant parking spaces that do not exceed the cost of parking in nearby facilities, are within 1,500 feet from Shoreline Village (unless they are located within 200 feet of existing free public transit with frequent shuttle service to Shoreline Village), and are not located in Marina Green, Shoreline Park or along the shoulders of Shoreline Drive.

Conspicuous signs will be posted when approved event parking rates are charged. Parking validation rates will remain applicable when event parking rates are charged. In no event will parking fees be collected upon entrance to the Shoreline Village Parking Lot. All parking fees will be collected upon vehicular exit of the Shoreline Village Parking Lot.

The changes proposed by the amendment are minor and will not adversely affect access to the parking facilities and recreational opportunities in the Downtown Shoreline area. The proposed amendment is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals and the certified Long Beach LCP. Therefore, staff is recommending that the Commission grant the amendment request.

If you have any questions about the proposal or wish to register an objection, please contact **Shannon Vaughn** at the Commission Area office in Long Beach (562) 590-5071.

COASTAL DEVELOPMENT PERMIT 5-94-010 HISTORY:

Permit 5-98-010	No grace period 1 st 2 hours free with validation (no purchase required) 1 st 2 hours \$2.00 without validation 3 rd hour \$1.00 Each 30 mins after 3 hours \$1.00 Daily max with & without validation \$8.00
Amendment 1	Withdrawn
Amendment 2	Grace Period 15 mins 1 st 2 hours with validation free with purchase of any price Without validation \$1.00 each 30 mins Daily max with validation \$3.00 Daily max without validation \$6.00
Amendment 3	Rejected
Amendment 4	Grace Period 15 mins Employee Parking – Shoreline Village must provide 100 low cost nearby employee parking spaces 1 st 2 hours free with validation (minimum purchase \$12) 1 st 2 hours – each 30 mins \$1.00 without validation After 2 hours – each 30 mins \$2.00 without validation Daily max with & without validation \$8.00
Amendment 5	No parking rate changes
Amendment 6	Grace period 15 mins Employee Parking – Shoreline Village must provide 100 low cost nearby employee parking spaces 1 st 2 hours free with validation (min purchase \$12) 1 st 2 hours – each 30 mins \$1.00 without validation After 2 hours – each 30 mins \$2.00 without validation Daily max with & without validation \$8.00 Flat rate event parking \$12.00 max Valet Parking allowed in 25% of the parking lot. Same parking rates apply (no premium fee for valet allowed)
Amendment 7	Withdrawn
Amendment 8	Grace period 15 mins Employee Parking – Shoreline Village must provide 100 low cost nearby employee parking spaces 1 st 2.5 hours \$1.00 with validation After 2.5 hours \$2.00 each 20 mins with validation 1 st 2 hours – each 30 mins \$1.00 without validation

	<p>After 2 hours – each 30 mins \$2.00 without validation Daily max with & without validation \$8.00 Flat rate event parking \$12.00 max Valet Parking allowed in 25% of the parking lot. Same parking rates apply (no premium fee for valet allowed)</p>
Amendment 9	No parking rate changes
Amendment 10	<p>Grace period 15 mins Employee Parking – Shoreline Village must provide 100 low cost nearby employee parking spaces 1st 2 hours, \$1.00 with validation After 2 hours \$2.00 each 20 mins with validation 1st 2 hours – each 30 mins \$1.00 without validation After 2 hours – each 30 mins \$2.00 without validation Daily max with & without validation \$8.00 Flat rate event parking \$12.00 max Valet Parking allowed in 25% of the parking lot. Same parking rates apply (no premium fee for valet allowed)</p>
Amendment 11	Withdrawn

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**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

5-07-419-E6

May 4, 2015

Notice is hereby given that 910 Hermosa Avenue Development, LLC has applied for a one year extension of CDP 5-07-419 originally granted by the California Coastal Commission on April 10, 2008, with the most recent 1 year extension issued on April 10, 2014

for: Demolition of an existing dry cleaners and private single-story parking garage and construction of a three-story (over subterranean parking structure), 30-foot high, 19,405 square foot commercial condominium complex with 19 on-site parking spaces on a 5,863 square foot, C-2 zoned lot

at: 906-910 HERMOSA AVE, HERMOSA BEACH (LOS ANGELES COUNTY)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,
Charles Lester
Executive Director

Amber Dobson
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



April 30, 2015

OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION

To: Commissioners and Interested Parties

From: Jack Ainsworth, Senior Deputy Director
Shannon Vaughn, Coastal Program Analyst

Re: **Extension of Coastal Development Permit A-5-MDR-12-161-E1 (Los Angeles County Department of Beaches and Harbors), Marina del Rey, Los Angeles County.**

On November 3, 2014, the applicant (Los Angeles County Department of Beaches and Harbors) submitted a request to extend Coastal Development Permit A-5-MDR-12-161 for an additional one-year period. The extension is the proposed project's first extension request. Coastal Development Permit A-5-MDR-12-161, originally approved by the Commission on December 12, 2012, permits site preparation work (including grading and extraction of existing structural pilings), and the construction and ongoing maintenance of a public upland and wetland park and an adjacent 20-foot-wide waterfront public pedestrian promenade. The project site is located at Marina del Rey Parcel 9 (southerly approximately 1.46 acres of parcel), located at the northeasterly corner of Via Marina and Tahini Way), Marina del Rey, Los Angeles County.

On February 2, 2015 & March 2, 2015, the South Coast District Office in Long Beach issued notices of the Executive Director's determination that there are no changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or the certified Local Coastal Program (LCP). As required by Section 13169(b) of Title 14 of the California Code of Regulations, the Executive Director reported this determination to the Commission at its February 12, 2015 & March 13, 2015 hearings. The extension request was not properly noticed in February 2015, so additional noticing was sent and the Executive Director determination was posted for the March 2015 agenda.

Within the ten working-day periods (February 3, 2015 – February 16, 2015 & March 3, 2015 – March 16, 2015), during which time any person may object to the Executive Director's determination, the South Coast District Office received five letters, from Mr. Jon Nahhas, Ms. Carla Andrus, Ms. Marcia Hanscom, Ms. Lynn Shapiro, and Mr. Dan Gottlieb, objecting to the Executive Director's determination that there are no changed circumstances that affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or certified LCP (Exhibit A). The objectors assert that: the City of Los Angeles' construction of a dual-force main sewer line down Via Marina was not considered at the time of the project's approval; that the City did not properly notice the sewer project; that cumulative impacts were not considered; that subterfuge, faulty mathematics were used to change the LCP; that the County misused the Coastal Improvement Funds (CIF); that the lawsuit related to this project was not argued by biologists and environmentalist; that the Coastal Commission erred in its original approval of the permit; that new evidence shows that project area is not a full tidal-wetland and therefore the project does not constitute restoration; that new development has occurred in

the area, which was not previously considered; and that the Los Angeles County Board of Supervisors may not want the Wetland Park to be considered separately from a hotel. The Los Angeles County Department of Beaches and Harbors has submitted a response to the objections letters (Exhibit B).

Section 13169(c) of Title 14 of the California Code of Regulations states in part that in order to deny an extension request objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act or the certified LCP.

The letters fail to raise any new or changed circumstances that would affect the proposed project's consistency with the Coastal Act. The primary concerns raised in the letters are other development projects in the area, that the Coastal Commission erred in its original approval of the project, that CIF funds were not properly used, and that new scientific evidence demonstrates that the area was mischaracterized, however, the letters fail to address how the purported new information would affect the project's consistency with the Coastal Act or the certified LCP. Additionally, the Environmental Impact Report (EIR), for the Wetland Park, which was reviewed by Coastal Staff prior to the approval of the project on December 12, 2012 and certified by the Regional Planning Commission on March 10, 2010, included analysis of potential impacts if the Wetland Park, dual-force main sewer project, and nearby development were all under construction simultaneously. Proper noticing of the City's sewer project is a separate issue. The misuse of CIF funds, how the lawsuit was argued, speculation of the Los Angeles County Board of Supervisor's intentions, and simply stating that there was an error in the original approval, do not raise changed circumstances since the project was originally approved. No evidence regarding the characterization of the wetland area has been produced. Finally, the LCP was amended in accordance with Coastal Act Policies – concerns with the LCP amendment should have been raised at the time it was amended. None of the objectors' concerns identify changed circumstances that would affect the consistency of the development with the Coastal Act or the certified LCP.

Therefore, the Executive Director has concluded that the objection letters do not identify any changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with a copy of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect consistency with the Coastal Act or the certified LCP, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request will extend the expiration date of Coastal Development Permit A-5-MDR-12-161 to December 12, 2015, one year from the previous date of expiration.

Alvarado, Marlene@Coastal

From: Jon Nahhas <jnahhas@gmail.com>
Sent: Wednesday, February 11, 2015 10:39 PM
To: Lester, Charles@Coastal
Cc: 'Kinsey, Steven'; Vaughn, Shannon@Coastal
Subject: Objection to Determination
Attachments: ChangedCircumstances(A-5-MDR-12-161)_Wetland&SewerProjects1.pdf;
ChangedCircumstances(A-5-MDR-12-161)_CommentSewerProject.pdf;
CCCNotice_Parcel9Wetland_CDPEExtension.pdf; LACityNotice_SewerProject.pdf

Dr. Charles Lester, Executive Director
California Coastal Commission

Dear Dr. Lester,

We are formally submitting a letter of objection to the determination that there are "no changed circumstances" to the Coastal Development Permit issued for Parcel 9 (Wetland Park) in Marina del Rey. Please consider the evidentiary documents attached to this email and report the discrepancies to the Commission for a possible hearing. The documents included for your review are:

- 1) Changed Circumstances - Wetland and Sewer Projects w/o Assessed Cumulative Impacts
- 2) Changed Circumstances - Comment on LA City Sewer Project
- 3) CCC Notice of CDP Extension
- 4) LA City Notice of Sewer Project

Thank you for your time and effort in protecting the California coastal regions.

Respectfully,

Jon Nahhas



COASTAL COMMISSION

A-5-MDR-12-161-E1

EXHIBIT # A

PAGE 1 OF 40



February 11, 2015

RE: Changed Circumstances for Proposed Development on Parcel 9 (A-5-MDR-12-161)

Dr. Charles Lester, Executive Director
California Coastal Commission

Dear Dr. Lester,

We received notice for the extension for the Coastal Development Permit on Parcel 9 (Wetland Park) requested by LA County Department of Beaches & Harbors. The notice was very misleading as it had identified an "extension of appeal" which many of our community members did not understand, not to mention your staff. The notice also identified Parcel 9 as 146 acres (100x larger than its actual size).

The City of Los Angeles is planning to construct a sewer line, known as the Venice Dual Force Main Project, directly adjacent to the proposed project site (Wetland Park) where the extension is being requested. The Sewer Project's EIR was circulated to the CCC and was certified by the City of LA on January 12, 2010. The public has been informed by the City that the proposed sewer line will begin construction in early 2016. The proposed extension of development on Parcel 9 scheduled for February 2016 would create changed circumstances with significant impacts to the environment. Your staff has stated that they were not informed of the City's Sewer Project and could not have known the cumulative impacts of the two projects beginning at similar times in the same area.

The public has protection from "hidden" projects and significant impacts not being assessed cumulatively. Section 21166 of the California Environmental Quality Act states:

21166. When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.*
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.*
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.*

The sewer project has many more impacts, including the closing of several traffic lanes on Via Marina, which will directly affect the grading and extractions proposed on Parcel 9.

We ask that you reconsider your determination of "no changed circumstances" in accordance with Section 13169 and have your staff thoroughly investigate the two proposed projects that are schedule to commence in the same area and at the same time.

