

**CALIFORNIA COASTAL COMMISSION**

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

**Th12b**

Filed:	1/4/16
180th Day:	7/2/16
Staff:	Z. Rehm-LB
Staff Report:	5/27/16
Hearing Date:	6/9/16

**STAFF REPORT: REGULAR CALENDAR**

<b>Application No.</b>	<b>5-15-1426</b>
<b>Applicants:</b>	<b>Mariner's Bay LLC and Los Angeles County Department of Beaches and Harbors</b>
<b>Agents:</b>	Tim O'Brien, Michael Tripp
<b>Location:</b>	Marina del Rey Basin D and Basin E, Lease Parcel 28, 14000 Palawan Way, Marina del Rey, Los Angeles County.
<b>Project Description:</b>	Remove 371 boat slips and construct 301 boat slips in public marina. Install new sewage pumpout station.
<b>Staff Recommendation:</b>	Approval with Conditions.

**SUMMARY OF STAFF RECOMMENDATION**

Mariner's Bay LLC and the Los Angeles County Department of Beaches and Harbors request a permit to redevelop portions of two basins within the existing public marina. The proposed project is situated on submerged lands within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development in its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The certified Marina del Rey Local Coastal Program is advisory in nature and may provide guidance. The primary issues raised by the application are construction related impacts to the sensitive and threatened bird species including the California Least Tern, construction and post-construction water quality preservation and enhancement, and maximization of public access and recreation. Construction noise has the potential to adversely affect nesting and foraging birds. Underwater and over water construction activities associated with the marina redevelopment, and operation of vessels on an open body of water tidally influenced by the Pacific Ocean, have the

potential to adversely affect water quality and biological productivity. Additionally, the proposal to redevelop the project site in a manner that reduces the number of slips has the potential to adversely affect public access and recreational opportunities along the shoreline. In this case, the applicants indicate that the net reduction in slips is primarily a result of current California Department of Boating and Waterways standards requiring wider head walks and fingers, as well as Americans with Disabilities Act requirements. Additionally, the applicants have demonstrated that the proposed slip mix, within the redeveloped portion of the marina and cumulatively within the Marina del Rey harbor, complies with the LCP requirement that at least 39% of boat slips be 30 feet or less and an additional 20% of slips be 31 to 35 feet.

In order to ensure that avian and marine biological productivity, water quality, and public access and recreation are all preserved and enhanced consistent with Coastal Act requirements, Commission staff recommends **approval** of the proposed development with seventeen (17) special conditions requiring the applicants to 1) comply with the terms of the approved development; 2) complete a pre-construction *Caulerpa taxifolia* survey; 3) complete a pre-construction eelgrass survey and provide mitigation if eelgrass impacts are identified; 4) complete a pre-construction bird survey and minimize construction and pile driving noise and turbidity; 5) cease pile driving activities during least tern nesting season; 6) implement construction best management practices; 7) comply with the terms of the final water quality management plan; 8) implement a marina inspection and maintenance program; 9) maintain public access to and along the waterway during construction and post construction; 10) provide sufficient boater parking; 11) provide a program for displaced boats to transition to other areas within the public marina; 12) maintain adequate dry boat storage capacity during construction; 13) provide an in-lieu fee, based on a percentage of boat slips greater than 30 feet in length, to Los Angeles County Department of Beaches and Harbors, or a non-profit organization acceptable to the Executive Director, to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities; 14) agree to conditions to repair or remove the development should it become damaged; 15) comply with the requirements of the resource agencies, 16) assume the risks of the development (lessee); and 17) assume the risks of the development (lessor).

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION</b> .....	4
<b>II. STANDARD CONDITIONS</b> .....	4
<b>III. SPECIAL CONDITIONS</b> .....	5
<b>IV. FINDINGS AND DECLARATIONS</b> .....	16
A. PROJECT LOCATION & DESCRIPTION .....	16
B. MARINA DEL REY HISTORY AND BACKGROUND .....	18
C. PUBLIC ACCESS AND RECREATION .....	19
D. MARINE RESOURCES – WATER QUALITY .....	29
E. MARINE RESOURCES – BIOLOGICAL PRODUCTIVITY .....	32
F. NATURAL HAZARDS .....	36
G. LOCAL COASTAL PROGRAM (LCP) .....	38
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) .....	40

### APPENDICES

Appendix A - Substantive File Documents

### EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Proposed Plans

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-15-1426 pursuant to the staff recommendation.*

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

### Resolution:

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

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicants or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicants to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** Coastal Development Permit 5-15-1426 permits only the development expressly described and conditioned herein. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.
2. **Caulerpa Taxifolia Pre-Construction Survey.**
  - A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this Coastal Development Permit (the "*project*"), the permittees shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate. If any portion of the project commences in a previously undisturbed area after the last valid *Caulerpa taxifolia* survey expires, a new survey is required prior to commencement of work in that area.
  - B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
  - C. Within five business days of completion of the survey, the permittees shall submit the survey:
    - i. for the review and approval by the Executive Director; and
    - ii. to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Wildlife (858-467-4218) or Bryant Chesney, National Marine Fisheries Service (562-980-4043), or their successors.
  - D. If *Caulerpa taxifolia* is found within the project or buffer areas, the permittees shall not proceed with the project until 1) the permittees provides evidence to the Executive Director that all *Caulerpa taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the permittees has revised the project to avoid any contact with *Caulerpa taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

**3. Eelgrass Survey and Mitigation Requirements.**

- A. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. If any portion of the project commences in a previously undisturbed area after the last valid eelgrass survey expires, a new survey is required prior to commencement of work in that area. The survey shall be prepared in full compliance with the “*California Eelgrass Mitigation Policy*” dated October 2014 (see [http://www.westcoast.fisheries.noaa.gov/habitat/habitat\\_types/seagrass\\_info/california\\_eelgrass.html](http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html)) (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The permittees shall submit the eelgrass survey for the review and approval by the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development.
- B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the permittees shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the “*California Eelgrass Mitigation Policy*” dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The permittees shall submit the post-construction eelgrass survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the permittees shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy. The exceptions to the required 1.38:1 mitigation ratio found within the California Eelgrass Mitigation Policy shall not apply. Implementation of mitigation shall require an amendment to this permit or a new Coastal Development Permit unless the Executive Director determines that no amendment or new permit is legally required.

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

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

- A. Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall not bring pets (e.g. dogs and cats) to the construction site.
  - B. Noise generated by construction (including, but not limited to, pile driving) shall not exceed 85 dB at any active nesting site within 500 feet of project site for black-crowned night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 500 feet of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
  - C. The applicants shall use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments. The applicants shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column. Construction of pilings shall comply with the requirements of Special Condition 5 relative to timing.
5. **Least Tern Protection.** In order to reduce potential adverse impacts on the California least tern during nesting and foraging season, no pile driving activity that may generate noise or turbidity shall occur during the period commencing April 1<sup>st</sup> and ending September 1<sup>st</sup> of any year.
6. **Protection of Marine Resources.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Marina del Rey, the permittees shall implement the following demolition, staging, and construction best management practices:
- A. Silt curtains will be utilized to control turbidity during removal and placement of piles.
  - B. Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases.
  - C. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
  - D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
  - E. Prior to demolition, mollusks (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and other native marine animals found on the piles and docks to be removed from the project site shall be relocated to another part of the bay.

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

derived products. Pilings treated with Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve, or similar sealant. To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g., PVC Pilewrap) and reinforced plastic for pilings (e.g., high density polyethylene (HDPE) pile armor), shall conform to the following requirements:

- ii. The material used shall be durable and a minimum of one-tenth of an inch thick.
- iii. All joints shall be sealed to prevent leakage.
- iv. Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
- v. The plastic sleeves shall extend a minimum of 18 inches below the mudline.
- vi. Plastics used to protect concrete or timber piers and docks or for flotation shall be subject to regular inspection to prevent sloughing of plastics into the waterway. A comprehensive inspection and maintenance plan shall be a requirement of any approval for projects involving plastic/or similar material wrapped piles, for the life of the piles.
- vii. The applicants shall be made responsible for removal of failed docks or materials.
- viii. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for new piles or piling replacement, the least environmentally damaging materials and/or methods should be required for such projects, where feasible.

Additionally, the permittees shall comply with the following construction-related requirements:

- A. Construction activities within tidal and upland work areas shall not commence until all sediment, turbidity, and runoff control measures as appropriate have been properly installed in and around active work areas;
- B. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion. Construction materials shall be stored only in approved designated staging and stockpiling areas;
- C. During construction, all trash shall be properly contained. Any and all debris resulting from construction activities shall be removed on a daily basis and disposed of at an appropriate location(s);
- D. At the end of the construction period, the permittees shall inspect the project area and ensure that no debris, trash, or construction materials remain on land or in the water, and that the project has not created any hazard to navigation;
- E. All fueling and maintenance of construction equipment except for the barge-mounted crane shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mobile fueling of construction equipment and vehicles on and around the marina construction site shall be prohibited. Mechanized heavy equipment and other vehicles used during the construction process except for the barge-mounted crane shall not be stored or re-fueled within 50 feet of drainage courses and other coastal waters;

- F. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands, and all equipment used during construction shall be free of leaks at all times.
- G. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call;
- H. An on-site spill prevention and control response program, consisting of BMPs for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at the project site to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials;
- I. If a temporary erosion control product (such as mulch control netting, erosion control blanket, or mat) is used to stabilize soils until vegetation is established, only products manufactured from 100% biodegradable (not photodegradable) materials shall be used. If temporary erosion control products that have a netting component are used, the netting shall be loose-weave natural-fiber netting. Products with plastic netting, including but not limited to polypropylene, nylon, polyethylene, and polyester shall not be used. If fiber rolls (wattles) are used for wetland protection and/or temporary sediment control, the netting component of these products shall be made of loose weave natural-fiber (not plastic) netting;
- J. Preservative-treated wood used in construction of the project must meet the American Wood Protection Association's (AWPA) wood preservative standards, specifically AWPA Standard U1, the primary specification for pressure-treated wood;
- K. ACZA preservative-treated wood shall be treated to the proper preservative retention standard (i.e., amount of preservative) specified by the AWPA for the appropriate AWPA Use Category. The ACZA preservative-treated wood used for the project shall not have a preservative retention exceeding the minimum specified for the appropriate Use Category, in order to minimize the amount of preservative present in treated wood on-site that may subsequently leach into the marine environment;
- L. The ACZA preservative-treated wood shall be inspected on-site to assure it is free of visible surface residues or bleeding of preservatives. If ACZA preservative-treated wood has a noticeable ammonia odor, then it has not been properly processed or aged, and the preservative may thus not be properly fixed, therefore the lumber shall not be used;
- M. The ACZA preservative-treated wood shall be stored away from the water until it is needed for installation. The wood shall be stacked above the ground, and the area shall have adequate drainage to prevent the wood from being subjected to standing water. If there is a chance of precipitation, the wood shall be stored under a covered area or tarp to minimize exposure to precipitation;
- N. Whenever possible, cutting or drilling of ACZA preservative-treated wood shall be performed at a site a minimum of 100 feet away from the water, to minimize transport of sawdust by wind. The resulting sawdust, drill shavings, and wood scraps shall be contained and collected, in order to prevent the discharge of preservative-treated wood to the marine environment. If it is essential that treated wood be cut or drilled in place on the dock, all sawdust, shavings, and

wood scraps generated during construction must be collected and prevented from entering the water below;

- O. The procedures outlined in AWWPA Standard M4, Standard for the Care of Preservative-Treated Wood Products, shall be followed when applying a topical (non-pressure treated) preservative to the cut ends of treated wood. Whenever possible, application of a topical preservative to treated wood shall be performed at a site a minimum of 100 feet away from the water, equipped with containment for potential drips and spills, in order to prevent discharge of the preservative to the environment. The topical preservative shall not be applied in the rain. Any excess topical preservative shall be wiped off, and the preservative must be allowed to fully dry before the wood is used in construction. If a small amount of touch-up preservative application must be performed over water, then tarps or containers must be used to capture any potential spills or drips.

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

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

- A. The plan shall demonstrate that long-term water-borne berthing of vessels in the marina shall be managed in a manner which protects water quality and that persons using the marina are made aware of the rules related to boat maintenance and use. To the extent to which physical features or objects (trash containers, recycling bins) are required in the plan, an attached site plan shall show the location where these features or objects will be installed.

- B. The plan shall include, at a minimum, the following components or measures:

- i. Boat Cleaning Management Measures:
  - a. The marina shall prohibit in-water boat hull washing which does not occur by hand.
  - b. The marina shall prohibit in-the-water hull scraping or any process that occurs under water which results in the removal of paint from boat hulls.
  - c. The marina shall ensure that marina tenants, when washing boats, utilize detergents and cleaning components that are phosphate-free and bio-degradable. Amounts used shall be minimized; and,
  - d. The marina shall prohibit the use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
- ii. Implementation of a solid waste reduction and recycling program including the following Solid Waste Management Measures:
  - a. Containers for recyclables shall be provided and sited so that they are convenient for boaters (i.e. close to the dock); and,

- b. All trash and separate containers for recyclables, oil wastes, fish wastes, etc. shall be clearly marked, have the capacity to handle all waste streams, and be sited so that they are convenient for boaters (i.e. close to the dock).
  - c. All solid waste, including sewage, shall be properly disposed of only at appropriately designated facilities.
- iii Implementation of a liquid material control program which provides and maintains appropriate storage, transfer, containment and disposal facilities for liquid materials commonly used in boat maintenance including the following Liquid Waste Management Measures:
- a. The marina shall provide a secure location to store hazardous wastes, including petroleum products, old gasoline or gasoline with water, absorbent materials, and oily rags.
  - b. Containers for anti-freeze, lead acid batteries, used oil and used oil filters which will be collected separately for recycling shall be provided by the marina.
  - c. Signage shall be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The containers shall notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes; and
- iv. Petroleum Control Management Measures:

The marina shall make available to boaters a service that reduces oily discharges from in-board engines. The marina's environmental policies shall encourage boaters to regularly inspect and maintain engines, lines and hoses in order to prevent oil and fuel spills. These policies shall encourage boaters to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. The use of soaps that can be discharged by bilge pumps shall be discouraged.

- v. Public Education Measures:

In addition to these specific components outlined in **Special Condition 7.B** above, the BMP program shall also include enforcement which may include eviction from the marina. The marina shall provide information about all of the measures in the BMP program through a combination of signage, tenant bill inserts and distribution of the BMP program to new tenants and each year to repeat tenants. The program shall be posted at the Harbormaster's Office/Administration Building and at all dock entrances, and be included and attached to all slip lease agreements.

8. **Marina Inspection and Maintenance Program.** Throughout the life of the development approved by this permit, the permittees shall exercise due diligence in periodically inspecting (at least once a year) the marina facilities that are subject to this coastal development permit. The permittees shall immediately undertake any repairs necessary to maintain the structural integrity of the docks, pilings, over-water sewer lines, and other utility connections, prevent leaks, and to ensure that pieces of unattached plastic or other debris do not enter the environment. Over-water sewer lines, including all pipes from sewage pump-out facilities and any other pipe which leads to a sanitary sewer, shall be visually inspected at least once per month and dye- or pressure-tested at

least twice every year. The inspections shall be undertaken by boat, during periods of extreme low tides. All leaks shall be repaired immediately upon discovery. If the inspections confirm that the use of the plastic or other material used in the marina is harming marine resources, the use of such materials shall be stopped, and less harmful materials shall be used.

9. **Public Access To and Along the Waterway.** The existing public promenade and walkways shall remain open for public access. The permittees and the development shall not interfere with public access and use of the public walkway situated immediately inland of the seawalls of the marina (except for the temporary disruptions that may occur during the construction of the permitted development). No gates are permitted, except at the entrance to the gangways.
10. **Boater Parking.** The number of vehicle parking spaces provided and maintained for boater parking shall be provided at a ratio of .6 or greater (vehicle parking spaces to boat slips), based on the total number of boat slips approved by this permit. Any future change to the number of boater parking spaces will require an amendment to this permit.
11. **Transition Process for Displaced Boats During and after Dock Reconstruction.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, on any individual marina approved pursuant to this Coastal Development permit, the applicants shall submit for the review and approval of the Executive Director, a "slip transition and implementation plan" to assist small and mid-sized boat (35 feet and under) owners to locate a temporary slip for lease during reconstruction. The applicants shall use its best efforts to alert marina tenants displaced by reconstruction of a temporary slip for the displacement of boats sized 35 feet and under from the individual marina by identifying vacant slips throughout Marina del Rey if a slip is not available in the marina under reconstruction. The applicants are not required to subsidize the relocated tenant.

