

Regulatory Process and Public Hearing Requirements

Marina del Rey New and Renovation Projects

Overview:

The regulatory process most often proceeds on a parallel track with negotiation of a new or extended lease once the proposed project scope, economics and other required facility construction details have been fully negotiated and a term sheet embodying this detailed agreement has been approved. The steps leading from project initiation through final regulatory approval are as follows:

A) Project Initiation:

A proposed Marina new or renovated project may be initiated in one of two ways.

1) The County may solicit proposals:

- a) For projects on unleased property by issuing a Request for Proposals (RFP), or;
- b) From existing leaseholds by issuing an Invitation to Apply for Lease Extensions (Invitation).

In appropriate situations, both types of solicitations may be issued simultaneously (e.g., when it is felt that some combination of unleased parcels and adjacent leased parcels may lend themselves to a superior combined project).

Proposals in response to solicitations are evaluated by a committee that makes project recommendations to the Director. The Director, after consideration of the evaluation committee report, then presents his recommendations regarding proposed projects to the Small Craft Harbor Commission (SCHC) and then to the Board of Supervisors (Board) in public meetings. If approved by the Board, exclusive negotiations with the recommended proposer(s) regarding the new project are commenced, or;

2) Pursuant to the Board-adopted Lease Extension Policy (Extension Policy) for Marina del Rey, an existing leaseholder may, at any time, submit a request for lease extension based on the criteria set forth in the Extension Policy.

B) Regulatory Steps – Required Public Hearings and Approvals

Pursuant to the provisions of the Local Coastal Program (LCP) and relevant zoning authority, project approvals from as many as four separate entities for Marina projects may be required. This process involves at least one, and often multiple publicly noticed hearings at each stage. For example, one recently fully entitled Marina project received Board of Supervisors approval of its fully negotiated option and extended lease in January of 2000. The project was the subject of four public hearings in front of the Marina del Rey Design Control Board, five public hearings at the Regional Planning Commission and two hearings at the California Coastal Commission, culminating in final entitlement approval in October of 2001. The project is now in process of application for demolition and building permits. The regulatory approval bodies are as follows (each considers projects in meetings at which public input is solicited):

1. Marina del Rey Design Control Board (DCB):

Reviews and approves the architectural design and landscaping of improvements to be constructed at each Marina venue for compliance with applicable laws, ordinances and policies. Advises the Director concerning the implementation of architectural design regulations, policies and related matters.

Usually two separate approvals are required:

- a) Initial provisional approval of design concept, facilities massing, view corridors, pedestrian and vehicular access etc., as they relate to the project's consistency with the LCP.
- b) Approval of final design and detailed exterior improvements, landscape and hardscape detail and signage after receipt of required approvals from other regulatory bodies.

2. County Regional Planning Commission (RPC):

Approves Coastal Development Permits and Conditional Use Permits. Acts as an advisory board to the Board of Supervisors on all planning matters and administers the provisions of the State Planning Law (Title 7, Division I of the Government Code), the State Subdivision Map Act, CEQA, and the Los Angeles County Ordinances affecting planning, such as the County Zoning Ordinance and Subdivision Ordinance. Conducts public hearings and makes decisions on variance and use permit applications, as well as tentative tract and minor land divisions (i.e., zoning change applications, amendments to zoning ordinances and plans).

The Commission also solicits and considers comments and requirements of State Departments of Fish & Game and Boating & Waterways, the Army Corp of

Engineers, the U.S. Department of Fish and Wildlife, the Water Quality Control Board and other governmental agencies in formulating the conditions of approval for any Coastal or Conditional Use Permits.

3. County Board of Supervisors (BOS):

Approval required if the project requests an amendment to the LCP or is appealed from decision of the Regional Planning Commission.

4. California Coastal Commission (CCC):

Established as the lead agency responsible for carrying out California's federally approved coastal management program and planning for and regulation of water uses in the coastal zone, consistent with policies of the Coastal Act. Commission jurisdiction in the coastal zone is broad and applies to both private and public entities and development activities. The Commission must approve the overall jurisdiction's Local Coastal Programs (LCP), including a Land Use Plan (LUP), which governs the zoning and development of facilities within the coastal zone. After certification, coastal development authority is delegated to the appropriate local governmental entity, however the Commission retains original and appellate jurisdiction over the following matters:

- a) Project approval in all cases involving slip demolition/construction or any other in-water construction;
- b) Project approval required in all cases where an amendment of the LCP is needed, and;
- c) Project approval in cases where a decision of the Regional Planning Commission is appealed by a member of the public or when the CCC, on its own motion, decides to review a proposed project.

The Coastal Commission conducts a full review of all environmental, design and water-related issues to insure compliance with the requirements of the LCP.

C) **Additional Permit Processes:**

After receiving all necessary entitlement and regulatory approvals as outlined above, the proposer must still apply for any necessary demolition and construction permits and approvals from relevant agencies, such as the County Department of Public Works, Building and Safety Division, Fire Department etc.

D) Regulatory Agencies/Contacts:

The contact names and telephone numbers of relevant regulatory agencies and personnel are:

Marina del Rey Design Control Board:

Julie Cook, Planner, Department of Beaches & Harbors

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Susan Cloke, Chair, Marina del Rey Design Control Board

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Regional Planning Commission:

Frank Meneses, Supervising Principal Planner, Department of Regional Planning

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Small Craft Harbor Commission

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Page 6

California Coastal Commission:

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