

CALIFORNIA COASTAL COMMISSION

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

**Th15**

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Director's Report](#)

ADDENDUM

March 6, 2017

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM Th15**, LOS ANGELES COUNTY DEPUTY DIRECTOR'S REPORT, REGARDING COASTAL DEVELOPMENT PERMIT EXTENSION REQUEST **5-14-0770-E1**, FOR THE COMMISSION MEETING OF **MARCH 8-9, 2017**.

I. LETTER FROM PERMITTEE

On March 3, 2017, the permittee submitted a letter in support of the permit extension request (attached). The letter responds to the three letters of objection received from the Marina del Rey Lessees Association, the Harbor Real Estate Group, and Fisherman's Village Marina del Rey. The permittee indicates that Fisherman's Village does not provide designated vehicle parking spaces for its customers but that its uses require approximately 382 spaces, with fluctuations depending on which charter boat services are operating. There are two public (County-operated) parking lots in the vicinity of Fisherman's Village which provide 502 vehicle parking spaces. There are 2,895 total vehicle parking spaces designated in the Marina del Rey Land Use Plan, the most recent update of which was certified by the Commission in 2012. The original 1996 LCP identified Parcel 52 (the site subject to CDP 5-14-0770) as a temporary parking lot, while the 2012 LCP update removed the site from the Marina's designated parking supply.

II. ADDITIONAL LETTER OF OBJECTION

On March 3, 2017, the Commission received one additional letter objecting to the extension request from Fisherman's Village Marina del Rey (attached), supplementing a previous letter dated February 9, 2017. The new letter expands on the arguments raised in the first letter, specifically that the underlying permit should not have been approved because the development is not consistent with LCP and Coastal Act policies related to vehicle parking and public access. The letter argues that the development approved by CDP 5-14-0770 will remove existing vehicle parking spaces and the loss of parking will adversely affect the nearby tenants at Parcel 55 because their customers will not be able to park vehicles nearby. These issues were addressed in the Commission's action on the underlying permit (which included vehicle parking on-site to satisfy the demand generated by users of the dry boat storage facility). The letter in opposition does not provide new evidence of changed circumstances and the extension request does not provide an opportunity to re-hear the merits of the project. As detailed in the letter from the permittee and the analysis above, there are existing public parking lots which serve Fisherman's Village and the site subject to the Commission-approved permit is not identified as a parking facility in the most recently certified LCP update. Rather, the LCP identifies Parcel 52 as a boat storage site, which is the use the Commission-approved permit authorizes.

VAN WERT, INC.

LAND USE ENTITLEMENTS CONSULTING

To: California Coastal Commission
Attn: Zach Rehm, Case Manager
South Coast District
200 Oceangate, 10th Floor
Long Beach, California 90802

Date: 3/3/2017

Re: **Extension of CDP 5-14-0770-Boat Central-MDR**

This letter will address comments from a letter of “objection” (dated February 9, 2017) submitted by Fisherman’s Village to the subject CDP extension request. Van Wert, Inc. represents MDR Boat Central, L.P., the permittee and co-applicant for this extension.

Boat Central

Boat Central is essential to implementing recreational boating policy within Marina del Rey (MDR; the Marina). The MDR Local Coastal Program (LCP) requires 1,114 dry-storage spaces within MDR.¹ The Boat Central project is the largest single component effectuating that policy.²

Additionally, the development of Boat Central is a necessary precursor to the expansion of Chace Park. The Park’s expansion will result in the elimination of over 250 dry storage spaces on Parcel 77.³ Having the storage capacity of Boat Central “on-line” will insure adequate dry-storage capacity is maintained within the Marina.

Thus, it is clear that Boat Central is foundational to the future expansion of recreational capacity, both boating and park space, within MDR.

Parcel 52

The LCP has designated the parking lot at Parcel 52 as a “temporary” facility for over twenty years.⁴ Parcel 52 is not part of the long term plan for public parking capacity within MDR. This determination was confirmed by the Coastal Commission’s approval of the 2012 Map and Text amendment update to the MDR LCP which designated Parcel 52 for Boat Storage and does not include Parcel 52 in the list of near term public parking lots.⁵

¹ MDR Land Use Plan Figure 4, page 3-2

² MDR Land Use Plan Figure 4, page 3-2

³ MDR Land Use Plan Figure 4, page 3-2

⁴ MDR Land Use Plan (1996) Figure 3, page 2-6

⁵ MDR Land Use Plan Figure 3, page 2-10

Further, Parcel 52 is not located adjacent to, nor does it have convenient pedestrian access to any public areas. The proximate public areas (Chace Park, boat launch ramp, Fisherman's Village) all have large public parking lots located on-site or adjacent thereto.

The development of dry-boat storage at Parcel 52 is to further LCP policy to expand public recreational capacity in the Marina. The Boat Central project is the catalyst that implements that policy. Current public activities (charter boats and ancillary parking) at Parcel 52 will be relocated and are accommodated in other superior locations.

Response to Comments

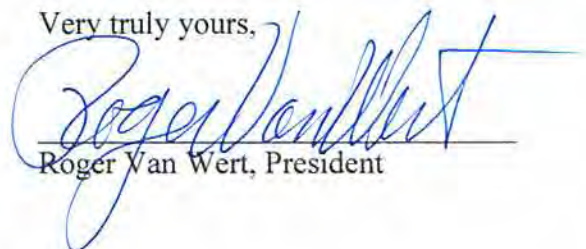
Charter Boat Relocation: Charter boat services (fishing, cruise, party) provide an important component of public access to the harbor and coastal waters. Several of these commercial operations currently use the long-dock at Parcel 52 for embarkation; their clients park in Lot 52. The long-dock at Parcel 52 is deteriorated and needs replacement. The County has constructed a new, larger long-dock at Parcel 55 on the main channel and is moving the cruise boat operations to that facility. In fact, the Fisherman's Village Lessee (the Principal) has signed a management agreement to operate the long dock for charter boat services commencing this year.⁶ Additionally, charter fishing boat operations will be moved to the long dock at Parcel 77 near Chace Park. Both of these locations are adjacent to large public parking lots. These dock facilities are in place and will commence operations prior to the commencement of Boat Central development activities at Parcel 52. Therefore, Special Condition 13 requirements are satisfied by these circumstances.

Required Parking: Boat Central, as well as other Leaseholders, provide customer parking on-site as part of their CDP development requirements. Neither the Fisherman's Village Leasehold nor the Charter Boat operators provide any on-site customer parking but instead rely on public parking facilities. Further, the LCP requires that 2,895 existing parking spaces be maintained and available to the public throughout MDR. The parking spaces currently at Parcel 52 are not part of that commitment.⁷

The prior discussion demonstrates that there are no changed circumstances with respect to the Boat Central project in the surrounding environment or applicable LCP policy for dry boat storage or public parking requirements.

Please contact me if I should to address other comments or questions. We appreciate your attention to this matter.

Very truly yours,



Roger Van Wert, President

⁶ The Dock 55 Management Agreement is attached.

⁷ MDR Land Use Plan Figure 3, page 2-10; and, "...in the long term the County proposes to retain a minimum of 2,895 parking spaces." Page 2-6.

MANAGEMENT AGREEMENT-PARCEL 55-MARINA DEL REY

27th THIS MANAGEMENT AGREEMENT (the "Agreement") made and entered into this day of February, 2017,

BY AND BETWEEN

COUNTY OF LOS ANGELES, a body corporate and politic, hereinafter referred to as "County",

AND

PACIFIC OCEAN MANAGEMENT, LLC, a Delaware limited liability company, hereinafter referred to as "Manager",

RECITALS

WHEREAS, County is the owner of Parcel 55 located at 13701 Fiji Way, Marina del Rey, California;

WHEREAS, County wishes to open up the newly constructed dock at Parcel 55 for charter boat operators to pick-up and drop-off passengers; and

WHEREAS, County desires to engage Manager to manage and operate the charter service at Parcel 55 and provide maintenance and security for Parcel 55 solely with respect to the charter service and Manager has expressed an interest in managing and operating a charter service on Parcel 55 pursuant to the terms of this Agreement;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter contained, the parties:

1. PURPOSE AND SCOPE OF AGREEMENT.

County does hereby engage Manager and Manager hereby accepts the engagement for the management of the "Premises", as defined below, solely for operation of a charter boat drop-off and pick-up dock in accordance with the terms and conditions herein contained and to provide such management and services necessary or desirable for the prudent, proper, safe, economical and efficient operation and management of the charter dock service. It is expressly understood that this management agreement is not a lease, is unassignable and does not grant, convey or reserve to Manager any interest in real property or estate therein.