Immediately following the final phase of reconstruction, the applicants shall extend to previous slip renters of boats 35 feet and under a 30 day right of first refusal for available slips of the same previously leased size. The transition and implementation plan shall include but not limited to the following mitigation measures:

- utilize successive reconstruction phases within the same marina to secure slips for boats temporarily displaced during the previous phase;
- identify an appropriately-sized slip in another marina within Marina del Rey harbor; and/or;
- until a slip of the previously leased size is identified in Marina del Rey harbor, lease to the displaced boat owner a larger slip (may include end-ties/side-ties) at a rate at a rate equal to the currently-posted slip rate of the size previously rented to the displaced boat.
- If neither an appropriate-sized slip nor larger slip is available to the boater with a boat 35 feet and under in a private lease hold anchorage, the County shall make accommodation for a displaced boater in Parcel 47 public marina. If a slip is not available in the size appropriate for that displaced boat (35 feet and under) the County shall lease a larger slip (may include end-ties/side-ties) at a rate at a rate equal to the currently-posted slip rate of the size previously rented to the displaced boat. If no appropriate space is available in Parcel 47 marina, the County shall offer space in the mast up-storage or other storage operated by the County at the appropriate rate.

In any case, the marina operator will not be required to honor special requests for the specific location of the slip. These procedures shall only apply to:

- accommodate the specific vessel that occupied the previously leased slip;
- slip renters in good standing at the start of the reconstruction project; and
- seaworthy vessels (no houseboats, floating homes or inoperable boats).

**12. Dry Boat Storage Requirements During Construction.** The County shall provide to the Executive Director, an annual monitoring report documenting the reconstruction of the marinas approved pursuant to this Coastal Development Permit and the availability of dry boat storage during construction of the construction of the marinas. The monitoring report shall include the following information:

- The number of marinas reconstructed within the last year, including a break down of the boat slip sizes.
- The number of marinas projected to be constructed within the next 12 month period.
- The number of boat slips 35 feet and under which will be permanently eliminated and the number of slips out of commission during the next 12 month period due to reconstruction of the marina(s).
- The current number of dry spaces available for dry storage in Marina del Rey.

If at the time of the annual report, there is less than 5% of the total number of dry boat storage spaces available for rent, the County shall establish sufficient boat dry storage space so as not to fall below a 5% dry boat storage availability threshold. If annual report demonstrates that there is less than 5% of dry boat storage spaces available in the marina then no marina reconstruction may occur until there is a minimum 5% of the total dry boat storage spaces available for rent. The report shall be provided annually to the Executive Director, no later than January 15<sup>th</sup> of each year.

**13. Lower Cost Boating Program In-lieu Fee.** PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY of a privately-leased marina, approved pursuant to this coastal development permit, the applicants shall provide an in-lieu fee to Los Angeles County Department of Beaches and Harbors, or a non-profit organization acceptable to the Executive Director of the Coastal Commission, to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities. Such programs may include, but are not limited to, the County's W.A.T.E.R. Youth Program.

The annual in-lieu fee shall be the amount equivalent to the annual rental of one 30-foot boat slip for each 100 new slips measuring over 30 feet in length in the subject anchorage. For new marinas containing fewer than 100 slips or fractions over 100 slips the in-lieu fee shall be prorated based on the number of slips; such as 30/100 [0.3 for 30 slips], or 150/100 [1.5 for 150 slips]. The annual rental of one 30-foot boat slip for the purposes herein shall mean the average annual rental of the published slip rates of all 30-foot boat slips in the subject marina. If there are no 30-foot boat slips then the average annual rental of the next larger size of slip in the subject marina as of July 1<sup>st</sup> of each year will be the basis for calculating the in-lieu fee.

The payment of the in-lieu fee to the County, or the approved non-profit organization, will commence upon completion of the marina redevelopment construction and continue annually, throughout the life of the development approved by this permit. The first annual payment of the fee will be due the earlier of the Outside Completion Date (as defined in the subject lease agreement) or the date on which a temporary Certificate of Occupancy was issued to the subject marina. If construction is phased, the minimum in-lieu fee will be due within 10 days of the issuance of the temporary Certificate of Occupancy, prorated to June 30<sup>th</sup>. Subsequent annual payments will be calculated from July 1<sup>st</sup> of each year, and be due no later than July 10<sup>th</sup>. Additionally:

- End-ties will not be counted as a slip for in-lieu fee computational purposes.
- The County Department of Beaches and Harbors shall provide (or shall cause the appropriate non-profit organization to provide) an annual report for the review and approval of the Executive Director of the Coastal Commission, detailing the in-lieu fees that have been collected, the lower cost boating programs developed and operated, and the number of people participating in such programs. The report shall be provided annually, no later than January 15<sup>th</sup>, for the preceding calendar year.

14. **Repair and Removal of the Development.** By acceptance of this Permit, the applicants agree, on behalf of themselves and all other successors and assigns, that should any development approved under this Permit, including but not limited to the gangway, piers, docks, pumpout station, and associated infrastructure, become threatened due to structural failure, wave action, or other manmade or natural processes, the applicants shall conduct a study of the structural stability of the approved development and an analysis of alternatives for correcting any structural deficiencies. This study shall be submitted to the Executive Director in order to determine if the proposed correction requires a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

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

15. **Resource Agencies.** The permittees shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine whether the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

- 16. Assumption of Risk, Waiver of Liability, and Indemnity Agreement Applicable to the Applicant-Lessee.** By acceptance of this permit, the applicant-lessee, Mariner's Bay LLC, on behalf of (1) itself; (2) its successors and assigns and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding, sea level rise, and erosion; (ii) to assume the risks to the applicant-lessee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to include a provision in any subsequent sublease or assignment of the lease covering the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating parts (i) through (v) of this condition.
- 17. Assumption of Risk, Waiver of Liability, and Indemnity Agreement Applicable to the Applicant-Lessor.** By acceptance of this permit, the applicant-lessor, the Los Angeles County Department of Beaches and Harbors, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding, sea level rise, and erosion; (ii) to assume the risks to the applicant-lessor and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to include a provision in any subsequent lease of such property requiring the lessee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating parts (i) through (v) of this condition.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION AND DESCRIPTION**

Mariner's Bay LLC and the Los Angeles County Department of Beaches and Harbors request a permit to redevelop portions of two basins within Basin D and Basin E of the existing Los Angeles County-operated public marina, in an area designated as Marina del Rey Lease Parcel 28 (**Exhibit 1**). The lessor/concessioner (Mariner's Bay LLC) will demolish 371 existing boat slips configured around 17 docks and 15 gangways with total water coverage of 91,598 square feet, and the lessor will remove 162 16-inch round pilings with total fill of 277 square feet. The lessor will construct 301 new boat slips configured in 15 docks with nine gangways with total water coverage of 87,030 square feet, supported by 66 18-inch square pilings and 72 16-inch square pilings for new fill of 226 square feet. Thus, the redeveloped marina will have a net reduction in boat slips, water coverage, and fill compared to the existing marina.

All existing dock floats, ramps, and pilings within the anchorage will be removed and recycled and disposed of at locations outside the Coastal Zone and new floats, ramps, and pilings will be constructed in a similar configuration (see overlay of existing and proposed configuration in **Exhibit 2**). The new pre-fabricated docks will be constructed of durable floating concrete with no paint coating. The docks will be held in place by six sided concrete and polystyrene pontoons and will rise and fall with the tides. The new docks and concrete piles will be manufactured offsite, installed by barge and crane, and connected in the water using hand tools. All new boat slips will be equipped with electrical service, communication lines, and potable water. A new sewage pumpout station is proposed to serve boaters using the renovated marina and will also serve other members of the boating public (**Exhibit 2**). There will be a loss of 70 boat slips due to current California Department of Boating and Waterways slip width criteria, American Disability Act (ADA) access requirements, and the provision of slip sizes to meet market demand. The new anchorage will be a structural wood system with a concrete deck and polyethylene floats. The existing and proposed boat slip distributions are as follows:

		≤ 20	21' - 25'	26' - 30'	31' - 35'	36' - 40'	41' - 45'	46' - 50'	≥ 51'	Total
Lease Parcel 28 (Mariner's Bay)	LCP min	≥ 39%			≥ 20%	≤ 41%				
	Existing	0	0	184	96	80	0	9	2	371
		50%			26%	24%				
	Proposed	0	9	123	75	1	68	24	1	301
		44%			25%	31%				
	Change	0	9	-61	-21	-79	68	15	-1	-70

The existing marina was constructed in the 1960s and because of its age is dilapidated and needs to be replaced. Standards for marina accessibility, safety, and design have changed since the original construction. New legislation and guidelines over the years have resulted in the necessity for complete marina reconstruction in order to meet current Department of Boating and Waterway guidelines and Americans with Disability Act (ADA) access requirements.

The new anchorage will provide nine gangways, with two ADA accessible gangways serving approximately 60 ADA accessible boat slips varying from 25 feet to 60 feet. The new configuration will also provide space for 14 end ties supporting boats between 25 and 108 feet (**Exhibit 2**)<sup>1</sup>.

According to the applicants, construction of the new marina will be completed in 11 phases with only portions of the total boat slips within Basin D and Basin E out of service at any one time. Boats using the existing facility and impacted by development will have the opportunity to move other available slips within the same marina. Other available relocation options within Marina del Rey include dry dock facilities and vacant wet slips within other anchorages.

The Los Angeles County Department of Regional Planning completed a Site Plan Review (RPP 201500670) and approved the project in concept on September 8, 2015. The Los Angeles Department of Regional Planning also approved a redevelopment plan for the landside portions of Lease Parcel 28,

<sup>1</sup> The end ties offer a tie in point within the lessee’s leasehold area, but boats of varying sizes may extend beyond the lease area into the harbor, and thus are not counted in the total slip distribution.

including interior remodel of the existing Mariner's Bay Apartments and associated amenities (County Project and Coastal Development Permit Exclusion No. R2014-01775-(4); June 3, 2015). The redevelopment plan will also renovate eight public restrooms, provide additional landscaping along and adjacent to the public promenade along the portion of the marina subject to the proposed development, improve lighting in the area, and improve access for disabled members of the public. The public promenade and open space areas will be open 24 hours per day.

The applicants has applied for a permit from the Army Corps of Engineers and received a Provisional Letter of Permission on December 9, 2015. The applicants has obtained a conditional approval from the Los Angeles Regional Quality Control Board. Should a permit be required from the California Department of Fish and Wildlife or the U.S Department of Fish and Wildlife, the permittees will obtain such permits. **Special Condition 15** requires the permittees to comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by any other agencies shall be submitted to the Executive Director in order to determine whether the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

## **B. MARINA DEL REY HISTORY AND BACKGROUND**

Marina Del Rey covers approximately 807 acres of land and water in the County of Los Angeles. Marina Del Rey is located between the coastal communities of Venice and Playa Del Rey. The marina is owned by the County and operated by the Department of Beaches and Harbors.

The existing marina began its development in 1962 when the dredging of the inland basin was completed. The primary use of the marina is recreational boating with other uses including residential and commercial. Marina del Rey currently provides approximately 4,299 boat slips, within approximately 26 separate anchorages/marinas. Other boating facilities include transient docks, a public launching ramp, three public pump-out stations, repair yards, charter and rental boats, harbor tours, and sailing instruction schools.

Other recreational facilities within Marina del Rey include: Burton W. Chase Park, Admiralty Park, a public beach and picnic area, bicycle trail, and limited pedestrian access along the marina bulkheads and north jetty promenade. Along with the recreational facilities, the marina is developed with multi-family residential projects, hotels, restaurants, commercial, retail and office development.

Within the marina, most structural improvements have been made by private entrepreneurs, operating under long-term land leases. These leases were awarded by open competitive bids in the early and mid-1960s. The developers were required to construct improvements on unimproved parcels in conformance with authorized uses designated in their leases and pursuant to a master plan for the marina. Most leases will expire after 2020.

Within the existing marina, development has occurred on all but one leasehold parcel. This development is generally referred to as Phase I development. Recycling, intensification, or conversion of these initial uses on leased parcels is referred to as Phase II development. The subject application proposes Phase II redevelopment of Lease Parcel 28.

## **C. PUBLIC ACCESS AND RECREATION**

Section 30210 of the Coastal Act states:

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

Section 30213 of the Coastal Act states:

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

Section 30224 of the Coastal Act states:

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

Section 30234 of the Coastal Act states:

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

Section 30252 of the Coastal Act states, in relevant part:

*The location and amount of new development should maintain and enhance public Access to the coast by...(4) providing adequate parking facilities.*

The Certified Marina del Rey LCP, which is used as guidance for determining consistency with the Coastal Act, includes recreational boating policies that not only mirror the recreational boating policies of the Coastal Act but also include additional protective policies to ensure protection of recreational boating facilities.

Marina del Rey LCP Figure 4 provides minimum slip percentages for smaller boats:

### *A. Waterfront Slip Length Distribution*

<u>Berth Length</u>	<u>Percentage</u>
30 feet and under	39%
31 to 35 feet	20%

*The County shall maintain the slip distribution for slips 35 feet in length and under, as shown in Figure 4, as the minimum slip distribution for those categories. At no time during reconstruction of any marina shall the slip distribution be less than 16% for slips 25 feet and under; and 39% for slips between 26 and 35 feet.*

Marina del Rey certified LCP Policy 3.e.1. - Recreational Boating a Top Priority states:

*Recreational Boating shall be emphasized as a top priority use throughout the planning and operation of the Marina. To help achieve this goal, the plan shall strive to ensure that adequate support facilities and services are provided including, but not limited to the following: boat slips, a fueling dock, boat repair yards, boat dry storage yards, launch ramps, boat charters, day-use rentals, equipment rentals and on-going maintenance of the marina harbor and entrance channel, bulkhead repair, pollution control, safety and rescue operations and sufficient parking for boaters. Emphasis shall be given to providing water access for the small boat owner through provision of public ramp facilities.*

Marina del Rey certified LCP Policy 3.e.2 states:

*Slip reductions resulting from marina reconstruction shall be offset in support of low-cost boating. For marina reconstruction projects, every 100 slips in excess of 30 feet shall comply with the following conditions:*

*Prior to the issuance of a coastal development permit, the applicants or its successor in interest shall agree to provide:*

*a. An in-lieu fee to the County, or a non-profit organization acceptable to the Executive Director of the Coastal Commission, to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities. Such programs may include, but are not limited to the County's Water Awareness, Training, Education and Recreation (W.A.T.E.R.) Youth Program.*

*b. The in-lieu fee shall be the equivalent annual rental value of one 30-foot boat slip (based upon the listed per-foot rental rate posted at the marina on July 1 of each year for 30-foot slips) for each 100 slips measuring over 30 feet in length. The payment of the in-lieu fee to the County, or the approved non-profit organization, will commence upon completion of the Marina redevelopment construction and continue annually, throughout the life of the project.*

*c. The DBH shall provide (or shall cause the appropriate non-profit organization to provide) an annual report, for the review and approval of the Executive Director of the Coastal Commission, detailing the in-lieu fees that have been collected, the lower cost boating programs developed and operated, and the number of people participating in such programs. The report shall be provided annually, no later than January 15th of each year for the proceeding calendar year.*

### **Boating-Related Support Facilities**

Marina del Rey certified LCP Policy 3.e.3 states:

*At a minimum, the existing operating boating-related support facilities and services shall be maintained for the boating public. These facilities shall include, but are not limited to, the fuel dock on parcel 1, boat repair yards on parcels 53 and 54, the County launch ramp, mast-up storage and support parking on Parcel 49. With the exception of the facilities located on parcels 1, 54, and 56, which shall not be displaced, boating facilities may be relocated in conjunction with development so long as the same or larger boating facility is replaced within the Marina. Any project which relocates an existing coastal dependent boating use, including but not limited to boat launching, boat storage, boater parking or boater access, shall be phased so that said use is replaced within the Marina before the development which displaces it may commence.*

Marina del Rey certified LCP Policy 3.e.4 states:

*Additional boat storage facilities may be developed within Marina del Rey. Deck storage (storage of small day-use sailboats on a floating dock) for sailboats may be constructed on a portion of Parcel 49 and dry stack storage may be constructed on Parcels 44 and 53 or on other parcels with a marine commercial or visitor-serving commercial designation, as long as view corridors are complied with and adequate private parking is available. A parking analysis demonstrating adequate independent or shared parking shall accompany project.*

Marina del Rey certified LCP Policy 3.e.5 states:

*Commercial Fishing Not a Priority. Recreational boating shall be emphasized over commercial boating activities, because of the strong public demand for recreational boating facilities. The original plans for Marina del Rey did not include support facilities for commercial fishing, and none have been developed or planned since then.*

Marina del Rey certified LCP Policy 3.e.6 states:

*The County intends to expand boating-related support facilities, where feasible, particularly on Parcel 44 for dry stack storage, on Parcel 52 for mast-up and dry stack storage, and increased area for kayak and outrigger canoe launching on Marina Beach as well as a dock at Parcel 77 in conjunction with the Chace Park expansion.*

Marina del Rey certified LCP Policy 3.e.7 states:

*A parking provision of 0.6 spaces for each wet-slip shall be provided.*

Marina del Rey certified LCP Policy 3.e.8 states:

*During reconstruction of the marinas if there are fewer than 5% of the total dry boat storage spaces available for rent, the County shall establish sufficient boat dry storage space so as not to fall below a 5% dry storage availability threshold until all 1,088 dry spaces are available.*

### **Boating**

The project is the demolition of a public boating marina and reconstruction of a new marina in a similar configuration but with net reduction of 70 slips, and slight modification in the slip size distribution. The marina is a privately operated facility with berthing slips available to the general public on a month-to-month fee basis. Upon completion of the proposed development, the marina slip leases will remain available to the general public. The proposed project does not include any proposed change to the method of leasing.