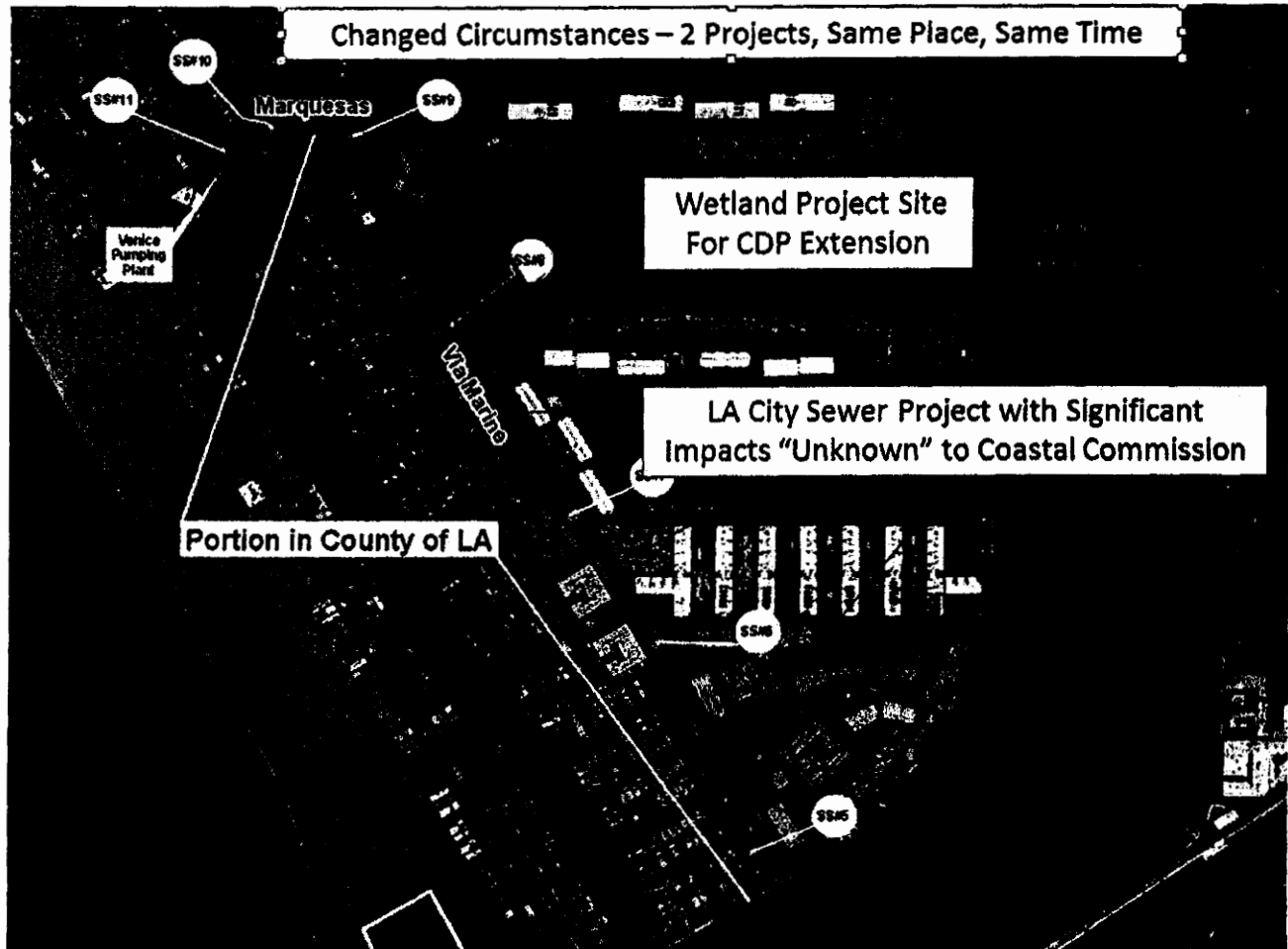
Respectfully,

Jon Nahhas
The Boating Coalition

COASTAL COMMISSION

EXHIBIT # A
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Map Showing 2 Projects to Commence at Same Time in the Same Area



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EXHIBIT # A
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South Coast Area Office
200 Oceangate, Suite 1000
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(A-5-MDR-12-161-E1)

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

February 2, 2015

Notice is hereby given that Los Angeles Department of Beaches and Harbors has applied for a one year extension of appeal A-5-MDR-12-161 filed by the We Are Marina del Rey and the Wetlands Defense Fund on June 7, 2012 for:

Site preparation work (including site grading and extraction of existing structural pilings), and the construction and ongoing maintenance of a public upland and wetland park and an adjacent 28-foot-wide waterfront public pedestrian promenade.

at: Marina Del Rey Lease Parcel 9 (Southerly Approx. 146-Acres Of Parcel), Located At Northeasterly Corner Of Via Marina And Tahiti Way), Marina Del Rey (Los Angeles County)

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,
CHARLES LESTER
Executive Director

A handwritten signature in black ink, appearing to read 'Shannon Vaughn', written over a horizontal line.

By: Shannon Vaughn
Coastal Program Analyst

COASTAL COMMISSION

EXHIBIT # A
PAGE 4 OF 40



February 11, 2015

Changed Circumstances for Proposed Development on Parcel 9 (A-5-MDR-12-161)

Substantial Issues with the Venice Dual Force Main Project:

1. Public Safety on Drilling Near Abandoned Oil Wells

The use of microtunneling near numerous abandoned oil wells (more than 14), some of which have been found to be leaking gas by the California Superior Court, is a serious public hazard. There has been considerable public concern about digging, cutting, grinding, etc. near the proposed path close to the abandoned wells of: Edgar Brown #1, Burks #2, Burks#3, Morrison #1, Dow #7, #9 & #10, and Ohio #5, #6 & #11. The Public has requested information on the permits on the abandoned wells and evidence for the mitigation of these severe environmental impacts. The City of Los Angeles has not provided the information as of the date of this comment.

2. Traffic Problems

There will be severe traffic issues with the partial closure of Via Marina Ave. The County of Los Angeles has asserted through Court pleadings that the traffic study conducted for this project by the City of LA was severely flawed. The City of LA failed to provide any information to contest the allegations in Court or in the public process that followed for the Coastal Development Permit on the project.

3. Public Participation Minimized

The Public was provided two "informational meetings" which the City of LA officials and their consultants refused to answer questions in an open forum. The attending public was required to ask questions privately to the numerous department officials that were scattered throughout the meeting hall. At the CDP Public Hearing on January 21, 2015, the public speakers were severely limited to 2 minutes to speak and there were only 19 speaker cards (38 minutes total public speaking time for a 2 hour Public Hearing). 6 of the first 19 public speakers could not be heard because the microphone was not turned on.

4. Important Information Withheld

The City of Los Angeles knowingly and willfully withheld important information from the public regarding this project. The project was the subject of a long litigation process involving alleged CEQA violations that went to the California Supreme Court and the public had the right to know the details and outcomes of the Court rulings. A summary of the Court rulings should have been included in each staff report created for the project and reports generated to the public prior to their comments. Members of the public requested information from the City of LA regarding the lawsuits but those records were never provided.

Submitted by:

Jon Nahhas

COASTAL COMMISSION

EXHIBIT # A
PAGE 5 OF 40

Venice Dual Force Main Project Fact Sheet

The City of Los Angeles Department of Public Works will construct a 54-inch diameter force main sewer to supplement the 48-inch diameter force main sewer built in 1960.



The sewer will originate at the Venice Pump Plant located on Hurricane Street and cross Grand Canal, travel east to Marquesas Way, then south along Via Marina crossing the Marina del Rey and Ballona Creek Channels to meet an existing Coastal Interceptor Sewer junction structure on Vista del Mar near Waterview Street.

COASTAL COMMISSION

EXHIBIT # A
PAGE 6 OF 40

The Project

The new parallel system will operate in conjunction with the existing 48-inch force main. With the systems working together, sewage flow from the Venice Pump Plant can be conveyed to the Hyperion Treatment Plant in El Segundo using either or both of the force mains. The project objectives are to increase sewage capacity, create pipeline redundancy and allow for maintenance of the system.

A micro-tunneling construction method will be used along the alignment to reduce construction impacts to the public. The only exception is the southern-most 1,000 feet of the sewer which will be constructed by open trenching.

Why is another force main needed?

The aging and deteriorating 50-year-old sewer is at risk to overflow during peak wet weather conditions. L.A. Sanitation must protect the public and prevent an overflow event of harmful wastewater on to surface streets and in surface waters should a major wet weather episode occur or if the existing main fails.

Currently all of the wastewater flowing from the Venice Pump Plant is carried in one 50-year-old sewer. Because it is in constant use, the sewer cannot be shut down for inspection and maintenance. The construction of the Venice Dual Force Main will allow for routine inspection and maintenance and protect the public from a potential sewage spill by adding capacity and redundancy.

What is the project timing?

The Final Environmental Impact Report has been adopted. The project is in the final permitting process in the County of Los Angeles and City of Los Angeles. A County public hearing and a City public hearing will occur in the fall. A formal noticing process will inform the public about these hearings.

How do I get information about the project?

The public will be invited to attend two open house briefings to learn more about the project. Please visit the project website for the details at <http://eng.lacity.org/projects/vpp/>

Who do I contact if I have a question about the project?

Website

<http://eng.lacity.org/projects/vpp/>

Email

venice.dual.force.main.project@gmail.com

L.A. Sanitation Public Affairs Office

(213) 978-0333

Monday through Friday business hours

24-hour Information and Update Hotline

(424) 259-3708



L.A. Sanitation – protecting public health and the environment through clean water, solid resources and watershed protection.
For more information, visit www.lacitysan.org.

5.7.7 CUMULATIVE IMPACTS

5.7.7.1 **Threshold:** Would the project exceed an LOS standard established by the county congestion management agency for designated roads and highways.

Threshold: Would the traffic generated by the project, if added to existing traffic volumes, exceed the design capacity of an intersection or roadway, contribute to an unacceptable LOS, or exacerbate an existing congested condition.

Analysis:

Construction: Construction activity from other nearby projects, such as the City of Los Angeles' proposed Venice Dual Force Main Sewer upgrade project and The Shores project may occur during the same time period that the Neptune Marina Apartments and Anchorage and Woodfin Suite Hotel and Timeshare Resort projects are actively under demolition or construction. These simultaneous construction activities could limit access along both Via Marina and Marquesas Way. Under one of the three proposed alignments, the Venice Dual Force Main Sewer upgrade project would be constructed in Via Marina, the consequence of which would be the temporary reduction to a single travel lane in each direction on Via Marina, which may result in delays during the peak commuting periods. However, the combined short-term traffic due to the construction activities of the Venice Dual Force Main project and the peak level of activity of the proposed project would be lower than that of the completed project. Further, such impacts would be temporary and of short duration. In addition, as noted previously, Worksite Traffic Control (WTC) Plans will be developed and approved for the Neptune Marina Apartments and Anchorage and Woodfin Suite Hotel and Timeshare Resort projects. The WTC Plans will also coordinate with the construction activities of the Venice Dual Force Main project and The Shores project to minimize any short-term construction traffic impacts. The WTC Plans will also ensure that resident and emergency access will not be impeded, and that pedestrian safety will be maintained.

The installation of the project water lines on Via Marina extending into Parcels EE, 10R and possibly 9U will also need to occur for approximately 6-8 weeks during the project construction period. This installation will require that one lane be closed during off-peak hours along this roadway. A separate closure of a southbound Via Marina lane is also anticipated to occur for the Venice Dual Force Main Project, if the Via Marina alignment is chosen. All lane closures would be restricted to off-peak (9:00 AM to 4:00 PM) time periods. As a worst case scenario, these closures could overlap. However, all lanes would remain open during peak time periods (7:00-9:00 AM and 4:00-6:00 PM) and at least one travel lane in each direction would remain open at all times. The project would be required to obtain and implement a Worksite Traffic Control (WTC) Plan for work within the right-of-way, which would need to

coordinate with the Venice Dual Force Main Project activities. This coordination will minimize cumulative traffic impacts should these two in-street construction projects occur simultaneously.

Operation: Traffic resulting from the previously identified 41 related projects would also contribute to impacts at the study intersections that are part of the proposed project. In order to gauge the effects of this additional traffic, an additional level of analysis was conducted. Although the 0.6 percent annual growth factor is expected to fully represent all area traffic increases, for the purposes of conservative analysis, traffic generated from nearby related projects was added to these future baseline traffic volumes, to form the basis for the Without Project conditions. Further, in order to present a conservative analysis of future conditions, most of the 41 related projects were assumed to be completed and fully occupied by the study year (2013), although in reality, many of the related projects are still speculative, have not yet been approved, or are sufficiently large or complicated that they will not be constructed within the assumed study timeframe.

Figure 5.7-26, Related Project Traffic Volumes – AM Peak Hour, and Figure 5.7-27, Related Project Traffic Volumes – PM Peak Hour show the anticipated AM and PM peak-hour traffic at the study intersections resulting from the expected cumulative development in the study area. The related project traffic volumes were added to the future (2013) With Project traffic conditions shown previously in Figure 5.7-10 and Figure 5.7-11 to obtain projections of the ultimate expected future year 2013 traffic. These cumulative traffic volumes are shown in Figure 5.7-28, Future (2013) Traffic Volumes – With Project and Related Projects – AM Peak Hour, and Figure 5.7-29, Future (2013) Traffic Volumes – With Project and Related Project Traffic – PM Peak Hour. The analysis of the cumulative traffic conditions was performed using the same CMA methodology described earlier.

