

Regional Planning Commission Transmittal Checklist

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6

Project Number: R2009-02277-(4)
Case(s): ADV 20090014-(4)
Planner: Mr. Michael Tripp

- Staff Report
- Cumulative Impact Assessment
- Appendices
- CD of Companion Studies
- Draft Revisions to Marina del Rey Land Use Plan
- Draft Revisions to Marina del Rey Local Implementation Plan

Reviewed By: _____



**STAFF REPORT
AMENDMENT TO
MARINA DEL REY LOCAL COASTAL PROGRAM**

**PROJECT NUMBER: R2009-02277-(4)
PLAN AMENDMENT CASE NUMBER: ADV 200900014-(4)**

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AMENDMENT DESCRIPTION

ADV 200900014-(4)

This amendment to the Marina del Rey Local Coastal Program, consists of comprehensive revisions to:

a) The **Marina del Rey Land Use Plan**; and b) The **Marina del Rey Specific Plan**, amending Part 3 of Chapter 22.46 of the Los Angeles County Code, Title 22 (Planning and Zoning) – consisting of:

- 1) Open space enhancements;
- 2) Revisions to update the circulation element;
- 3) Collapsing of the current Development Zones from 14 to 3;
- 4) Right sizing of public parking lots;

- 5) Establishing a minimum number of boat slips and a plan to encourage low-cost boating;
- 6) A conservation and management strategy for Marina del Rey's sensitive biological resources;
- 7) The removal of the Ballona Wetlands Restoration Area (Area A) from the Marina del Rey Specific Plan area; and
- 8) Project driven amendments.

In addition to these proposed changes to the Local Coastal Program, staff is also recommending amending Title 22 to remove reference to Environmentally Sensitive Habitat Areas in Marina del Rey, in the "Definitions," section of code. Environmentally Sensitive Habitat Areas were removed from the Marina del Rey LCP in 1996.

LOCAL COASTAL PROGRAM HISTORY

The Marina del Rey Local Coastal Program (LCP) consists of a Land Use Plan (LUP) and a Local Implementation Program (LIP). The original LUP was adopted by the Board of Supervisors on September 13, 1984 and certified by the California Coastal Commission (CCC) on October 11, 1984. In 1985 the City of Los Angeles annexed 490 acres of land south of Ballona Creek and east of Lincoln Blvd, known as Areas B and C. Following the City's annexation, the CCC recertified the LUP on December 9, 1986. The LIP was adopted by the Board of Supervisors on November 6, 1990 and certified by the CCC on December 13, 1990.

A major amendment to the Marina del Rey Local Coastal Program was approved by the Board of Supervisors on November 3, 1994, and certified with suggested modifications by the CCC on May 10, 1995. The suggested modifications were approved by the Board on August 22, 1995 and effective certification by the Coastal Commission occurred on February 8, 1996.

Since the time of the last major amendment to the LCP, two minor amendments have also been approved. The first was certified by the CCC on January 2, 2002 (Local Coastal Program Amendment No. 01-01) to redesignate Marina del Rey Parcel 20's land use category from Marine Commercial to Residential IV. The amendment also allowed the transfer 97 dwelling units from Development Zone 1 to Development Zone 4. The second amendment (Local Coastal Program Amendment No. 01-07) was certified by the CCC on February 17, 2009. This amendment clarified the roles and responsibilities of the Marina del Rey Design Control Board (DCB) in its review of development proposals in the Coastal Development Permit process.

In 2003, the CCC and the County of Los Angeles (County) began work on a Periodic Review of the Marina del Rey LCP as a result of a settlement agreement in a lawsuit

brought against the CCC. Coastal Commission staff worked in cooperation with the County to conduct a lengthy review of the LCP pursuant to Coastal Act Section 30519.5. The Coastal Commission's staff report on the Periodic Review was published in December 2007 for a January 2008 hearing. At the January 2008 hearing, the CCC added numerous changes and recommendations, resulting in the Periodic Review finally being submitted to the County in April 2009. The County provided its response to the Coastal Commission in April 2010. At the time of this report, the response is pending with the Coastal Commission. It is expected that the CCC will consider the Periodic Review in late 2010 or early 2011.

This LCP amendment proposes changes to both the LUP and the LIP. The LUP changes include modifications of the text, maps and policies. The LIP changes amend the Marina del Rey Specific Plan (Part 3 of Chapter 22.46 of Title 22), and deletes Area A from the Marina del Rey Specific Plan area.

SITE DESCRIPTION

The Marina del Rey LCP area includes an unincorporated portion of Los Angeles County located north of Ballona Creek, west of Lincoln Blvd, south of Washington Blvd and east of Via Dolce. The 943-acre parcel consists of 804 acres of land owned by the County, the 139-acre Ballona Wetlands Restoration Area (Area A) which is owned by the California Department of Fish and Game. The LCP area also includes 360 acres of water which is owned by the County. Part of this amendment to the LCP will remove Area A from the Marina del Rey Specific Plan Area.

EXISTING DEVELOPMENT

Marina del Rey provides coastal-dependent and visitor-serving uses such as boat launching facilities, docks, parks, retail shops, restaurants, boat charter operations, hotels, marine commercial facilities and a beach as well as non-Coastal Act priority uses such as residences and office space. Five hotels and one motel provide Marina del Rey with 1,093 rooms available at various locations around the Marina. Thirty-four restaurants located throughout the Marina provide over 8,700 restaurant seats. The Marina also has two major shopping centers (Fisherman's Village and the Marina Waterside) and two smaller ones. Fisherman's Village, located near the terminus of Fiji Way, is a tourist attraction with 32,600 square feet of restaurant, retail and commercial office uses and a commercial anchorage which contains the berthing space for approximately 27 boats. The Marina Waterside is located on the northeast corner of Fiji Way and Admiralty Way and offers 132,487 square feet space which includes retail shops, restaurants, spas, a bank and a US Post Office.