The slip size distribution in Marina del Rey and other marinas is important in terms of recreational boater access since pricing is based on the size of the slip. Slip rates in Marina Del Rey range from an average of approximately \$12.00 to \$18.00 per linear foot of dock. Rates for the proposed renovated anchorage will be fairly consistent with this range; however, based on past marina redevelopment projects, because the marina will be completely redeveloped, including installation of new boater amenities, such as individual pump-out stations and utility hook-ups, the slip rates will likely increase from the current rates.

In the recent Periodic Review for the Marina Del Rey Local Coastal Plan, the Commission expressed concern with the loss of slips within Marina del Rey and the protection of the existing mix of slips. The Commission found:

*“To continue to protect the public demand for boating and lower cost recreational facilities, consistent with the Coastal Act, the County should ensure that the LCP policies and objectives protect an adequate mix of slip sizes to continue to meet the demand for all boat size categories of boat owners. Furthermore, the marina should be protected from any further reduction in total slips to maximize boating recreational opportunities; and in order to protect the small boater’s continued use and access to wet slips throughout the marina, slips 35 feet and under should be protected from further slip reduction.”*

The existing slip configuration within the proposed redevelopment marina area within Lease Parcel 28 contains a total of 371 slips (plus approximately 20 end ties). Of this total, 184 slips (50% of the existing total) are 30 feet long or less, and an additional 96 slips (26%) are 31 to 35 feet long. The proposed project will reduce the total number of slips to 301 slips (plus 14 end ties), with 123 slips (44% of the new total) 30 feet or less. Nine new slips 21 to 25 feet will be included in the new marina; there are currently no slips less than 25 feet. Additionally, the new marina will feature 75 slips (25%) between 31 and 35 feet long. Large boat slips (greater than 35 feet long) will increase from the current total of 91 to a new total of 94. According to the applicants the individual slip distribution (existing and proposed) for Lease Parcel 28 is as follows:

		≤ 20	21' - 25'	26' - 30'	31' - 35'	36' - 40'	41' - 45'	46' - 50'	≥ 51'	Total
	LCP min	≥ 39%			≥ 20%	≤ 41%				
Lease Parcel 28 (Mariner's Bay)	Existing	0	0	184	96	80	0	9	2	371
		50%			26%	24%				
	Proposed	0	9	123	75	1	68	24	1	301
		44%			25%	31%				
Change	0	9	-61	-21	-79	68	15	-1	-70	

According to the applicants, the proposed modification of slip size distribution is due to several factors. The existing marina was constructed over 40 years ago and new, or reconstruction of new marinas, are required to comply with the current Layout and Design Guidelines of the California Department of Boating and Waterways (DBAW) to improve accessibility and safety. Incorporation of the current design requirements, which require wider slip or berth sizes, wider docks and fairways (interior channels between docks), will result in fewer slips being redeveloped in any given water space. Furthermore, marinas have been increasing berth sizes to accommodate the wider power boat widths in order to provide the greatest flexibility for berthing of recreational boats (sailboats and power boats); and double loaded slips, which are frequently found in older marinas, are being eliminated due to the wider and longer vessel designs that are common today, which make it harder to fit two boats into a double slip. Another factor is the design requirements imposed under the Americans with Disabilities Act (ADA). The Americans with Disabilities Act requires wider fingers, docks, and longer access ramps to accommodate wheelchair access. For instance, finger piers that lead to accessible slips that are currently 36 inches wide must be at least 60 inches wide. Compliance with ADA access requirements require wider gangways, platforms, and finger piers resulting in less area for slips and the loss of the four slips.

Therefore, under the current DBAW guidelines and ADA requirements, the number of slips is reduced from 371 to 301. However, although the above mentioned factors influence the slip size distribution to a certain degree, the other factor is market demand. Marketing studies (*Marina del Rey Slip Sizing Study*, March 2009, Noble Consultants, Inc.) have shown that the greatest demand is in the mid and larger boat sizes (36 feet and over), and to meet this demand, marinas are reducing the number of smaller slips and increasing the mid and larger range slips.

Boat ownership and boat recreation is based on a number of factors, including economics and population growth. As the economy grows, more and more people have greater disposable income which can be used to purchase boats and to pay for the anchorage fees. Furthermore, as Southern California's population continues to increase, boat sales could also increase and increase the demand for anchorages in all slip lengths. Therefore, it is important to ensure that anchorages continue to provide a mix of slip lengths to provide a full range of boating opportunities for all boaters.

Marina del Rey currently provides a total of 4,299 boat slips. The slips range in size from 18 feet to over 51 feet in length, with the following slip distribution:

- 18-25 ft. = 815 (19%)
- 26-30 ft. = 933 (22%)

31-35 ft. = 925 (22%)  
36-50 ft. = 1,300 (30%)  
>51 ft. = 326 (7%)

Accounting for the proposed redevelopment of portions of Basin D and Basin E, and rounding to the nearest percentage point, the new slip distribution will be nearly identical to the existing (one percent fewer slips 31 to 35 feet and one percent more slips greater than 51 feet; other ranges unchanged).

Overall, the Marina will serve boats 30 feet or less with 41% of its total slips, which exceeds the LCP requirement of 39%. And slips 31 to 35 feet long will account for 21 percent of all slips, which exceeds the LCP requirement of 20%.

According to forecasts from the DBAW study, between 2000 and 2020, the overall number of boats (those registered with the State Department of Motor Vehicles) in all of California will increase at a rate of 13,000 to 23,000 boats per year, a growth rate of between 1.4% to 2.5% per year with most of the growth expected to be in the category of boats under 26 feet long. In contrast, the DBAW study concluded that there will be modest overall growth in the size categories 16 feet to 19 feet and over 26 feet. Based on this forecast, since boats under 26 feet are expected to experience the highest growth in ownership, it would seem that the public demand for boat slips would then be for boat slips that are 26 feet and under. However, although the largest growth in boat ownership is expected to be in the smaller boat category (less than 26 feet), the greatest demand for boat slips in all of California is for slips larger than 26 feet, with the rate of increase in demand is also highest for larger slips. This greater demand for larger slips is due, in part, to increasing cost of wet slip rentals and maintenance and/or economic changes, where the small boat owner may not have the financial resources to pay rental rates, or increased rental rates, and added maintenance costs that come with storing a boat in the water. The small boat owner, unlike the larger boat owner, has the flexibility, because of the small size of the boat, to trailer their boat and store it out of the water, which helps reduce the cost of boat ownership.

Regionally, since the early 1990s, marinas have been renovating their aging marinas and reconfiguring their slip size distribution to favor larger boats—boats 36 feet and larger—because of the decrease in demand for small boat slips and the increase in demand for larger slips. The continued loss of small boat slips could have an adverse impact on boating opportunities within the Harbor by reducing the number of these slips available to the public.

Based on statewide and regional studies, the demand for the smaller slips has been declining locally and regionally. This is also the trend statewide according to the DBAW study. This trend has been reflected in a number of local marina renovation developments. For instance, in the early 1990s, Ventura Isle Marina, in the City of Ventura, reduced their total number of slips from 597 slips to 467, and reduced the slips 25 feet and under from 26% to 9% of the total. The average slip size increased from 31.9 to 38.2 feet (Coastal Development Permit No. 4-91-55). In 1999, Sunset Harbor Marina (i.e. Sunset Aquatic Park) in Seal Beach, reduced the total number of slips from 255 to 240. Slips that were 25 feet and under, which constituted approximately 30% (78) of the total, was reduced to 16% (40) of the total. Slips 35 feet and larger were increased with the overall slip length increasing from 30.5 to 32.8 feet (Coastal Development Permit No. 5-99-244). Under a Port of Los Angeles coastal permit, Cabrillo Way Marina was reconfigured reducing the number of slips from 625 to 614. Slips that were 25 feet and under, that originally constituted 18% of the total, were eliminated. Cabrillo Marina provides no slips 25 feet or under. The average slip size increased from approximately 34.5 to 42 feet. This regional and statewide trend, indicating an increase in registered small boats but higher vacancy

rates for small boat slips, is due to the fact that California's boats under 26 feet are most commonly stored on trailers on the owner's property or in dry storage, whereas most boats 26 feet or longer are kept in the water at marinas. This trend may be partially based on affordability of wet slips; however, the rates for slips continue to increase. Boat ownership and boat recreation is based on a number of factors, including economics and population growth. As the economy and population in Southern California grows, it is likely that more people will purchase boats and seek slips in a local marina. The demand for slips of all sizes is likely to increase, while the supply of slips of any size will continue to be limited. The result of increased demand will be higher slip rental rates. The higher slip rental rates will cause the boaters at the lower end of the economic scale to relinquish their slips, which tend to be shorter because they own the less expensive shorter vessels. The higher income boaters are much more likely to own a larger vessel and are better able to afford a longer slip. While the cost of recreational boating rises, the vacancy rates for shorter slips seem to be increasing, while the demand for larger slips is increasing.

It is fair to say that there is a greater demand for larger slips throughout California but it is difficult to say with certainty that there is a long term trend of decreasing demand for smaller spaces considering the Department of Boating and Waterways study data. Although there is clearly a higher number and percentage of vacancies for small boat slips in Marina Del Rey it is too soon to tell if this is a long-term trend. To encourage lower cost boating opportunities and the introduction of boating to novice recreational boaters it is necessary to protect the provision of small slips within the water as well as provide greater dry storage opportunities out of the water.

In prior permit actions<sup>2</sup>, the Commission has been concerned about the trend towards larger slips in marinas at the expense of the smaller slips. As larger slips occupy more space in a marina, there is less space for the smaller slips and the result is fewer overall slips and fewer slips available for the owners of small vessels. As the trend for larger boats continues and marinas convert their small boat slips to larger slips, berthing opportunities for the small boat owner will be reduced. While it is difficult to contend that recreational boating is in fact a lower cost recreational activity, in general, smaller boats are less expensive, and therefore more available to a larger segment of the population than larger boats. The Commission does not regulate the rates at which marinas rent their slips to the public, however, the Commission can regulate the design of a marina in order to ensure that the redesigned slips conform to the public access and recreation policies of the Coastal Act by providing the correct balance between the size of slips and the boaters' demand for slips in order to encourage increased recreational boating and protect existing boating opportunities including the provision of smaller slips.

Even though there appears to be a higher increase in demand for larger slips throughout California, it is forecasted that there will be an increase demand for smaller slips in Marina Del Rey. According to past studies<sup>3</sup>, vacancies are generally higher for boat slips under 36 feet than for boat slips 36 feet and longer. For Marina del Rey, the County's Beaches and Harbors reported that the overall average vacancy for 2008 was approximately 4%. The report indicated that the vacancy rate for slips less than 36 feet was approximately 3.7% while the vacancy rate for boats 36 feet and longer was less than 1%.

---

<sup>2</sup> 5-05-245, Portofino Hotel Partner, LB; 5-01-143, Marina Two Holding Partnership & County of L.A. Department of Beaches & Harbors

<sup>3</sup> Marina Del Rey—Boat Slip Sizing and Pricing Study, April 20, 2001, and 2004 update, prepared by Williams-Kuebelbeck & Associates, Inc.; California Boating Facilities Needs Assessment report, dated October 15, 2002, and Marina del Rey Slip Sizing Study Marina Del Rey, California, prepared by Noble Consultants, Inc, March 11, 2009.

Although the trend for new and redeveloped marinas is for larger boats, and small boat slips show the highest vacancy rates, there will be future demand for small boat slips in the South Coast Region. In Marina Del Rey, there are almost 3,000 slips 35 feet and under and approximately 1,400 slips over 35 feet in length. Although the vacancy rate is higher in the smaller slips, there is over twice the number of small slips than there are larger slips. The greater number of slips in the smaller slips indicates that the actual demand is greater for the smaller slip sizes. Furthermore, the DBAW study indicates that in the South Coast Region, 88% of 26' – 39'11" boats are stored in the water. As noted above, while owners of boats under 26 feet in California may prefer to store their boats on trailers in dry storage, the DBAW study indicates that in the South Coast Region, the demand for wet storage for boats in the 20' – 25'11" range will increase from 2,975 to between 3,866 and 4,476 from 2000 to 2020. In prior permit actions<sup>4</sup>, the Commission has heard testimony contending that a reduction in the availability of slips that accommodate smaller boats reduces the option for those who want to own boats and use the smaller slips. Local boaters have also expressed the need to continue to maintain smaller slips for boaters in Marina Del Rey. Based on this information, there continues to be a demand for smaller boat slips in Marina Del Rey. Moreover, if the trend continues as noted above, small boat owners will not be able to find slips of a size that is appropriate for their boats. Cumulatively, this reduction would not be consistent with Coastal Act provisions that encourage lower cost facilities and support recreational boating opportunities. Therefore, it is important that the marina continue to provide a mix of slip lengths, including small boat slips, to provide a full range of boating opportunities for all boaters.

In response to the Commission's and the County's concern regarding the provision of low cost boating facilities, the proposed project is designed to retain the approximate existing boat slip mix and size ratios. The proposed marina will provide approximately 70% (145 slips) of the 207 total slips in the 35 foot and under range, with 29% (61 slips) 30 feet and under. The existing distribution includes approximately 76% of the total slips 35 feet and under and 33% of the slips 30 feet and under.

In the recent Periodic Review for the Marina del Rey Local Coastal Plan, the Commission recommended that the County should investigate other alternatives to increase recreational boating within the Marina, assure lower cost boating opportunities and adopt policies requiring implementation of such other alternatives as are found to be appropriate. Recommendation No. 3 in the Periodic Review recommended, in part, that marinas that reduce the number, or proportion of slips, to provide public access to affordable lower cost boating opportunities for the general public through such mechanisms as: contributing fees to develop new boating programs for youths, including disadvantaged youths, development of new lower cost boating facilities for all members of the general public; and encouraging boating membership programs; or similar mechanisms...

Although the applicants is providing 9 new slips in the 20 to 25 foot range, there will be a loss of 52 total slips 30 feet or less, and a total loss of 70 slips overall. By upgrading the older marina with new ADA compliant docks, providing a new pump out facilities, and providing a wide range of slip sizes, the project will enhance the anchorage and improve and encourage recreational boating in the Marina del Rey harbor as a whole. However, the proposed project could have the effect of reducing public recreational boating opportunities and lower cost visitor and recreational opportunities within Marina Del Rey due to the net loss of total slips and net loss of smaller slips. Section 30224 of the Coastal Act encourages increased recreational boating use of coastal waters, and Section 30213 of the Coastal Act

---

<sup>4</sup> 5-01-143, Marina Two Holding Partnership and County of Los Angeles Department of Beaches & Harbors; 5-05-245, Portofino Hotel Partners, LP

encourages developments with lower cost visitor and recreational facilities providing public recreational opportunities.

In order to ensure that existing boaters who rely on small slips to store their vessels within the public marina are provided an opportunity to do so during and following construction, the Commission imposes **Special Condition 11** requiring the applicants to submit for the review and approval of the Executive Director, a "slip transition and implementation plan" to assist small and mid-sized boat (35 feet and under) owners to locate a temporary slip for lease during reconstruction. The applicants shall use its best efforts to alert marina tenants displaced by reconstruction of a temporary slip for the displacement of boats sized 35 feet and under from the individual marina by identifying vacant slips throughout Marina del Rey if a slip is not available in the marina under reconstruction. The applicants are not required to subsidize the relocated tenant. Immediately following the final phase of reconstruction, the applicants shall extend to previous slip renters of boats 35 feet and under a 30 day right of first refusal for available slips of the same previously leased size. **Special Condition 12** will ensure the continued opportunity for lower cost recreational opportunities during and following construction for boaters who may be displaced spatially or economically from the existing wet slips. The condition matches a special condition imposed under Coastal Development Permit 5-11-131 for the most recent large scale redevelopment of six leaseheld marinas within Marina del Rey, and requires Los Angeles County to provide an annual monitoring report documenting the reconstruction of the marinas approved pursuant to this coastal development permit and the availability of dry boat storage during construction of the construction of the marinas. If at the time of the annual report, there is less than 5% of the total number of dry boat storage spaces available for rent, the County shall establish sufficient boat dry storage space so as not to fall below a 5% dry boat storage availability threshold. If annual report demonstrates that there is less than 5% of dry boat storage spaces available in the marina then no marina reconstruction may occur until there is a minimum 5% of the total dry boat storage spaces available for rent. The report shall be provided annually to the Executive Director, no later than January 15th of each year.