The results of the cumulative development analysis are summarized in Table 5.7-2223, Summary of Critical Movement Analysis Future (2013) Traffic Conditions – With Cumulative Development – AM Peak Hour, and Table 5.7-2324, Summary of Critical Movement Analysis Future (2013) Traffic Conditions – With Cumulative Development – PM Peak Hour, and show that the potential additional traffic resulting from area-wide development would significantly impact 12 of the 17 study intersections, resulting in several locations nearing or exceeding capacity. The Neptune Marina Apartments and Anchorage/Woodfin Suites Hotel and Timeshare Resort Project would also contribute incrementally to these cumulative impacts.

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Alvarado, Marlene@Coastal

From: bxrussell1@aol.com
Sent: Wednesday, February 11, 2015 12:32 PM
To: Vaughn, Shannon@Coastal

Shannon Vaughn
Coastal Program Analyst
California Coastal Commission

February 11, 2015

Shannon.Vaughn@coastal.ca.gov

RE Extension Required for CDP
One Year extension of Appeal A-5-MDR-12-161-E1
February 10, 2014

Dear Ms Vaughn

I believe that the Coastal Commission seriously erred in 2011 in approving the substitution of the 9U wetland for a promised park on Parcel FF and I am opposing this proposed extension to prevent the error being perpetuated.

The County agreed to make Parcel FF a park in 1996 in exchange for a Coastal Commission concession allowing more than 2,400+ more residential units in building lots around the park. This agreement was confirmed in the certified 1996 LCP which also contains a map showing FF as a park.

In 2011 the County went back on its promise by applying to build a residential block on FF. It substituted the entirely unsuitable stub of wetland on Parcel 9U which is to be tidally waterlogged and of no recreational use. This amounts to a mitigation of a mitigation which is entirely unacceptable. At the same time the County retained its concession for greater residential density.

In siting some of the park area required under county rules for the increased residential population, the county stated part of it would be sited a mile away on Burton Chace park, which, again, is no substitute for the neighborhood park agreed on FF and is, again, a mitigation of a mitigation.

In 2011 Commission Deputy Executive Director Jack Ainsworth failed to tell Commissioners, largely new to their jobs, about the standing commitment on FF. He failed to do so even when Commissioner Sanchez, as a result of remarks by myself, asked if it was true that a park had been promised on FF. Mr Ainsworth stated that this was a misconception on the part of some members of the public. As a longstanding officer of the Commission he was in a position to know a great deal better.

In addition Mr Ainsworth told Commissioners that as there was only \$35,000 in a builder-contributed Coastal Improvement Fund, building of the park was out of the question. In fact there was more than \$190,000 in the fund at that date. Mr Ainsworth also stated that there was no timing for the FF park construction. But County Specific Plan's Coastal Improvement Ordinance requires four acres of park for every new 1,000 residential unit. This threshold had already been reached before the 2011 LCP hearing and construction of the park was enforceable. We know that a phasing schedule was required and that it would be with the Department of Public Works.

You should know that the California Joint Legislative Audit Committee has conducted an investigation into the County's management of the CIF and will continue to monitor these operations during the upcoming year. I believe the Coastal commission also failed in its duties to monitor operation of the fund.

I believe that the Coastal Commission failed in its duty to uphold the terms of the California Coastal Act in allowing the substitution of low priority residential use for top priority public recreational use on Parcel FF and that the situation should be redressed by refusing the extension of the 9U wetland conversion.

Carla Andrus,
578 Washington Blvd 1102

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Marina del Rey 90292
candrusmdr@gmail.com

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Vaughn, Shannon@Coastal

From: carla andus <candrusmdr@gmail.com>
Sent: Wednesday, February 18, 2015 8:53 AM
To: Bruce Russell; Vaughn, Shannon@Coastal
Subject: Re:
Attachments: https://www.auditor.ca.gov/pdfs_reports_2014-136.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Shannon

Thank you for the information. I spoke with Teresa Henry and because we made reference to a state audit on the CIF which we believe amounts to a change circumstance in the request for permit extension for A-5- MDR-12-161 I am sending an attachment of the audit. We can no longer consider this wetland that is already a public/county owned parcel a mitigation for the park,promised on Parcel FF/14.

Carla

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January 27, 2015

Letter Report 2014-136

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

The California State Auditor (state auditor) presents this letter report concerning administration of the Coastal Improvement Fund (improvement fund) by Los Angeles County (county). This report concludes that the county needs to do a better job of communicating to the public its plans for using improvement funds to create public open space. To date, the county has neither established a time frame nor developed specific plans for when and how it will use the improvement fund's resources. The county's lack of clarity and urgency on this issue may result from the improvement fund's small ending balance of only \$250,000, a figure well below the \$1.45 million the county intended to collect when it established the improvement fund fee nearly 20 years ago. The fund balance is small because residential developers can legally avoid paying the fee by obtaining credits for including certain qualifying features in their projects, which, in some cases, appear to have questionable public value. Our review of seven projects that were assessed the fee found that developers for two of the projects avoided paying the fee by obtaining a sufficient amount of credits. Additionally, we noted instances in which the county issued building permits before receiving payments of the fee, and, in one case, the county let several years elapse before receiving payment. Finally, there was one instance in which the county undercollected about \$22,000 for the improvement fund because it did not verify that a developer had fully earned its project credits. When we raised the issue with Regional Planning, it took prompt corrective action and recalculated the improvement fund fee. It then notified the developer of the amount owed and received payment in late December 2014.

Background

The Improvement Fund

The county established the improvement fund in 1995¹ with the intended purpose of offsetting the effects of an increased residential population in Marina del Rey by ensuring sufficient open space for its residents. Thereafter, developers of new residential housing units have been required to pay a fee to the improvement fund—\$600 per new residential unit²—and the county has been required to use the proceeds from these fees to develop new open space or to improve existing

¹ In 1996 the California Coastal Commission approved the creation of the improvement fund as part of its certification of the Marina del Rey Land Use Plan (land use plan).

² A 2012 amendment to the county code established an improvement fund fee of \$1,200 per new residential unit for certain residential developments that replace public parking lots, and it required the county to start adjusting the \$600 fee amount for inflation using the Bureau of Labor Statistics' Consumer Price Index (CPI). For 2014 the fee was \$619 per new residential unit.

facilities, such as parks and public walkways. The text box to the right shows the method and assumptions behind the calculation of the improvement fund fee. However, the county code also contains several provisions that allow developers to obtain project credits that can offset their payment of improvement fund fees. Specifically, developers may obtain project credits amounting to \$2.30 per square foot if they develop 500 or more contiguous square feet of public open space.³ The text box below

Public Amenities That Reduce Amounts Owed to the Coastal Improvement Fund

Residential developers can receive credit reducing the payment due to the Coastal Improvement Fund by including amenities such as:

- Bicycle paths
- Community buildings
- Drinking fountains
- Interpretive displays
- Irrigation
- Jogging paths
- Landscaping
- Nonmotorized low-cost boating
- Nonmotorized public boating facilities
- Parking lots
- Pedestrian promenades
- Picnic tables and benches
- Playgrounds
- Recreation centers
- Recreational fields
- Restroom facilities
- Turf
- View decks and areas
- Walkways

Source: Title 22, Division 1, chapters 22.46.1950 and 22.46.1970 of the Los Angeles County Code of Ordinances.

Calculations Behind the County's Coastal Improvement Fund Fee for Marina del Rey

New Residents Calculation

New residential units	2,420
Estimated residents per unit	$\times 1.5$
Estimated new residents	3,630

Required Open Space Calculation

Estimated new residents	3,630
County park standard (1 acre per 250 residents)	$\div 250$
Acres of open space required	14.5

Fee Calculation

Estimated development cost per acre	\$100,000
Acres of open space required	$\times 14.5$
Total estimated cost to fund required open space	\$1,450,000
New residential units	$\div 2,420$
Calculated fee per unit	\$599.17
Applied fee per residential unit	\$600.00

Source: Title 22, Division 1, Chapter 22.46.1950 of the Los Angeles County Code of Ordinances.

describes the types of projects for which a developer may receive these credits. The county's Department of Regional Planning (Regional Planning) and Department of Beaches and Harbors (Beaches and Harbors) jointly administer the improvement fund, as the county code requires.

The County's Process for Assessing Improvement Fund Fees

All development in Marina del Rey requires a coastal development permit to ensure that the development conforms to the Marina del Rey land use plan and the

³ The 2012 amendment to the county code also required the county to use the CPI to adjust the \$2.30 credit amount for inflation. For 2014 the county gave developers a credit amount of \$2.37 per square foot of public open space.

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Specific Plan,⁴ which is contained in the county code. A coastal development permit for Marina del Rey is a discretionary permit that generally requires the Los Angeles County Regional Planning Commission (planning commission) to exercise judgment and to deliberate at a public hearing before deciding to approve or disapprove a project seeking this type of permit.⁵ In addition to reviewing the application and the project plans for coastal development permits, Regional Planning staff also determine whether improvement fund fees apply to projects; when applicable, the staff calculate those fee amounts. If the developer claims any improvement fund credits, Regional Planning staff determine whether the credits are consistent with the land use plan.

For the planning commission hearing, Regional Planning prepares a staff report with project information and recommendations, draft findings, and draft conditions stipulating the improvement fund requirements. At times the conditions also specify the estimated amount due to the improvement fund, if applicable. The county code requires the county to collect the improvement fund fee from the developer before the developer obtains a building permit from the county's Department of Public Works (Public Works). Public Works issues building permits only after receiving notice from all applicable agencies—including Regional Planning as well as Beaches and Harbors—that all conditions have been satisfied for issuance of the building permit.

An Overview of Existing and Proposed Open Space Improvements in Marina del Rey

According to county documents, Marina del Rey has more than 44 acres designated as open space. As of November 2014 the county had developed about 25 of these acres and had proposed plans for developing open space on the remaining 19 acres, as shown in Figure 1 on the following page. The largest undeveloped portion of open space is Parcel P, which includes Oxford Basin and which was previously an underdeveloped wetland area of roughly 10 acres. According to Beaches and Harbors, the county began an open space development project on Parcel P in December 2014 that it expects to complete in 12 months. Another significant undeveloped section of open space is the planned expansion of Parcel EE—Chace Park. The county intends to expand the park into parcels 45, 47, and 77; however, when this expansion will take place is uncertain.

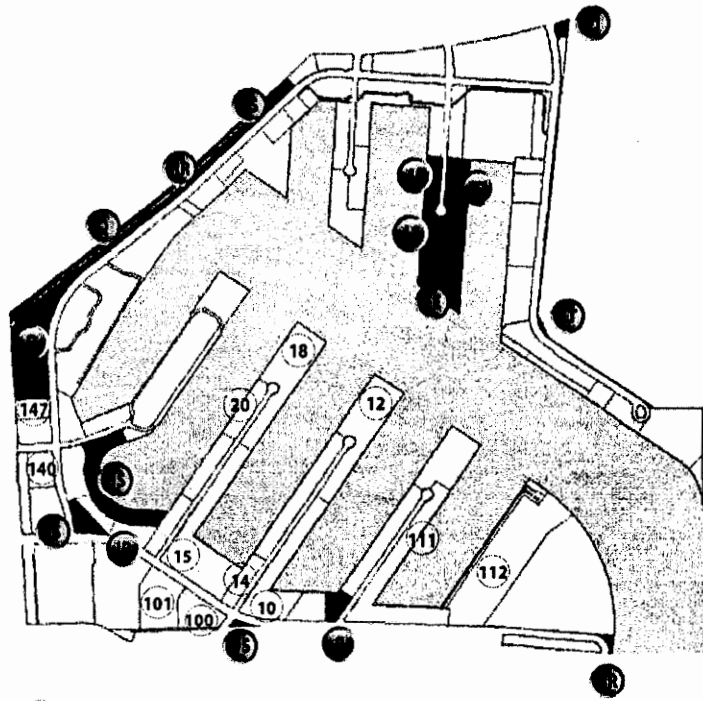
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⁴ The Specific Plan serves as an implementation mechanism for the Marina del Rey land use plan, and it establishes development standards and guidelines that are the regulatory basis for future development, preservation, and reconstruction efforts in Marina del Rey.

⁵ Following the planning commission's decision on a coastal development permit, any interested party may appeal decisions about certain development projects in Marina del Rey to the county's board of supervisors. Appeals must be submitted within 14 days of the hearing decision. Similarly, the board of supervisors' hearing decisions regarding certain projects may be appealed to the California Coastal Commission.