Non-Coastal Act priority uses, including apartments, condominiums and office space are also found at various locations throughout the Marina. Residential developments vary in density from 35 to 75 dwelling units per acre and are located primarily on the west side of the Marina.

Marine commercial uses, including yacht clubs, are currently found on 9 parcels throughout the Marina. Boat repair facilities are primarily located along Fiji Way and the one remaining fuel dock can be found on the western portion of the channel near the terminus of Bora Bora Way.

The Marina is currently developed with 17 public parking lots supplying approximately 3,138 spaces. The majority of these public parking lots are underutilized for most of the year. The only two parcels in the Marina which have not been developed are the Ballona Wetlands Restoration Area (Area A) which now belongs to the California Department of Fish and Game and Parcel 9, which was the site of an abandoned hotel project in the 1980's.

SIGNIFICANT CHANGES TO THE CERTIFIED LCP

Changes have been made 12 of the 14 chapters in the Land Use Plan with only the, "Cultural Heritage Resources," chapter and the deleted, "Agriculture," chapter not being at all altered. The changes range from very minor edits made to the, "Public Works," chapter, to an extensive update to, "Circulation," chapter and the completely new addition of a, "Sensitive Biological Resources," chapter. These changes include changes to the maps, text and policies of the document. While it is not practical to list every change made to the document in this staff report, the areas of most significant change between the certified LCP and this amendment will be highlighted.

1. Land Use Changes

This amendment proposes three types of land use changes: A) Changes in the land use categories. B) Changes to parcel-specific land use designations which define the principal permitted uses on a given parcel, and C) Changes in the method of allocating development potential to parcels.

A) Land Use Category Changes

The following changes have been made to the land use categories, which control the primary permitted uses on a given parcel:

- 1) **Seniors Accommodations** land use category: This is a new proposed land use category created to address a type of housing that was not considered at the time when the original LCP was written. This is a specialized use for the housing of persons 62 or older that may or may not be retired. Units shall contain no more than two bedrooms and may not contain a kitchen. Communal dining facilities are provided on site to the residents at no additional cost. Mixed-use services provided on-site to the residents may include, but are not limited to one or more of the following: concierge, dry cleaners, laundry, hair and beauty salon, spa (excluding massage), recreation room, lounge, shuttle/limousine, travel, maid, linen, and other personal services. Units within a Senior Accommodations

facility are not considered residential uses for purposes of determining dwelling unit density, assessing affordable housing requirements, or assessing transient occupancy taxes and fees. As currently proposed, the land use category uses direct conversion of existing potential for hotel rooms to create the Senior Accommodations units. However, staff recommends the consideration of residential dwelling units rather than hotel units for conversion to senior accommodations units as they are a lower priority use in the Coastal Act. **A resolution recommending approval of an LCP amendment to create the Seniors Accommodations land use category (Project No. R2006-01510-(4)) was approved by the Regional Planning Commission on April 28, 2010.**

2) **Hotel** land use category: Changes are proposed to the, "Hotel," land use category to clarify under which circumstances a limited use overnight accommodations facility, including, but limited to, timeshares, fractional ownership, condo hotels, vacation clubs, and other similar arrangements may be permitted.

3) **Boat Storage** land use category: Changes are proposed to the, "Boat Storage," land use category to allow small convenience facilities not related to the boat storage use if said facilities are established to serve visitors to a park, promenade, and or transient dock located on the parcel.

4) **Water** land use category: Changes are proposed to the, "Water," land use category to allow dry stack storage facilities to extend out over the water at the up to the same height as would be permitted on the landside parcel.

B. Parcel Specific Land Use Designation Changes

The major amendment to the LUP proposes changes in land use designations to 12 parcels. In addition, the Waterfront Overlay Zone (WOZ) and Mixed Use Overlay Zone (MUZ) have been added to 8 parcels. Changes were also made to Parcel's 10 and 14 (Formerly FF) to allow their residential densities to be averaged over the parcels.

C. Changes in the Method of Allocating Development Potential

Under the current LCP, development is limited both on a parcel specific level and by the development zone in which a parcel is located. There are currently 14 development zones that each allows a specific amount of development potential within their boundaries.

The Development Zone (DZ) concept was originally formulated in an attempt to encourage lessees to develop their parcels quickly as delaying development may result in all of the development potential in a particular DZ being used up by another lessee.

This concept did not lead to the desired outcome and has become a hindrance as development potential has now been trapped in DZ's where lessees have no intention to develop their properties. Currently, due to the constraints of the DZ concept, a plan amendment is required to shift development across the street or to adjacent parcels in many cases (Please see Exhibits 1 and 2).

The County is proposing to collapse the current 14 DZ's into 3 Major Development Zones (MDZs). A traffic study was performed to determine the optimum number of DZ's for the Marina and to ensure that collapsing the DZ's would not result in unacceptable traffic conditions within the Marina. The traffic study found that even if the 14 development zones were collapsed and the Marina was fully built out, intersections within the Marina would still be operating at acceptable levels.

2. Circulation Improvements

The amendment proposes a major update to the LUP's Circulation Chapter which includes proposals for intersection improvements at the following four intersections:

a) **Admiralty Way and Via Marina** - There are currently two proposed alternatives. The Triple Left-Turn alternative would add a third left-turn lane to westbound Admiralty Way, and the Continuous Loop alternative would reconfigure the intersection. Both alternatives would provide sufficient capacity to accommodate future traffic conditions, and would comply with the road improvements required in the MDR Local Coastal Program. The Continuous Loop alternative would improve pedestrian safety, and create an attractive "Gateway" entry to the Marina.

b) **Admiralty Way and Palawan Way** - Add a westbound through lane to Admiralty Way.

c) **Admiralty Way and Bali Way** - Add a second southbound left-turn lane to Admiralty Way.

d) **Admiralty Way and Mindanao Way** - Add a second southbound left-turn lane to Admiralty Way and add a third lane to the eastbound approach of Mindanao Way.