The reconstruction of the marina presents an opportunity to provide a public recreational program or opportunity to benefit youth training or boating in the harbor by providing mitigation for the loss of slips and reduction in recreational boating opportunities. The County currently offers a youth boating program that provides recreational boating and water programs. Providing funding to this program or other similar programs will increase recreational boating use and provide lower cost recreational facilities consistent with Section 30213 and 30224 of the Coastal Act. The Commission therefore imposes **Special Condition 13** requiring the permittees to provide an in-lieu fee to Los Angeles County Department of Beaches and Harbors, or a non-profit organization acceptable to the Executive Director of the Coastal Commission, to be used for scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities. Such programs may include, but are not limited to, the County's W.A.T.E.R. Youth Program. The annual in-lieu fee shall be the amount equivalent to the annual rental of one 30-foot boat slip for each 100 new slips measuring over 30 feet in length in the subject anchorage. For new marinas containing fewer than 100 slips or fractions over 100 slips the in-lieu fee shall be prorated based on the number of slips; such as 30/100 [0.3 for 30 slips], or 150/100 [1.5 for 150 slips]. The annual rental of one 30-foot boat slip for the purposes herein shall mean the average annual rental of the published slip rates of all 30-foot boat slips in the subject marina. If there are no 30-foot boat slips then the average annual rental of the next larger size of slip in the subject marina as of July 1st of each year will be the basis for calculating the in-lieu fee.

The Commission therefore finds that only as conditioned will the proposed development be consistent with Sections 30210, 30213, 30224 and 30234 of the Coastal Act.

### **Parking**

Current and proposed boater parking is provided within designated gated parking lots with 244 space paid parking spaces leased specifically for boater use adjacent to the marina. As part of the landside improvements to the existing residential units and public amenities, the applicants are proposing to increase the total number of parking spaces within Lease Parcel 28 from 944 existing to 979 proposed. Parking spaces reserved exclusively for boaters would be reduced from 244 to 212, but this reduction is proportional to the net reduction in boat slips and exceeds the LCP requirement of 0.6 vehicle parking spaces per boat slip. The applicants also propose to increase the number of guest parking spaces (for visitors to the apartments and the marina) from 54 to 121. The private apartments will continue to provide 644 subterranean parking spaces to accommodate their residents, who will not park in the boater or guest parking areas. In order to ensure that applicants maintains the minimum number of designated boater parking spaces, **Special Condition 10** requires the number of vehicle parking spaces provided and maintained for boater parking shall be provided at a ratio of .6 or greater (vehicle parking spaces to boat slips), based on the total number of boat slips approved by this permit. Any future change to the number of boater parking spaces will require an amendment to this permit. Based on the ratio, the applicants must maintain 181 vehicle parking spaces for boater use, unless a permit amendment is issued to change the number of boat slips or change the parking ratio.

As conditioned, the project will provide adequate parking such that overflow parking will not impact other public recreational parking in the Marina Del Rey area that supports public facilities in the Marina. The project will be consistent with Sections 30210 and 30252 of the Coastal Act.

### **Pedestrian Access along the Marina**

Mariner's Bay LLC and Los Angeles County propose to renovate eight public restrooms, provide additional landscaping along and adjacent to the public promenade along the portion of the marina subject to the proposed development, improve lighting in the area, and improve access for disabled members of the public. The public promenade and open space areas are proposed be open 24 hours per day. The County approval of some landside improvements within the apartment area and adjacent to the promenade appears to include some new gates. In order to ensure that access along the promenade adjacent to the marina is maximized, **Special Condition 9** requires that the existing public promenade and walkways shall remain open for public access. The permittees and the development shall not interfere with public access and use of the public walkway situated immediately inland of the seawalls of the marina (except for the temporary disruptions that may occur during the construction of the permitted development). No gates are permitted, except at the entrance to the gangways.

As proposed to improve the pedestrian promenade, improve lighting and landscaping, and as conditioned to maintain access along the marina, the project will maximize public access and recreational opportunities consistent with Sections 30210 and 30252 of the Coastal Act.

## **D. MARINE RESOURCES – WATER QUALITY**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containments and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

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

The proposed project is for the demolition of an existing marina and construction of a new marina located in coastal waters. Due to the proposed project's location on the water, the proposed work may have adverse impacts upon water quality and the marine environment. The use of construction equipment and materials in and around sensitive marine habitats could lead to habitat contamination and impacts through the discharge of debris, trash, and contaminants such as leaky gas and other fluids and other pollutant-laden runoff. In addition, the proposed dock design includes the use of preservative-treated wood in some of the dock elements to be replaced. The use of treated wood in docks creates the potential for toxic chemicals to leach into coastal waters. Allowing such debris or pollutants to enter the waters of the harbor could adversely affect water quality and marine organisms inconsistent with Coastal Act Sections 30230, 30231, and 30232.

Coastal Act Section 30231 protects the quality of coastal waters, streams, and wetlands through, among other means, controlling runoff. Runoff from a project work site, upon entering coastal waters,

increases turbidity and adversely affects fish and other sensitive aquatic species. In addition, Coastal Act Section 30232 requires protection against the spillage of crude oil, gas, petroleum products and hazardous substances and requires that effective containments and cleanup procedures be provided for accidental spills that do occur.

The proposed extraction of piles using a vibratory hammer could cause localized increases in turbidity as sediment sloughs off of piles removed from the mud floor of the marina. The applicants proposes to minimize turbidity during construction. The best management practices include the use of turbidity screens/siltation curtains to isolate work area during pile removal and installation, floating booms to contain debris or spills, recovery of any non-buoyant debris by divers as soon as possible after loss. Because construction of the proposed project requires the use of best management practices to minimize impacts upon water quality, the Commission imposes **Special Condition 4(C)** requires the applicants to use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments. The applicants shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.

The Commission finds it necessary to identify the following other construction related restrictions identified in **Special Condition 6**: in order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Marina del Rey, the permittees shall implement the following demolition, staging, and construction best management practices: silt curtains will be utilized to control turbidity during removal and placement of piles; floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases; where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized; machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones; prior to demolition, mollusks (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.) and other native marine animals found on the piles and docks to be removed from the project site shall be relocated to another part of the bay; sand from the beach, cobbles, or shoreline rocks shall not be used for construction material; netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Marina del Rey; the storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach; erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines; spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit; construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems; washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end

of each day; divers will recover non buoyant debris discharged into coastal waters as soon as possible after loss.

Additionally, the permittees shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

At the end of the construction period, the permittees shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.

Sewer lines exposed to the marine environment have the potential to break or corrode more quickly than those more sheltered from the salty air and sunlight. Because the sewer lines will be directly above the water, they could leak raw sewage directly into the water, if there are any ruptures in the pipes. Coastal Commission staff reviewed the existing operation and maintenance procedures submitted by the LA County Department of Beaches and Harbors and determined that a more stringent procedure is necessary. Visually inspecting the entire length of the lines on a monthly basis will provide the basic inspection necessary to ensure there is no leakage into coastal waters. The more strict dye or pressure tests will allow inspectors to see less visible leaks in the sewer lines; and because these tests are more expensive and labor-intensive, conducting these tests biannually is sufficient, as required in **Special Condition 8**.

Potential adverse impacts to the water quality of the marina could also be caused by boat cleaning and operational activities once construction is complete and the marina is open to boaters using the slips. In order to preserve and enhance water quality throughout the life of the development subject to this permit, the Commission imposes **Special Condition 7** requiring the applicants to submit, for the review and approval of the Executive Director, a detailed Water Quality/Best Management Practices (BMPs) Program for controlling adverse impacts to water quality related to long-term water-borne berthing of vessels in the marina. The plan shall be prepared by a qualified professional with expertise in the control of water quality impacts related to marinas. The plan shall demonstrate that long-term water-borne berthing of vessels in the marina shall be managed in a manner which protects water quality and that persons using the marina are made aware of the rules related to boat maintenance and use. The plan shall include, at a minimum, boat cleaning management measures; implementation of a solid waste reduction and recycling program; implementation of a liquid material control program which provides and maintains appropriate storage, transfer, containment and disposal facilities for liquid materials commonly used in boat maintenance; environmental policies shall encourage boaters to regularly inspect and maintain engines, lines and hoses in order to prevent oil and fuel spills; and a public education program including signage, tenant bill inserts and distribution of the BMP program to new tenants and each year to repeat tenants.

The special condition also requires certain measures designed to minimize water quality impacts from the treatment, storage, construction, and use of wood materials in the project treated with ACZA (ammoniacal copper zinc arsenate). If Best Management Practices (BMPs) are followed, the small amount of preservative-treated wood that will be used in this project, the large volume of marine waters, and the tidal flushing, make it unlikely that potentially problematic water column concentrations of copper will occur in this location. **Special Condition 6** minimizes the impacts of using ACZA preservative-treated wood on the marine environment by requiring in part that use of

ACZA-preservative-treated wood in the project shall: (a) adhere to the American Wood Protection Association's (AWPA) wood preservative standards; (b) be treated to the proper preservative retention standard (i.e., amount of preservative) specified by the AWPA for the appropriate AWPA Use Category; (c) be inspected on-site to assure it is free of visible surface residues or bleeding of preservatives and shall not be used if ACZA preservative-treated wood has a noticeable ammonia odor; (d) be stored away from the water and protected from precipitation until it is needed for installation; and (e) be cut or drilled at a site a minimum of 100 feet away from the water whenever possible, to minimize transport of sawdust by wind and contain, collect and properly dispose of all resulting AZCA sawdust, drill shavings, and wood scraps. Additionally, Special Condition No. 3 requires that any application of a topical preservative: (a) adhere to the procedures outlined in AWPA Standard M4, Standard for the Care of Preservative-Treated Wood Products, when applying a topical (non-pressure treated) preservative to the cut ends of treated wood; (b) shall be performed, whenever possible, at a site a minimum of 100 feet away from the water, equipped with containment for potential drips and spills, in order to prevent discharge of the preservative to the environment; (c) shall not occur in the rain; and (d) any excess topical preservative shall be wiped off, and the preservative must be allowed to fully dry before the wood is used in construction.

The proposed project will maintain the present use and is not expected to create additional adverse impacts on water quality. However, the Commission finds it necessary to identify the permittee's responsibilities regarding construction and the utilization of best management practices and has conditioned the project accordingly. Therefore, only as conditioned does the Commission find that the proposed project conforms with Sections 30230, 30231, and 30232 of the Coastal Act.

## **E. MARINE RESOURCES – BIOLOGICAL PRODUCTIVITY**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30240(b) of the Coastal Act states:

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

### **Sensitive Species Impacts**

According to EIR's that have been done for other recent projects in Marina del Rey (including Coastal Development Permit 5-11-131 for the most recent large scale redevelopment of six leaseheld marinas within Marina del Rey), there are no special status benthic invertebrate, fish, insects, reptiles or mammals occurring in the marine portions of the project site. However, special status birds were observed or are expected to utilize open water habitat present in the marina and on the project site. Such birds include the California Brown Pelican, Peregrine falcon, Great blue heron, and the California Least Tern.

According to a report provided for analysis of the subject project area, "Mariner's Bay Biological Assessment for Dock Reconstruction." Pi Environmental LLC. August 2015, there were no observed sensitive bird species nesting within 800 feet of the project site. Fish species known to exist within the Marina del Rey habitat area include Northern Anchovy, Pacific Sardine, California Scorpionfish, Cabezon, Brown Rockfish, and Olive Rockfish. The applicants's biological assessment observed some but not all of these fish, as well as a variety of bird species.

The California least tern (*Sterna antillarum brownii*) nests at nearby Venice Beach and have been observed to use all portions of the Marina Del Rey harbor for foraging. Least terns feed on small fish directly under the water surface in coastal waters. Construction activity, such as pile driving, may cause turbidity in the water which would affect foraging species ability to see food normally visible in the water. In addition, pile driving would generate noise in the water column that would disturb fish and other species normally present upon which foraging least terns would normally feed.

In past marina projects in Marina Del Rey, the Department of Fish and Wildlife has expressed concern regarding open water activities that have the potential to create water turbidity or excessive noise and vibration (e.g. pile driving) that occur during the tern nesting season, and the need for the use of silt curtains during pile driving to minimize turbidity. To reduce any potential impacts to terns, pile driving has in the past been restricted between April 1 through September 1, in order to avoid adverse impacts to the tern's foraging.

Section 30230 and 30231 of the Coastal Act state that the biological productivity and the quality of coastal waters shall be maintained. Therefore, in order to ensure that adverse impacts to the biological productivity and marine resources are avoided, the Commission finds that it is necessary to impose **Special Condition 5** which prohibits pile driving activity, between April 1 and September 1 of any year during which construction occurs, that would impact foraging species in the area. Construction activity that does not create turbidity or excessive noise that disturbs foraging species, such as float assembly, is permitted during this time; however **Special Condition 4** requires the applicants to retain an environmental specialist to survey the area around the project site before construction. If any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species are observed exhibiting reproductive or nesting behavior within 500 feet of the work site, the following restrictions shall apply: Construction noise reduction measures such as sound shields made from plywood or

sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall not bring pets (e.g. dogs and cats) to the construction site. Noise generated by construction (including, but not limited to, pile driving) shall not exceed 85 dB at any active nesting site within 500 feet of project site for black-crowned night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species. If construction noise exceeds 85 dB, then alternative methods of pile driving (including, but not limited to, vibratory pile driving, press-in pile placement, drilling, dewatered isolation casings, etc.) or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required dB threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 500 feet of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

Other marine resources that could be impacted by the development are sensitive fish habitat including the soft bottom of the harbor and any area that supports eelgrass (*Zostera marina*). Eelgrass is considered worthy of protection because it functions as important habitat for a variety of fish and other wildlife, according to the California Eelgrass Mitigation Policy adopted by the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife.

The applicants's biologist conducted a survey of the marina<sup>5</sup> and determined that eelgrass is not present in the area of the proposed project site. In addition, *Caulerpa taxifolia*, which is an invasive non-native algae, was not found. In order to ensure that *Caulerpa taxifolia* is not present at the time of construction, which could spread to other areas of the marine during construction activities, the Commission imposes **Special Condition 2** requiring the applicants to conduct a survey not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this Coastal Development Permit, at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate. If any portion of the project commences in a previously undisturbed area after the last valid *Caulerpa taxifolia* survey expires, a new survey is required prior to commencement of work in that area. **Special Condition 3** will ensure that if eelgrass is present in the marina, its function as essential fish habitat will be preserved. The condition requires the applicants to conduct an additional pre-construction eelgrass survey, and if any eelgrass is identified in the project area, within one month after the conclusion of construction, the permittees shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "*California Eelgrass Mitigation Policy*" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The permittees shall submit the post-construction eelgrass survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the permittees shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy.

---

<sup>5</sup> "Mariner's Bay Marina Pre-permit Eelgrass Survey." Pi Environmental LLC. June 10, 2015.

As conditioned, the Commission finds that the proposed project would eliminate significant adverse impacts to marine resources and sensitive species such as the least tern. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Sections 30230, 30231 and 30240(b) of the Coastal Act.

**Fill of Coastal Waters and Loss of Marine Habitat**

Section 30233 of the Coastal Act states, in relevant part:

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
  - ...
  - (3) *In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities*
  - ...
  - (c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...[Emphasis added.]*

The proposed project includes the removal of 162 16-inch round pilings with total fill of 277 square feet. The new dock is proposed to be supported by 66 18-inch square pilings and 72 16-inch square pilings for new fill of 226 square feet. Thus, the proposed marina will have a net 51 square foot reduction in fill of coastal waters compared to the existing marina.

However, under Section 30233 of the Coastal Act, fill of open coastal waters is only allowed when several criteria are met, including (a) the project must fall within one of the use categories specified; (b) the proposed project must be the least environmentally damaging alternative; and (c) feasible mitigation measures to minimize adverse environmental effects must be provided.

The proposed project meets the first criteria because it is the replacement of an existing public boating facility. Fill of open coastal waters for the construction of a public boating facility is an allowable use under Section 30233(a)(3) of the Coastal Act.

Next, the proposed project is the replacement of a boating marina in a similar configuration. Alternatives to the proposed project include: no project; a change to the proposed configuration; no change to the existing configuration.

Under the no project alternative, the applicants could only pursue simple maintenance repair activity. However, simple maintenance repair could not feasibly repair the docks, nor bring them up to present engineering and safety standards. Simple maintenance would only prevent further deterioration of the docks. In addition, marine habitat would not significantly benefit from the no project alternative since this alternative would necessitate that the structure remain in place. Continued, safe use of the facility for marine recreational purposes would be precluded without replacement of the dock system.

The second alternative, a change to the proposed configuration, could be limited by the same design requirements of the California Department of Boating and Waterways and the Americans with Disabilities Act, and the same spatial restrictions of the leasehold area. The applicants indicate that considerable thought was put into the proposed configuration of 301 new boat slips configured in 15 docks with nine gangways with total water coverage of 87,030 square feet, supported by 66 18-inch square pilings and 72 16-inch square pilings. The applicants considered other configurations, which either had the effect of reducing the available number of slips or increasing the required number/size of piles needed to support the docks. The proposed alternative was selected because it reduces fill and water coverage while retaining the majority of the boat slips which support public recreation (301 out of 371; or 81%). Further reductions in the number or size of the piles would necessitate a design with fewer docks and fewer boat slips, which would negatively impact access and recreation opportunities on the coast.