Figure 1
 Existing and Proposed Park Areas Designated as Open Space in Marina del Rey



PARCEL	ACRE SIZE (AC)	DESCRIPTION
Existing Park Areas		
Q	2.74	Burke Park open space and parking
RR	2.12	Burke Park
SS	3.40	Burke Park
51	0.52	Gateway green space
XT	1.23	Area A buffer
EE	7.19	Chace Park
BR	0.67	Green space near main channel
DS	0.72	Green space near gateway
JS	0.36	Green space near gateway
HS	5.90	Marina Beach
Total AC	24.85	
Proposed Park Areas		
45	1.80	Chace Park expansion
47	1.92	Chace Park expansion
77	2.92	Chace Park expansion
9	1.46	Wetland park
IR	1.00	Open space in support of Marina Beach
P*	10.26	Oxford Basin
Total AC	19.36	

= Other parcels we discuss in the report where residential development has occurred or is planned.

Sources: Los Angeles County Department of Beaches and Harbors (Beaches and Harbors) staff and the Los Angeles County Code Section 22.46, maps 3 and 8.

Note: The figure does not include the publicly accessible open space, such as pedestrian promenades along the waterfront, which have been provided by residential developers. Also, with the exception of parcels 9 and IR, the figure does not show portions of other parcels that have existing or proposed open space.

* According to a planning specialist at Beaches and Harbors, Parcel P development will begin on December 9, 2014, and is expected to take 12 months to complete.

Scope and Methodology

The Joint Legislative Audit Committee (audit committee) directed the state auditor to audit the county's administration of the improvement fund. Specifically, the audit committee asked the state auditor to review the improvement fund's revenues, expenditures, and fund balance for the past three years. The audit committee also asked us to identify the number of residential building permits issued and whether the fees were collected. Finally, the audit committee asked us to determine whether the reasons and justification for the county's not collecting any fees complied with applicable criteria.

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We obtained an understanding of Regional Planning's process for approving development requests and for assessing the improvement fund fee by reviewing project files and by conducting interviews with the staff responsible for development projects in Marina del Rey. We also reviewed Regional Planning's case-processing manual and draft management policy for the improvement fund. Additionally, we reviewed documentation for development projects that the planning commission approved, including the conditions of approval.

To identify revenues, expenditures, and the fund balance of the improvement fund, we interviewed personnel and obtained and reviewed accounting records from Beaches and Harbors, which is responsible for the improvement fund's accounting. We noted that between July 2011 and June 2014, the county did not charge any expenditures to the improvement fund and that only one developer made a payment to the improvement fund. Finally, we evaluated the county auditor-controller's 2013 review of the improvement fund balance.

Although the audit committee requested that the state auditor review improvement fund activities for the past three years, when possible, we expanded our period of review to 19 years—from the 1995 establishment of the fund to 2014—because most of the new residential development projects to which improvement fund fees might have applied were approved more than three years ago. To determine the number of building permits issued and whether the improvement fund fees were collected, we interviewed personnel at Regional Planning and at Public Works and obtained data from the departments' respective databases. We first reviewed each database independently to identify all the projects and building permits to which improvement fund fees might have applied. Next, we identified the date that Public Works issued a building permit and identified when the developer submitted payment to the improvement fund. Finally, we reviewed how Regional Planning awards credits to developers that are seeking reductions to the amounts they owe to the improvement fund.

The County's Plan for Using the Improvement Fund Is Unclear, Contributing to Public Confusion About Plans for the Funds Collected

When it established the improvement fund, the county contemplated using money in the improvement fund to create park facilities on specific parcels in Marina del Rey, including Parcel FF (now Parcel 14). However, in February 2012, the California Coastal Commission certified an amendment to the land use plan that altered the designation of Parcel FF from *open space* to *residential*. After that, it became clear that the improvement funds would no longer be used to develop park facilities on what was Parcel FF. However, as the land use plan has evolved, the county has not clearly updated the public regarding how it specifically intends to use the amounts collected in the improvement fund to develop additional open space throughout Marina del Rey. For example, an individual reading the county code today would continue to see mention of Parcel FF (which no longer exists) and that parcel's linkage to open park space and the improvement fund fee.

The planning specialist at Beaches and Harbors asserted that the primary purpose of the improvement fund is not necessarily to finance the development of specific open space on specific parcels, but rather to increase the overall density of public open space in Marina del Rey to correspond with the area's planned increase of 2,420 new residential units. Staff from Beaches and Harbors believe they are achieving this goal by incentivizing developers to include

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certain features in their development projects in exchange for credits, which developers then use to reduce or eliminate the need to pay the improvement fund fee. In essence, the county has foregone the money it otherwise would have received from developers in exchange for residential projects that include space that is open to the public, such as promenades, landscaping, and parking lots.

Since establishing the improvement fund nearly two decades ago, the county has received significantly less than the \$1.45 million it originally planned when it established the fee. Based on past performance of the fund and the county's willingness to accept the public space that residential developers provide in lieu of fee payments, it seems unlikely that the improvement fund will ever accumulate sufficient amounts to become a significant single funding source for the development of new open space, such as a neighborhood park. Instead, according to the planning specialist at Beaches and Harbors, the county intends to use other county funds, along with the improvement fund, to develop open space projects in Marina del Rey, such as the expansion of Chace Park and the development of a wetland park proposed for Parcel 9. However, when these projects will actually begin remains uncertain. Without a clear plan and timeline for using improvement funds, and with developers receiving credits for open space that has questionable public value, as we discuss in the next section, the public will likely continue to ask whether the county is sufficiently mitigating the impact of the increasing local population through the creation of additional public open space.

Generous Yet Permissible Project Credits Allow Developers to Avoid Paying Into the Improvement Fund

Since it established the improvement fund in 1995, the county has approved nine development projects in Marina del Rey. However, developers have been able to significantly reduce the amounts they owe to the improvement fund by receiving credits from the county in exchange for creating or improving public open space. As Table 1 on the following page shows, the nine development projects would have generated \$1,308,000 in gross fees for the improvement fund; however, the awarded credits allowed developers to reduce their payments. Specifically, the \$642,000 in credits for the five projects shown in Table 1 reduced the gross fees on those projects by 83 percent, from roughly \$775,000 to \$133,000. Overall, the \$642,000 in credits that developers received thus far for promenades, walkways, and landscaping, among other improvements, have translated to more than six acres of developed public open space, when converted at roughly \$2.30 per square foot.

We believe that the county's extending of some of these credits to developers may be too generous. For example, Regional Planning has been generous in awarding about \$241,000 in credits to developers for pedestrian promenades that also serve as fire access roads. Regional Planning's practice has been to award credits for the entire area of the pedestrian promenades instead of for just those portions unrelated to fire access that conform to the open space policy. Although the land use plan does not legally preclude Regional Planning from granting credits to developers for entire promenades, we noted that doing so means the improvement fund loses additional revenue to achieve its goals. The county awarded about \$212,700 in project credits to the developer of a project on parcels 12 and 15 for portions of pedestrian promenades that also serve as fire access roads. Additionally, Regional Planning awarded almost \$28,300 in project credits to another developer of a project on Parcel 20 for portions of a waterfront promenade

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that also serves as a fire access road. If Regional Planning had granted credits only for the portions of the promenades not pertaining to fire access, these two developers would have received about \$94,400.

Table 1
Coastal Improvement Fund Contributions

PARCEL NUMBER	GROSS COASTAL IMPROVEMENT FUND (IMPROVEMENT FUND) FEE ASSESSED	PROJECT CREDIT RECEIVED*	NET IMPROVEMENT FUND FEE DUE	NET IMPROVEMENT FUND FEE PAID
18	\$76,800		\$76,800	
12/15	\$74,043		76,122	
20	59,400		21,887†	
111/112	72,000		0	
140	64,800		35,222‡	
100/101	205,200		0	
147	138,965		138,965	
10	163,416		Not yet finalized	
14	153,594		Not yet finalized	
Totals	\$1,308,219	\$642,212	\$348,997	\$188,142

Sources: California State Auditor's review of Los Angeles County Department of Regional Planning (Regional Planning) and Department of Beaches and Harbors' coastal development project files, review of Department of Public Works' database of building permits issued in Marina del Rey, and interviews with Regional Planning's principal planner.

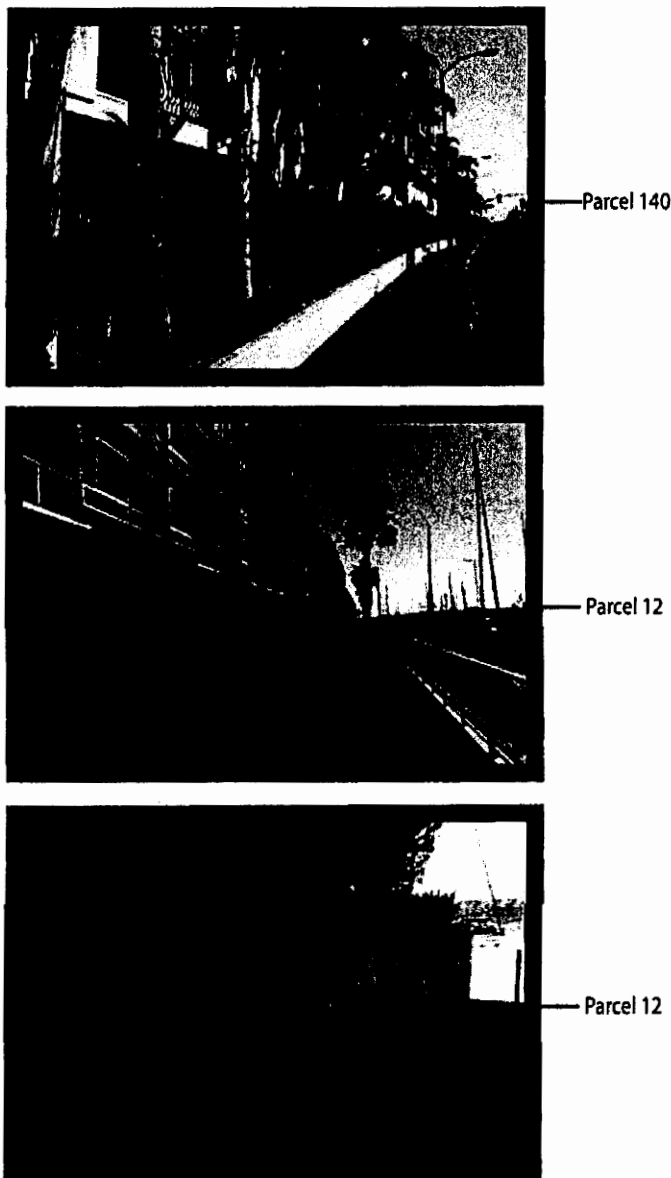
- * *Project Credit Received* include only those credits given to the developer up to the amount of the *Gross Improvement Fund Fee Assessed*. Two developers received credits in excess of the gross assessed improvement fund fee, including \$83,950 in credits for Parcel 111-112 and \$228,965 in credits for Parcel 100-101.
- † This developer initially received credits in excess of the gross improvement fund fee assessed; however, it did not build all of the public open space outlined in the coastal development permit approval conditions. Therefore, Regional Planning recalculated the improvement fund fee and project credits and in November 2014 charged the developer the difference of \$21,887. Payment was received in late December 2014.
- ‡ Due to an immaterial error in the improvement fund fee calculation, the developer was charged and paid \$2.30 less than it owed.
- § Although this developer has not started building, it was issued a building permit prematurely as it has not paid the improvement fund fee. Regional Planning billed the developer for the full improvement fund fee amount in November 2014.
- || The developers for these projects have not requested any credits; however, Regional Planning staff indicated that these developers can still request credits since they have not started building these developments. The net improvement fund due will depend on the final project credits received.

As Figure 2 on the following page shows, some developers received credits for space that is clearly marked as public open space and that is accessible to the public. However, in another case, a developer received credits for space that was not clearly marked as available to the public, and we question whether anyone other than the residents of that development will benefit from such space. In particular, a developer built an additional 342 residential units on parcels 100 and 101 in Marina del Rey and received credits that offset more than \$205,000 in improvement fund fees by including landscaping, pedestrian walkways, parking spaces, and

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roadway access to the parking spaces. These credits appear to be allowable improvements according to the county code; however, as the photographs in Figure 3 on the following page demonstrate, it is unclear whether the general public is aware of, benefits from, or even uses these open spaces. For example, we think it unlikely that the general public will benefit from the gravel courtyard in front of the residential building. Furthermore, we noted that the parking spaces at this property were marked "guest parking" or were not marked at all, and this situation may cause some members of the public to assume that the parking spaces are for residents only.