These improvements are further illustrated in Map 18 of the Land Use Plan (Also shown as Exhibit 3). If incorporated into the LCP, these improvements would add sufficient capacity to accommodate future traffic conditions and comply with the existing road improvements required in the MDR Local Coastal Program.

3. Sensitive Biological Resources

The County commissioned the preparation of a conservation and management plan for Marina del Rey in an attempt to evaluate and develop policies to protect the sensitive biological resources found in the Marina. This study was done in response to the

Recommendations 43-62 of the CCC's Periodic Review of the Marina del Rey LCP which addressed Biological Resources and Environmentally Sensitive Habitat Areas (ESHA).

Based on the results of the study, the County is proposing to add a, "Sensitive Biological Resources," chapter to the LUP. The LUP does not currently have a chapter that addresses sensitive resources. Following the annexation of Playa Vista Area B to the City of Los Angeles in 1986 and the removal of the Ballona Wetlands from County jurisdiction, the ESHA chapter of the LUP was removed in 1996 as policies involving preservation and restoration of wetlands were deemed no longer relevant to the developed Marina.

While no ESHA exist in the developed Marina, the Conservation and Management Plan (CMP) provided recommendations for improving habitat conditions in three specific areas, the Oxford Retention Basin, the proposed wetland park on the southern portion of Parcel 9U and the margin of the Ballona Wetlands. In addition, recommendations were provided to protect avian resources within the Marina. These recommendations have been incorporated into policies in the proposed major amendment to the LCP.

PIPELINE PROJECTS DRIVEN AMENDMENTS

In addition to the planning driven amendments found within this Major Local Coastal Program Amendment (LCPA), there are also amendments driven by what are collectively known as the, "Pipeline Projects." The Pipeline Projects are all of the currently contemplated developments that would by themselves require amendments to the LCP.

At the June 11, 1009 meeting of the Coastal Commission, Coastal Staff presented to their commission a "Road Map" for the County to follow for processing Marina del Rey Phase II development and its response to the Periodic Review. The CCC unanimously concurred with the "Road Map" approach which requires the County to batch all of the desired Phase II plan amendments into one compound amendment. The Board of Supervisors approved of this approach and on September 1, 2009, directed the Department of Regional Planning to prepare this map and text amendment. Following this direction, the Department of Regional Planning has batched the three LCP amendments already approved by the RPC with the amendments needed for two other "Pipeline Projects" projects into this Major Local Coastal Program Amendment. Below is a description of each of the Pipeline Projects:

1. Plan Amendment Case No. 200600013-(4) (Approved by the RPC on March 10, 2010)

The proposed project would demolish an existing 136 unit apartment complex and replace it with a 400 unit apartment complex, consisting of two 55 foot tall buildings and one 60 foot tall building, and a 28 foot wide pedestrian promenade on Marina del Rey Parcel 10R. The Coastal Development Permit, Conditional Use Permit, Variance and

Plan Amendment for this project were approved by the Regional Planning Commission on March 10, 2010.

To accommodate the proposed development on Marina del Rey **Parcel 10**, the applicant has requested the following amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan:

- To authorize the transfer of 261 residential development units from the adjoining Development Zone #2 (Tahiti Development Zone) into the subject Development Zone #3 (Marquesas Development Zone);
- To allow the averaging of the maximum residential densities over Parcel 10R. Currently, the Residential III portion of Parcel 10R allows a maximum density of 35 dwelling units per acre. The Residential V portion of Parcel 10R allows a maximum density of 75 dwelling units per acre. The proposed 400 dwelling units would not exceed the maximum permitted density of 408 dwelling units based on the current land use categories.

2. Plan Amendment Case No. 200600014-(4) (Approved by the RPC on March 10, 2010)

The proposed project would demolish an existing 206 space public parking lot and replace it with a 126 unit apartment complex, consisting of one 55 foot tall building, and a 28 foot wide pedestrian promenade on Marina del Rey Parcel FF. The Coastal Development Permit, Conditional Use Permit, Variance and Plan Amendment for this project were approved by the Regional Planning Commission on March 10, 2010.

To accommodate the proposed development on Marina del Rey **Parcel FF**, the applicant has requested the following amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan:

- To authorize the transfer of 14 development units from the abutting Development Zone #2 (Tahiti Development Zone) and 112 development units from the proximate Develop Zone #1 (Bora Bora Development Zone) into the subject Development Zone #3 (Marquesas Development Zone);
- To change Parcel FF's land use designation from Open Space to the Residential III and Residential V;
- To provide Open Space replacement on the lower portion of Parcel 9U;
- To change Parcel FF's height category from Category 1 to Category 3 to allow buildings ranging from 45 feet in height when a 20% view corridor is provided to 75 feet in height when a 40% view corridor is provided. Height Category 1 allows buildings to be a maximum 25 feet tall;

- To allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the maximum densities of Parcel FF's proposed Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum density of 35 dwelling units per acre and the Residential V's maximum density of 75 dwelling units per acre.

3. Plan Amendment Case No. 200600005-(4) (Approved by the RPC on April 28, 2010)

The proposed project would demolish an existing 186 space public parking lot and replace it with a 65' tall building which contains a 114 unit Senior Accommodations facility, 92 public parking spaces, and 3,500 square feet of Visitor-Serving/ Convenience Commercial space. The Coastal Development Permit, Conditional Use Permit, Parking Permit and Plan Amendment for this project were approved by the Regional Planning Commission on April 28, 2010.