Under the proposed alternative, the number of proposed pilings is the minimum necessary to adhere to present engineering standards. Furthermore, it should be noted that the installation of the new pilings will result in temporary disturbance to the existing vertical substrate. The guide pilings provide a vertical substrate for mollusks and other marine organisms. However, the proposed project will replace the quantity of vertical substrate upon which mollusks and other marine organisms may settle. Therefore, no long-term impact will occur to this habitat. Therefore, the proposed project is the least environmentally damaging, feasible alternative, and includes feasible mitigation measures, such as limiting pile driving to avoid critical periods and construction measures to limit turbidity, to minimize adverse environmental effects.

The proposed project will result in the fill of open coastal waters for a boating facility, which is an allowable use under Section 30233 of the Coastal Act. In addition, the proposed project is the least environmentally damaging alternative, and does provide feasible mitigation measures. Therefore, the Commission finds that, as conditioned, the proposed project is consistent with Section 30233 of the Coastal Act.

## **F. NATURAL HAZARDS**

Section 30253 of the Coastal Act states:

*New development shall:*

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

Section 30253 of the Coastal Act requires that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Marina del Rey is an area of high geologic, flood and fire hazard. The applicants commissioned a geotechnical investigation of the site where the development is proposed<sup>6</sup>, which found that the soft bottom and soil below are subject to movement and liquefaction during earthquakes. The geotechnical investigation provides recommendations for pile installation to ensure that the redeveloped marina is designed to withstand earth movement and tidal influence. Piles will be jetted into the soft bottom and then driven to a depth of 20 to 37 feet below MLLW.

The applicants also conducted a sea level rise analysis<sup>7</sup> to ensure that the proposed design components will not be damaged or rendered unusable due to the effects of sea level rise. The analysis assumed moderate to severe sea level rise of 5 to 24 inches, assuming a 40 year life span for the new gangways and docks. It concluded that the gangways and piers sited at +10 feet MLLW will remain above water even with 24 inches of sea level rise and regular high tides; however they may be temporarily submerged (and will be designed to avoid damage) during astronomical tide events with moderate to severe sea level rise. The dock floats, and water and electrical infrastructure attached to them, are designed to rise and fall with the tides and will be able to rise to the top height of the pontoons (piles), which is +13 feet MLLW. This height is higher than the most severe projections for sea level rise (2012 NRC Report, Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future), accounting for astronomical tides and a 40 year design life, which is typical for marinas.

However, no development in the ocean or near the shoreline can be guaranteed to be safe from hazards. All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms, and erosion. The proposed project is located within an area subject to tidal action and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. **Special Condition 14** requires that should any development approved under this Permit, including but not limited to the gangway, piers, docks, pumpout station, and associated infrastructure, become threatened due to structural failure, wave action, or other manmade or natural processes, the applicants shall conduct a study of the structural stability of the approved development and an analysis of alternatives for correcting any structural deficiencies. If, at any time, a government agency orders the development to be decommissioned, the applicants or their successors and assigns shall conduct an analysis to determine the least environmentally damaging alternative for decommissioning the development. At the end of the useful life of the development, the applicants or their successors and assigns shall conduct an analysis to determine the least environmentally damaging alternative for decommissioning the development. **Special Condition 16** and **Special Condition 17** ensure that each of the co-applicants understands and assume the potential hazards associated with the development.

The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

---

<sup>6</sup> "Guide Pile and Approach Pier Design Criteria." TerraCosta Consulting Group. April 28, 2015.

<sup>7</sup> "Sea Level Rise Analysis for Mariner's Bay Marina Dock Replacement Project." TerraCosta Consulting Group. October 29, 2015.

## **G. LOCAL COASTAL PROGRAM (LCP)**

In 1984, the Commission certified the Land Use Plan portion of the Marina del Rey/Ballona segment of the County of Los Angeles Local Coastal Program. Subsequent to the Commission's certification, the City of Los Angeles annexed over 525 acres of undeveloped land, which was a portion of the County's LCP area located south of Ballona Creek and east of Lincoln Boulevard (known as Area B and C). Subsequent to the City's annexation, the City submitted the identical Land Use Plan (the Playa Vista segment of the City's Local Coastal Program) covering the City's portion of the original County LCP area. The Commission certified the Land Use Plan Amendment for the annexed area with suggested modifications on December 9, 1986. The County also resubmitted those portions of their previously certified LUP that applied to areas still under County jurisdiction, including the area known as Area A and the existing marina. The Commission certified the County of Los Angeles' revised Marina del Rey Land Use Plan on December 9, 1986.

On September 12, 1990, the Commission certified an Implementation Program pertaining to the existing marina, with suggested modifications. The undeveloped area in the County, Play Vista Area A was segmented from the marina and no ordinances were certified for the area. After accepting the suggested modifications, the Commission effectively certified the Marina del Rey LCP and the County assumed permit-issuing authority, although the Commission retains permit jurisdiction over all water areas within the marina.

In 1995, the County submitted an amendment to the LCP. In May 1995, the Commission certified the amendment with suggested modifications. The County accepted the modifications and the LCP was effectively certified. The revised 1995 LCP represented a major change in the County's approach to Marina del Rey development. Abandoning the bowl concept, which limited height on moles and next to the water, the County presented the Commission with a redevelopment plan that allowed greatly increased heights if and when developers provided view corridors over no less than 20% of the parcel. Increased height would be contingent on the provision of increased views. Secondly, the County agreed that at the time of renegotiations of the leases, the lessees would be required to reserve an 18 foot wide promenade/fire road along the water that would be open to the public [an access promenade was reserved and approved by the County as part of the proposed landside redevelopment of Parcel 20 (CDP No. 98-172(4))].

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

- Revised boating recommendations to include provisions to expand affordable boating opportunities through a variety of measures including reservation of slips for rental or membership clubs; creation of youth boating programs that provide low cost boating opportunities for youths; new storage facilities; day use rentals; and increased opportunities to launch and use kayaks and other smaller craft.
- Revised boating recommendations to ensure no loss in total boat slips and slips 35 feet and under.

- Revised Water Quality recommendations to reflect requirements and ensure integration of the existing NPDES, SUSMP and TMDL requirements and to clarify application of BMPs.
- Revised Water Quality recommendations to include monitoring of all implemented BMPs.
- Revised development recommendations to recommend that the County undertake a comprehensive LCP update of anticipated future development that includes all pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process.
- Revised Biological Resources and ESHA recommendations and acknowledges that trees currently or historically used as roosting or nesting habitats by herons, egrets or other significant avian species constitutes ESHA as defined by Section 30107.5 of the Coastal Act, and requires a marina-wide assessment of the trees that may provide habitat for birds protected by Fish and Game code and the Migratory Bird treaty Act. The recommendations also expand areas where site-specific resource assessments should be undertaken as part of the LCP Amendment or development review process.

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

The proposed project, as conditioned, is consistent with the LCP in that it provides more than the required proportion of small boat slips within the subject area, Basin D and Basin E, and contributes to the larger Marina del Rey harbor area which also exceeds the LCP thresholds for small boat slips 30 feet or less (39% required, 41% provided) and medium boat slips 31 to 35 feet (20% required, 21% provided). Furthermore, the project, as conditioned, is consistent with the water quality and sensitive biological resource protection policies related to nesting birds and marine resources.

The proposed development is located seaward of the mean high tide and is within the Commission's original permit jurisdiction. The standard of review for development within the Commission's original permit jurisdiction is Chapter 3 of the Coastal Act. The County's certified LCP is advisory in nature and may provide guidance for development. As stated in the preceding sections, as conditioned, the project will not adversely impact coastal and marine resources or coastal access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and the Certified LCP.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a

proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

The County of Los Angeles is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA).

Identified potential impacts with regards to the Coastal Act are to public access along the water and the marina promenade, water quality and biological productivity, and hazards. As conditioned, all potential adverse impacts have been adequately mitigated. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

---

## **SUBSTANTIVE FILE DOCUMENTS**

1. Coastal Development Permit 5-11-131 (Los Angeles County Department of Beaches and Harbors et al) November 4, 2011. Large scale redevelopment of six leaseheld marinas within Marina del Rey 3.
2. Coastal Development Permit 5-10-076 (NF Marina LP and Los Angeles County Department of Beaches and Harbors) December 17, 2010. Redevelopment of Marina within Lease Parcel 8T.
3. "Mariner's Bay Biological Assessment for Dock Reconstruction." Pi Environmental LLC. August 2015.
4. "Mariner's Bay Marina Pre-permit Eelgrass Survey." Pi Environmental LLC. June 10, 2015.
5. "Guide Pile and Approach Pier Design Criteria." TerraCosta Consulting Group. April 28, 2015.
6. "Sea Level Rise Analysis for Mariner's Bay Marina Dock Replacement Project." TerraCosta Consulting Group. October 29, 2015.

# Vicinity Map: Lease Parcel 28, Marina del Rey, Los Angeles County



## Exhibit 1

Page 1 of 1

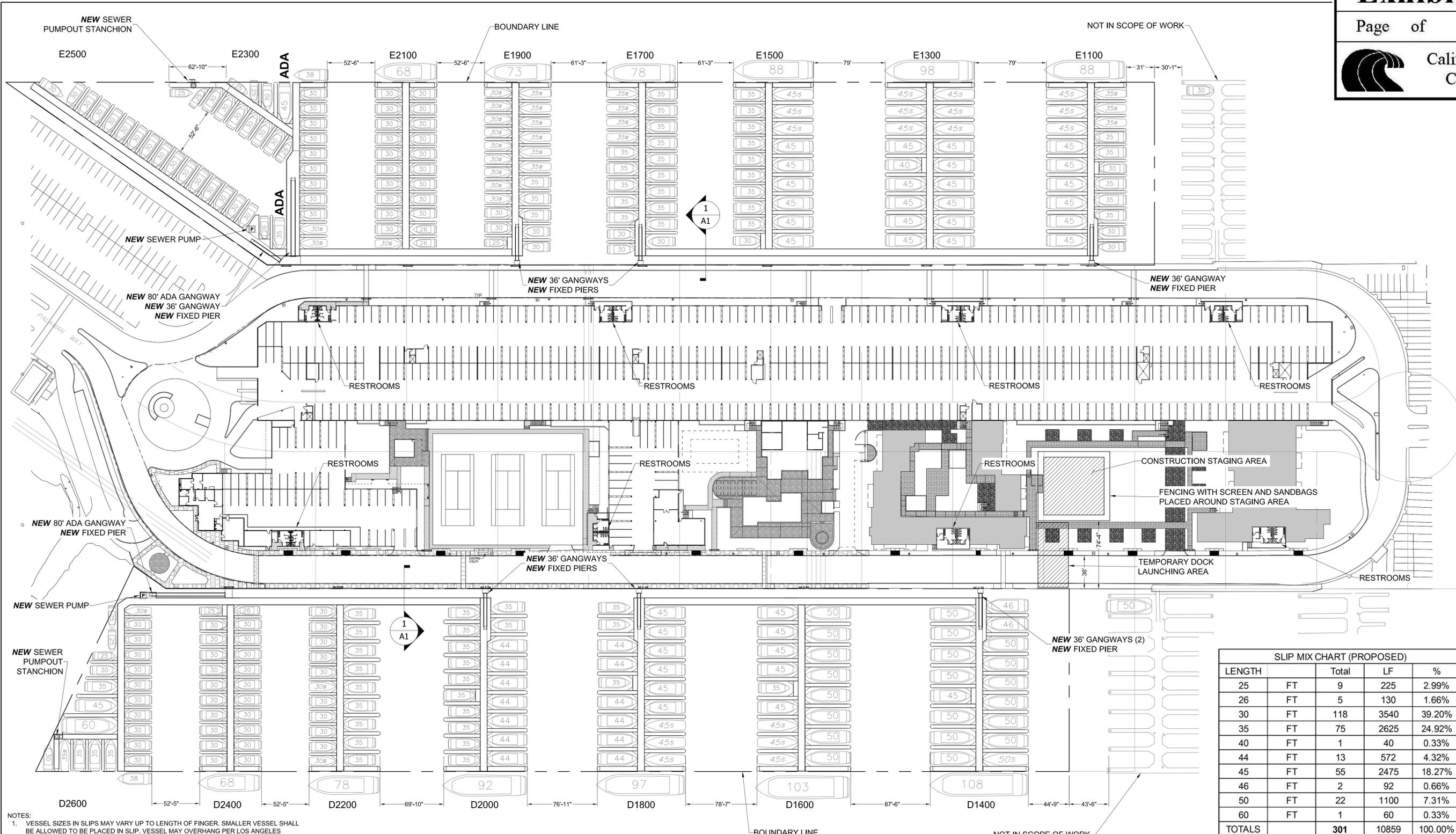


California Coastal  
Commission





PRELIMINARY - NOT FOR CONSTRUCTION



SLIP MIX CHART (PROPOSED)				
LENGTH		Total	LF	%
25	FT	9	225	2.99%
26	FT	5	130	1.66%
30	FT	118	3540	39.20%
35	FT	75	2625	24.92%
40	FT	1	40	0.33%
44	FT	13	572	4.32%
45	FT	55	2475	18.27%
46	FT	2	92	0.66%
50	FT	22	1100	7.31%
60	FT	1	60	0.33%
<b>TOTALS</b>		<b>301</b>	<b>10859</b>	<b>100.00%</b>
AVERAGE LENGTH =			36.08	
END TIES		14	1115	

- NOTES:
- VESSEL SIZES IN SLIPS MAY VARY UP TO LENGTH OF FINGER. SMALLER VESSEL SHALL BE ALLOWED TO BE PLACED IN SLIP. VESSEL MAY OVERHANG PER LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS REQUIREMENTS.
  - A TOTAL OF 212 BOATER PARKING SPACES HAVE BEEN ALLOCATED FOR BOATERS THROUGHOUT THE LANDSIDE PORTION OF THIS PARCEL.
  - DOCK STRUCTURAL DESIGN SHALL ASSUME VESSEL LENGTH EQUAL TO LENGTH OF FINGER.
  - TWO SMALLER VESSELS MAY BE PLACED AT ENDTIES INSTEAD OF ONE LARGE VESSEL AS SHOWN.
  - LANDSIDE IMPROVEMENTS NOT A PART OF THIS PERMIT.

NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
*The World's Most Comprehensive Marina Builder*  
 Southwest Division  
 8810 Sparling Lane  
 Dixon, CA 95620  
 TEL: (707) 678-2385  
 FAX: (707) 678-1780

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT® and © Bellingham Marine Industries, Inc.

**SITE IMPROVEMENT PLAN**

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER:  
**15-3-824**

ENGINEER / DESIGNER:

PROJECT MANAGER:

CHECKED BY:

**MARINER'S BAY MARINA REPLACEMENT**  
 1400 Palawan Way  
 Marina del Rey, CA

**PROPOSED SITE PLAN**

SCALE: 1" = 50'  
(Sheet Size 24" x 36")

DRAWN BY: DM

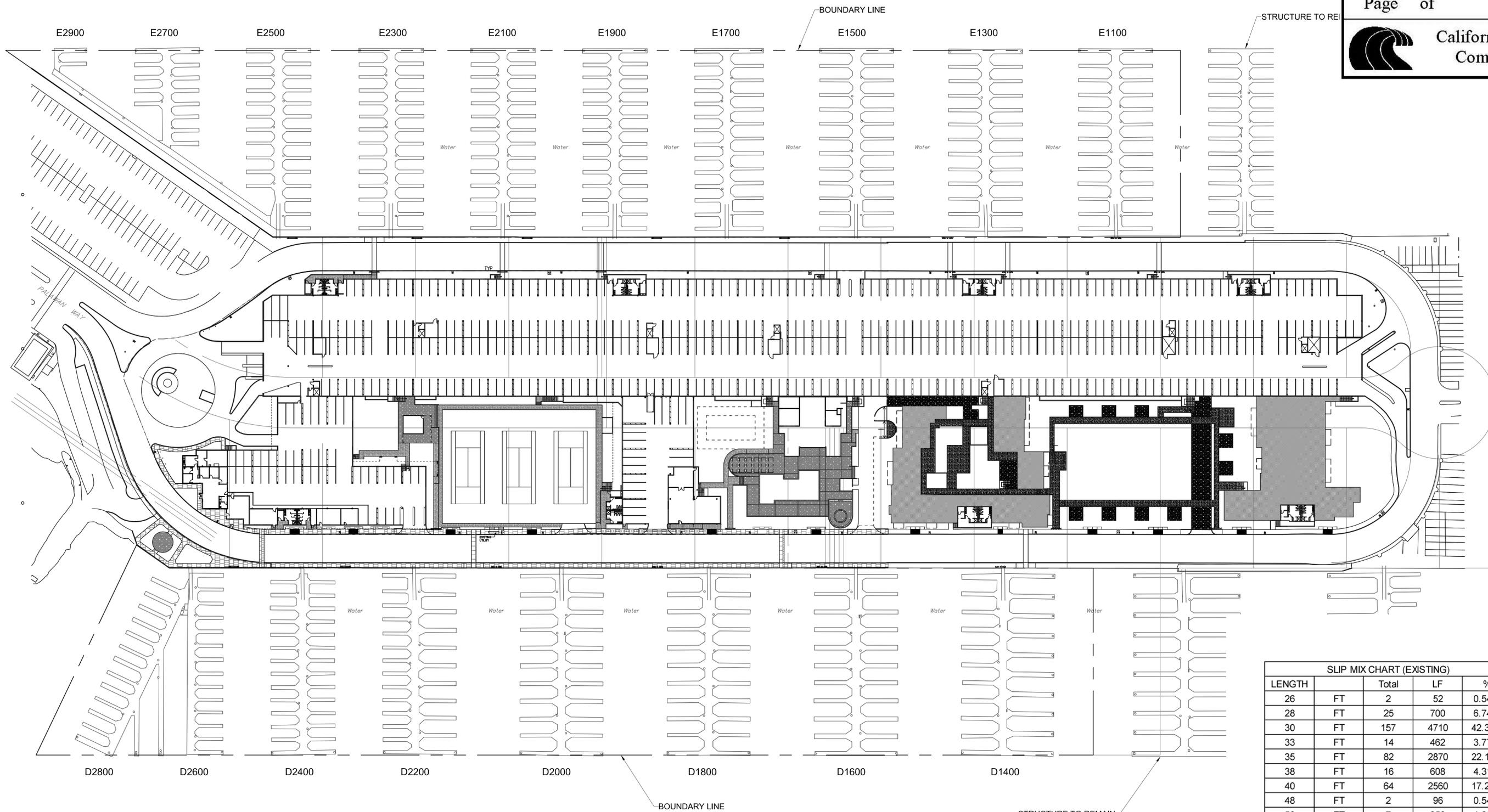
DATE: 10-29-2015

SHEET NO.: 1

DRAWING: SP1



PRELIMINARY - NOT FOR CONSTRUCTION



SLIP MIX CHART (EXISTING)				
LENGTH		Total	LF	%
26	FT	2	52	0.54%
28	FT	25	700	6.74%
30	FT	157	4710	42.32%
33	FT	14	462	3.77%
35	FT	82	2870	22.10%
38	FT	16	608	4.31%
40	FT	64	2560	17.25%
48	FT	2	96	0.54%
50	FT	7	350	1.89%
>50	FT	2	200	0.54%
<b>TOTALS</b>		<b>371</b>	<b>12608</b>	<b>100.00%</b>
		<b>AVERAGE LENGTH =</b>	<b>33.98</b>	
		<b>END TIES</b>	<b>17</b>	<b>1291</b>

NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
*The World's Most Comprehensive Marina Builder*  
 Southwest Division  
 8810 Sparling Lane  
 Dixon, CA 95620  
 TEL: (707) 678-2385  
 FAX: (707) 678-1760

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT® UNIDECK® and © Bellingham Marine Industries, Inc.