2. PREMISES.

Parcel 55, hereinafter referred to as "Premises" and more particularly set forth in Exhibit A, consists of approximately 22,197 square feet of land and 42,583 square feet of water and is improved with a 149-foot newly constructed dock. Parcel 55 also includes a 59 space parking lot. Manager shall have no responsibility whatsoever for the use or operation of the parking lot or for the use by County or others of the dock or any other portion of the Premises for visiting dinghy services or any entry on the Premises or the dock by any member of the public for a use other

than in connection with boarding or exiting a charter boat, all of which shall be under the sole control, and be the sole responsibility of, County (collectively, the "**County Responsibilities**").

Manager hereby accepts the Premises on an "**AS-IS, WITH ALL FAULTS**" basis; provided, however, County shall be responsible for any repairs and replacements that are or may be required during the term of this Agreement.

3. **USE OF PREMISES.**

Manager shall use the Premises for the sole purpose of operating a charter boat pick-up and drop-off area off the dock located on the Premises (the "**Charter Dock**"). Manager will use commercially reasonable efforts to prevent berthing of boats or other vessels overnight on the charter boat pick-up and drop-off area of the Charter Dock and charter boats will not be allowed to tie up to the Charter Dock for more than thirty minutes at a time. The portion of the Charter Dock facing the main channel shall be used solely for charter operations. Manager understands that the portion of the Charter Dock facing the landside shall be used by County solely for visiting dinghies to tie up as part of the County Responsibilities.

Manager is strictly prohibited from storing hazardous substances, vehicles, or equipment on the Premises; provided, however, that hazardous substances may be stored or used on the Premises, so long as such storage and use is of a type and quantity, and conducted in a manner (a) in the ordinary course of business, (b) in accordance with standard industry practices, and (c) in compliance with all applicable laws.

4. **TERM.**

The term of this Agreement shall be for a period of two (2) years, commencing on the first day of April, 2017, and shall automatically be renewed for an additional three (3), one (1) year terms unless either party gives sixty (60) days written notice of termination prior to the expiration of the original term or the then existing extension

5. **PAYMENT TO COUNTY.**

Manager shall pay to the County the greater of (i) Five Hundred Dollars (\$500.00) or (ii) fifty percent (50%) of the "**Net Operating Receipts**" generated at the Premises in connection with the charter operations authorized by this Agreement (the "**County Monthly Payment**"). "**Net Operating Receipts**" shall be equal to "**Gross Receipts**" minus "**Operating Expenses**". Manager shall retain the balance of the Net Operating Receipts as its management fee.

"**Gross Receipts**" shall mean the gross amount of all cash received by, or on behalf of, Manager, when received, from charter use of the Charter Dock

"**Operating Expenses**" shall mean all the total gross cash expenses incurred by Manager in connection with the operation of the management of the charter operation at the Premises, and shall include, without limitation, utilities, taxes (other than income taxes), insurance applicable to the Premises and the operations on the Premises, the cost of providing security (including an allocable share of the wages and benefits payable to any personnel utilized to provide management services or onsite security in conjunction with the operation by Manager of

Fisherman's Village), maintenance expenses, general and administrative expenses. With respect to expenses paid on an irregular basis they will be taken into account by including the appropriate allocation of the annualized expense for such period (monthly or annually) as reasonably determined by Manager.

The payment to the County shall be calculated and reconciled on an annual basis such that the actual payment to the County shall be the greater of (i) Six Thousand Dollars (\$6,000.00) or (ii) fifty percent (50%) of the "**Net Operating Receipts**" generated at the Premises in connection with the charter operations authorized by this Agreement for the prior year. Notwithstanding the foregoing, Manager shall pay to the County the County Monthly Payment calculated for the previous month on or before the 15th of each calendar month. Payments to the County shall be reconciled on an annual basis at the end of each calendar year during the term of this Agreement (with appropriate proration based on the number of days within such calendar year) by no later than forty five (45) days following the end of such year. Any excess payments made to County shall be credited against payments coming due for the subsequent year (or, if following the expiration of the term, paid by County to Manager). Any deficit in payments owed to County shall be paid by Manager with delivery of the annual reconciliation.

6. IMPROVEMENTS.

Manager shall have the right to propose any improvements to the Premises to County. Manager shall make no improvements to the Premises without first obtaining written approval from County which approval may be withheld in County's sole discretion. Any such improvements shall be at the County's sole cost and expense with reasonably satisfactory arrangements made with Manager for payment or reimbursement. Manager shall be solely responsible for obtaining all permits, authorizations, and approvals for any and all County-approved improvements at County's cost.

7. GENERAL MAINTENANCE.

Manager shall be responsible for removing trash, debris, and other materials from the Premises on a daily basis; removing any graffiti tagged on the Premises within 24 hours after the discovery of such graffiti ("**Basic Maintenance**"); keeping the charter boat pick-up and drop-off area of the Charter Dock in good working order; not using or, allowing the use of, the charter boat pick-up and drop-off area of the Charter Dock for any illegal purpose; and immediately notifying the County of any damage to the Premises and related improvements, including, without limitation, the dock, gangway, gates, electrical, signage and fencing (the "**Dock Related Improvements**"). County shall be responsible for any repairs or maintenance of the Premises and Dock Related Improvements other than Basic Maintenance, and Manager shall not be obligated to repair or replace any damage to the Premises and Dock Related Improvements, however caused, prior to satisfactory arrangements being made with the County for payment of any repair or replacement costs.

8. CASUALTY

In the event of the occurrence of any damage to or destruction of any portion of the Premises, including, without limitation, fire, flood tsunami or otherwise, County shall be solely

responsible for repair and restoration of the improvements. County shall be entitled to pursue any third party for damages as a result of damage or destruction caused by such third party, including any charter boat owner or operator. Manager shall be relieved of its obligation to operate the charter boat services during the time following such casualty that such casualty precludes such usage on a reasonable basis.

9. COMPLIANCE WITH LAW.

Manager shall comply with all applicable codes, laws, rules, regulations, statutes, resolutions, ordinances, covenants, conditions, and restrictions of the County, City, State, the United States of America, the California Coastal Commission, and/or other governmental or quasi-governmental entities having jurisdiction during the term hereof regulating the operation of the Charter Dock only; provided, however, Manager shall have no responsibility or liability for any hazardous substances (as defined by applicable law) currently present, or, that in the future may be present on the Premises as a result of the operation, maintenance, use or occupation of the Premises and the Dock Related Improvements by Manager or by charter boats and any charter boat operator, or any reason whatsoever (the "**County Hazardous Substances Responsibility**"), unless caused solely by the negligent actions or omissions of Manager in connection with the charter boat services. Manager shall have no responsibility for any aspect of water quality management, including any copper that may impair the water column and sediment of Marina del Rey Harbor.

10. SIGNS

County shall provide appropriate signage to indicate that the limited access to the Charter Dock and operation of the Charter Dock for visiting dinghy purposes shall be with the permission of, and shall be the responsibility of County.

11. DAYS AND HOURS OF OPERATION

Operations shall initially, and as otherwise determined by mutual agreement of the parties from time to time, be from 9:00 a.m. to 10:00 p.m., seven days a week subject to reduction by Manager in evening hours due to limited lighting on the dock and the parking lot. Manager may extend the hours of operation for holidays and special events, provided a security guard or Manager staff is present to monitor operations. No charter shall unload passengers prior to 9 a.m. County shall not permit use or operation of the visiting dinghies at any hours other than hours during which the charter operations are permitted.

12. OPERATIONAL RESPONSIBILITIES

Manager shall provide security guards or other management staff as necessary to include monitoring the loading and unloading of charters and assuring that no illegal mooring occurs on the portion of the Charter Dock for charter use. Security guards and any other staff hired by Manager shall have no responsibility whatsoever with respect to the County's operation of the visiting dinghy boats on the land side of the Charter Dock. Manager (via its security guards or other staff shall be responsible for photographing or otherwise documenting unauthorized charter use on the Charter Dock. Anyone operating an unauthorized charter will be prohibited by

Manager from being considered a licensed charter, and reservation and docking privileges will be removed for a certain amount of time as determined by Manager.