To accommodate the proposed development on Marina del Rey **Parcel OT**, the applicant has requested the following amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan:

- To authorize the transfer development potential between Development Zones (114 hotel units from the Admiralty DZ #7 and 3,500 square feet of retail space from the Palawan/Beach DZ #5 to the Oxford DZ #6);
- To change Parcel OT's land use designation from "Parking" to the "Senior Accommodations Facility" designation with a Mixed Use Overlay Zone;
- To transfer 94 of the LCP required 186 public parking spaces on Parcel OT to Parcel 21;
- To create a Seniors Accommodations Land Use Category in the LCP and re-designate the subject parcel as Seniors Accommodations;
- To adjust the parcel boundary between Parcel OT (Currently designated as Parking in the LCP) and Parcel P (Currently designated as Open Space in the LCP), which would also necessitate adjustment to the land use categories of both parcels to the corresponding LCP maps. Parcel P currently has an area 10.72 acres and Parcel OT has an area 1.6 acres. If the proposed amendment to give 19,755 square feet of Parcel P to Parcel OT is approved, Parcel P will be reduced to 10.27 acres and Parcel OT will be increased to 2.10 acres.

4. Plan Amendment for Case No. 2008-00012-(4)

The proposed project would demolish an existing 245 space public parking lot, the Department of Beaches and Harbor's trailer complex and the Sheriff's Boatwright/Life

Guard facility and replace them with a 345 space dry stack boat storage facility. This facility would be unique in Marina del Rey in that it would project 97 feet over the Marina waters. A Draft Environmental Impact Report and development application have been submitted to the Department of Regional Planning for this project, but have not yet been brought before the Regional Planning Commission. Prior to beginning construction, this project would require approval of a Coastal Development Permit, Variance, and Conditional Use Permit and certification of an Environmental Impact Report by the Regional Planning Commission. In addition, a waterside Coastal Development approved by the Coastal Commission would also be required. The Draft EIR for this project is expected to be released to County departments by the end of the year.

To accommodate the proposed development on Marina del Rey **Parcels 52 and GG**, the applicant has requested the following amendments to the Marina del Rey Land Use Plan and the Marina del Rey Specific Plan:

- Add, "Dry stack storage connected to a landside structure," to the list of uses permitted in the, "Water," land use category;
- Change the maximum height of any structure in the, "Water," land use category from, "15 feet," to allow dry stack storage facilities to be permitted at the same height as would be permitted by land use category on the landside of the parcel;
- Permit the required public promenade to be constructed along the southern portion of parcels 52 and GG (near Fiji Way) rather than along the waterfront;
- Change Parcel 52 and GG's land use categories from, "Public Facilities," to, "Boat Storage" with a Waterfront Overlay Zone; and
- Clarify the public parking spaces in lots listed as, "Temporary Parking," in the LCP (such as Parcel 52), do not need to be replaced if the lot is converted to another use.

5. Plan Amendment for Proposed Mixed Use Facility on Parcels 33 and NR

The proposed project would demolish an existing restaurant on Parcel 33 and a 191 space public parking lot on Parcel NR and replace them with a mixed use facility. The facility would contain 292 dwelling units, 32,400 square feet of Visitor-Serving/Convenience Commercial uses, 323 restaurant streets and 69 public parking spaces. As planned, the facility would have one 61' tall building located on Parcel 33 and two 44' tall buildings located on Parcel NR.

This project has not yet been submitted to the Department of Regional Planning. The project itself, its associated permits and its Environmental Impact Report must still be reviewed by the Department of Regional Planning and approved by the RPC prior to construction. The following are amendments to the LCP that staff has determined would be necessary in order for the project to move forward:

- Change the land use designation of Parcel 33 from, "Visitor-Serving Convenience Commercial," to, "Residential V";
- Change the land use designation of Parcel NR from, "Parking," to, "Residential V" with a Waterfront Overlay Zone;
- Combine Parcels 33 and NR into one parcel;
- Change Parcel 33's Height Category from 2 (45' Max) to 3 (145' Max);
- Transfer 32,000 square feet of potential office space from Development 7 to Development Zone 5 and convert said development potential from office space to 219 Dwelling Units.
- Transfer 1 Dwelling Unit from DZ 12 into DZ 7; and
- Eliminate the LCP requirement that all public parking spaces be replaced prior to the development of any public parking lot. The applicant is proposing to replace 69 of the 191 existing public parking spaces.

6. Plan Amendment for a Mixed Use Facility on Parcels 49 and 77

The proposed project does not yet have a lessee who is actively pursuing it. A Request for Proposals (RFP) was released by the Board of Supervisors in October 2009. One proposal was received, but on July 13, 2010, the Board rejected that proposal citing a significant residential component in the proposed project. Despite the lack of a lessee currently pursuing the project, the County would like to go forward with the plan amendments necessary for a project similar to the one outlined in the RFP. The RFP asked for proposals to convert an existing public parking lot and boat storage area into one of the three following options:

- A. Option 1 = A 135,000 square foot Visitor-Serving/Convenience Commercial center.
- B. Option 2 = A 116,495 square foot Visitor-Serving/Convenience Commercial center with 255 dwelling units.
- C. Option 3 = Either of the first two options with the addition of a 26,000 square foot Beaches and Harbors administration building.

This project has not yet been submitted to the Department of Regional Planning. The project itself, its associated permits and its Environmental Impact Report must still be reviewed by the Department of Regional Planning and approved by the RPC prior to construction. The following are amendments to the LCP that staff has determined would be necessary in order for the project to move forward:

- Change Parcel 49R's land use category from, "Boat Storage," to, "Boat Storage and Visitor-Serving/Convenience Commercial with a Waterfront Overlay Zone;
- Change Parcel 49M's land use category from, "Parking," to, "Parking/Public Facilities," with a Waterfront Overlay Zone;
- Change Parcel 77's land use category from, "Boat Storage," to, "Open Space/Public Facilities," with a Waterfront Overlay Zone;
- Transfer 255 Dwelling Units from Development Zone 11 to Development Zone 9; and
- Transfer 382 Hotel Rooms, 40,000 square feet of Conference space, 3,000 square feet of a Marine Science and 500 Restaurant Seats from Development Zone 8 to Development Zone 9 and convert all of said development potential to the 116,490 square feet of Visitor-Serving/Convenience Commercial space.