Figure 2
Examples of Project Credits Claimed in Marina del Rey That Are Clearly Accessible to the Public

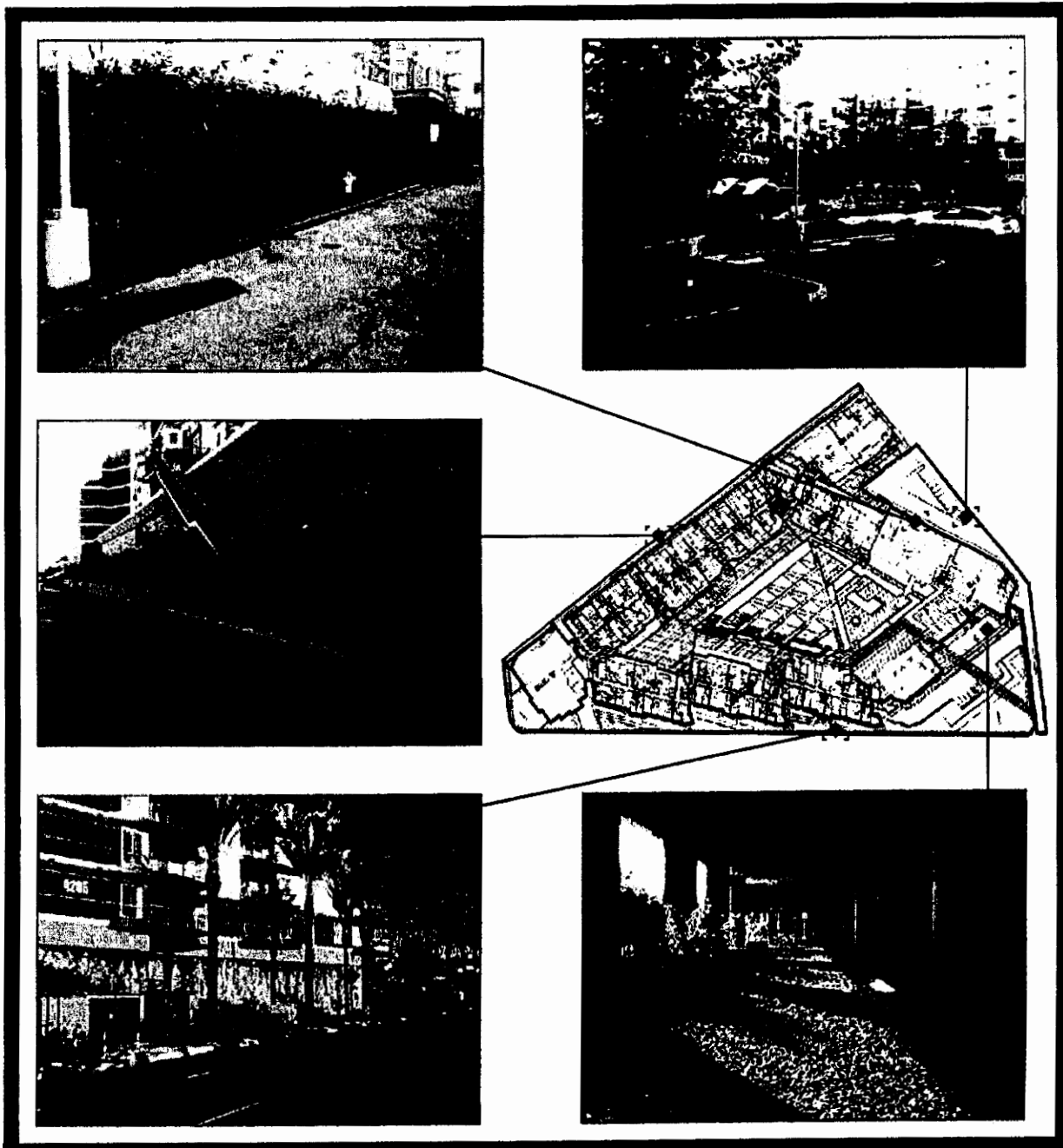


Sources: Photographs taken at Parcel 140 (top) and Parcel 12 (middle, bottom) by auditors during site visits.

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Figure 3
Examples of Generous Yet Permissible Project Credits Claimed on Parcel 100-101 in Marina del Rey



Sources: Site plan obtained from the Los Angeles County Department of Regional Planning's coastal development project file and photographs obtained by auditors during site visits.

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Because the developers received significant credits for their respective projects, the improvement fund balance, including interest, was just below \$204,000 at the end of fiscal year 2013–14, as Table 2 shows. Further, from September 2004 through November 2014, all of the improvement fund revenues—with the exception of one developer's contribution of \$35,220 in November 2011—have come from interest earnings. Before this November 2011 contribution, the last payment to the improvement fund by a developer occurred in August 2004. In addition, since it was established, no expenditures have ever been made from the improvement fund.

Table 2
Coastal Improvement Fund Balance
Fiscal Years 2011–12 Through 2013–14

	FISCAL YEARS		
	2011–12	2012–13	2013–14
Beginning Balances	\$184,973		\$202,721
Revenue			
Developer fees	35,220		0
Interest earnings	1,243		1,277
Expenditures	0		0
Ending Balances	\$201,436	\$202,721	\$203,998

Source: Fiscal years 2011–12 through 2013–14 unaudited accounting data from the Los Angeles County's Electronic Central Accounting and Purchasing Systems.

Note: In December 2014 the Los Angeles County Department of Beaches and Harbors received a payment of \$45,461, which increased the Coastal Improvement Fund's ending balance to about \$250,000.

The County Did Not Always Ensure That Developers Paid Improvement Fund Fees Before They Obtained Building Permits, as the County Code Requires

Our review showed that the county did not always collect improvement fund fees before developers obtained building permits, as the county code requires. According to the code, improvement fund fees must be collected before Public Works issues building permits. However, Regional Planning and Beaches and Harbors lack a formalized process for ensuring compliance with this requirement. As a result, Public Works issued building permits to two developers before they paid the improvement fund fees they owed.

Public Works provides developers with a form listing all of the agencies, including Beaches and Harbors as well as Regional Planning, from which developers must obtain approval before receiving their building permits. According to a senior civil engineer at Public Works, although Public Works must ensure that each agency listed on that form gives its approval before Public Works issues a building permit, each agency is responsible to ensure that the developer has met all requirements related to that particular agency. Once Public Works staff receive approval from all applicable county agencies, Public Works assumes that the developer has satisfied all relevant requirements, such as payment of the improvement fund fee.

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Before June 2013 Regional Planning and Beaches and Harbors jointly administered the improvement fund, and both agencies collected and deposited fees into their own separate accounts. A county review in June 2013 took issue with this practice and recommended that all fees be deposited into a single interest-bearing account and that both agencies develop formal policies for administering the fund. Both agencies now agree that Regional Planning awards credits and calculates the fees due from developers while Beaches and Harbors collects and deposits the amounts collected; however, formal policies and procedures that will preclude Public Works from issuing building permits prematurely have yet to be finalized. For example, the county has not completed protocols for how Regional Planning should inform Beaches and Harbors of the amounts due from developers, and Beaches and Harbors has yet to formalize how it will inform Public Works that developers have paid their fees. Regional Planning provided us with draft procedures that it plans on finalizing in February 2015. However, these draft procedures do not currently specify necessary communications with Public Works regarding fee payments.

In fact, the prior lack of clarity about which department was responsible for collecting the applicable fees and for informing Public Works that the fees were paid may have contributed to developers' obtaining building permits without first paying their improvement fund fees. For example, one developer received a building permit in 2007 and did not pay the \$35,000 fee until more than 4.5 years later. Another developer, whose project on Parcel 147 Regional Planning approved in 2012, obtained a building permit in August 2013—just after the county auditor-controller's review was published—but the developer has yet to pay the nearly \$139,000 in improvement fund fees that it owes. When we raised this issue with Regional Planning, the principal planner acknowledged that this delayed payment was an oversight but asserted that the developer had not yet started construction. Regional Planning sent a letter in November 2014 informing the developer of the error and requesting immediate payment of improvement fund fees. As of early December 2014, the county had not yet received this payment. We are concerned that even after the county auditor-controller published its review—and despite the specific requirement in the county code that payment of the fee must take place before a developer receives a building permit—this developer was able to obtain a building permit without paying the applicable improvement fund fee. Until both Regional Planning and Beaches and Harbors finalize their procedures, the county will continue to run the risk of issuing building permits to developers that have not paid their respective improvement fund fees.

Regional Planning Did Not Verify That a Developer Fully Earned Its Project Credits, Resulting in an Undercollection of Approximately \$22,000 for the Improvement Fund

One developer initially received nearly \$22,000 in project credits for a public parking structure that was supposed to be built by December 2007, but was not.⁶ However, the county failed to adjust the amount of improvement fund credits and failed to recalculate the improvement fund fees due until we raised the issue during our audit. The county acknowledged its oversight and billed the developer for the amount owed.

⁶ The planned parking structure was to be 12,740 square feet and valued at \$29,302 (or \$2.30 per square foot) in project credits. Regional Planning ultimately billed the developer about \$22,000 because the developer had excess credits resulting from other projects such as waterfront promenade space.

For this particular development, the developer initially received credits in excess of the improvement fund fee for a two-phase project on Parcel 20 in Marina del Rey. The first phase largely consisted of constructing a 99-unit apartment building, which the developer has completed. The second phase, which has not been built, includes building a five-level parking structure containing 231 public parking spaces for which the developer received roughly \$22,000 in project credits. The coastal development permit conditions for this project specifically required the developer to complete this phase no later than December 21, 2007. Seven years later, the developer has yet to start building this structure. Furthermore, the lot where the structure should have been built is currently being used as private parking (as Figure 4 on the following page shows), which does not constitute legitimate public open space.

When we raised the issue with Regional Planning, the principal planner acknowledged that this development had not been completed and took prompt corrective action. Following our inquiry, Regional Planning recalculated the improvement fund fee for the project, removed the credits awarded for the parking structure, and notified the developer that it owed the remaining balance of about \$22,000. Although Regional Planning billed the developer in November 2014, the county had yet to receive payment as of early December 2014.⁷

Regional Planning has a zoning enforcement unit (enforcement unit) responsible for inspecting this and other developments annually to determine compliance with permit conditions. However, in this case, the enforcement unit did not verify that the developer actually earned some of the credits it received from the county because, according to the principal planner, the county neglected to communicate the amount due for the improvement fund fee and the related project credits in the permit's conditions. In late December 2014 the principal planner also stated that Regional Planning had developed standard condition language that will be incorporated into all future conditions of approval for projects subject to the improvement fund fee.

Recommendations

To ensure that the public is informed of the county's plans for using the improvement fund, the county needs to more clearly communicate its intentions and then update such communications as its plans change. The county's communications could be as simple as a public notice and a posting to its Web site that include the following:

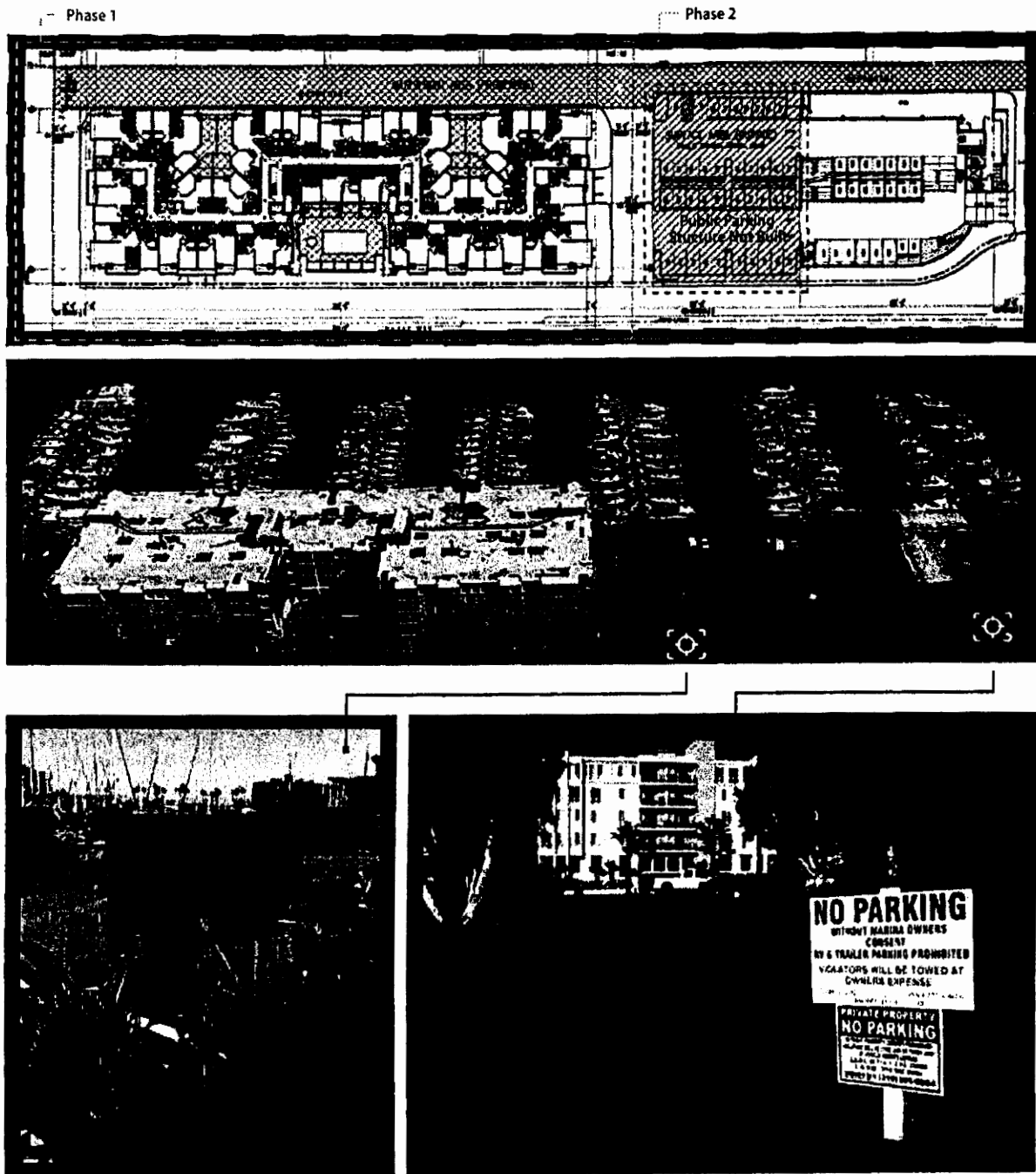
- Information on the specific projects and parcels in Marina del Rey where it intends to spend money from the improvement fund for the development of open space (or a time frame for making such a decision).
- The time frame for the expected start and completion of such projects.

⁷ The developer submitted payment in late December 2014, subsequent to the conclusion of our audit fieldwork.

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Figure 4
Planned Development Versus Actual Development and "No Parking" Signs on Parcel 20



Sources: Los Angeles County Department of Regional Planning's coastal development project files (top), Google Earth maps (middle), and photographs (bottom) taken at Parcel 20 by auditors during site visits.

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To better ensure that developers do not obtain building permits before they pay the fee to the improvement fund, the county needs to finalize its improvement fund management procedures regarding the collection of the fee and the reporting of that collection to Public Works. Specifically, such policies should include the following:

- A protocol for how Regional Planning communicates the amount due to Beaches and Harbors.
- A protocol for how Beaches and Harbors informs Public Works that the developer has paid the fee to the improvement fund.

To ensure that developers do not receive project credits to which they are not entitled, the county should develop a mechanism that will allow its enforcement unit to verify that the developer actually earned the credits it received.

We conducted this audit under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the scope section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

Date: January 27, 2015

Staff: Grant Parks, Audit Principal
Tram Thao Truong
Brett Noble, MPA

Legal Counsel: Stephanie Ramirez-Ridgeway, Sr. Staff Counsel

For questions regarding the contents of this report, please contact Margarita Fernández, Chief of Public Affairs, at 916.445.0255.

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Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

January 12, 2015

Ms. Elaine M. Howle*
State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle:

**COUNTY OF LOS ANGELES RESPONSE TO THE
MARINA DEL REY COASTAL IMPROVEMENT FUND AUDIT REPORT**

The County of Los Angeles (County) appreciates the opportunity to provide comments on the draft Audit Report prepared by the State Auditor regarding the Marina del Rey Coastal Improvement Fund (Fund), which is jointly administered by the County Departments of Beaches and Harbors (DBH), and Regional Planning (DRP).

The County agrees with the recommendations of the draft Audit Report. Implementation of the recommendations will enhance and encourage public understanding of the County's collection, use, and management of the Fund proceeds, and will strengthen collaboration between County departments with respect to management and collection of the fund.

This letter presents the County's proposed actions to implement the recommendations of the draft Audit Report. The County additionally wishes to clarify its policies with respect to open space in Marina del Rey, including the importance placed by the County and its constituents on a connected system of public pedestrian promenades throughout Marina del Rey. Finally, this letter provides factual clarifications and updates regarding action by the County to collect outstanding Fund fees from developers. ①

County Response to Recommendations

The draft Audit Report provides three recommendations:

Recommendation No. 1 – "To ensure that the public is informed of the county's plans for using the improvement fund, the county needs to more clearly communicate its intentions and then update such communications as its plans change. The county's communication could be as simple as a public notice and a posting to its web site that include the following:"

* California State Auditor's comments begin on page 20.

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January 12, 2015
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- "Information on the specific projects and parcels in Marina del Rey where it intends to spend money from the improvement fund for the development of open space (or a time frame for making such a decision)."
- "The time frame for the expected start and completion of such projects."

The County will implement the recommendations by creating a dedicated webpage with prominent placement on DRP's and DBH's websites for information specifically on the Fund. These webpages will include, among other things, information on specific projects in Marina del Rey where Fund money is planned to be used, and expected time frames for project start and completion dates, when known.

Recommendation No. 2 – "To better ensure that developers do not obtain building permits before they pay the fee to the improvement fund, the county needs to finalize its Coastal Improvement Fund Management procedures regarding the collection of the fee and the reporting of that collection to Public Works. Specifically, such policies should include the following:"

- "A protocol for how Regional Planning communicates the amount due to Beaches and Harbors."
- "A protocol for how Beaches and Harbors informs Public Works that the developer has paid the fee to the improvement fund."

The County will finalize the Draft Coastal Improvement Fund Management Procedures by February 2015. The procedures will formalize communication protocols between the DRP, DBH, and Public Works as it relates to the Fund.

Recommendation No. 3 – "To ensure that developers do not receive credits to which they are not entitled, the county should develop a mechanism that will allow its zoning enforcement unit to verify that the developer actually earned the credits it received."

As noted in the report, the County has developed standard condition language that will be incorporated into all future conditions of approval for projects subject to the Fund. The condition language will more clearly state the fees due and/or project credit received so that our Zoning Enforcement Team can verify the conditions have been implemented.

County's Policy Regarding Open Space in Marina del Rey

Marina del Rey is an unincorporated County community initially developed to provide public access to and recreation along the coastline. The County is charged with determining the land use and coastal access policies applicable to Marina del Rey, under the stewardship and oversight of the California Coastal Commission (Coastal Commission). The County developed the Marina del Rey Local Coastal Program (LCP), which consists of the Marina del Rey Specific Plan (Specific Plan) and Land Use Plan (LUP), with significant input from residents and other stakeholders, as well as Coastal Commission. The Coastal Commission first certified the LCP in 1984, and

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certified major amendments to the LCP in 1996 and 2012. Development of the policies contained in the LCP can be best described as a dialog among all stakeholders to ensure the purposes for developing Marina del Rey in the first place is maintained – public recreation and coastal access – while balancing other stakeholder interests in the area and remaining consistent with the Coastal Act.

The Specific Plan sets forth the requirements of the Fund, which is designed to mitigate impacts of new residential development in Marina del Rey by providing funds to develop open space in Marina del Rey. The Fund provides for the collection of fees on a per-unit basis from residential developers, but equally as important, allows developers to receive Fund credit by providing open space on-site.

While the draft Audit Report appears to disfavor the awarding of credit for on-site public open space, the development of such on-site public open space is essential to providing meaningful and accessible open space to visitors and residents in Marina del Rey. Without public on-site open space in residential developments, public open space would likely occur only in designated public-serving areas in the Marina, meaning the public's ability to access the coast and recreate would be more limited. ②

A principal example of the benefits Fund credits have provided is the series of interconnected public pedestrian promenades, which are heavily-utilized year around in Marina del Rey. One of the County's primary goals is to provide a continuous public pedestrian promenade around the entire harbor granting public access to the coast as well as providing a significant source of public recreation to the residents and visitors of Marina del Rey.

The draft Audit Report further states that the DRP was generous in awarding approximately \$241,000 in credits to developers for pedestrian promenades that also serve as fire access roads. The County provided photographs depicting such promenades to the auditors during the audit process. There is no distinction between the portion of the promenade designated as a fire lane and the remainder of the promenade, other than the requirement that the fire lane portion remains clear of benches or other obstacles. Such promenades are fully improved public pedestrian rights-of-way which provide access to the Marina basins and recreational activities such as walking and jogging through the Marina and along the waterfront. They are not available for general vehicular access, and for all intents and purposes function as public pedestrian facilities at all times except during emergencies. ③

The draft Audit Report also states that, "although the land use plan does not legally preclude Regional Planning from granting credit to developers for the entire promenade, we noted that doing so means the improvement fund loses additional revenue to achieve its goals." The County disagrees with this as a matter of policy. The construction by private developers of promenade facilities is integral to the County's plan for public access along the waterfront in Marina del Rey. Encouraging the development of such promenades, including the portions designated as fire lanes serves a priority County Coastal Commission interest. ④

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Finally, the monetary cost for the development of a public pedestrian promenade can range from \$13 per square foot for a simple concrete promenade, to over \$30 per square foot when pavers are used. This is significantly more than the \$2.30 per square foot of project credit given under the Fund. There is a great benefit in having the developer absorb the cost of these improvements, rather than covering the cost of planning, permitting, and constructing them with monies from the Fund.

Clarification of Factual Points and Updates Regarding County Action to Collect Fund Proceeds

In the Section titled: The County's Plan for Using the Improvement Fund is Unclear, Contributing to the Public Confusion About Plans for the Funds Collected:

1. The report states that since the 2012 Major Amendment to the LCP when the designation for the Lease Parcel formerly known as FF (now Parcel 14) was changed from Open Space to Residential III and V, the County has not clearly updated the public on how it intends to use the Fund to develop additional open space. To the contrary, the County from the beginning of the major amendment process made it clear to the public through staff reports and public discussion that the open space replacement for the previously proposed two-acre park on Parcel 14 would be a 1.46 acre wetland park on Parcel 9 and development of transient docks adjacent to Parcel 9. In addition, the County added 7.1 acres of dedicated open space to Chace Park. With these improvements, the total added open space in Marina del Rey would be 19.26 acres, which is almost 7 acres more than the 12.7 acres contemplated in the LCP, prior to the 2012 major amendment. (5)
2. The report states that since establishing the Fund nearly two decades ago, the County has received significantly less than the \$1.45 million it originally planned when the fee was established. It is important to note that the \$1.45 million referenced in the report assumes the maximum build out of all 2,420 residential units, however less than half of those units have actually been built, (specifically 1,051 units). (6)

In the Section titled: Generous Yet Permissible Project Credits Allow Developers to Avoid Paying Into the Coastal Improvement Fund:

The report states that nine development projects subject to the Fund would have generated \$1,308,000 in gross fees for the Fund. That is an oversimplification of the matter as only six of the nine development projects have been built or have building permits as of the time of this report and one project was approved by the Coastal Commission and; therefore, it should be expected that less than the maximum of the \$1.3 million will be collected. (7)

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In the Section titled: Regional Planning Did Not Verify That a Developer Fully Earned Its Project Credits, Resulting in an Under-Collection of Approximately \$22,000 for the Improvement Fund:

The report states that DRP billed the developer in November 2014 and payment has not yet been received as of early December 2014. The County received payment in the amount of \$21,887.00 on December 29, 2014 (receipt attached).*

Thank you again for the opportunity to provide comments on the draft Audit Report.

Sincerely,

Richard R. Brubaker
Director

RJB:AG:ag:ems



Gary Jones, Director
Department of Beaches and Harbors

GJ:MT

Attachment: Parcel 20 proof of payment

c: Supervisor Don Knabe (Julie Moore, Steve Napolitano)

S_AP_011215_L_MDR_AUDIT_REPORT

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* We are not publishing the attachment because it contains confidential financial information.

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE JOINT RESPONSE FROM THE LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING AND THE DEPARTMENT OF BEACHES AND HARBORS

To provide clarity and perspective, we are commenting on the joint response from the Los Angeles County Department of Regional Planning (Regional Planning) and the Department of Beaches and Harbors (Beaches and Harbors). The numbers below correspond to the numbers we have placed in the margins of the response.