**SITE IMPROVEMENT PLAN**

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER: 15-3-824

ENGINEER / DESIGNER:

PROJECT MANAGER:

CHECKED BY:

**MARINER'S BAY MARINA REPLACEMENT**

1400 Palawan Way  
 Marina del Rey, CA

**EXISTING SITE/DEMOLITION PLAN**

SCALE: 1" = 50'  
 (Sheet Size 24" x 36")

DRAWN BY: DM

DATE: 09-02-2015

SHEET NO.: 2

DRAWING: SP2

# Exhibit 2

Page of



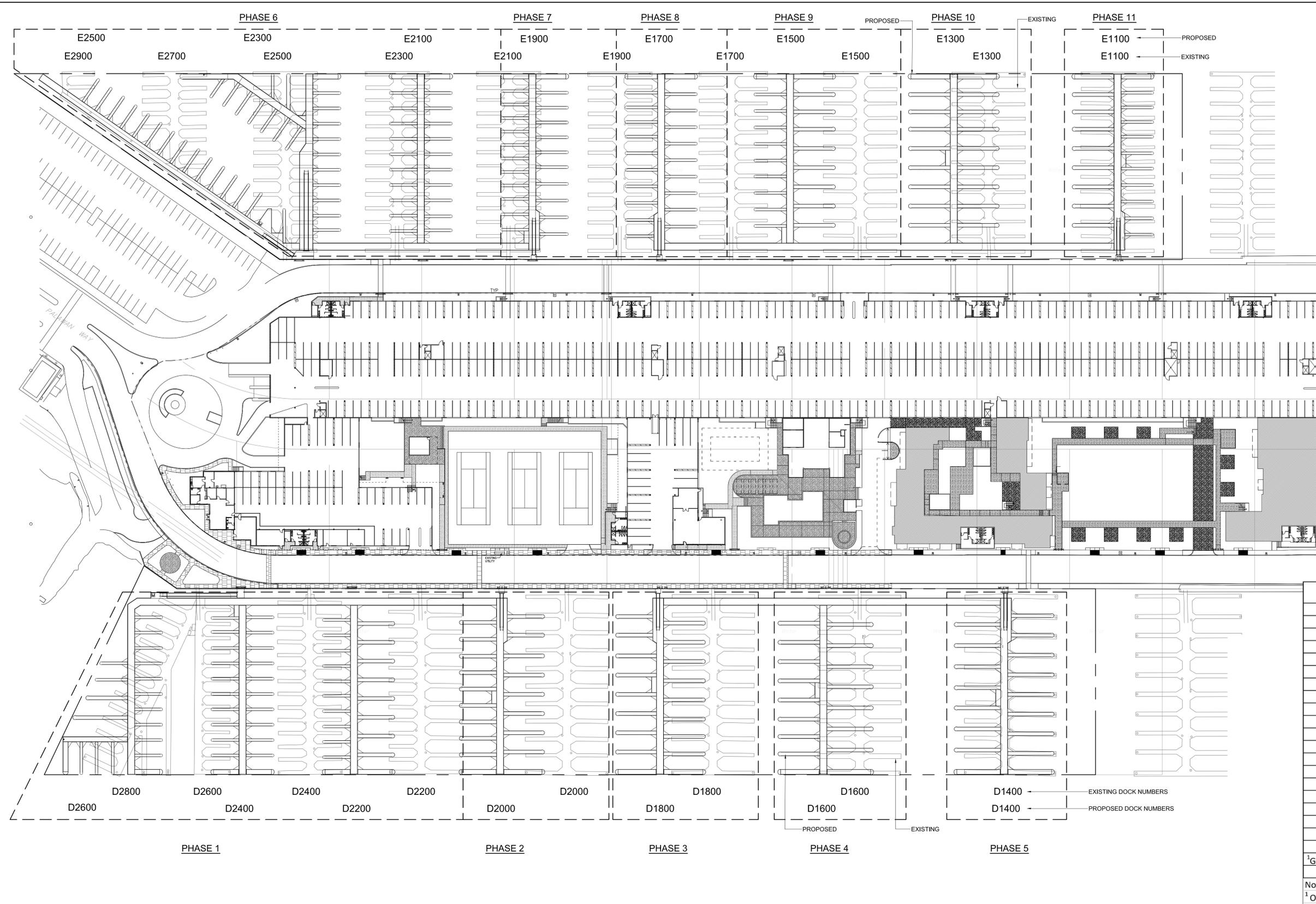
California Coastal Commission

1700	5260	12.6
1800	6106	14.0
1900	5169	11.2
2000	6095	14.0
2100	5169	11.2
2200	5679	12.6
2300	5169	11.2
2400	5320	11.2
2500	4814	11.2
2600	3352	12.6
2700	2877	7.0
2800	4676	19.5
2900	389	2.8
Marg 2500-2900	1748	4.2
<sup>1</sup> Gangways & Fixed Piers	600	0.0
<b>TOTALS</b>	<b>91598</b>	<b>226</b>

Notes  
<sup>1</sup> Overwater areas only  
<sup>2</sup> Piles include (162) 16" round piles

DOCK NUMBER	Pr. Dock Area (SQ FT)		<sup>2</sup> Pile Areas SQFT
	SQFT	SQFT	
1100	5190	15.8	
1300	5460	15.8	
1400	5830	15.8	
1500	4890	15.8	
1600	5430	15.8	
1700	4530	12.4	
1800	5630	15.8	
1900	4680	12.4	
2000	5610	15.8	
2100	4120	12.4	
2200	4560	12.4	
2300	5780	14.2	
2400	4170	10.7	
2500	4750	10.7	
2600	3770	14.2	
Marg 1100-1700	3890	8.9	
Marg 1400-1800	2860	7.1	
Marg 1900-2500	1870	5.3	
Marg 2000-2600	3080	7.1	
<sup>1</sup> Gangways & Fixed Piers	930	38.3	
<b>TOTALS</b>	<b>87030</b>	<b>277</b>	

Notes  
<sup>1</sup> Overwater areas only  
<sup>2</sup> Piles include (66) 18" sq piles and (72) 16" sq piles



PRELIMINARY - NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
*The World's Most Comprehensive Marina Builder*  
 Southwest Division  
 8810 Sparling Lane  
 Dixon, CA 95620  
 TEL: (707) 678-2385  
 FAX: (707) 678-1780

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT® UNIDECK® and © Bellingham Marine Industries, Inc.

**SITE IMPROVEMENT PLAN**

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER:  
**15-3-824**

ENGINEER / DESIGNER:

PROJECT MANAGER:

CHECKED BY:

**MARINER'S BAY MARINA REPLACEMENT**  
 1400 Palawan Way  
 Marina del Rey, CA

**EXISTING & PROPOSED OVERLAY**

SCALE: 1" = 50'  
 (Sheet Size 24" x 36")

DRAWN BY: DM

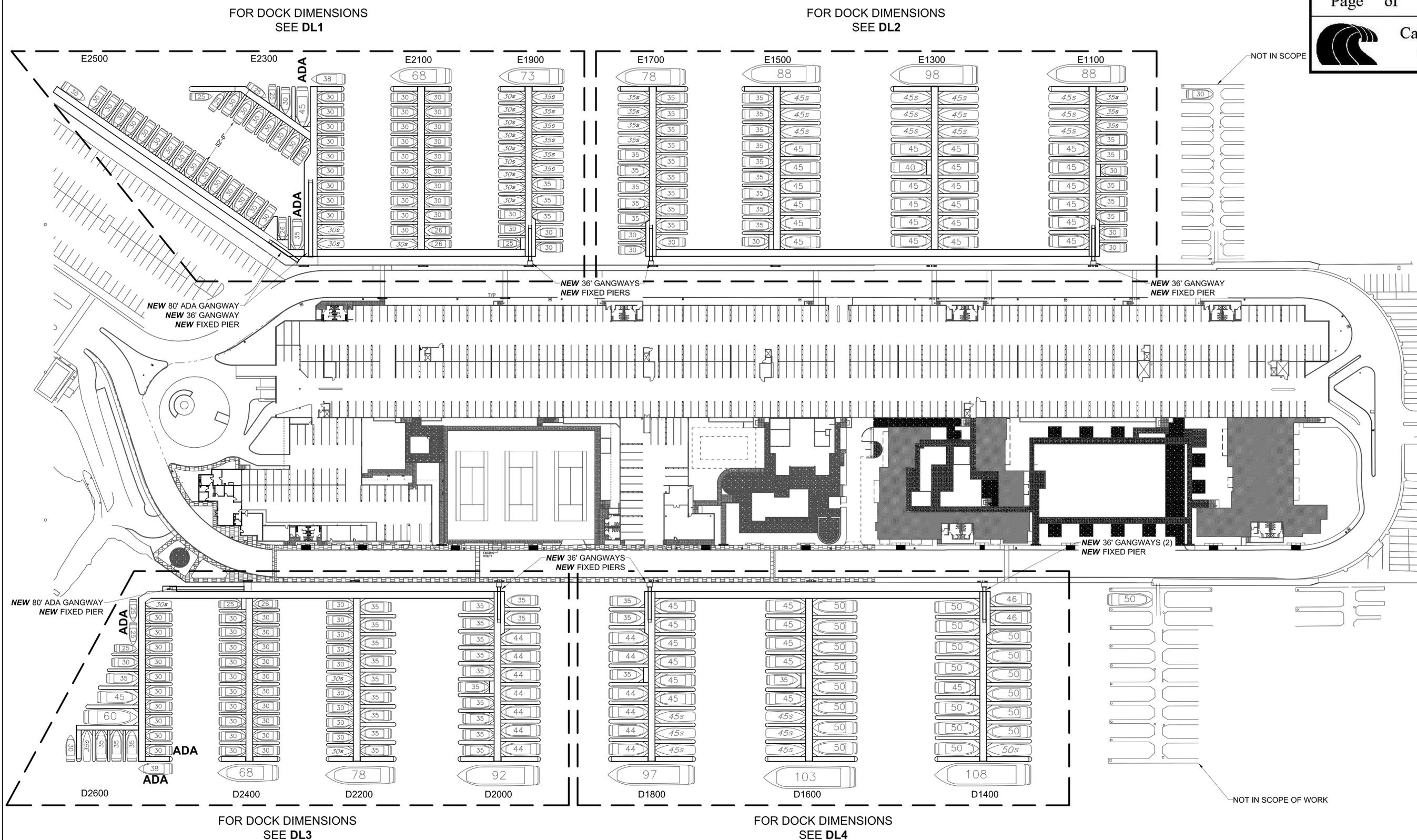
DATE: 10-29-15

SHEET NO.: 3

DRAWING: SP3



PRELIMINARY - NOT FOR CONSTRUCTION



NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
*The World's Most Comprehensive Marina Builder*  
 Southwest Division  
 8810 Sparling Lane  
 Dixon, CA 95620  
 TEL: (707) 678-2385  
 FAX: (707) 678-1760

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT® UNIDECK® and © Bellingham Marine Industries, Inc.

**SITE IMPROVEMENT PLAN**

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER:  
15-3-824

ENGINEER / DESIGNER:

PROJECT MANAGER:

CHECKED BY:

**MARINER'S BAY MARINA REPLACEMENT**  
 1400 Palawan Way  
 Marina del Rey, CA

**DIMENSIONAL LAYOUTS**

SCALE: 1" = 50'  
(Sheet Size 24" x 36")

DRAWN BY: DM

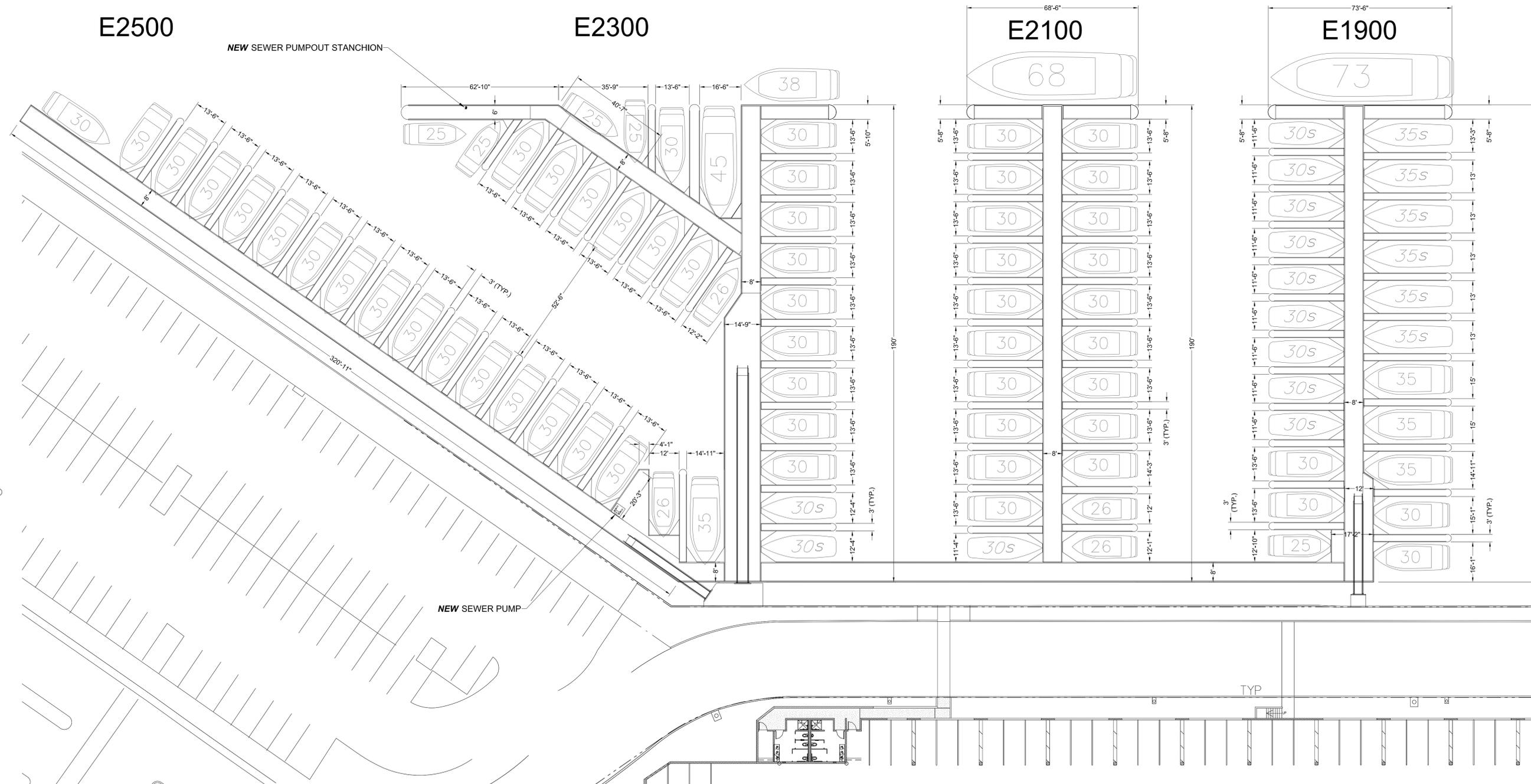
DATE: 6-29-15

SHEET NO.: 4

DRAWING: DL0



PRELIMINARY - NOT FOR CONSTRUCTION



NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
*The World's Most Comprehensive Marina Builder*  
 Southwest Division  
 8810 Sparling Lane  
 Dixon, CA 95620  
 TEL: (707) 678-2385  
 FAX: (707) 678-1760

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT® and Bellingham Marine Industries, Inc.