It should be noted that none of the amendments associated with the "Pipeline Projects" or with the LCPA will request an increase in the development potential permitted in the Local Coastal Program. A specific amount of development, based on P.M. peak hour trips, was granted by the Coastal Commission to Los Angeles County in 1996 and the County has no intention of requesting any additional potential. Rather, the amendments requested for the "Pipeline Projects" change land use categories of specific parcels and move development potential from one area of the Marina to the other. Furthermore, a traffic study was conducted to insure that the transfer of development potential from one area of the Marina to another would not result in unacceptable levels of traffic Marina.

MEASURES NECESSARY TO CARRY OUT THE AMENDMENT

This amendment to the Marina del Rey LCP includes changes to the Maps and Text of the LUP and corresponding changes to the Marina del Rey Specific Plan which would amend Part 3 of Chapter 22.46 of Title 22 of the Los Angeles County Code. The amendment includes modification to the LCP to remove the Ballona Wetlands (Area A) from the Specific Plan Area. In addition to the amendments initiated by the Department of Regional Planning, 12 individual amendments are also being considered which relate directly to the Pipeline Projects. These amendments are driven both by developers' requests and the Asset Management Strategy (Adopted by the Board of Supervisors on April 15, 1997) for Marina del Rey.

In order for these amendments to be incorporated into the Marina del Rey LCP, they must be reviewed and approved by the Regional Planning Commission and the Board of Supervisors. Following this approval, the amendments would then be forwarded on to the California Coastal Commission for certification.

ENVIRONMENTAL DETERMINATION

Functional Equivalency

The California Environmental Quality Act (CEQA) and Sections 30500 through 30522 of the Public Resources Code provide that the process of preparing an LCP, and amendments thereto, is functionally equivalent to the preparation of an Environmental Impact Report (EIR).

Individual development projects are not functionally equivalent to, or exempt from CEQA requirements; development projects shall be required to undergo complete CEQA review which can and may include a full Environmental Impact Report. For more information, please see the Cumulative Impact Assessment (Appendix A).

STAFF ANALYSIS/CONSISTENCY WITH THE COASTAL ACT

The proposed amendment is consistent with Chapter 3 of the Coastal Act. The following discussion will highlight the Coastal Act objectives which are met with the LCPA.

The proposed Local Coastal Program Amendment meets the following priority objectives of Chapter 3 of the Coastal Act:

1. Minimization of adverse impacts from new development (Section 30253);
2. Locate new development in appropriate areas (Section 30250);
3. Make coastal dependent development a priority (Section 30255);
4. Enhance public access to the coastline (Section 30252);
5. Encourage recreational boating (Section 30224);
6. Promote visitor-serving facilities (Section 30213); and
7. Protect sensitive coastal resources (Section 30116);

1. Minimization of Adverse Impacts from New Development

Section 30253 of the Coastal Act states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any*

way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

In proposing this amendment, the County is enhancing this policy by not requesting any increase in development potential for the Marina. In 1996, the Coastal Commission placed a cap on the maximum development potential possible in the Marina based on P.M. peak-hour traffic trips, and the County is not proposing to increase this maximum development potential.

Furthermore, the County is minimizing energy consumption and vehicle miles traveled by the addition of a water taxi, and new policies to increase public promenades, and encourage Zip Cars, shuttles and other alternative forms of transportation.

As part of this amendment, the County will also protect and expand popular visitor destination points with plans to enhance Marina Beach and Chace Park.

2. Locate New Development in Appropriate Areas

Section 30250 of the Coastal Act States:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The development envisioned as part of this Local Coastal Program Amendment would be located in an existing developed area with adequate public services. A traffic study was conducted to fully analyze the potential impacts of the LCPA and the entire build-out of the Marina. The study concluded that by incorporating mitigation measures included in this amendment, significant impacts related to traffic could be minimized.

The two visitor-serving facilities that are contemplated in this amendment would be located near existing Marina visitor-serving hubs (Marina Beach and Chace Park). The proposed amendments would enhance the visitor-serving quality of the Marina by condensing visitor-serving uses and providing attractive, convenient destinations for people located outside of the Marina, rather than simply providing basic retail services for Marina residents.

3. Make Coastal Dependent Development a Priority

Section 30255 of the Coastal Act States:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

The dry stack boat storage facility proposed on Parcel's 52 and GG complies with this policy as it is a coastal-dependent use planned near the shoreline. In addition, policies are included as part of the amendment that ensure that if a dry stack storage facility is not built on the subject parcels, another must be constructed elsewhere in the Marina.

Policies have also been included that ensure that boater parking and the launch ramp will be protected regardless of any development which may occur as a result of the project planned for Parcels 49 and 77.

The proposed projects to expand Chace Park and Marina Beach will also bring coastal-development near the shoreline by providing additional opportunities for non-motorized boating in the Marina.

4. Enhance Public Access to the Coastline

Section 30252 of the Coastal Act States:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Several policies included in this Local Coastal Program Amendment would enhance the current LCP to help it meet this mandate. The revised LCP now includes language regarding the Marina del Rey water taxi and encourages the use of Zip Cars and shuttles. Furthermore, policies have been included to require new public promenades where feasible for projects that are simply remodels rather than complete tear downs. In the past, increased public access by way of a 28 foot wide pedestrian promenade was only required when properties were completely redeveloped. This policy was added in response to recent development projects in the Marina which have focused more on smaller scale remodel projects rather than larger projects.

Public access to the coast will further be enhanced by the proposed expansion of the Chace Park and Marina Beach areas as well as by planned improvements to the Oxford Basin.

5. Encourage Recreational Boating

Section 30224 of the Coastal Act States:

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

A dry stack boat storage facility is one of the Pipeline Projects and a key part of this LCPA. Recreational boating is further being enhanced by new policies that require a minimum number of slips in the Marina and that at least 50% of slips in new anchorage to be 38' in length or less.

