



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 17, 2010

Armbruster, Goldsmith & Delvac LLP
10940 Wilshire Blvd, Ste 2100
Los Angeles, CA 90024
Attn: Aaron Clark

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NUMBER R2009-01989-(4); COASTAL DEVELOPMENT PERMIT NO. 200900003
13900 TAHITI WAY, MARINA DEL REY (APN NO. 4224-002-900; LEASE PARCEL NO. 7)

Dear Applicant:

Hearing Officer, Mitch Glaser, by his action of February 16, 2010, **APPROVED** the above described Coastal Development Permit for the installation of nine (9) security access dock gates at the gangway entrances of an existing private boat anchorage.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on March 2, 2010.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

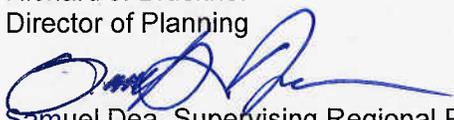
The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee submit an affidavit accepting the conditions of approval to the Department of Regional Planning before the grant becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact **Maral Tashjian** of the Special Projects Section at (213) 974-1516 or e-mail at Mtashjian@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning


Samuel Dea, Supervising Regional Planner
Special Projects Section

SD:MMT:mmt

Enclosures: Approved Findings and Conditions, Affidavit (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement, Coastal Commission

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant, 13900 Tahiti Harbor Ltd, is requesting a Coastal Development Permit to authorize the installation of nine (9) security access dock gates at the gangway entrances of an existing private boat anchorage located adjacent to the Tahiti Marina apartment complex.

PROCEEDINGS BEFORE THE HEARING OFFICER:

February 16, 2010 Public Hearing

A duly noticed public hearing was held on February 16, 2010 before the Hearing Officer. The applicant's representative, Aaron Clark, was sworn in and testified in favor of the request. The Hearing Officer asked staff to explain the need for a pre-construction zoning enforcement inspection. Staff explained that it would be necessary to inspect the site prior to construction in order to ensure that Condition No. 18 (temporary fencing and barriers) is implemented correctly. There being no further testimony, the Hearing Officer closed the public hearing and expressed his intent to approve the project, subject to the conditions recommended by staff and agreed to by the applicant's representative.

Findings

1. The subject property is located at 13900 Tahiti Way at the terminus of Tahiti Way, in the unincorporated community of Marina del Rey and the Playa del Rey Zoned District. The subject property is identified by Assessor Parcel Number 4224-002-900 and Marina Lease Parcel Number 7. Access to the subject property is via Tahiti Way which provides access to Via Marina, an improved Secondary Highway. The boat anchorage is located between Basins A and B on the waterside of parcel 7. The subject property is also accessible by boat via the Marina del Rey main channel.
2. Zoning on the site is SP (Specific Plan). The land use designation of the property in the Marina del Rey Specific Plan is RIII (Residential III) and W (Water). Zoning of the surrounding properties is SP, with the following land use designations:

North: RIV (Residential IV), RIII, and W
South: W, RV (Residential V), and MC (Marine Commercial)
East: W
West: RIII and W
3. The subject property is developed with a 149 unit apartment complex and private boat anchorage. Surrounding development consists of:

North: Basin B, Apartments (Esprit, Villa Del Mar), Private Boat Anchorage
South: Basin A, Apartments (Waters Edge), Private Boat Anchorage, Fuel Station
East: Main Channel
West: Apartments (Bay Club, The Tides Marina Harbor), Private Boat Anchorage

4. The site plan depicts an 11.2 acre parcel with a landside area of approximately 5.0 acres and a waterside area of 6.2 acres. The parcel is developed with an existing 237,500 square foot, three-story, 149 unit apartment building (Tahiti Marina Apartments) on the landside portion, and a private boat anchorage on the waterside portion of the parcel. The boat anchorage consists of 214 existing boat slips, nine (9) existing end-tie spaces, and nine (9) gangway entrances along the north, east, and south side of the landside portion. Four (4) of the proposed gates are located along the north side (Gates B900, B700, B500, and B300), two (2) are located along the east side (Gates B100 and A200), and three (3) are located along the south side (Gates A400, A600, and A800). The gates are parabolic shaped and consist of a 2-¼" thick steel pipe frame attached to the existing guard rail, with quarter-inch thick, variable width, vertical steel plates. The gates are approximately 7'-8" tall at the highest point, 1'11" at the widest point, and extend 13'-1½" to either side of the four-foot wide gangway entrances.
5. The subject property is located within the "Residential III" and "Water" land use categories of the Marina del Rey Land Use Plan (LUP). The "Residential III" land use designation is intended for medium density multi-family residential development at a maximum of 35 dwelling units per acre. The "Water" category is intended for recreational uses, boat slips, docking and fueling of boats, flood control and light marine commercial. The waterside portion of the property is currently developed with a boat anchorage, which is a permitted use in this land use category. The proposed Dock Gates are a common security feature ancillary to this use and are therefore consistent with the allowed uses of the underlying land use category. The applicant's proposal complies with the following applicable Land Use Plan policies:

Chapter 1 - Shoreline Access (Policy 1)

The project does not limit public access to or along the bulkheads facing the harbor within the subject property. The proposed Dock Gates will only limit public access to the boat anchorage on the waterside portion of the property in order to enhance security and protect the private property rights of current and future anchorage tenants. The LUP acknowledges that due to public safety concerns, certain areas along the shoreline are not suited for public access, including boat yards and private launching facilities. Therefore, limiting public access to the private anchorage is not inconsistent with this policy.