Security Guards or other management staff will unlock and lock the Charter Dock access gate at a time that will coincide with Fisherman's Village gate open/closure; 9:00 a.m. - 10:00 p.m. or such more limited hours as reasonably determined by Manager.

Manager shall permit Fisherman's Village trash bins to be utilized for Charter Dock operations.

Manager shall make Fisherman's Village public restrooms accessible to charter boat passengers

Manager shall allow Fisherman's Village janitorial service to be utilized with respect to the Charter Dock, with a fair allocation of the cost of such service to be allocated to Operating Expenses.

13. AGREEMENT WITH CHARTER OPERATORS

Manager shall enter into a written license agreement with each charter operator in substantially the form set forth in Exhibit B hereto (the "Charter License"). Each charter operator shall be required to submit an operating license application in the form of Exhibit C hereto. Each charter operator who desires to reserve use of the Charter Dock shall for each such occasion submit to Manager a Request Form for Berthing Assignment in the form of Exhibit D hereto. Manager shall be entitled to revise the aforementioned forms at its discretion, subject to approval of County, not to be unreasonably withheld or delayed. Before entering into an agreement with a charter operator, Manager shall, at a minimum, ensure that:

- Charter captains are licensed by the United States Coast Guard
- Charter vessels are visually inspected by Manager
- Charter vessels have documented and certified inspection forms, including maintaining a US Coast Guard Certificate of inspection
- Charter operators have insurance which lists the Manager, Pacific Ocean Management, LLC and the County as additional insureds.
- Charter operators have valid County business licenses
- Charters must provide payment by cashier's check and provide a copy of the charter contract to make a reservation
- Charters must provide their own offsite parking solutions for guests, staff and operators, at their sole cost
- If serving food or alcohol, charter operators have valid permits and licenses to serve food or alcohol

- Charters pay six percent (6%) of the gross charter contract amount to Manager or as directed by Manager, minimum \$50 per use (which amounts include loading and unloading)
- Charters must provide evidence of where the charter boat is permanently moored in Marina del Rey or elsewhere

Manager may consider factors other than those enumerated directly above before entering into a Charter License with a charter operator, provided that said factors are fair, non-discriminatory, reasonably related to the charter operations at the Premises, and approved by the County in advance, such approval not to be unreasonably withheld or delayed. Manager may establish a maximum size of a charter boat as a result of the boundary line of the Premises from the seawall. Manager shall have the right to limit charter boat operations based on the availability, or lack thereof, of necessary parking.

14. INDEMNITY

Except for such claim, liability or financial loss or damage caused by the sole gross negligence or willful misconduct of the Manager, as determined by final arbitration or court decision or by agreement of the Parties, County shall protect, indemnify, defend, and hold harmless Manager and its officers, employees and agents, from and against any and all claims, costs, losses, demands, expenses, liability or causes of action of any nature or character whatsoever, including expenses (including court costs, expert witness fees, and other litigation costs) and reasonable attorneys' fees incurred in defending against the same by an attorney selected by County and reasonably satisfactory to Manager, to the extent arising from or caused by (a) the operation, maintenance and use of the Premises, including the Dock Related Improvements by Manager, (b) the operation, maintenance and use of any portion of the Premises, including the Dock Related Improvements, in connection with the County Responsibilities and any other activity not related to the charter boat operation, (c) the County Hazardous Substances Responsibility or (d) injury, illness or death damage to or destruction of property arising out of or in any way connected to the Premises or adjacent property.

Only with respect to any claim, liability or financial loss or damage caused by the sole negligence or willful misconduct of the Manager in connection with the operation of the charter boat services, as determined by final arbitration or court decision or by agreement of the Parties, Manager shall protect, indemnify, defend (with counsel reasonably satisfactory to County), and hold harmless County, its Special Districts, elected and appointed officers, employees and agents, from and against any and all liabilities, demands, claims, injury, illness or death, causes of action of any nature or character whatsoever, losses, damage to or destruction of property arising out of or in connected to such sole negligence or willful misconduct (including court costs, attorney and expert witness fees, and other litigation costs) that arise from or are related to the operation at the Premises of the charter boat services.

Such indemnification shall survive in its entirety the termination, suspension, or expiration of this Agreement.

15. INSURANCE

Manager shall, at its own expense, maintain in full force and effect, and require its charter boat operators and contractors to maintain in full force and effect, at all times during the term of this Agreement, a policy or policies of insurance covering the Premises affected by Manager's operations under this Agreement and Manager's use and occupancy of the Premises. Such insurance shall be provided by insurer(s) satisfactory to County. Manager shall deliver to the County evidence of such insurance coverage and obtain County's approval thereof prior to any entry onto the Premises or the performance of any operations under this Agreement.

Immediately upon execution of this Permit, Manager shall deliver to County a certificate evidencing insurance coverage. Manager's failure to so deliver such evidence of insurance shall be a breach of this Agreement and entitle County to immediately terminate or suspend this Agreement.

Such insurance shall provide, at a minimum, all of the following:

- a. General Liability Insurance (written on ISO policy form CG 00 01 or its equivalent, or such other form as acceptable to County) and endorsed to name County as an additional insured, with limits of not less than the following:
 - i. General Aggregate: \$2,000,000
 - ii. Products/Completed Operations Aggregate: \$1,000,000
 - iii. Personal and Advertising Injury: \$1,000,000
 - iv. Each Occurrence: \$1,000,000
- b. Workers Compensation and Employer's Liability insurance providing workers compensation benefits, as required by the Labor Code of the State of California and for which Manager is responsible, and including Employers' Liability coverage with limits of not less than the following:
 - i. Each Accident: \$1,000,000
 - ii. Disease-policy limit: \$1,000,000
 - iii. Disease-each employee: \$1,000,000
- c. Marina Operator's Liability insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate, which limits may be covered by a combination of Primary Coverage and Umbrella Coverage. If written on a "claims made" form, the coverage shall also provide an extended two year reporting period commencing upon the expiration or earlier termination of this Agreement, or replacement coverage shall be maintained until such time.

16. ACCOUNTING

No later than the fifteenth (15th) day of each calendar month (with respect to the County Monthly Payment), and not later than the forty-fifth (45th) day of each calendar year, Manager shall render to County a detailed statement, in form and content satisfactory to County, showing the Gross Receipts generated from the Premises for the preceding calendar month or year, as the case may be, together with its calculation of the amount payable to County under Section 5 of this Agreement (or, in connection with the annual reconciliation, the amount owing to the County or the amount to be credited or paid to Manager as provided in Section 5 above), and shall accompany same with remittance of amount so shown to be due. Books of account and records for the then current and previous years shall be kept or made available at the Premises or at another location within Los Angeles County, and County and other governmental authorities shall have the right at any reasonable times and on reasonable prior notice to examine and audit said books and records, without restriction, for the purpose of determining the accuracy thereof and of the monthly statements of revenue derived from operation of the Charter Dock and the compliance of Manager with the terms of this Agreement and other governmental requirements.

17. RIGHT OF INSPECTION.

County and its fully authorized representatives or agents may enter upon the Premises at any time and all times during the term hereof for the purpose of determining whether or not Manager is complying with the terms and conditions hereof, or for any other purpose incidental to the rights of the County.

18. TERMINATION

Either party may terminate this Agreement at any time by giving the other party no less than sixty (60) calendar days' written notice of intention to terminate. County may suspend or terminate this Agreement immediately upon notice to Manager to allow the performance of work by County, its officers, agents, and employees, necessary to protect or safeguard persons or property, including without limitation the Premises, from impending danger, hazard, or harm; provided, however, that County shall have no duty, obligation, or responsibility with respect to any such dangers, hazards, or harms, or with respect to any such protections or safeguards.

19. COMPLETE AGREEMENT

This Agreement shall cancel, terminate, and supersede any and all prior oral or written agreements, correspondence, understandings, or commitments, if any, between County and Manager for use of the Premises.