Low cost boating opportunities are also encouraged in the Marina by a new policy that requires that an in-lieu fee be paid for every 100 new slips that are built in excess of 32 feet. This fee, equivalent in value to the annual cost of one 30 foot slip will go towards scholarships for youths to participate in boating programs, for purchase of sail training vessels, funding for transportation to bring youths to the Marina, and for other similar programs to enhance lower cost boating opportunities.

Low cost and non-motorized boating opportunities will also be enhanced by plans which include the expansion of Chace Park and Marina Beach.

6. Promote Visitor-Serving Facilities

Section 30213 of the Coastal Act States:

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

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

As part of this LCPA, the County is concentrating low cost visitor and recreational opportunities near Chace Park and the Marina Beach areas. In addition, development potential currently reserved for office space, which is a low priority coastal use, is proposed to be converted into visitor-serving development potential. Low cost and visitor serving-uses are further being expanded by the previously mentioned policies requiring promenades for remodel projects, in-lieu fees for new anchorages, and by the expansion of Chace Park and the Marina Beach areas which will both include increased opportunities for non-motorized boaters.

Lastly the development standards for the Parcels 49 and 77 project require that urban open space be included in any plan that would develop the public parking lot adjacent to the launch ramp facility.

7. Protect Sensitive Coastal Resources

Section 30116 of the Coastal Act States:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity.

"Sensitive coastal resource areas" include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

The County has long recognized Sensitive Biological Resources (SBR) in Marina del Rey. Although the Environmentally Sensitive Habitat Areas (ESHA) policies were removed from the LCP in 1996 by the Coastal Commission when Area A was removed from the jurisdiction of the LCP, the County has given attention to these resources as

appropriate pursuant to CEQA, and has adopted other strategies, such as the Tree Pruning Policy, to address specific needs as they arise.

However, at the direction of the Board, the amendment to the LCP offers an opportunity to formalize the County's approach to Sensitive Biological Resources and provide for their long-term conservation and management. Therefore, the County commissioned a "Conservation and Management Plan" (CMP) to guide the County on policies concerning the bird species of conservation concern and their habitat in Marina del Rey.

The CMP not only evaluated the historic resources of the area, but proposed a series of management actions to both protect resources where they occur as well as enhance certain areas of Marina del Rey for wildlife. Such measures include but are not limited to recommendations for managing crows and other omnivores, expansion of the types of species (such as bats and owls) to be sought in a biological study, imposition of the County's tree pruning practices on individual leaseholds, recommendations for resolving land use conflicts, and both annual monitoring of Marina del Rey and periodic monitoring of the coastal slopes of the County provide a context for bird populations and behaviors.

It is noteworthy that the California Department of Fish and Game, on September 23, 2010, submitted a letter to the County indicating concurrence with the approaches, and observing that the approaches appear consistent with the Department's approach to the restoration and stewardship of natural open space, such as Area A.

A new chapter was introduced into the LCP Land Use Plan to give effect to these policies. Close coordination with Coastal Commission and resource agency staff has led to refinement of the original CMP, such that the current policies represent the current objectives of all agencies to date.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends approval of project number R2009-02277/ ADV 200900014-(4).

SUGGESTED APPROVAL MOTIONS

Suggested Motion: “I move that Regional Planning Commission continue this hearing to a date certain and instruct staff to prepare a summary of both oral and written testimony, and report back to the Commission with a list of significant issues raised at the hearing with responses and/or suggested modifications. I further move that the Regional Planning Commission direct staff to prepare a resolution which recommends that the Board of Supervisors consider and approve the proposed amendment to the Marina del Rey Local Coastal Program.

Prepared by Michael Tripp, Principal Regional Planning Assistant
Reviewed by Samuel Dea, Supervising Regional Planner,

Attachments:

Exhibits

Appendices

Proposed Amendments to the Marina del Rey Land Use Plan

Proposed Amendments to the Marina del Rey Local Implementation Plan

Correspondence Received from the Public

Exhibit 1
Current Development Zone Configuration

Marina del Rey Development Zone Designations

- Development Zone**
- Admiralty (7)
 - Bali (8)
 - Bora Bora (1)
 - Fiji Way (14)
 - Fisherman's Village (10)
 - Harbor Gateway (11)
 - Marquesas (3)
 - Mindanao (9)
 - North Shore (13)
 - Oxford (6)
 - Palawan (5)
 - Panay (4)
 - Tahiti (2)
 - Via Marina (12)
 - Boundary of unincorporated Marina del Rey

