Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 14, 2011

Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 383
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

PROJECT NO. R2006-03647-(4)
PLAN AMENDMENT CASE NO. 200600013
COASTAL DEVELOPMENT PERMIT NO. 200600008
CONDITIONAL USE PERMIT NO. 200600289
VARIANCE NO. 200600013
ENVIRONMENTAL ASSESSMENT NO. 200600217
APPLICANT: LEGACY PARTNERS NEPTUNE MARINA L.P.
PLAYA DEL REY ZONED DISTRICT
FOURTH SUPERVISORIAL DISTRICT (3-VOTE)

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Certify the Environmental Impact Report ("EIR") including: Draft EIR, Final EIR and Mitigation Monitoring Program ("MMP"), and adopt the Environmental Findings of Fact and Statement of Overriding Considerations for Project No. R2006-03647-(4);

2. Indicate its intent to approve the recommendation of the Regional Planning Commission to adopt an amendment to the Marina del Rey Local Coastal Program and determine that the amendment is compatible with and supportive of the goals and policies of the County Strategic Plan;

3. Instruct County Counsel to prepare a final resolution of the Board of Supervisors approving and submitting the Marina del Rey Local Coastal Program amendment to the California Coastal Commission;

4. Instruct County Counsel to prepare a final ordinance to amend the Marina del Rey Specific Plan (Part 3, Chapter 22.56, Title 22 of the Los Angeles County Code) as recommended by the Regional Planning Commission and include any changes as directed by the Board; and

5. Instruct County Counsel to prepare the necessary Findings and Conditions to affirm the Regional Planning Commission's approval of Project No. R2006-03647-(4) including Coastal Development Permit No 200600008, Conditional Use Permit No. 200600289 and Variance No. 200600013.

JUSTIFICATION FOR RECOMMENDED ACTION

The Los Angeles County Regional Planning Commission ("Planning Commission") conducted public hearings on a request to authorize the removal of an existing 136 unit apartment complex and the development of a 400 unit apartment complex on Marina del Rey Parcel 10 ("Project"), on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010, and March 10, 2010. At the March 10, 2010 hearing, the Planning Commission unanimously approved Project No. R2006-03647-(4); including Coastal Development Permit No. 200600008, Conditional Use Permit No. 200600289 and Variance No. 200600013 and certified the associated Environmental Impact Report ("EIR"). The Planning Commission also adopted a resolution recommending that the Board of Supervisors adopt the proposed changes to the Marina del Rey Local Coastal Program (Plan Amendment Case No. 200600013).

FISCAL IMPACT/FINANCING

Reaffirming the Planning Commission's approval of the project and adoption of the proposed amendment to the Marina del Rey Local Coastal Program ("LCP") should not result in any new significant costs to the County or to the Department of Regional Planning; no request for financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

An amendment to the Marina del Rey LCP must be submitted to the California Coastal Commission for certification pursuant to a resolution adopted by the Board of Supervisors.

The Planning Commission conducted duly noticed public hearings on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010, and March 10, 2010 on Project No. R2006-03647. The Planning Commission voted unanimously to approve the Coastal Development Permit, Conditional Use Permit and Variance and to adopt a resolution to the Board of Supervisors recommending approval of the LCP amendment at the March 10, 2010 meeting.

Pursuant to subsection B.2 of Section 22.60.230 of the County Code the Coastal Development Permit, Conditional Use Permit, and Variance are deemed to be called for review by your Board. A public hearing is required pursuant to Section 22.16.200 and Section 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355, and 65856 relating to the notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for the proposed project in compliance with CEQA (Public Resources Code section 21000, et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study analyzed the 400 unit apartment complex along with a 126 unit residential project on Marina del Rey Parcel FF, a hotel on the northern portion of Parcel 9 and a wetland park on the southern portion of Parcel 9. The Initial Study, when viewing the projects cumulatively, found potentially significant impacts related to Geotechnical (liquefaction area), Noise (construction), Water Quality, Air Quality, Biota, Visual Qualities, Traffic/Access, Sewage Disposal, Education, Fire/Sheriff, Utilities, and Land Use.

A Draft EIR was prepared and circulated for agency and public review. The Draft EIR was recirculated to address potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed projects. When the project is viewed individually, the Draft EIR determined that potential air quality and noise impacts during construction of the proposed 400-unit apartment complex cannot be reduced to levels of insignificance through the implementation of mitigation measures. The Draft EIR also found that when the project is viewed cumulatively with other projects in the area, significant and unavoidable impacts related to traffic, solid waste, population and land use would occur.

Following Planning Commission review of the document, the Department of Regional Planning prepared a Final Environmental Impact Report ("FEIR"), Statement of Overriding Considerations, and Mitigation Monitoring Program for the project.

IMPACT ON CURRENT SERVICES

Action on the proposed Plan Amendment, Coastal Development Permit, Conditional Use Permit, and Variance is not anticipated to have a negative impact on current services.

Respectfully submitted,

Richard J. Bruckner
Director

Attachments: Planning Commission Hearing Package and Environmental Impact Report

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Director, Department of Public Works
Chief, County Fire Department
Director, Department of Public Health

RJB:JS:SZD:MRT

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

**CERTIFIED-RECEIPT
REQUESTED**

March 11, 2010

Armbruster & Goldsmith
10940 Wilshire Blvd, Suite 2100
Los Angeles, CA 90024
Attention: Aaron Clark

Mr. Clark:

**SUBJECT: PROJECT NO. R2006-03647
LOCAL COASTAL PROGRAM PLAN AMENDMENT NO. RPA200600013-(4)
COASTAL DEVELOPMENT PERMIT NO. 200600008-(4)
CONDITIONAL USE PERMIT NO. 200600289-(4)
VARIANCE NO. 200600013-(4)**

A public hearing on the above-mentioned cases was held before the Regional Planning Commission of Los Angeles County ("Commission") on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010, and March 10, 2010.