20. GOVERNING LAW

This Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules. In the event of any dispute regarding the provisions of this Agreement, or the rights or obligations of the parties hereto, SUCH DISPUTE OR CLAIM SHALL BE RESOLVED BY SUBMISSION TO FINAL AND BINDING ARBITRATION IN LOS ANGELES COUNTY, CALIFORNIA, BEFORE A RETIRED JUDGE OR JUSTICE. BY AGREEING TO ARBITRATE, THE PARTIES

HERETO WAIVE ANY RIGHT THEY HAVE TO A COURT OR JURY TRIAL. Venue with regard to any ancillary proceedings arising out of such dispute or claim shall also be in Los Angeles County. The parties will attempt to agree upon a single arbitrator, who will decide the dispute or claim. If the parties are unable to mutually agree on a retired judge or justice, to serve as the sole arbitrator, then either party may petition a court of competent jurisdiction to appoint a retired judge or justice to serve as sole arbitrator. The fees of the arbitrator will be paid initially equally by both the parties. However, the arbitrator shall have the right to order either party to pay all fees and costs as part of the award.

In arbitration, both parties shall be entitled to conduct discovery in accordance with the provisions of the California Code of Civil Procedure, but either party may request that the arbitrator limit the amount or scope of such discovery and, in determining whether to do so, the arbitrator shall balance the need for the discovery against the parties' mutual desire to resolve disputes expeditiously and inexpensively.

The arbitrator shall decide the matter in accordance with the applicable law. Any error in law by the arbitrator or in application of the law shall be deemed in excess of the arbitrator's authority. Any such error in law may be reviewed de novo by the Superior Court upon a Petition to Vacate or Confirm the arbitration award and may thereafter be appealed as with any other judgment. The provisions of the California Arbitration Act (California Code of Civil Procedure Section 1280 et seq. shall govern this arbitration.

*[Remainder of page intentionally left blank;
signature page follows]*

IN WITNESS WHEREOF, County and Manager have entered into this Agreement as of the same day and year first hereinabove written.

THE COUNTY OF LOS ANGELES,
a body corporate and politic

By: 
Gary Jones, Director
Department of Beaches and Harbors

APPROVED AS TO FORM:

MARY C. WICKHAM,
County Counsel

By: 
Deputy

PACIFIC OCEAN MANAGEMENT, LLC, a
Delaware limited liability company

By: 
Michael Pashaie
Its: Managing Member

By: 
David Taban
Its: Managing Member

EXHIBIT A

LEGAL DESCRIPTION

Parcels 862 and 863, in the County of Los Angeles, State of California, as shown on Los Angeles County Assessor's Map No. 88, recorded in Book 1, pages 53 to 70 inclusive, of Assessor's Maps, in the office of the Recorder of said county.

Reserving and excepting therefrom unto the County of Los Angeles easements for sanitary sewer, fire access and harbor utility purposes over those portions thereof designated on said map to be reserved by said county for such purposes.



Mr. Jack Ainsworth, Executive Director
(C/O: Mr. Zach Rehm, Coastal Analyst)
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

March 3, 2017
Via E-Mail and Fax

RE: Objection to Extension Request for Coastal Development Permit No. 5-14-0770 (the "CDP"): MDR Boat Central, LP (the "Permittee") - (Location, Parcel 52, Marina del Rey)

Dear Executive Director Ainsworth:

I am writing this letter as a follow up to the February 9, 2017, letter I wrote to you outlining why we maintain changed circumstances have occurred since the Coastal Commission's approval of the above-referenced CDP, casting serious doubt on the approved project's conformity with the Marina del Rey LCP and the project's ability to comply with Special Condition no. 13 of the Coastal Commission-issued CDP. Specifically, I am responding to the February 27, 2017, Coastal Commission staff report on this CDP extension request item, which will be reported to the Coastal Commission at its March 9, 2017, meeting in Ventura.

In its staff report—in responding to but two of the numerous objection points raised in my February 9th letter (the staff report is silent regarding the points raised in my letter regarding the project's non-compliance with LCP policies, regulations and Special Conditions of the CDP)—your staff addresses my claims that "weekend patronage at Fisherman's Village has grown dramatically since 2013" and that "once the Parcel 52 public parking spaces are removed as part of the Boat Central project, the Fisherman's Village parking lots will become overtaxed and coastal visitors will be turned away, unable to find parking." Your staff responds to these objections as follows:

[T]he parking facilities referenced by the comment letter are not on the site subject to the approved coastal development permit; they are on a separate site operated by different lessors and will not be modified by the subject coastal development permit or any other permit approved since the subject coastal development permit was approved in 2015. The fact that the parking facilities at Parcel 52 (Fisherman's Village)¹ are now more heavily used does not represent a changed circumstance that would affect the consistency of the development with the Coastal Act or the certified LCP.

With all due respect to your staff, they appear to have misunderstood my objection. The point I was raising in this objection is that, in approving the subject CDP, the Coastal Commission did not require the developer (or any other party) to relocate any of the existing 252 public parking spaces currently located at Parcel 52 that will be displaced by the Boat Central project. In approving the related landside CDP for the project, the County of Los Angeles similarly did not require replacement of these public parking spaces. In approving the Boat Central project without requiring replacement of the Parcel 52 public parking spaces, the Coastal Commission

¹ This is a typo; Parcel 52 is the location of the subject Boat Central project, not Fisherman's Village. Fisherman's Village is located at Parcel 56, down Fiji Way from the subject Parcel 52.

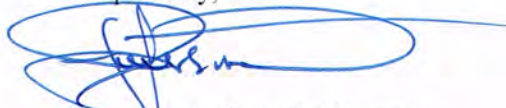
and the County seemed to presume the users of the Parcel 52 public parking spaces (the many charter cruise and sports fishing patrons, bicyclists and other recreationalists who utilize the Parcel 52 parking spaces) would be appropriately accommodated at the surface parking lots adjoining Fisherman's Village. This is the only rational conclusion, since, in approving the project CDPs, both the Coastal Commission and the County required relocation of the commercial charter dock located at Parcel 52 to Parcel 55, which is a waterfront parcel that abuts the Fisherman's Village shopping center. The agencies required relocation of the commercial charter dock located at Parcel 52 to Parcel 55, but did not require any additional parking facilities to service the relocated charter dock.

As explained in my February 9th letter, evidence on the ground proves that the parking supply at Fisherman's Village will be unable to adequately handle the additional parking demand placed on its parking lots once the Parcel 52 parking spaces are removed from public service. This will negatively impact our Fisherman's Village tenants' businesses and the public's ability to access the waterfront (since many visitors will be turned away from Fisherman's Village, unable to find parking). The Fisherman's Village parking facilities are already maxed-out on busy weekends and holidays, and this is before any of the 252 parking spaces at Parcel 52 have been removed from public service. Contrary to your staff's determination, the fact that Fisherman's Village has experienced substantial increases in patronage since the Boat Central CDP was approved is, in fact, a bonafide changed circumstance warranting the Coastal Commission's further consideration before deciding to extend the Boat Central CDP. The Parcel 52 Boat Central project and Fisherman's Village are inexorably linked, inasmuch as the public parking supply at Fisherman's Village will be overtaxed by virtue of the Boat Central project's failure to replace the 252 public parking spaces at Parcel 52.

I am not faulting your staff, the Coastal Commission or the County for this situation; rather, I am respectfully requesting that the Coastal Commission avail itself of the opportunity to further examine this changed circumstance claim before acting to extend the project CDP. Both sound coastal planning and adherence to the Coastal Act justifies my request for the Coastal Commission's reconsideration due to the changed circumstances outlined above and in my February 9th letter.

Thank you for your thoughtful consideration of these issues. I am available to further discuss with you at your convenience and can be reached at 310-822-6866.