Chapter 1 - Shoreline Access (Policy 2)

The project will not adversely impact or affect the public's existing access to or along the shoreline or waterfront located within the subject property. The Dock Gates will only reinforce access restrictions to non-public areas in the private anchorage which are not considered public shoreline or waterfront areas.

Chapter 3 - Recreational Boating (Policy 1)

The waterside portion of the subject property is currently developed with a private boat anchorage consisting of 214 slips and nine (9) end-tie spaces. The proposed project supports the priority of recreational boating in the marina. Dock

Gates can be considered a “support facility and service” which could improve the quality of recreational boating experiences in the marina.

Chapter 7 - Cultural Heritage Resources (Policy 1)

The subject project does not propose any grading, and will therefore not disturb any cultural resources that may exist below grade.

Chapter 8 - Land Use Plan (Policy 1)

The proposed project supports the priority of preserving Marina del Rey as a small craft harbor facility. Dock Gates are a desirable accessory feature for private anchorages, and can improve the recreational experience that the small craft harbor offers.

Chapter 8 - Land Use Plan (Policy 2)

The proposed project will improve the economic viability of the marina by empowering the Tahiti Marina anchorage with services and facilities that are comparable to other competing anchorages within the marina and throughout Southern California.

Chapter 8 - Land Use Plan (Policy 6)

The project received conceptual design approval Marina del Rey Design Control Board on November 19, 2009.

Chapter 9 - Coastal Visual Resources (Policy 1)

The proposed gates are a maximum of 7’8” tall and 13’-1½” wide. The nautical theme design of the gates allow the public to view the waterfront through variable width vertical bars, which affords a less obstructed view of the harbor than more common solid mesh gates found throughout the marina.

6. The proposed project is in compliance with applicable zoning codes. The proposed landside structure will not exceed 7’8”, which is in compliance with the 75’ maximum height limit of the “Residential III” Land Use Category. The proposed structure will not alter the existing density, setbacks, view corridors, or area devoted to existing visitor-serving, boating, or marine commercial uses.
7. The applicant has provided the required Burden of Proof to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code.
8. Pursuant to provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
9. The Design Control Board (DCB) conceptually approved the applicant’s intent to build the Dock Gates on November 19, 2009.
10. The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

11. The project is located within the California Coastal Commission appealable area and is required to be reviewed by the Hearing Officer or Regional Planning Commission.
12. A Categorical Exemption (Class 1 - Minor Alteration to Existing Facilities), pursuant to the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA), is appropriate for this project.
13. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

BASED ON THE FORGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE COASTAL DEVELOPMENT PERMIT:

- A. The proposed development is in conformity with the certified local coastal program.
- B. That the proposed development is located between the nearest public road and the sea or shoreline of a body of water located within the coastal zone, and is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Coastal Development Permit as set forth in Section 22.56.2410 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Coastal Development Permit Number 200900003 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions, Affidavit

c: Each Commissioner, Zoning Enforcement, Building and Safety

This grant is a Coastal Development Permit for the installation of nine (9) security access dock gates at the gangway entrances of an existing private boat anchorage located adjacent to the Tahiti Marina apartment complex (Parcel 7), as depicted on the approved Exhibit "A", subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

5. This grant shall expire unless used within two (2) years from the date of final approval by the county. A one (1) year time extension may be requested in writing and with payment of the applicable fee.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$300.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **two (2)** inspections, **one before construction, and one after construction is complete.** Inspections shall be unannounced.
8. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150 per inspection).
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of Los Angeles County to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department. Limited access devices shall be installed to the satisfaction of said Department.

13. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
14. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
15. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. Within sixty (60) days of the Department of Beaches & Harbors' Design Control Board's ("DCB") final design approval, permittee shall submit to the Director for review and approval three (3) copies of a revised Exhibit "A", similar to that presented at the public hearing. This Revised Exhibit "A" submittal shall contain a full set of the approved site plan and elevations.

The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
17. Limited access devices shall be installed to the satisfaction of the Fire Department of Los Angeles County.
18. The applicant shall provide temporary fencing or barriers for construction and storage areas to prevent any debris or materials from falling into the water during construction. Photographs demonstrating compliance with this condition shall be made available to enforcement staff upon request.
19. Gates shall be painted the same color as the adjoining bulkhead railings.