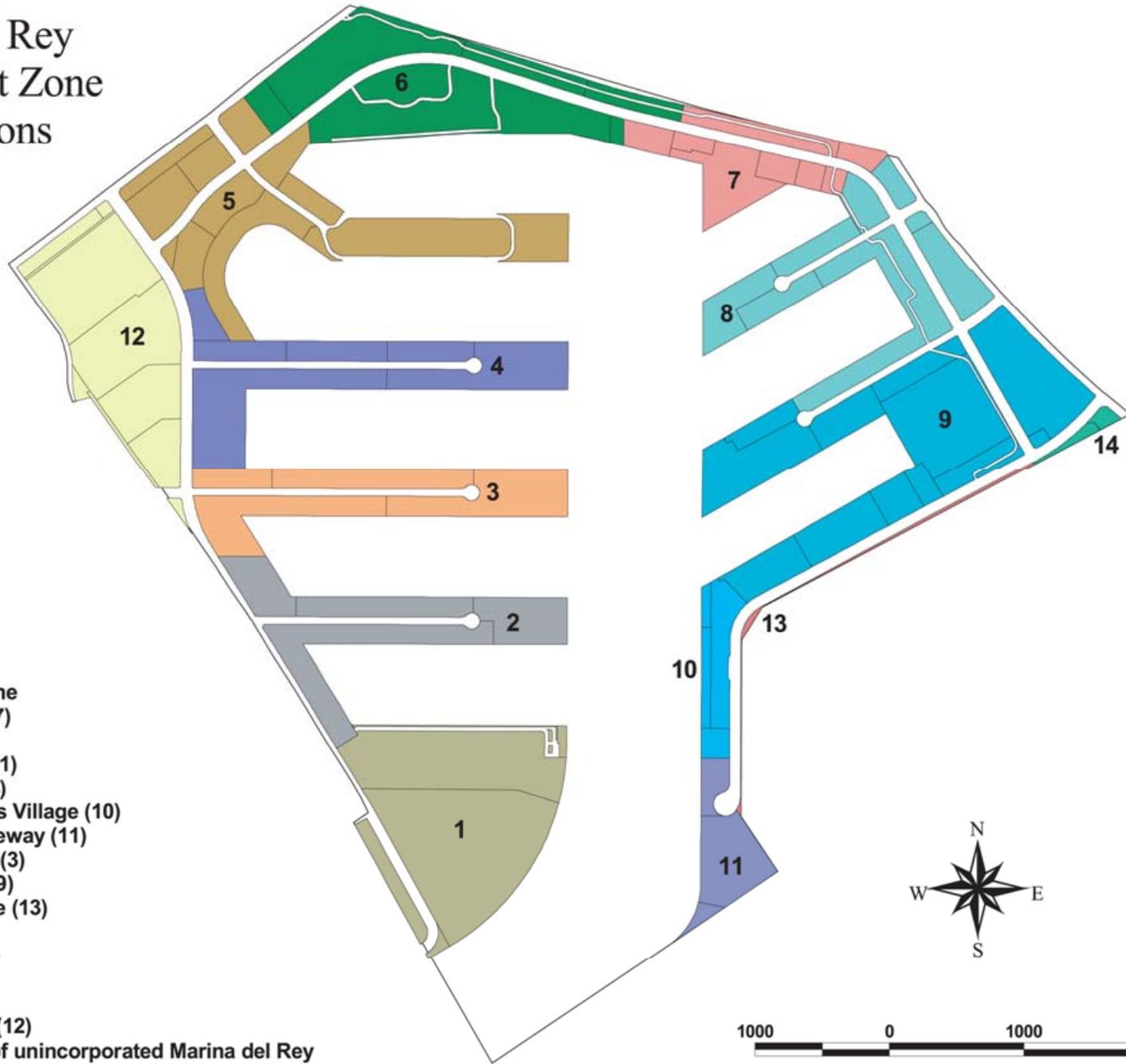
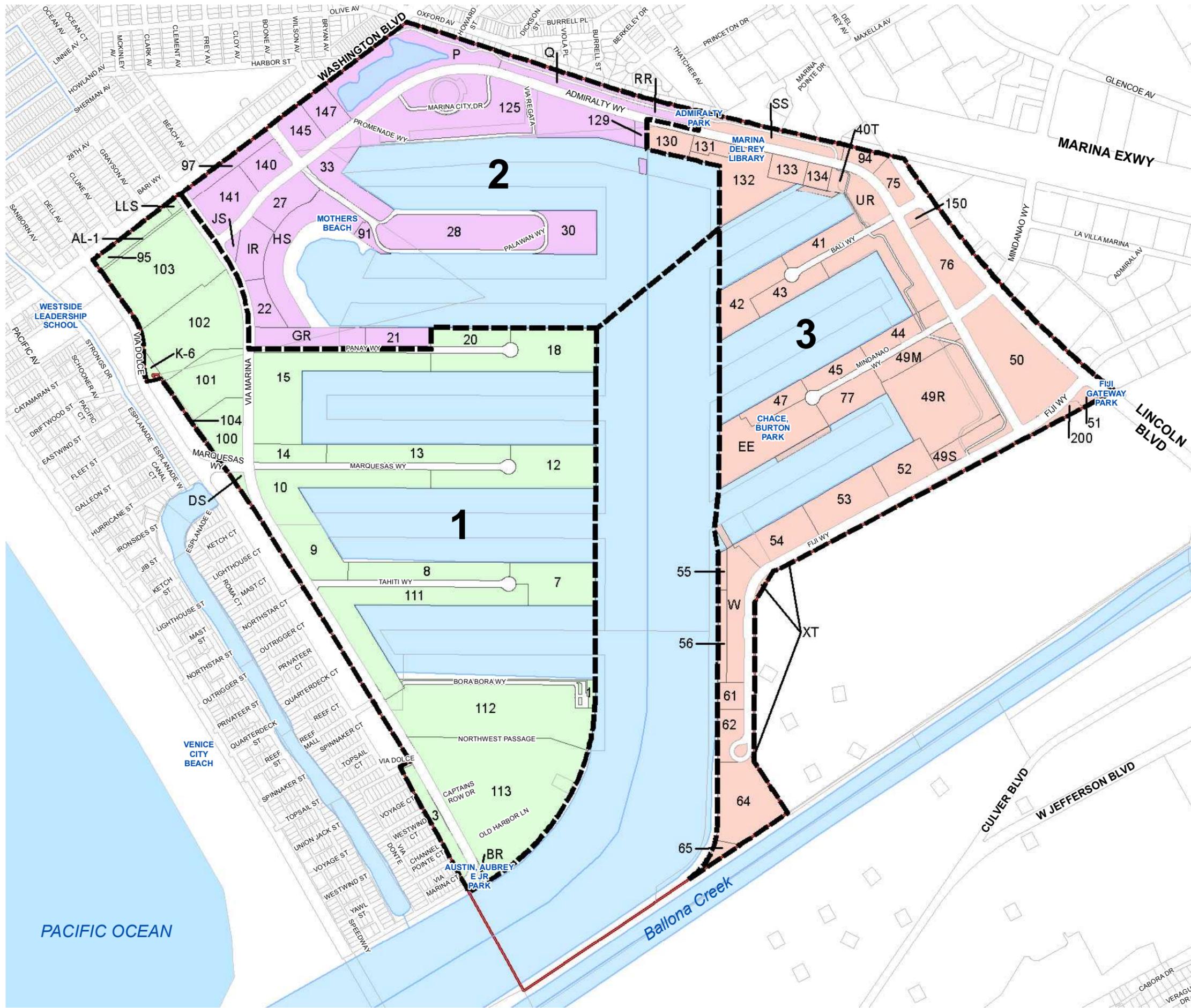