Respectfully,



Jill Peterson, Property Manager
Fisherman's Village

cc (via email): Hon. Mark Vargas, Coastal Commissioner

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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SOUTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
March 2017 Meeting of the California Coastal Commission*

February 27, 2017

To: Commissioners and Interested Parties
From: For Los Angeles Co.: Steve Hudson, South Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the South Coast District Office for the March 2017 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

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

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

DE MINIMIS WAIVERS

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

Applicant	Project Description	Project Location
5-16-0622-W J. Paul Getty Trust	Reconfiguration of and improvements to existing driveway/access road and associated landscaping to incorporate an shuttle van turnaround area within the Getty Villa (museum/gardens) property to accommodate those visitors onsite who arrive by use of mass transit services and to improve traffic circulation; all circulation will remain onsite. The proposed project includes an improved pedestrian path, a shuttle pick-up/drop-off area, a bio-swale, and construction of an approximately 40 linear ft. long retaining wall that ranges in height from 2 ft.-5 ft. All proposed landscaping will be drought tolerant and non-invasive and will be irrigated through a drip irrigation system.	17985 W Pacific Coast Hwy, Pacific Palisades, Ca 90272 (APN(s): 4416004043, 4416005012, 4443022011)
5-16-1018-W Baker, Burton, & Lundy	Expansion of an existing 3,364 square foot law office (515 and 517 Pier Ave.) into the adjacent 973 square foot former dry cleaner establishment (519 Pier Ave.), and the addition of 167 square feet to the front of 519 Pier Ave. for a reception area, interior improvements, and a new 556 square foot second story roof deck. As proposed, the resulting project will consist of a 4,504 square foot law office. The applicant is providing 9 on-site parking spaces behind the building.	519 Pier Ave, Hermosa Beach, Ca 90254 (APN(s): 4183018017, 4183018018)
5-16-1064-W MLR Ventures, LLC, Attn: Lucas Reiston	Construction of a two-story, 3-unit multi-family building with a subterranean garage and a roof deck on a vacant lot. The structure will be 27 feet high, 4,492 square feet, with 6 spaces in the parking garage, as well as bicycle racks. The grading required for the subterranean garage will total 1,415 cubic yards.	212 Bay St, Santa Monica, Ca (APN: 4289018002)

SOUTH COAST DISTRICT DEPUTY DIRECTOR'S REPORT CONTINUED

<p>5-16-1077-W Peter Adee & Kathryn Paddock</p>	<p>Request for after-the-fact approval for demolition of existing 1-story single family residence. Request approval for construction of a new 3,200 sq. ft. 2-story, 26 ft. 4 in. high, single-family residence with attached 2-car garage.</p>	<p>666 Navy St, Santa Monica, Ca 90405 (APN: 4287036013)</p>
<p>5-16-1109-W City of Santa Monica</p>	<p>Installation of two 10-foot high (above sand level) by 10-inch in diameter steel poles for slackline recreation by the public. One pole will be installed at the south end of the existing slackline park, the second pole will be installed approximately 250-feet downcoast.</p>	<p>Slackline Park, south end of Muscle Beach, Santa Monica State Beach, Santa Monica, CA (Los Angeles County) (APN: 4290022901)</p>
<p>5-17-0057-W 925 Loma, LLC Attn: Devin Jensen</p>	<p>Demolition of an existing 1-story single family residence, and construction of two attached, 3-story, approximately 30-ft. high condominiums, each with a 2 car garage and roof deck. Units are 2,191 sq. ft., and 2,276 sq. ft. each. Project scope includes the removal of 1 tree, approximately 24" in diameter, as well as 360 cu. yards of cut grading. Low water usage and non-invasive landscaping is proposed.</p>	<p>925 Loma Dr, Hermosa Beach, Ca 90254 (APN: 4187013029)</p>

IMMATERIAL AMENDMENTS

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

Applicant	Project Description	Project Location
5-14-1756-A1 Attn: Steven Somers	Request for after-the-fact approval for more than 50% demolition of a non-conforming garage. The applicant also proposes minor modifications to the approved floor plans, including lowering the slab elevation below the garage by 4.5 ft. and pool by 6 ft., and eliminating a staircase and relocating a bathroom to accommodate a mechanical room and audio/video control room.	547 Palisades Beach Rd, Santa Monica, Ca 90402 (APN: 4293018006)

OJECTIONS TO EXECUTIVE DIRECTOR'S DETERMINATION

5-14-0770-E1

MDR Boat Central LP and the
Los Angeles County Dept. of Beaches & Harbors

Marina del Rey, Los Angeles County

CALIFORNIA COASTAL COMMISSION

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February 23, 2017

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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

Waiver: 5-16-0622-W**Applicant:** J. Paul Getty Villa Trust**Location:** 17985 Pacific Coast Highway (Getty Villa), Pacific Palisades (Los Angeles County)

Proposed Development: Reconfiguration of and improvements to existing driveway/access road and associated landscaping to incorporate an shuttle van turnaround area within the Getty Villa (museum/gardens) property to accommodate those visitors onsite who arrive by use of mass transit services and to improve traffic circulation; all circulation will remain onsite. The proposed project includes an improved pedestrian path, a shuttle pick-up/drop-off area, a bio-swale, and construction of an approximately 40 linear ft. long retaining wall that ranges in height from 2 ft.-5 ft. All proposed landscaping will be drought tolerant and non-invasive and will be irrigated through a drip irrigation system.

Rationale: The Getty Villa property consists of a 64-acre parcel inland of Pacific Coast Highway in the Pacific Palisades area of the City of Los Angeles. The property is situated within a small canyon, located approximately three miles northwest of the City of Santa Monica and one-half mile east of the City of Malibu. The project site is limited to a 5,735 sq. ft. area of the Getty Villa property, and consists of improvements to the ingress from Pacific Coast Highway. The proposed development will be located within the southernmost portion of the overall Getty Villa property. No work is proposed in the Monarch Butterfly Habitat Preservation (MBHP) area. The facility has a prohibition on walk-in traffic, except for mass transit riders, to ensure that visitors do not affect beach or recreational parking, as well as the adjacent residential neighborhood, by parking off-site and walking into the Getty Villa. The proposed retaining wall, which will be located between the proposed pick-up area and the bottom of the western canyon slope, will not be visible from Pacific Coast Highway. Construction BMPs will be followed to prevent construction activities from impacting coastal and marine resources and water quality. The proposed development will not result in adverse impacts to coastal access, coastal resources, public recreation, or coastal views, is consistent with the Chapter 3 policies of the Coastal Act, and will not prejudice the City's ability to prepare a Certified Local Coastal Program.

This waiver will not become effective until reported to the Commission at their **March 8-10, 2017** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director
cc: File

Marlene Alvarado
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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February 23, 2017

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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

Waiver: 5-16-1018-W**Applicant:** Baker, Burton & Lundy**Location:** 515-519 Pier Ave., Hermosa Beach (Los Angeles County) (APN: 4183-018-017/018)

Proposed Development: Expansion of an existing 3,364 square foot law office (515 and 517 Pier Ave.) into the adjacent 973 square foot former dry cleaner establishment (519 Pier Ave.), and the addition of 167 square feet to the front of 519 Pier Ave. for a reception area, interior improvements, and a new 556 square foot second story roof deck. As proposed, the resulting project will consist of a 4,504 square foot law office. The applicant is providing 9 on-site parking spaces behind the building.

Rationale:

The subject site is an approximately 6,400 square foot lot in the City of Hermosa Beach and is not located between the first public road and the sea. The lot is designated as SP-11 (General Commercial) by the City of Hermosa Beach zoning code. The area surrounding the site is mostly commercial, and the proposed project is designed to be compatible with the character of the surrounding area. The existing uses with a total of 9 parking spaces are under-parked based on current parking standards (1 space for 250 square feet of office space), however the conversion of the dry cleaner to professional office space is not an increase in intensity of use, and the addition of 167 square feet for a reception area to an office space is minor, and will not generate the need for additional parking. Therefore Commission staff has determined that 9 parking spaces are sufficient. The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Standards Code and Amendments. The proposed development will not adversely impact visual or coastal resources, public access, or public recreation opportunities. Additionally, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and it is consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **March 8-9, 2017** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Mandy Revell
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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February 23, 2017

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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

Waiver: 5-16-1064-W**Applicant:** MLR Ventures, LLC**Location:** 212 Bay Street, Santa Monica (Los Angeles County)

Proposed Development: Construction of a two-story, 3-unit multi-family building with a subterranean garage and a roof deck on a vacant lot. The structure will be 27 feet high, 4,492 square feet, with 6 spaces in the parking garage, as well as bicycle racks. The grading required for the subterranean garage will total 1,415 cubic yards.

Rationale: The subject site is a 6,022 square foot level vacant lot, approximately ¼ mile inland from the beach and is not located between the first public road and the sea. It is within a developed area designated NC (Neighborhood Commercial), which allows for multi-family housing and promotes a mix of uses. The project is consistent with the multi-family residential character of the surrounding area and provides adequate parking based on the Commission's standard of two (2) parking spaces per unit. The roof gutters and downspouts will direct storm water toward the low-water landscaping and planter boxes and permeable paving. The proposed development incorporates water and energy conservation measures consistent with the 2013 California Green Building Code Standards, and development will not adversely impact coastal resources, public access, or public recreation opportunities. It is also consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. The project will not prejudice the City's ability to prepare a Certified Local Coastal Plan.