- ① We stand by the factual accuracy of our letter report and do not believe it requires further clarification. We more fully address Regional Planning and Beaches and Harbors' joint responses in our comments below.
- ② Regional Planning and Beaches and Harbors incorrectly claim that our report disfavors the awarding of credits for the on-site public open space created by developers. To clarify, our report concludes that some of the credits awarded were generous (albeit allowable) under the Marina del Rey local Land Use Plan (land use plan). For example, Figure 3 on page 9 depicts examples of a project that we considered to have received generous credits, such as a gravel courtyard at the entry way of a residential property and parking spaces not clearly marked as available for public use. We do not believe these are examples of open space that would benefit the general public.
- ③ Regional Planning takes issue with our conclusion that it was generous in awarding credits for the entire portion of various public promenades, instead of just the portion not needed for fire access lanes. We stand by our conclusions. We recognize, as we state on page 6, that nothing legally precludes Regional Planning from granting credits for the entire promenade. However, developers were already required to provide space for fire access lanes and nothing requires Regional Planning to grant credit for that space. In fact, the county's municipal code states that credits shall be granted (that is, at a minimum) for that portion *of the pedestrian promenade or view corridor not designated as a fire access road*.
- ④ We stand by the statements in our report. On page 5 we state that the Coastal Improvement Fund (improvement fund) and the related fee were established with the thought of developing public park facilities on specific parcels in Marina del Rey. However, those goals and plans have changed over time with amendments to the local land use plan. Our critique was that Regional Planning and Beaches and Harbors should be more explicit with the public regarding their planned uses for the improvement fund. We are pleased that both agencies fully intend to

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implement our recommendation and identify which specific projects will receive financial support from the improvement fund. We will be monitoring Regional Planning and Beaches and Harbor's efforts in its 60-day, six-month, and one-year response to our audit.

- ⑤ Regional Planning and Beaches and Harbors imply that they have already made clear to the public their plans for using the proceeds from the improvement fund. Contrary to this assertion, the Los Angeles County's (county) own code currently links Parcel FF—a parcel which no longer exists—in Marina del Rey to the creation of open space by using the improvement fund as we state on page 5. Such a condition only serves to confuse the public regarding how the improvement fund will be used.
- ⑥ Our report makes no such assumption regarding a maximum build out of residential units. The county's goal at the time it created the improvement fund was to collect \$1.45 million to develop open space on specific parcels. If over 1,000 units have been built—or roughly half the planned number of residential units as indicated in the response—then our report's conclusion that the improvement fund is unlikely to become a significant single source of funding is further confirmed. The improvement fund has a balance of \$250,000, well below \$725,000, which is one-half of the county's \$1.45 million funding goal, as stated in the county's code.
- ⑦ Regional Planning and Beaches and Harbors have mischaracterized what we said in the report. Page 6 of our report states that the \$1.3 million amount represents the gross fees (prior to applying credits). Table 1 on page 7 provides an overview of gross fees, applied credits, and the resulting amounts paid and due to the improvement fund. Furthermore, Table 1 clearly shows that three projects have not been built yet. Finally, on page 6 we further explain how, for a subset of completed projects shown on Table 1, developers were able to reduce what they owed to the improvement fund by 83 percent.

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Alvarado, Marlene@Coastal

From: Marcia Hanscom <wetlandact@earthlink.net>
Sent: Wednesday, February 11, 2015 3:23 PM
To: Vaughn, Shannon@Coastal; Ainsworth, John@Coastal
Subject: permit extension ~ appeal A-5-MDR-12-161 (Parcel "9-U" - Marina Marsh)

Follow Up Flag: Follow up
Flag Status: Flagged

Shannon Vaughn
Coastal Program Analyst
California Coastal Commission
Shannon.vaughn@coastal.ca.gov

& Jack Ainsworth, Deputy Executive Director
California Coastal Commission

RE Extension Request For CDP
One year extension of appeal A-5-MDR-12-161
(Parcel "9-U" - Marina Marsh)
February 11, 2014

Dear Shannon and Jack:

While Wetlands Defense Fund, which I represented at a hearing in December, 2012, for this project, did NOT receive a copy of a notice about LA County Dept. of Beaches & Harbors seeking an extension of their permit, I still wish to register my objections on behalf of Wetlands Defense Fund AND Ballona Institute. I believe that the noticing requirements for this extension were not followed - as not only did I not receive the notice, but I also have verified that proper notice at the site was not carried out.

We are opposed to this extension of the permit granted for the following reasons:

There ARE changed circumstances from the time that the permit was granted.

a. There is new scientific evidence that demonstrates - through a careful review of the historical ecology of the area by Dr. Travis Longcore, Dr. David Jacobs and Dr. Eric Stein and others that this particular area was NOT a full tidal wetland, and therefore, altering the character of this wetland from a seasonal, freshwater/brackish wetland to one of full tidal flow would NOT be a restoration, and therefore, not allowable under the Coastal Act.

b. There is a significant amount of new development in the area, such that inviting seawater closer in to the built environment of the marina could cause public safety hazards.

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restoration efforts that would honor the freshwater/brackish water kind of wetland that exists today and provides habitat to flora & fauna that would have been similarly using the area 200 years ago not only makes better sense ecologically, but financially and from a public safety standpoint. The new development currently present, as well as that being built was not understood to be so extensive when this permit was granted.

c. The County of Los Angeles is currently reviewing the plans for the adjacent hotel, and it is not clear that the County officials - with two new County Supervisors having been recently seated, are in agreement that this wetland project should have been segmented and permitted separately - a violation of CEQA piecemealing policy.

We trust you will not approve this extension and will, instead, call a hearing to determine whether or not such an extension is warranted - or simply deny the extension and allow the permit to lapse, so that the wetlands project and the hotel project can be properly considered together.

With best regards,

Marcia Hanscom
Ballona Institute

The Voice for Nature on the Los Angeles Coast

322 Culver Blvd., #317

Playa del Rey, CA 90293

(310) 823-7040

& Director, Wetlands Defense Fund



BALLONA INSTITUTE

restoration, research, education, artistic expression



COASTAL COMMISSION

Alvarado, Marlene@Coastal

From: Lynne Shapiro <liro2323@gmail.com>
Sent: Thursday, February 12, 2015 3:09 PM
To: Vaughn, Shannon@Coastal
Cc: 'Jerry Brown'
Subject: Wetlands Proposal Extension

I oppose this extension. The prospect of a hotel on this wetland has been hanging over our heads for years. The Coastal Commission needs to study the site and vote to defeat a hotel for the following reasons:

1. It is illegal to construct buildings on a wetland. (Former Coastal Commissioner/Law)
2. This is a COMPLETELY residential and sea faring area, composed of condominiums and apartment complexes and small boats.
3. The County wants to make money from this site by permitting a hotel, a restaurant and bar open much of the night and yacht moorings. This is sensitive coastal land and the Board of Supervisors should not set the law here.
4. Marriott already has a hotel here, at 70% capacity. They do not need more hotels. A "Courtyard Marriott" is just another name for HOTEL and will bring lights and a lot of TRAFFIC to our residential neighborhood. The residents of the Peninsula use Via Marina, adding to the resident traffic all along the two lanes in each direction. The traffic study was flawed; we all knew it and protested. Work hours are especially congested.
Employee traffic, truck deliveries, hotel guests, taxis and restaurant customers will add enormously to the load on the roadway and the use of water by Coastal waters of the Marina. Marriott, Jamaica Bay Inn, Hilton Garden, Ritz Carlton, the newly refurbished Marina del Rey Hotel, Tides (behind Cheesecake Factory) and the large hotel proposed for Fisherman's Village are SEVEN. We do not need an eighth on sensitive land!
5. To call this a "wetland park" is a euphanism. A tiny park was proposed in order to pass this illegal operation....it will have NO recreational facilities nor even a picnic table; yet it is supposed to be for residents and to replace our public park on Parcel FF, promised in the 1996 LCP. This is no excuse for a park and is a false and blatantly political label.
6. Finally, most of us are opposed to a builder who is non-union, that is Samuel Hardage. We feel hotel workers and those in construction should be paid a decent, not a non-union, wage.
7. The water table is so high here that builders have had to put their garages above ground, adding to the height of their structures and the loss of views and access.
8. For about three years Via Marina will be subject to work on water pipes (currently) and in 2016, sewers. That is enough burden on coastal land and its residents, about eight thousand of us, most of whom are still of working age. Hazardous waste from a hotel near coastal waters and wetlands is another serious issue.

Kindly share my remarks with the Commissioners. Those of us who live here will be glad to provide the Commissioners a tour of the Marina so that they

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may better understand the issue we take with the "wetland park hotel" and the Wetlands Proposal Extension. A number of years ago, we discovered that of the previous team of Coastal Commissioners, a majority did not know and understand Marina del Rey. The tour helped, and we would be happy to provide another tour for the current commissioners.

Yours Truly,

Lynne Shapiro
5100 Via Dolce #312
Marina del Rey
lro2323@gmail.com

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Vaughn, Shannon@Coastal

From: Daniel Gottlieb <daniel.gottlieb@gmail.com>
Sent: Thursday, March 12, 2015 1:31 AM
To: Vaughn, Shannon@Coastal
Cc: carla andus; Bruce Russell; Marcia Hanscom; MDR Jon Nahas; Nancy Marino; David Barish - Bakpak Guide; Lynne Shapiro; douglaspfay@aol.com; Jeanette Vosburg; patricia mc pherson; John Davis; Betsy Butler; ldutton@fulldisclosure.net Dutton
Subject: Opposed to Wetlands Park permit extension. Second round.
Follow Up Flag: Follow up
Flag Status: Completed

Shannon Vaughn
Coastal Program Analyst
California Coastal Commission
Shannon.vaughn@coastal.ca.gov

RE Extension Request For CDP
One year extension of appeal A-5-MDR-12-161-E1
March 11, 2015

Dear Vaughn,

On March 5, 20145, I received your Pink letter mailed March 2, 2015. It is exactly the same as your February 2nd letter except that the paper color was pink, instead of white, and the date was March 2 instead of February 2. I note your reply to my February 2nd email that said: "Thank you for your letter. It **will be reported** to the Commission at a subsequent meeting." I suppose that since the March 2nd letter was sent out, the Commission did consider our letter and ruled something. Therefore, there must exist an agenda and a transcript of the Commission's reception and action on the report. If there was no such report within the last month, I can add this letter to my expanding log of misstatements by the CCC staff, and perhaps also point to a lack of regard for the honesty of the staff by the Commission. Hence, I **officially ask for a Public Records Act Request** concerning the Agenda and the transcript of the Commission's response to the report. If there has been no such meeting or discussion within the last month, I would like to know why the pink letter was sent out, and what consequences follow from it should the public not respond to it.

I am opposed to this "Appeal Extension" for the following reasons:

1. Beyond the concrete reasons given by Jon Nahhas' and Marcia Hanscomb's practical reasons, I am opposed to changing the LCP by subterfuge, faulty mathematics and convenient mistakes. I have improved my first response by adding a link to the Auditor's report in item 2 below. I also include my responses in the second link in 2.

2. The term 'Wetlands Park' is an invention of the County to argue a mitigation of a mitigation. The County is misusing the Coastal Improvement Fund (CIF) which is supposed to fund a neighborhood park as mentioned in the MDR LCP. This fund was investigated by the Joint Legislative Audit Committee of the States legislature. They found overly generous credits given to developers and a disregard of the purposes of the Fund. The CCC was supposed to monitor the fund. It wasn't happening. I am afraid the CIF fund will be used to 'restore' the wetlands. The link below gives the report of the State Auditor on the Coastal Improvement (CIF)

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https://www.dropbox.com/s/vp7lt6pxhvf1o25/https_www.auditor.ca.gov_pdfs_reports_2014-136.pdf?dl=0 .

Here is my response to the report and to the County's response.

<https://www.dropbox.com/s/81jq4kooy0j1hf/Letter to JLAC, RE Coastal Improvement Fund Report.rtf?dl=0>

3. The question of restoring a wetland should be argued out by biologists and environmentalists. Not by a lawsuit settlement. This setting of a precedent which makes public money for restorers is not right. Just letting thriving environments alone is more economical and better for the fauna.

4. While I received the notice of the Appeal Extension this time, some principals did not. I did not get a notification on

December 12, 2012, which was the first CCC hearing on the wetlands. Finally, there was no permit posted at the project site on Sunday. Still no permit posted on March 10. The rules about notices and posting are being amended at the present time, just as the rules of the LCP were being amended simultaneously with permits given during 2011. This must confuse the Staff, Commissioners, as well as the public.