Exhibit 2
Proposed Development Zone Configuration

MARINA DEL REY

Proposed Development Zones



LEGEND

- River, Stream or Channel
- Lease Parcels LCP
- Proposed Development Zones
- Marina Del Rey LCP Area
- Perennial Water Body
- Pacific Ocean

Zone

1. Parcels 1, 3, 7, 8, 9, 10, 12, 13, 14, 15, 18, 20, 95, 100, 101, 102, 103, 104, 111, 112, 113, AL-1, BR, DS, K-6, LLS.
2. Parcels 21, 22, 27, 28, 30, 33, 91, 97, 125, 128, 129, 140, 141, 145, 147, GR, HS, IR, JS, P, Q, RR.
3. Parcels 40T, 40W, 41, 42, 43, 44, 45, 47, 48, 49M, 49R, 49S, 50, 51, 52, 53, 54, 55, 56, 61, 62, 64, 65, 75, 76, 77, 94, 130, 131, 132, 133, 134, 150, 200, BB, EE, SS, UR, W, XT.



Current as of: August 2010

LOS ANGELES COUNTY
 Department of Regional Planning
 320 W. Temple St.
 Los Angeles, CA 90012

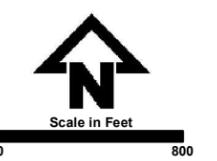
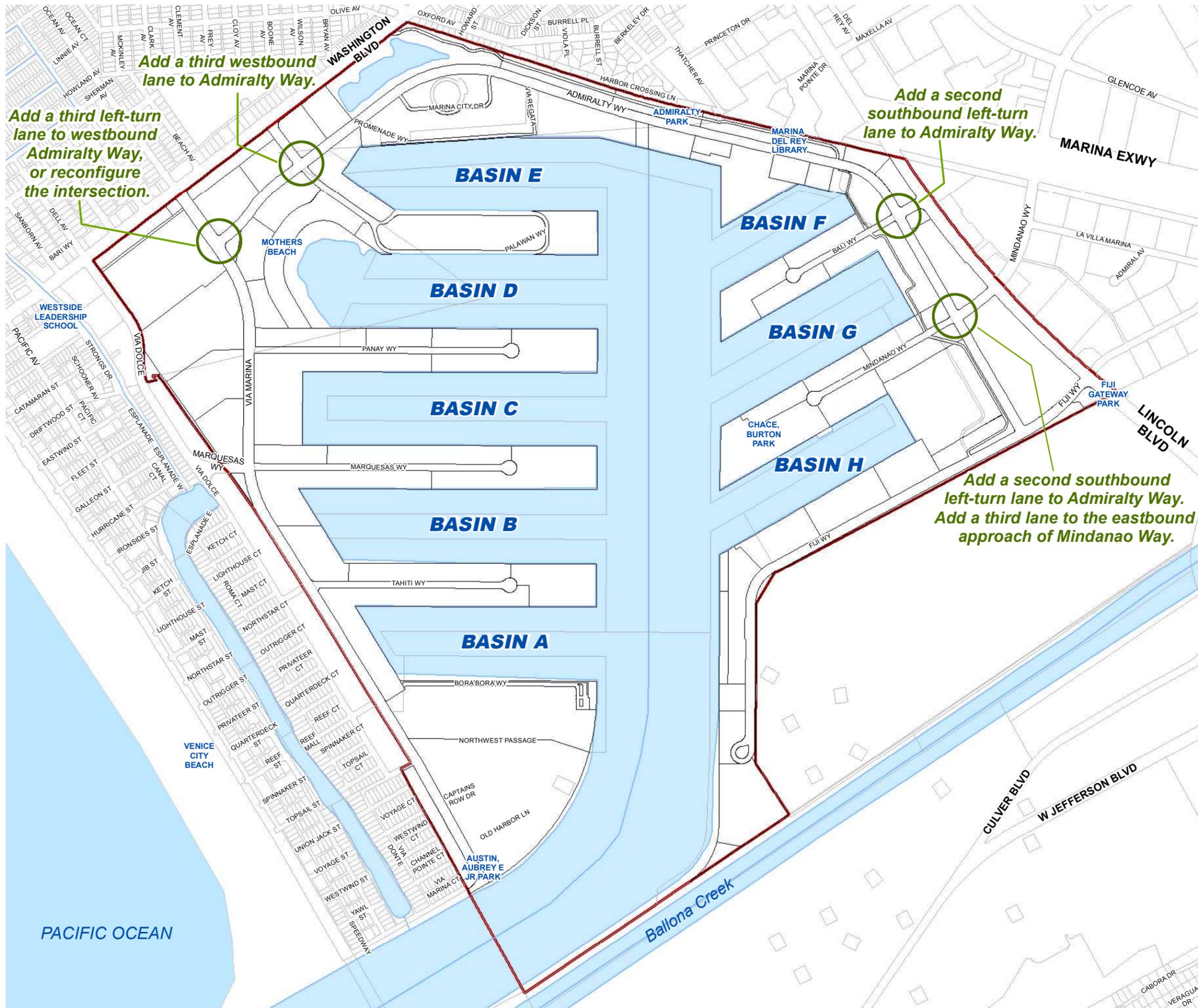


Exhibit 3
Proposed Circulation Improvements



LEGEND

- River, Stream or Channel
- Lease Parcels LCP
- Marina Del Rey LCP Area
- Perennial Water Body
- Pacific Ocean

NOTE:

EXISTING MARINA DEL REY - 804 Acres
(401 Land, 403 Water)

Current as of: August 2010



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Appendix A

Cumulative Impact Assessment