This waiver will not become effective until reported to the Commission at the **March 8-10, 2017** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Amber Dobson
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

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February 21, 2017

**Coastal Development Permit De Minimis Waiver
Coastal Act Section 30624.7**

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

Waiver: 5-16-1077**Applicant:** Peter Adee & Kathryn Paddock**Location:** 666 Navy St, Santa Monica (Los Angeles County) (APN(s): 4287036013)

Proposed Development: Request for after-the-fact approval for demolition of existing 1-story single family residence. Request approval for construction of a new 3,200 sq. ft. 2-story, 26 ft. 4 in. high, single-family residence with attached 2-car garage.

Rationale: Partial demolition of the existing house has already taken place, however there were no impacts to coastal resources. The proposed project is located approximately 1/2 mile from the beach and within a developed residential neighborhood, and is zoned OP 1 (Low Single Family Residential). The project is consistent with the residential character of the surrounding area and is providing two on-site parking spaces. The development will incorporate best management practices by directing runoff to landscape/permeable areas and/or trench drains to reduce urban runoff. The applicant will comply with the applicable water conservation measures of the Governor's Executive Order B-29-15 concerning irrigation systems and with the statewide and local regulations pertaining to plumbing fixtures and low flow rates. The proposed project will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with the City's certified LUP, past Commission actions for the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **March 8-10, 2017** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Amber Dobson
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

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February 23, 2017

Corrected Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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

Waiver: 5-16-1109-W**Applicant:** City of Santa Monica**Location:** Slackline Park, south end of Muscle Beach, Santa Monica State Beach, Santa Monica, CA
(Los Angeles County)

Proposed Development: Installation of two 10-foot high (above sand level) by 10-inch in diameter steel poles for slackline recreation by the public. One pole will be installed at the south end of the existing slackline park, the second pole will be installed approximately 250-feet downcoast.

Rationale: The proposed development will be located in an existing beach exercise area, known as Muscle Beach, which includes various public recreational and exercise equipment. The area is located approximately 800 feet south of the pier, between the Oceanfront Walk promenade and the bicycle path. The new equipment will provide additional recreational equipment for the public in an area designed for such use and will be over 500 feet from the water and will not interfere with other beach recreational activities. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **March 8-10, 2017** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth,
Executive Director

Marlene Alvarado
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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February 23, 2017

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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

Waiver: 5-17-0057-W **Applicant:** 925 Loma, LLC

Location: 925 Loma Dr. Hermosa Beach 90254 (Los Angeles County) (APN: 4187-013-029)

Proposed Development: Demolition of an existing 1-story single family residence, and construction of two attached, 3-story, approximately 30-ft. high condominiums, each with a 2 car garage and roof deck. Units are 2,191 sq. ft., and 2,276 sq. ft. each. Project scope includes trimming and/or removal of the existing ficus tree located along Loma Drive, as well as 360 cu. yards of cut grading. Low water usage and non-invasive landscaping is proposed.

Rationale: The subject site is a 2,781 sq. ft. lot, approximately 0.25-miles inland from the beach, and is not located between the first public road and the sea. The project site is located within a developed residential neighborhood designated Multiple Family Residential (R-3), in the City of Hermosa Beach's certified Land Use Plan (LUP), and the proposed project conforms to the City zoning standards of a 30 foot height limit above grade as calculated by the City. The applicant is proposing to have a biologist present during tree trimming or removal activities to avoid potential adverse impacts to nesting birds, which has been preliminarily reviewed and approved by the California Department of Fish and Wildlife. The proposed development exceeds the Commission's standard of 2 on-site parking spaces per residential unit, and construction best management practices including daily clean up, disposal, and the use of sandbags to control erosion during construction will be incorporated. Drainage plans indicate run-off will be diverted into permeable surfaces and into an on-site water infiltration system. The proposed development and will not adversely impact visual or coastal resources, public access, or public recreation opportunities, and will not prejudice the City's ability to prepare a Certified Local Coastal Program. Additionally, the proposed development is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their **March 8-9, 2017** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Mandy Revell
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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

**5-14-1756-A1****NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties

FROM: Charles Lester, Executive Director

DATE: February 23, 2017

SUBJECT: Coastal Development Permit No. 5-14-1756 granted to Ziad Ghandour, for:

Demolish existing 4,250 sq. ft. single-family residence and construct a 39 ft. high, 3 story plus basement, 7,450 sq. ft. single family residence and remodel the existing 2 car detached garage and construct a pool with a total of 1,971 cubic yards of grading on an 8,408 sq. ft. beach front lot.

PROJECT SITE: 547 PALISADES BEACH ROAD, SANTA MONICA (LOS ANGELES COUNTY)

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

Request for after-the-fact approval for more than 50% demolition of a non-conforming garage. The applicant also proposes minor modifications to the approved floor plans, including lowering the slab elevation below the garage by 4.5 ft. and pool by 6 ft., and eliminating a staircase and relocating a bathroom to accommodate a mechanical room and audio/video control room.

FINDINGS:

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be **IMMATERIAL** and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The proposed development will not extend beyond the previously approved foot print of the residential structure and accessory development, and will not result in adverse impacts to shoreline processes, public access and water quality. The proposed amendment will not prejudice the City's ability to prepare a certified Local Coastal Program and Chapter Three policies of the Coastal Act.

If you have any questions about the proposal or wish to register an objection, please contact Marlene Alvarado at the Commission District Office in Long Beach (562) 590-5071.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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February 27, 2017

OBJECTIONS TO EXECUTIVE DIRECTOR'S DETERMINATION

To: Commissioners and Interested Parties

From: Steve Hudson, Deputy Director
Zach Rehm, Coastal Program Analyst

Re: **Extension of Coastal Development Permit 5-14-0770 (MDR Boat Central LP and the Los Angeles County Department of Beaches and Harbors), Marina del Rey, Los Angeles County.**

On December 22, 2016, the applicants (MDR Boat Central LP and the Los Angeles County Department of Beaches and Harbors) submitted a request to extend Coastal Development Permit 5-14-0770 for an additional one-year period. The extension is the proposed project's first extension request. Coastal Development Permit 5-14-0770, originally approved by the Commission on January 9, 2015, permits construction of a 75-foot high dry stack boat storage facility and 82-foot high crane apparatus with approximately 11,600 square feet of water coverage, supported by 22 48-inch steel bearing piles, extending up to 97 feet into Basin H. Construction of approximately 6,738 square feet of modular concrete floating queuing docks, supported by 30 16-inch concrete guide piles, extending up to 200-feet into Basin H. The approved permit also includes the installation and continuous maintenance of a trash skimmer and implementation of a water quality management plan. Los Angeles County approved the landside portion of the project through local Coastal Development Permit No. 200800007 and the Coastal Commission's permit applies to the overwater southeasterly section of Basin H, Parcel 52, adjacent to 13483 Fiji Way, Marina del Rey, Los Angeles County.

On January 30, 2017, the Coastal Commission's South Coast District Office in Long Beach issued notices of the Executive Director's determination that there are no changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or the certified Local Coastal Program (LCP). As required by Section 13169(b) of Title 14 of the California Code of Regulations, the Executive Director is reporting this determination to the Commission at its February 8, 2017 meeting.

Within the ten working-day period (January 30, 2017 – February 13, 2017), during which time any person may object to the Executive Director's determination, the South Coast District Office received three letters from the Marina del Rey Lessees Association, the Harbor Real Estate Group, and Fisherman's Village Marina del Rey, objecting to the Executive Director's determination that there are no changed circumstances that affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or the certified LCP (Exhibit 1).