5. I have been collecting misinformation from the CCC staff, relative to CDPs and dealing with the public. Here is a link to what I have so far. This contains the misinformation by the staff, updated from the last report on misinformation.

https://www.dropbox.com/s/aq178nzzfgnwk2l/Updated_Misinformation_at_LCP_meeting_and_5_appeals.rtf?dl=0

This includes a new update showing that All Padilla knew that Oxford Basin was tidal before he said it wasn't and then discovered that it was.

Sincerely,

Dan Gottlieb
3516 Via Dolce
Marina del Rey
CA 90292
dhg7@me.com

COASTAL COMMISSION

Alvarado, Marlene@Coastal

From: Daniel Gottlieb <daniel.gottlieb@gmail.com>
Sent: Tuesday, February 10, 2015 7:57 PM
To: Vaughn, Shannon@Coastal
Cc: carla andus; Bruce Russell; Marcia Hanscom; Jon Nahhas; Nancy Marino; David Barish - Bakpak Guide; Lynne Shapiro; douglaspfay@aol.com; Jeanette@saveballona.org; patricia mc pherson; jd@johnanthonydavis.com; Betsy Butler; ldutton@fulldisclosure.net Dutton
Subject: Oppose Wetlands Park Appeal Extension

Shannon Vaughn
Coastal Program Analyst
California Coastal Commission
Shannon.vaughn@coastal.ca.gov

RE Extension Request For CDP
One year extension of appeal A-5-MDR-12-161-E1
February 10, 2014

Dear Shannon,

I am opposed to this "Appeal Extension" for the following reasons:

1. I don't know what an "Appeal Extension" means. I have never heard the word before.
2. The term 'Wetlands Park' is an invention of the County to argue a mitigation of a mitigation. The County is misusing the Coastal Improvement Fund (CIF) which is supposed to fund a neighborhood park as mentioned in the MDR LCP. This fund was investigated by the Joint Legislative Audit Committee of the States legislature. They found overly generous credits given to developers and a disregard of the purposes of the Fund. The CCC was supposed to monitor the fund. It wasn't happening. I am afraid the CIF fund will be used to 'restore' the wetlands.
3. The question of restoring a wetland should be argued out by biologists and environmentalists. Not by a lawsuit settlement. This setting of a precedent which makes public money for restorers is not right. Just letting thriving environments alone is more economical and better for the fauna.
4. While I received the notice of the Appeal Extension this time, some principals did not. I did not get a notification on December 12, 2012, which was the first CCC hearing on the wetlands. Finally, there was no permit posted at the project site on Sunday. The rules about notices and posting are being amended at the present time, just as the rules of the LCP were being amended simultaneously with permits given during 2011. This must confuse the Staff, Commissioners, as well as the public.
5. I have been collecting misinformation from the CCC staff, relative to CDPs and dealing with the public. Here is a link to what I have so far. [https://www.dropbox.com/s/aq178nzzfgnwk2l/Updated Misinformation at LCP meeting and 5 appeals.rtf?dl=0](https://www.dropbox.com/s/aq178nzzfgnwk2l/Updated%20Misinformation%20at%20LCP%20meeting%20and%205%20appeals.rtf?dl=0)
A new update will come out soon, showing that All Padilla knew that Oxford basin was tidal before he said it wasn't and then discovered that it was.

Sincerely,

Dan Gottlieb
3516 Via Dolce

COASTAL COMMISSION

EXHIBIT # A
PAGE 39 OF 40

Marina del Rey
CA 90292
dhg7@me.com
310-301-4980

COASTAL COMMISSION

EXHIBIT # A
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Caring for Your Coast

Gary Jones
Director

Kerry Silverstrom
Chief Deputy

John Kelly
Deputy Director

Brock Ladewig
Deputy Director

March 4, 2015 **RECEIVED**
South Coast Region

MAR 11 2015

CALIFORNIA
COASTAL COMMISSION

Dr. Charles Lester, Executive Director
California Coastal Commission
45 Fremont Street
San Francisco, California 94105-2219

Attention: Jack Ainsworth

Dear Dr. Lester:

**COUNTY RESPONSE TO COMMENT LETTERS REGARDING
THE WETLAND PARK CDP EXTENSION (A-5-MDR-12-161)**

My staff and I are in receipt of the comment letters, forwarded to us by your staff, that were sent to the Coastal Commission regarding the County's request for a one-year time extension on the Coastal Development Permit (A-5-MDR-12-161) for the Wetland Park proposed on Marina del Rey Lease Parcel 9. After reviewing the letters, we *concur with your staff that no changed circumstances have been raised.* Below, please find a more detailed response to each of the comment letters:

Letter from the Boating Coalition dated February 11, 2015

Mr. Nahhas' letter makes the claim that the City of Los Angeles' planned construction of a dual-force main sewer line down Via Marina creates a changed circumstance that was not considered at the time that the Coastal Commission approved the Wetland Park Coastal Development Permit (CDP). The Environmental Impact Report (EIR), for the *Wetland Park project, which was certified by the Regional Planning Commission on March 10, 2010, included analysis of potential impacts if the Wetland Park, dual-force main, and Shores Apartments were all under construction at the same time. In fact, the original Draft EIR for the project was re-circulated on June 11, 2009, specifically to address potential impacts from the Venice Dual-Force Main project (Please see pages 1.0-2, 1.0-3, 5.2-74, 5.2-75, 5.2-76, 5.2-77, 5.2-80, 5.2-81, 5.2-82, 5.7-80, 5.7-81, 5.8-4 and 5.8-22 in the Re-circulated Draft EIR and pages 2.0-4, 2.0-5, 2.0-6, 2.0-7, 2.0-8, 2.0-10, 2.0-11, 2.0-12, 2.0-13, 2.0-14, 3.0-28, 3.0-47, 3.0-56, 3.0-57, 3.0-62, 3.0-74, 3.0-93, 3.0-103, 3.0-108, and 4.0-2 in the Final EIR).* The EIR is a public document, and was well known to the Coastal Commission and its staff at the time that the Wetland Park CDP was approved.

COASTAL COMMISSION

A-5-MDR-12-161-E1

EXHIBIT # B

PAGE 1 OF 5

Dr. Charles Lester
March 4, 2015
Page 2

Email from Dan Gottlieb dated February 10, 2015

Dr. Gottlieb's email does not raise changed circumstances, and merely states that he does not understand what an "Appeal Extension" is. He also states that the Coastal Commission erred in their approval of the project. These comments do not constitute a changed circumstance.

Letter from Dan Gottlieb (undated)

Dr. Gottlieb's letter makes several assertions about Coastal Commission and County staff, and lists issues that he has with several Marina del Rey projects and policies, but does not raise any changed circumstances.

Email from Carla Andrus dated February 10, 2015

Ms. Andrus' email details why she thinks the Coastal Commission erred in their approval of the Wetland Park CDP. It does not claim that any changed circumstances have occurred.

Email from Marcia Hanscom dated February 11, 2015

In paragraph (a) of Ms. Hanscom's email, she asserts that changed circumstances exist because new evidence exists that the area in question was not a full tidal-wetland, and therefore the proposed project is not a restoration. To the extent that Ms. Hanscom believes this is true, this claim should have been raised during the original CDP proceeding. Ms. Hanscom has not provided any new evidence in her letter except for a general reference to ongoing studies. However, the County has copies of maps from the late 1800's and early 1900's (Attachments), that demonstrate that the Marina del Rey area was in fact a tidally-influence wetland.

In paragraph (b) of Ms. Hanscom's email, she asserts that there are changed circumstances because a significant amount of new development has occurred in the area. One new apartment complex was completed in Marina del Rey since the Wetland Park CDP was approved. This was a known project, which was considered in the EIR for the Wetland Park. This does not constitute a changed circumstance.

In paragraph (c) of Ms. Hanscom's email, she speculates that the Los Angeles County Board of Supervisors (Board) may not want the Wetland Park project to be considered separately from a hotel, which is proposed adjacent to it. Ms. Hanscom's speculation about the Board's intentions does not constitute a changed circumstance.

COASTAL COMMISSION

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Dr. Charles Lester
March 4, 2015
Page 3

Please feel free to contact me at (310) 574-6787 if you have any questions.

Very truly yours,



Gary Jones, Director

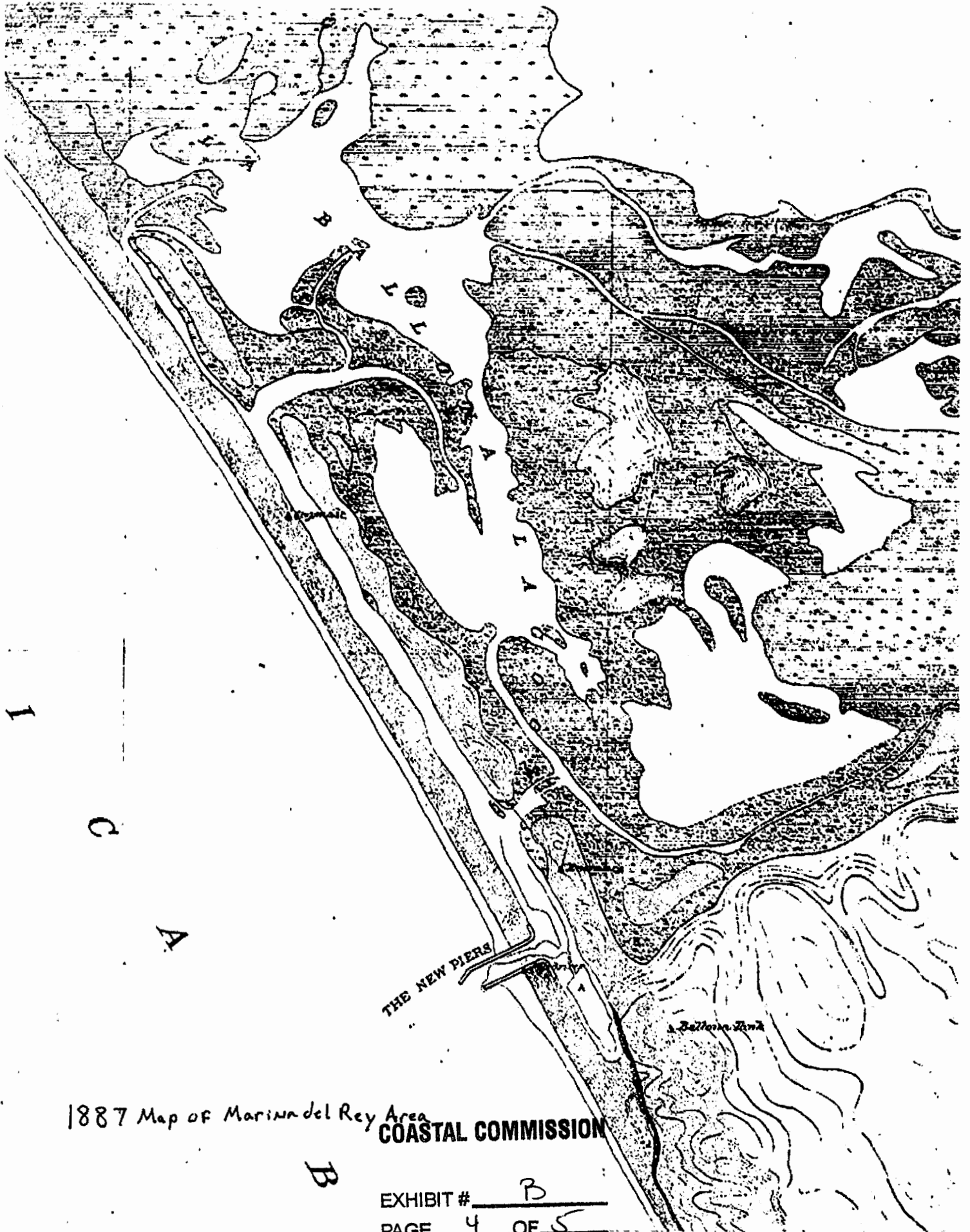
GJ:MRT:ng

Attachments

c: Jack Ainsworth, Senior Deputy Director
Teresa Henry, District Manager
Dr. Jonna Engel, Ecologist
Andi Culbertson, County Coastal Consultant

COASTAL COMMISSION

EXHIBIT # B
PAGE 3 OF 5



1887 Map of Marina del Rey Area
COASTAL COMMISSION

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CAL
LOS ANGELES
VENICE I

LOS ANGELES COUNTY, CALIFORNIA
BOARD OF SUPERVISORS
R. F. MCCLELLAN, CHAIRMAN
J. E. ROCKWOLD, COUNTY SURVEYOR

OF THE INTERIOR
MUNICIPAL PIER I, W. 1



COASTAL COMMISSION

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1924 Map of the Marina del Rey area

SANTA MONICA