**SITE IMPROVEMENT PLAN**

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER: 15-3-824

ENGINEER / DESIGNER:

PROJECT MANAGER:

CHECKED BY:

**MARINER'S BAY MARINA REPLACEMENT**

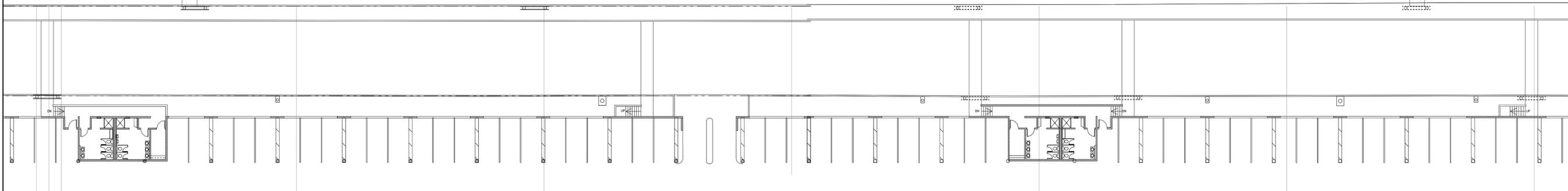
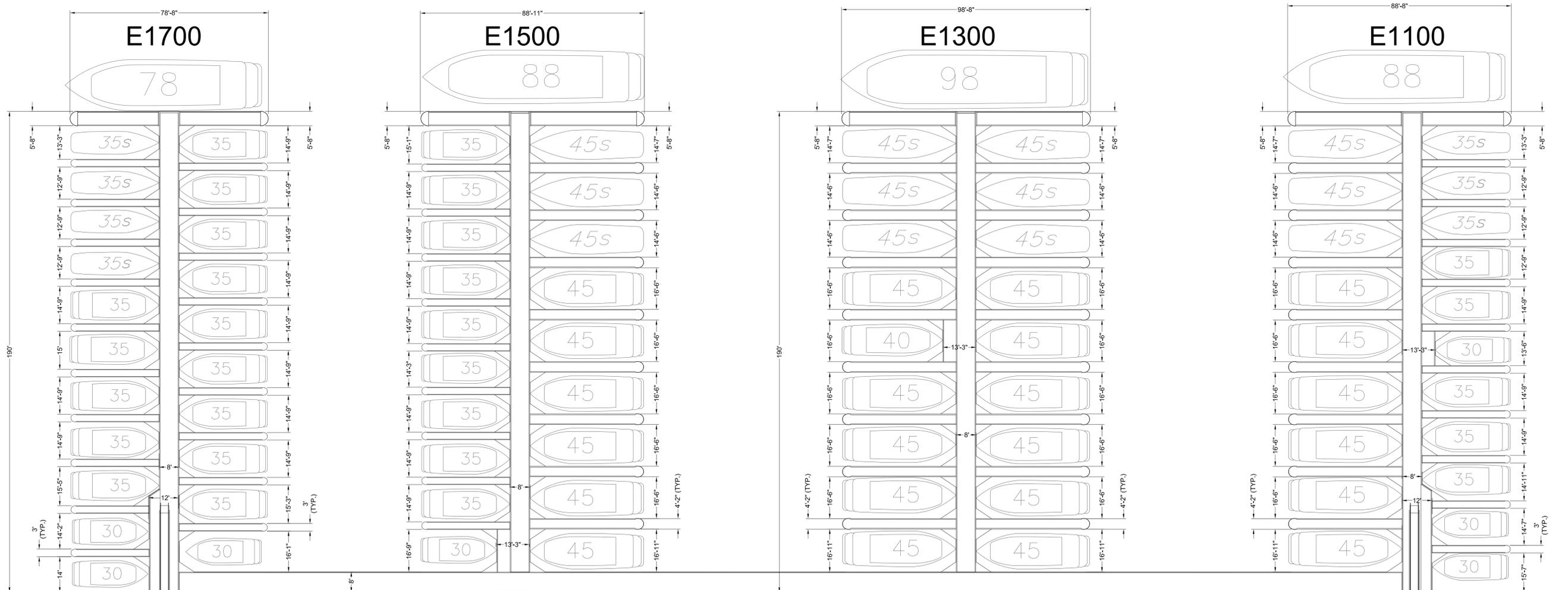
1400 Palawan Way  
 Marina del Rey, CA

**DIMENSIONAL LAYOUT**

SCALE:	1" = 20' (Sheet Size 24" x 36")
DRAWN BY:	DM
DATE:	10-29-15
SHEET NO.:	5
DRAWING:	DL1



PRELIMINARY - NOT FOR CONSTRUCTION



NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
*The World's Most Comprehensive Marina Builder*  
 Southwest Division  
 8810 Sparling Lane  
 Dixon, CA 95620  
 TEL: (707) 678-2385  
 FAX: (707) 678-1760

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT® and Bellingham Marine Industries, Inc.

**SITE IMPROVEMENT PLAN**

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER:  
15-3-824

ENGINEER / DESIGNER:

PROJECT MANAGER:

CHECKED BY:

**MARINER'S BAY MARINA REPLACEMENT**

1400 Palawan Way  
Marina del Rey, CA

**DIMENSIONAL LAYOUT**

SCALE:	1" = 20' (Sheet Size 24" x 36")
DRAWN BY:	DM
DATE:	6-29-15
SHEET NO.:	6
DRAWING:	DL2



PRELIMINARY - NOT FOR CONSTRUCTION



NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
*The World's Most Comprehensive Marina Builder*  
 Southwest Division  
 8810 Sparling Lane  
 Dixon, CA 95620  
 TEL: (707) 678-2385  
 FAX: (707) 678-1760

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT® UNIDECK® and © Bellingham Marine Industries, Inc.

**SITE IMPROVEMENT PLAN**

ACCEPTED BY:  
 CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY:  
 CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER:

15-3-824

ENGINEER / DESIGNER:

PROJECT MANAGER:

CHECKED BY:

**MARINER'S BAY MARINA REPLACEMENT**

1400 Palawan Way  
 Marina del Rey, CA

DIMENSIONAL LAYOUT

SCALE: 1" = 20'  
 (Sheet Size 24" x 36")

DRAWN BY: DM

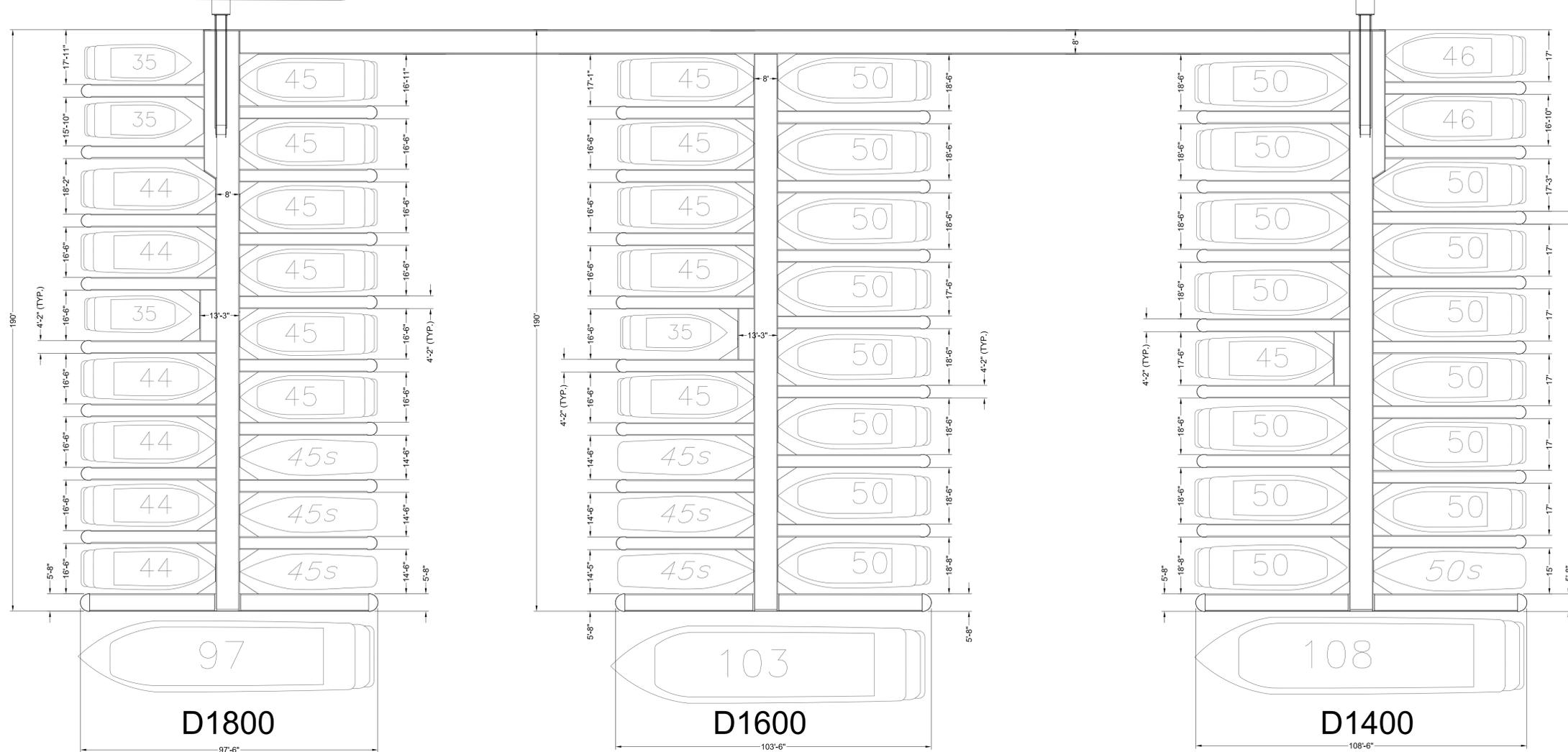
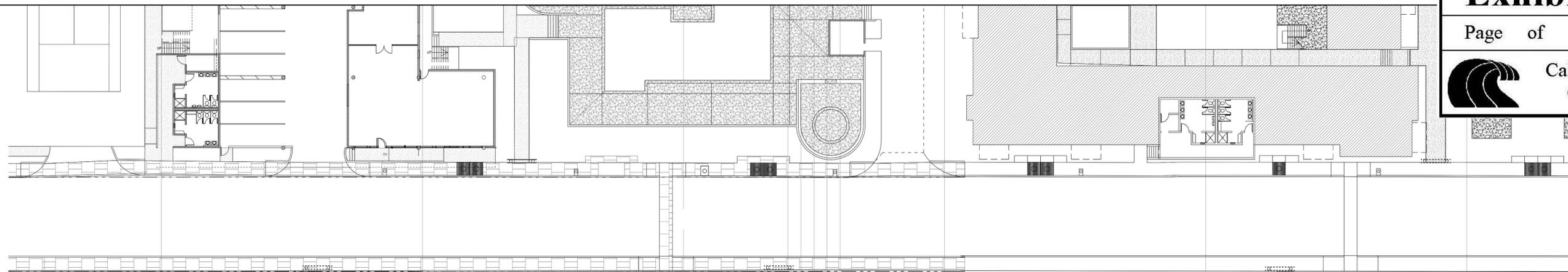
DATE: 10-29-15

SHEET NO.: 7

DRAWING: DL3



PRELIMINARY - NOT FOR CONSTRUCTION



NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
*The World's Most Comprehensive Marina Builder*  
 Southwest Division  
 8810 Sparling Lane  
 Dixon, CA 95620  
 TEL: (707) 678-2385  
 FAX: (707) 678-1760

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT®, UNIDECK® and © Bellingham Marine Industries, Inc.

SITE IMPROVEMENT PLAN				
ACCEPTED BY:	CITY ENGINEER	R.C.E.	EXP.	DATE
ACCEPTED BY:	CITY ENGINEER	R.C.E.	EXP.	DATE

PROJECT NUMBER:	15-3-824
ENGINEER / DESIGNER:	
PROJECT MANAGER:	
CHECKED BY:	

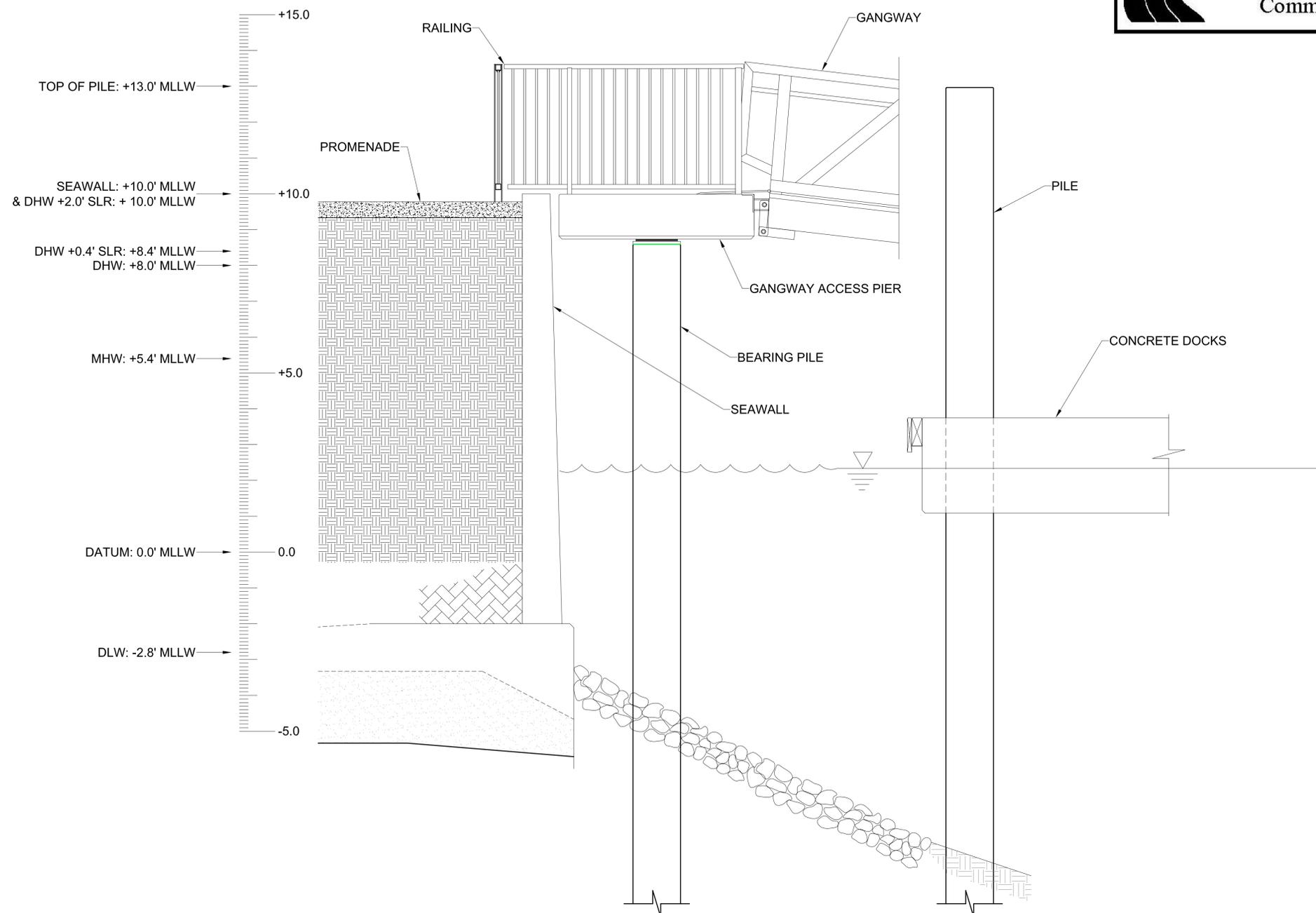
**MARINER'S BAY MARINA REPLACEMENT**  
 1400 Palawan Way  
 Marina del Rey, CA

**DIMENSIONAL LAYOUT**

SCALE:	1" = 20' (Sheet Size 24" x 36")
DRAWN BY:	DM
DATE:	6-29-15
SHEET NO.:	8
DRAWING:	DL4



PRELIMINARY - NOT FOR CONSTRUCTION



1  
A1 LANDSIDE to DOCKSIDE ELEVATION

NO.	DATE	DESCRIPTION	BY
REVISIONS			

**Bellingham MARINE**  
The World's Most Comprehensive Marina Builder  
Southwest Division  
8810 Sparling Lane  
Dixon, CA 95620  
TEL: (707) 678-2385  
FAX: (707) 678-1760

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc., and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOAT® and © Bellingham Marine Industries, Inc.

