July 18, 2018

Honorable Commissioners
Regional Planning Commission
300 W. Temple Street, Room 150
Los Angeles, CA 90012

RE: Percent for Art in Private Development Ordinance
    Project No. R2017-000213
    Case No. RPPL2017008325
    Hearing Date: August 1, 2018

Dear Honorable Commissioners:

The Marina del Rey Lessees Association represents the leaseholders of residential, commercial, marine and visitor-serving properties in unincorporated Marina del Rey. Under long-term leases with the County of Los Angeles, the lessees undertake expensive redevelopment and renovation of a wide array of multifamily residential and commercial projects in cooperation with our landlord, the County of Los Angeles, including the reconstruction of anchorages which fulfill the obligations of the Coastal Act to bring increased recreational boating opportunities to Marina del Rey.

The process to obtain coastal development permits to build and renovate the anchorages is lengthy and cumbersome and involves the payment of many fees that are not typically applied to commercial and residential projects elsewhere in unincorporated Los Angeles County. Additionally, leaseholders of the County-owned land in Marina del Rey, even though they do not own the land, pay property taxes on top of the ground rent paid to the County for the construction and operation of boat slips, ground rents which yield the County an average of 25% to 28% of the gross revenue generated by the anchorages.

The Association understands the objectives of the Arts Commission to generate on-site public art at commercial projects and to fund artistic and cultural facilities to benefit the residents of the County. However, while the exclusion of residential projects from the proposed ordinance is justified, we believe the proposed ordinance inappropriately includes anchorages and yacht clubs to be assessed the Civic Art Fees.

With few exceptions, the anchorages in Marina del Rey have been developed in conjunction with the residential apartment complexes fronting on the Marina del Rey Harbor. These anchorages are occupied by Marina del Rey residents, live-aboards, and individual boaters that rent the slips for the purposes of their recreational enjoyment of the water as envisioned by the Coastal Act.

The Percent for Art in Private Development (PAPD) Ordinance defines "commercial and industrial" developments subject to the provisions of this ordinance to include, among
other things, "private recreation." The ordinance further defines "private recreation facilities" as "recreation facilities established and operated by a private entity or association of persons who are bona fide members to be used exclusively by its members." As such, the ordinance, as currently drafted, does not exempt "private recreation facilities" and this should be rectified by the Regional Planning Commission with appropriate amending language. Overall, anchorages serve a primarily non-commercial function to enhance the opportunities for water-oriented recreational activities of residents of the Marina as well as the County.

Aside from the anchorages that cater to residents of adjacent multifamily complexes and non-commercial boaters, the yacht clubs with private members and generally not to public should likewise not be subject to the provisions of the PAPD Ordinance. In answering suggestions submitted by the Association, the Arts Commission responded that yacht clubs would be subject to two options. The first option includes four programs for on-site or off-site civic art. The second option is the in-lieu fee contribution. We recommend the Regional Planning Commission should exclude yacht clubs from either of the options for requirements in the proposed ordinance.

The Marina del Rey Land Use Plan, certified by the California Coastal Commission on February 8, 2012, identifies "recreational boating" as a top priority. The Land Use Plan states that "Recreational boating shall be emphasized as a priority use throughout the planning and operation of the Marina. To help achieve this goal, the Plan shall strive to ensure that adequate support facilities are provided, including, but not limited to, the following: boat slips, a fueling dock, boat repair yards, boat dry storage yards, launch ramps, boat charters, day-use rentals, equipment rentals and on-going maintenance of the marina harbor and entrance channel, bulkhead repair, pollution control, safety and rescue operations, and sufficient parking for boaters."1

The PAPD Ordinance, by the imposition of additional fees upon development, should not discourage the construction of expensive renovations or rebuilding of entire anchorages and other boating-serving facilities with the Civic Art Fee for projects that provide for increased recreational boating use of coastal waters that is encouraged by Coastal Act Policy 30224.2 The anchorages and yacht clubs of Marina del Rey serve the residents of the Marina and the County as well as visitors, and as such, they should be specifically excluded from the application of the Civic Art Fees.

Thank you for your consideration of the Marina del Rey Lessees Association's desire to provide encouragement to new developments and renovations of the anchorages and yacht clubs without the additional burden of providing on-site civic art or the payment of fees.

Sincerely,

David O. Levine
President

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1 Marina del Rey Land Use Plan, page 3-5
2 Marina del Rey Land Use Plan, page 3-1