The objectors assert that because the project was controversial and subject to prior hearings before the Coastal Commission, the Los Angeles County Board of Supervisors, and other government agencies, the Coastal Commission should hold a public hearing on the permit extension request. Additionally, the objectors indicate that the approved project is too large, extends too far over the water, and benefits a small contingency of boaters. The objectors indicate that the project will adversely affect public access within Marina del Rey harbors and that replacement vehicle parking has not been adequately provided by the Los Angeles County Department of Beaches and Harbors. The objectors indicate that Special Condition 13 of the approved coastal development permit is not adequate to maximize public access and recreation consistent with Marina del Rey certified LCP policies because it only preserves access to boating activities but does not preserve vehicle parking facilities. These issues were addressed at the public hearing and in the Commission's findings to approve the project on January 9, 2015. The proposed project has not changed in the previous two years and the certified LCP has not changed in the previous two years.

The objection letter from Fisherman's Village Marina del Rey states that "weekend patronage at Fisherman's Village has grown dramatically since 2013" and that "once the Parcel 52 public parking spaces are removed as part of the Boat Central project, the Fisherman's Village parking lots will become overtaxed and coastal visitors will be turned away, unable to find parking." However, the parking facilities referenced by the comment letter are not on the site subject to the approved coastal development permit; they are on a separate site operated by different lessors and will not be modified by the subject coastal development permit or any other permit approved since the subject coastal development was approved in 2015. The fact that the parking facilities at parcel 52 (Fisherman's Village) are now more heavily used does not represent a changed circumstance that would affect the consistency of the development with the Coastal Act or the certified LCP.

Section 13169(c) of Title 14 of the California Code of Regulations states in part that in order to deny an extension request objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act or the certified LCP. The Executive Director has concluded that the objection letters do not identify any changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or the certified LCP. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with a copy of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect consistency with the Coastal Act or the certified LCP, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request will extend the expiration date of Coastal Development Permit 5-14-0770 to January 9, 2018, one year from the previous date of expiration.

**Marina del Rey
Lessees Association**

C/o Mr. Timothy C. Riley, Executive Director
8537 Wakefield Avenue
Panorama City, CA 91402
Telephone: 818-891-0495; FAX: 818-891-1056

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South Coast Region

FEB 07 2017

CALIFORNIA
COASTAL COMMISSION

February 6, 2017

Mr. Jack Ainsworth, Acting Executive Director
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

RE: Notice of Extension for MDR Boat Central, LP
Coastal Development Permit 5-14-0770

Dear Mr. Ainsworth:

The Marina del Rey Lessees Association represents the leaseholders of anchorages, residential, commercial, marine and visitor-serving properties in unincorporated Marina del Rey. As a major stakeholder in Marina del Rey, the Association has consistently voiced objections to the concept and design of an intrusive over-the-water dry stack storage proposal envisioned by MDR Boat Central, LP.

The Boat Central Project, a proposed dry stack storage facility on Parcels 52 and GG in Marina del Rey, has had a long and contentious history during the course of its consideration by the regulatory bodies of the County of Los Angeles. The Department of Beaches and Harbors first released a Request for Proposals (RFP) in April 2003 and reissued the RFP in March 2005 with proposals limited to the three responsive proposers to the original RFP.

The Association believes that there are valid reasons to question the size, functionality, aesthetics and the dangerous precedent-setting design for a structure built-out over the water. The Association is not alone in having these concerns. During the course of the numerous public hearings regarding this controversial project, members of the public, including local residents and the boating community, have been united in opposition.

As the Small Craft Harbor Commission considered a recommendation to enter into exclusive negotiations with Pacific Marina Development/Almar Management (Almar) for an option and long-term lease agreement for development of Parcels 52 and GG at its meeting of July 7, 2005, the three members of the Commission in attendance were unable to reach a decision. One member made a motion to support the recommendation, but the motion did not receive a second and failed.

During the course of 2007, the Design Control Board held several public hearings and the members moved unanimously to disapprove the Boat Central Project, stating on May 31, 2007 that the "primary reason for disapproval is that the building extends out into the water," and then again on July 19, 2007 stating that the DCB "has never allowed any project to build over the water and believes it has the responsibility to preserve for the public the waters of the Marina for active boating and recreation, the visual access to the water, and the marine environment."

In more recent history, the Small Craft Harbor Commission failed to secure the three votes necessary to endorse a recommendation for an approval of an option agreement to enter into a 60-year lease with Boat Central at its special meeting of September 21, 2016. Subsequently, on October 25, 2016, the Board of Supervisors unanimously voted to refer the Boat Central Project back to the Department of Beaches and Harbors.

Notwithstanding the inability of the County regulatory bodies and the Board of Supervisors to achieve consensus on the support of Boat Central, the Marina del Rey Lessees Association, which has opposed the project's massing and height as well as projection deep over the navigable basin, believes there are other reasons this development should not go forward.

The conditions in the Marina are very different from when the RFP was put forth nearly fourteen years ago. Today, there is a greater demand for visitor-serving public docks such as what currently exists at Parcel 52. Moreover, additional dry stack storage will be provided when the Parcel 44 redevelopment is completed. Many other anchorages are currently under renovation and the supply of wet slips will soon provide an abundant supply of smaller slips. Prior to the closure of many anchorages for reconstruction, the vacancy rate for smaller slips had been quite significant.

The Marina is increasingly becoming a more visitor-oriented destination, and the project site occupies land and adjacent waterfront that is already heavily used by tourists and residents alike to take advantage of boating activities, including harbor cruises and sport fishing. Visitor-serving uses of the Marina are not fostered by converting Parcel 52 to a use that would only serve a very limited number of people.

Given that the MDR Boat Central, LP proposed project has been unable to advance to fruition during its long history, the Association strongly objects to the proposed extension of time for the existing coastal development permit. The Commission should consider a public hearing for this request. This dry stack storage project is no longer viable in its current form or even for any reduced size that still extends over the water.

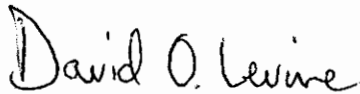
Ever since the public unveiling of the Boat Central project, the applicant has been unable to secure public support in our community, either with the boating public or other stakeholders, for a design of a dry stack storage project built out over the water. The Association believes that only a dry stack storage facility that is pulled back

February 6, 2017

completely from the water with reduced height and an increased view corridor should be considered by the County of Los Angeles and the California Coastal Commission for approval of a coastal development permit.

Thank you for your consideration of our objections to a controversial project that should be denied any extension of time.

Sincerely,

A handwritten signature in cursive script that reads "David O. Levine".

David O. Levine
President

cc: The Hon. Hilda L. Solis, Supervisor, First District, County of Los Angeles
The Hon. Mark Ridley-Thomas, Chairman, Board of Supervisors, County of
Los Angeles
The Hon. Sheila Kuehl, Supervisor, Third District, County of Los Angeles
The Hon. Janice Hahn, Supervisor, Fourth District, County of Los Angeles
The Hon. Kathryn Barger, Supervisor, Fifth District, County of Los Angeles
Mr. Gary Jones, Director, Department of Beaches and Harbors, County of
Los Angeles

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**CALIFORNIA
COASTAL COMMISSION**



Harbor Real Estate Group

*Gregory F. Schem
President/CEO*

February 6, 2017

VIA FEDERAL EXPRESS AND FACILMILE

Mr. Jack Ainsworth, Acting Executive Director
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

**RE: NOTICE OF REQUEST FOR EXTENSION - MDR BOAT CENTRAL, LP
COASTAL DEVELOPMENT PERMIT 5-14-0770**

Dear Mr. Ainsworth:

I own and operate the BoatYard under a long term ground lease with the County of Los Angeles which is located contiguous to the proposed Boat Central project referenced above. Please accept this letter as a reaffirmation of my continued objection to this project and my request that you either not extend this permit or at the very least have the matter heard before the Commission.

This project has languished for 13 years while receiving almost unanimous disapproval from boat owners, the Small Craft Harbor Commission, the Design Control Board, the Marina del Rey Lessee's Association, and the local community. Among the primary reasons for concern over this project include its size, aesthetics, and precedent-setting design built out over the harbor. It is far past time to re-evaluate what was clearly a flawed decision to move ahead with a project that violates the basic premise of providing public access by limiting such a valuable resource to a very small contingency.

Sincerely,

A handwritten signature in black ink, appearing to read "G. F. Schem", with a long horizontal flourish extending to the right.