SITE IMPROVEMENT PLAN			
ACCEPTED BY:	CITY ENGINEER	R.C.E.	EXP. DATE
ACCEPTED BY:	CITY ENGINEER	R.C.E.	EXP. DATE

PROJECT NUMBER:	15-3-824
ENGINEER / DESIGNER:	
PROJECT MANAGER:	
CHECKED BY:	

**MARINER'S BAY MARINA REPLACEMENT**  
1400 Palawan Way  
Marina del Rey, CA

DETAILS

SCALE:	N.T.S. (Sheet Size 24" x 36")
DRAWN BY:	DM
DATE:	10-29-15
SHEET NO.:	11
DRAWING:	A1

14000 PALAWAN WAY  
MARINA DEL REY, CA 90292

PER "LAYOUT & DESIGN GUIDELINES FOR MARINA BERTHING FACILITIES"

G2. RESTROOM FACILITIES

G2.4 THE MINIMUM NUMBER OF TOILET FIXTURES TO BE PROVIDED AT A MARINA IS GENERALLY ONE (1) TOILET STOOL OR URINAL AND ONE (1) LAVATORY PER SEX FOR EVERY 75 BERTHS.

353 BERTHS/75 = 5 (4.75) TOILET STOOLS AND 5 LAVATORIES PER SEX.

PER SPECIFICATIONS AND MINIMUM STANDARDS OF ARCHITECTURAL TREATMENT AND CONSTRUCTION MARINA DEL REY, CALIFORNIA SECTION 2: LANDSIDE D. RESTROOMS

1. WATER CLOSET FOR EACH SEX FOR EACH 25 BOAT SLIPS OR AS OTHERWISE APPROVED BY THE DESIGN CONTROL BOARDS.

NOTE: FOR THE MALE SEX, TWO (2) URINALS MAY BE SUBSTITUTED FOR ONE WATER CLOSET, WHERE URINALS AND WATER CLOSETS ARE USED IN COMBINATION, THERE SHALL BE NOT LESS THAN TWO (2) URINALS AND ONE (1) WATER CLOSET. IN ALL COMBINATIONS, THE RATIO OF WATER CLOSETS TO URINALS SHALL NEVER BE LESS THAN 1-TO-1.

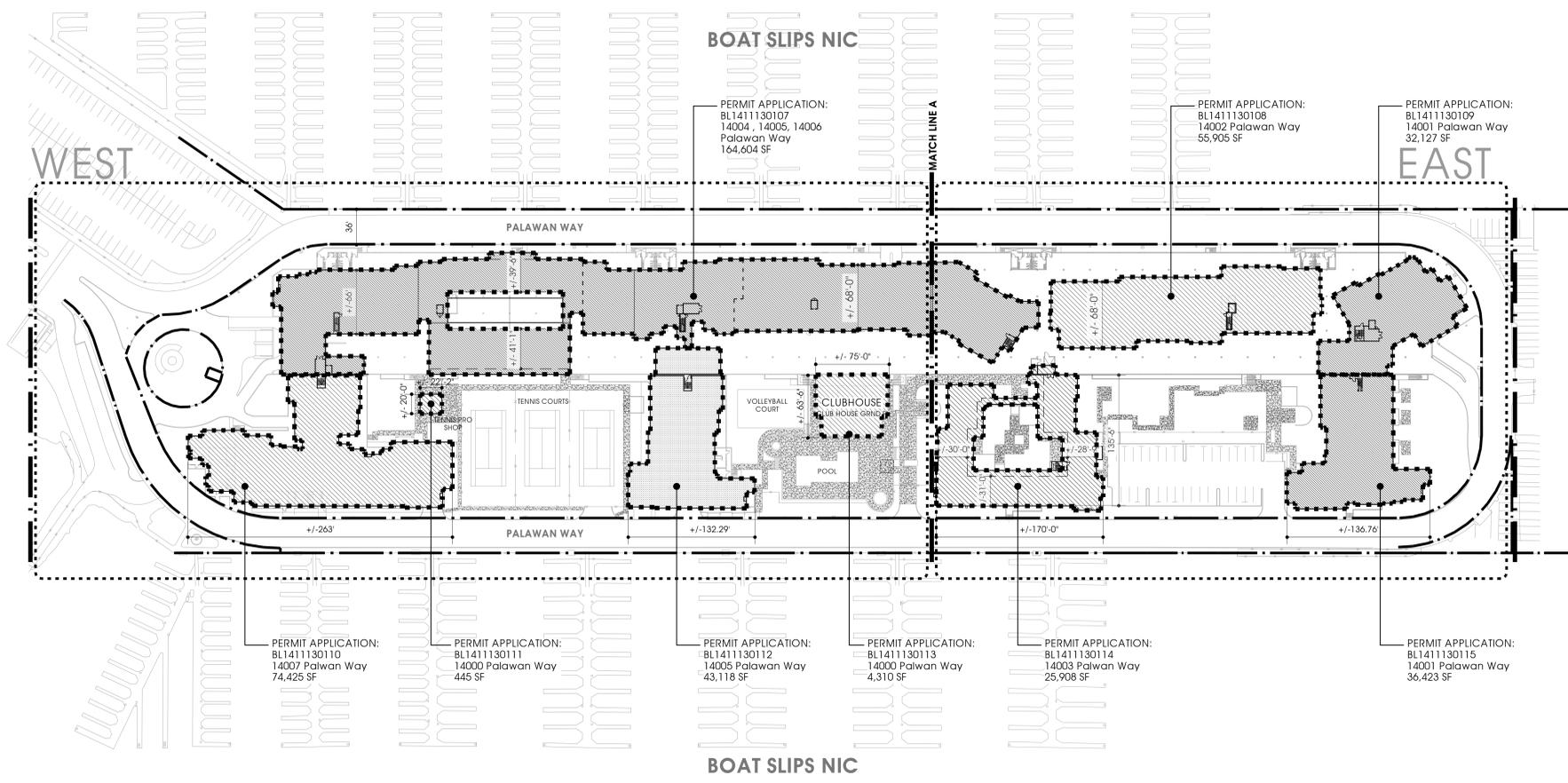
2. LAVATORY FOR EACH SEX FOR 25 BOAT SLIPS OR AS OTHERWISE APPROVED BY THE DESIGN CONTROL BOARD.

353 BOAT SLIPS/25 = 14 (14.12) TOILET STOOLS AND 14 LAVATORIES PER SEX.

BOATER BATH HOUSE FIXTURE COUNT									
BUILDING	EXISTING							TOTAL	
	1	2	3	4	5	6	7		
MENS TOILET	2	2	2	2	4	2	2	16	
MENS URINAL	2	2	2	2	4	2	2	16	
MENS SINK	3	3	3	3	6	3	3	24	
WOMENS TOILET	3	3	3	3	6	3	3	24	
WOMENS SINK	3	3	3	3	6	3	3	24	
<b>TOTAL</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>26</b>	<b>13</b>	<b>13</b>	<b>104</b>	

BUILDING	NEW							TOTAL
	1	2	3	4	5	6	7	
MENS TOILET	no change	no change	no change	no change	change	change	change	12
MENS URINAL	2	2	2	2	4	2	2	14
MENS SINK	3	3	3	3	6	3	3	24
WOMENS TOILET	3	3	3	3	6	3	3	24
WOMENS SINK	3	3	3	3	6	3	3	24
<b>TOTAL</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>26</b>	<b>12</b>	<b>12</b>	<b>102</b>



EXISTING SITE PLAN 18

EXISTING SITE PLAN 13

PARKING REQUIREMENTS			
	PROPOSED ROOM/SLIP COUNTS	REQUIRED PARKING RATIO	PARKING SPACES REQUIRED
SINGLE	3	1	3
ONE BEDROOM/ONE+DEN	287	1.5	431
TWO BEDROOM	87	2	174
THREE BEDROOM	2	2	4
<b>Subtotal Residential</b>	<b>379</b>		<b>612</b>
GUEST PARKING @ 25% UNIT COUNT	379.0	0.25	95
BOATER PARKING	353	0.6	212

PARKING SUMMARY			
	PROVIDED SPACES	REQUIRED SPACES	DIFFERENCE
RESIDENT PARKING	612	612	0
GUEST PARKING	121	95	26
BOATER PARKING	212	212	0
DEL REY	34	34	0
<b>TOTAL</b>	<b>979</b>	<b>952</b>	<b>26</b>

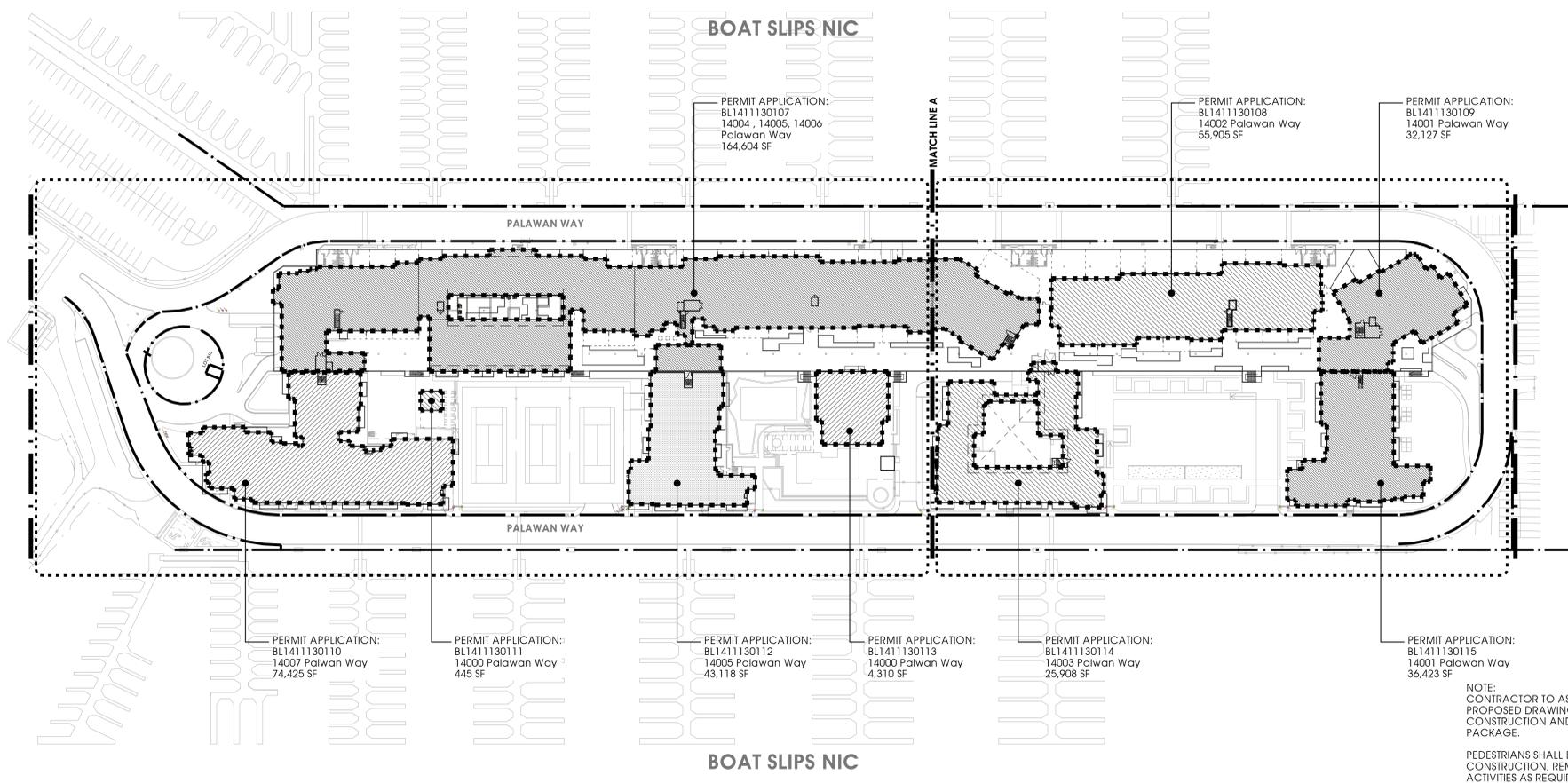
PARKING COUNT 18

PRIOR TO PERFORMING ANY BUILDING RENOVATION AND/OR DEMOLITION ACTIVITIES WITHIN THE SOUTH COAST BASIN, ALL CONTRACTORS ARE REQUIRED BY RULE 1403 TO HAVE THE FOLLOWING:

- AN ASBESTOS SURVEY PERFORMED BY A CAL/OSHA CERTIFIED ASBESTOS CONSULTANT
- SUBMITTED AN ASBESTOS NOTIFICATION FORM 10 WORKING DAYS PRIOR TO AN ASBESTOS RENOVATION OR ANY DEMOLITION ACTIVITY, AND
- INCLUDED THE PROPER NOTIFICATION FEE ALONG WITH THE NOTIFICATION FORM.

PARKING COUNT 06

PROPOSED SITE PLAN 01



ISSUE 11.17.14 ISSUE FOR PERMIT, BID, & CLIENT REVIEW

11.01.14 LR

DESCRIPTION

KEY PLAN

SCALE

1/64" = 1'-0" U.N.O.

PROJECT

28402

**AREA**

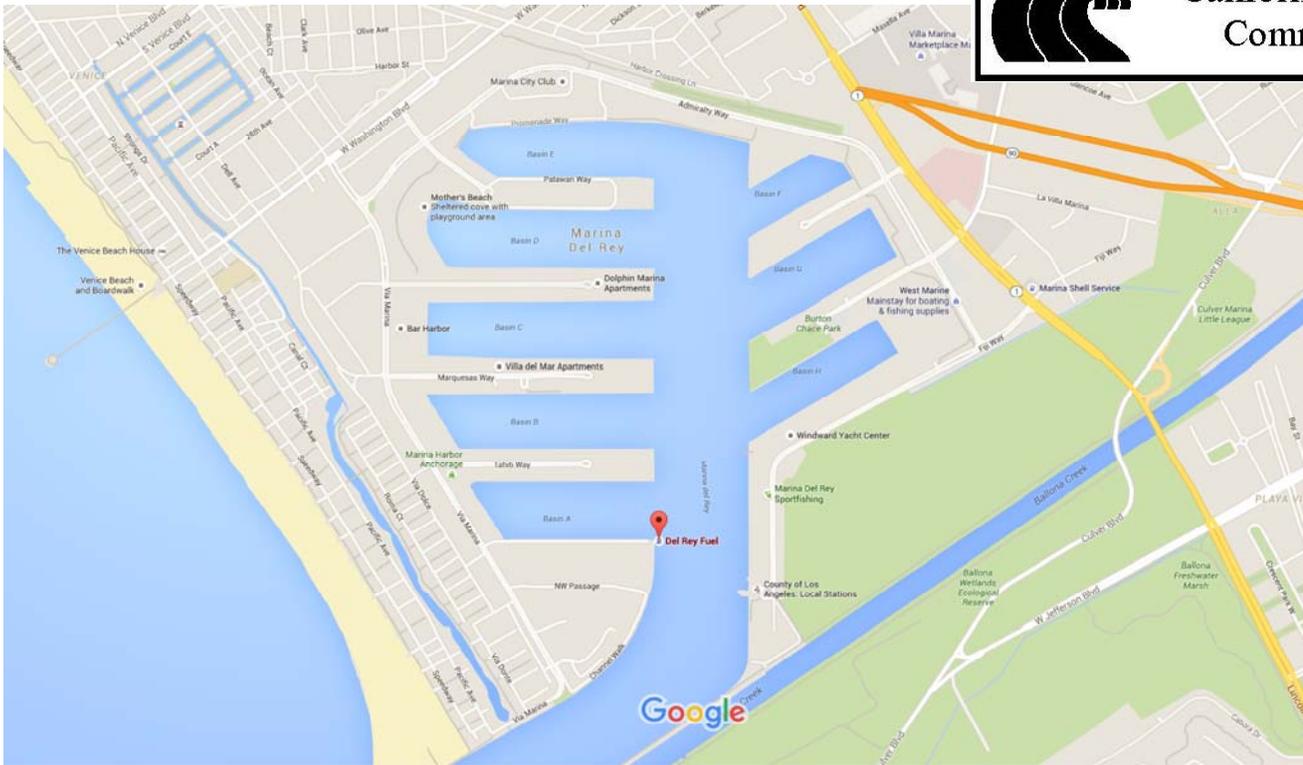
717 NORTH HIGHLAND AVENUE #1  
LOS ANGELES, CALIFORNIA 90008  
TEL 323-640-6460 FAX 323-646-6461

SHEET



**AT-8**

MARINERS BAY



Map data ©2015 Google 500 ft