Gregory F. Schem



February 9, 2017

Via E-Mail and Fax

Mr. Jack Ainsworth, Acting Executive Director
(C/O: Mr. Zach Rehm, Coastal Analyst)
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

RE: Objection to Extension Request for Coastal Development Permit No. 5-14-0770 (the "CDP"):
MDR Boat Central, LP (the "Permittee") - (Location, Parcel 52, Marina del Rey)

Dear Acting Executive Director Ainsworth:

As property manager for Fisherman's Village, I am writing to express our strong objection to the Permittee's request for a one-year time extension for use of the above-referenced CDP. The CDP authorizes development of a dry-stack boat storage facility (extending some 97 feet over the marina waters) on Marina del Rey Parcel 52 on Fiji Way. As described below, changed circumstances exist that seriously call into question the approved project's conformity with the Marina del Rey Local Coastal Program (the "MDR LCP") and the Permittee's ability to fully comply with Special Condition no. 13 of the CDP. As such, it is appropriate for the Coastal Commission to deny the Permittee's CDP extension request and to consider the development proposal at a full hearing of the Commission, in keeping with the requirements of Section 13169 of the Coastal Commission's Regulations.

The CDP in question must be considered by your staff and the Coastal Commission in conjunction with the "sister" Coastal Development Permit that was issued by the County of Los Angeles (the "County CDP") pertaining to the landside portion of the development (please reference County CDP No. 2008-00007). This is only rational, because the Coastal Commission's CDP and the County CDP authorize development of the same project, the Coastal Commission's CDP addressing the waterside portion of the development and the County CDP addressing the landside portion of the development.

As set forth below, circumstances have changed since the Coastal Commission's and County's approvals of the project CDPs, casting serious doubt on the approved project's conformity with the following applicable policy and regulations of the MDR LCP and the project's ability to comply with Special Condition no. 13 of the Coastal Commission-issued CDP.

Pertinent MDR LCP Policy, Regulations and CDP special condition:

Recreation and Visitor-Serving Policy no. 3 of the MDR Land Use Plan reads:

Existing and proposed recreation and visitor-serving uses in the Marina, as shown on Map 5 shall be protected. [emphasis added; a copy of Map 5 is attached for your reference]

Sections 22.46.1490.B, C & D of the MDR Specific Plan (addressing development standards for the Boat Storage land use category of the MDR LCP, which Parcel 52 is designated) read as follows:

- B. Any project which relocates an existing coastal-dependent boating use, including but not limited to boat launching, boat storage, boater parking and access, shall be phased so that said use is replaced within the Marina before the development which displaces it may commence. [emphasis added]
- C. Visitor-serving uses shown on Map 5 of the LUP, "Existing/Proposed Visitor-Serving Facilities," shall be preserved or replaced onsite, as part of redevelopment.
- D. Other existing recreation, visitor-serving, and marine commercial facilities not shown on Map 5 of the LUP may be relocated in conjunction with development as long as the use is replaced within the Marina before the development which displaces it may commence. [emphasis added]

Special Condition no. 13 of the CDP reads as follows (note this Special Condition mirrors the language of condition no. 36 of the County CDP for the project's landside development):

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

Analysis:

MDR Land Use Plan Map 5 (which identifies "Existing/Proposed Visitor-Serving Facilities" in the Marina that are to be protected) clearly identifies the subject Parcel 52 as "P", public parking (see

highlighted parcel on attached map). While we understand the subject parcel's land use designation has been changed from "Public Parking" to "Boat Storage" (even though Map 5 still calls the parcel out for public parking in the MDR LCP), the existing public parking spaces that will be displaced by the project must nonetheless be replaced elsewhere in the Marina prior to commencement of project demolition activities, as discussed below. None of the 252 public parking spaces located at Parcel 52 that will be displaced by the approved development are required to be replaced elsewhere in the Marina as a condition of the approved project CDPs; this shortcoming of the project CDPs is contrary to the dictates of the MDR LCP. The Parcel 52 parking spaces are currently offered to the public free of charge and the parking lot is heavily utilized by the recreating public--in particular, by the many bicyclists who utilize the parking lot as a prime gathering spot and setting-off point for group bike rides along the Martin Braude Bike Trail, which runs adjacent to the parcel along Fiji Way.

As cited above, sections 22.46.1490.B, C & D of the MDR Specific Plan contain regulations mandating replacement of the boater parking and recreational parking facilities located at Parcel 52 prior to the commencement of project demolition activities. Moreover, Special Condition 13 of the CDP requires that all requisite permits have been issued and that existing charter/fishing boat patrons who currently park at Parcel 52 are afforded the right to park at the Fisherman Village-adjacent surface parking lots. In order to maintain compliance with the above cited LCP policy and regulations, it is not sufficient that the existing Parcel 52 commercial charter dock alone be replaced at Parcel 55 prior to commencement of project demolition activities; to maintain compliance with the MDR LCP, the associated charter/fishing boat parking and recreational public parking spaces located at Parcel 52 must also be replaced prior to commencement of project demolition activities.

Since the County's 2013 approval of the County CDP and the Coastal Commission's January 2015 approval of the related waterside CDP for the project, Fisherman's Village has experienced a "renaissance" of sorts. Weekend patronage at Fisherman's Village has grown dramatically since 2013, owing in no small measure to the tremendous success of the Marina del Rey Boat Rental operation at Fisherman's Village (which began operations under its current ownership in 2013). Hornblower Cruises and other existing charters have all experienced business growth and increased passenger count, along with corresponding burgeoning patronage at Fisherman Village's restaurants and stores. For example, we have free concert series at Fisherman's Village on weekends year round. These concerts have been extremely successful at bringing new visitors to Fisherman's Village. Over this period, no additional parking has been planned, permitted¹ (as required by Special Condition 13 of the CDP) or provided at the Fisherman's Village parking lots. This creates the "perfect storm" for grossly inadequate parking at Fisherman's Village once the Parcel 52 parking spaces are removed. Simply put, once the Parcel 52 public parking spaces are removed as part of the Boat Central project, the Fisherman's Village parking lots will become overtaxed and coastal visitors will be turned away, unable to find parking, leading to a direct diminution in the public's ability to access the Marina

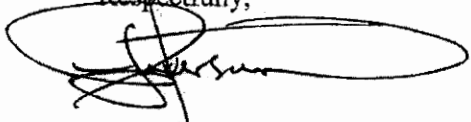
¹ Finding no. 42 of the County CDP states, in pertinent part: "Valet and tandem parking will be developed for Fisherman's Village for peak usage days, including holidays." The valet parking operation would ostensibly be implemented to handle the onslaught of boaters and other recreationalists who will be forced to park at Fisherman's Village once the Parcel 52 public parking spaces are removed; however, we are unaware of any Parking Permit having been sought or processed to authorize such commercial valet operations at the Fisherman Village-adjacent parking lots. A discretionary parking permit is required by the County to authorize commercial valet parking.

waterfront (indeed, the Fisherman's Village parking lots are already at capacity on many weekends, as shown on the attached photographs). This would seem obvious, since the Parcel 52 charter/fishing boat dock is being replaced at Parcel 55 but the corresponding parking that services this commercial dock is not.

In closing, the tremendous growth in patronage experienced at Fisherman's Village since the project CDPs were approved by the County and Coastal Commission, combined with the project CDPs' failure to adequately require replacement of the boater- and recreationist-serving parking spaces located at Parcel 52 prior to development of the project, constitute changed circumstances pursuant to Section 13169 of the Coastal Commission's regulations. As such, we respectfully request that your staff and the Coastal Commission carefully consider these issues and act to deny the Permittee's request to extend the CDP.

Thank you for your thoughtful consideration of these issues. I am available to further discuss with you at your convenience and can be reached at 310-822-6866.

Respectfully,

A handwritten signature in black ink, appearing to read "Jill Peterson", enclosed within a large, hand-drawn oval.

Jill Peterson, Property Manager
Fisherman's Village

Attachments

cc (via email): Ms. Dayna Bochco, Chair, California Coastal Commission
Hon. members of the County Board of Supervisors
Mr. Zach Rehm, Coastal Analyst, California Coastal



del Rey
Parking Lot 1

Only one vehicle
Parking only 48 hours max. register by
calling (310) 305-9124.
No overnight parking or sleeping.
Recreational vehicles prohibited
2:00 a.m. - 6:00 a.m. EACC - (310) 1333
BUTTS 104 210 30-00



STREET CLOSURE
CITY OF LOS ANGELES
DEPT. OF PUBLIC WORKS
STREET SERVICES

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