After considering the evidence presented, the Commission in its action on March 10, 2010, recommended that the Los Angeles County Board of Supervisors ("Board") approve the requested Local Coastal Program amendment, and re-approve the approved coastal development permit, conditional use permit, and variance in accordance with the Title 22 (Zoning Ordinance) of the Los Angeles County Code ("County Code"). A copy of the resolution and approved findings and conditions is attached.

The plan amendment is currently pending. The coastal development permit, conditional use permit, and variance are not effective until the plan amendment is approved by the Board. Pursuant to subsection B.2 of Section 22.60.230 of the County Code, the coastal development permit, conditional use permit, and variance are deemed to be called for **review/appealed** by the Board and shall be considered concurrently with the recommended plan amendment at the public hearing.

The action on the coastal development permit, conditional use permit, and variance authorize:

1. The demolition and removal of all landside improvements and the construction of 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;

2. A grading project involving off-site transport in excess of 100,000 cubic yards of earth, an onsite grading project, and to provide parking for boater related uses. The estimated grading for the proposed project is approximately 112,000 cubic yards of cut and 340 cubic yards of fill; and

3. A variance to allow a reduction of the required setback from the 28 foot wide pedestrian promenade. Current standards require uses to be setback 10' from the pedestrian promenade. The variance allows a zero setback from the promenade. The variance also authorizes installation and maintenance of project signage that exceeds the maximum sign area and maximum number of signs permitted applicable residential zones.

Your attention is called to the following:

1. Condition No. 3 of the Project Permits states that the permits shall not become effective for any purpose until the applicant and the owner of the property involved, or their duly authorized representative, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") the affidavit stating that they are aware of and accept all of the conditions of the permit.

This grant shall expire unless used on the date that is five (5) years after the Final Approval Date (defined below). The "Final Approval Date" means the later of (a) the last date on which any party may file any legal challenge or appeal the approval action for this grant, provided no such legal challenge or appeal has been filed; or (b) if any legal challenge or appeal of the approval action for this grant is made by any party, then the date on which such legal challenge or appeal is fully and finally resolved, such that no further legal challenge may be made. No less than six (6) months prior to the permit expiration date, the permittee may request in writing a one-year time extension, and pay the applicable extension fee.

The recommended plan amendment is to authorize the transfer of 261 development units from the adjoining Development Zone #2 (Tahiti Development Zone) into the subject Development Zone #3 (Marquesas Development Zone) and to average the maximum residential densities of the subject site. Currently, Parcel 10R is designated as Residential III and Residential V Land Use Categories, under the Marina del Rey LCP. The Residential III portion of Parcel 10R allows a maximum density of 35 dwelling units per acre and the Residential V portion of the lot permits a maximum density of 75 dwelling units per acre. The project site consists of a total of 7.32 landside acres with the two different above-mentioned land use categories (3.72 acres of R-III and 3.60

acres of R-V). The project proposed to have a total of 400 units. The maximum dwelling unit density permitted on Parcel 10R under the current land used categories is 408 units.

If you have any questions regarding this matter, please contact Michael Tripp of the Special Projects Section of the Department of Regional Planning at (213) 974-4813 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday. Our offices are closed Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard Bruckner
Director

Samuel Z. Dea, Supervising Regional Planner
Special Projects Section

SD:mrt

Enclosures: Resolution, Findings and Conditions, Environmental Document and Affidavit of Acceptance

c: Board of Supervisors
Testifiers
California Coastal Commission

Project No. R2006-03647-(4)
Coastal Development Permit No. RCDP200600008
Conditional Use Permit No. RCUP200600289
Variance No. RVAR200600013

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATES: October 29, 2008; November 5, 2008; August 12, 2009; October 14, 2009; February 3, 2010; March 10, 2010

SYNOPSIS: The applicant, Legacy Partners Neptune Marina L.P., is requesting approval to demolish an existing 136-unit apartments complex and appurtenant landside facilities (all site landscaping, hardscape and surface parking) located on Marina del Rey Parcel 10R, and to subsequently construct a total of 400 rental apartment units (including a total of 62 affordable housing units) in three (3) buildings with landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and facilities on the subject parcel. Approximately 112,000 cubic yards of grading will be required with excess soil to be exported to a landfill located in Los Angeles County for use as daily cover. The subject Parcel 10R is located southeasterly of the intersection of Via Marina and Marquesas Way, with frontages on both Via Marina and Marquesas Way. Associated land use entitlements for this project consist of a **Coastal Development Permit** to authorize demolition of all existing landside improvements (apartment buildings, surface parking facilities, all site landscaping, hardscape and all other site facilities) and subsequent construction of the aforementioned landside improvements on Parcel 10R, and to further permit the applicant's temporary use of Marina Parcel FF (located across Marquesas Way from Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development; a **Conditional Use Permit** for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses; and a **Variance** for excess signage and a reduction of the required setback from the waterside promenade. The applicant is also requesting a **Coastal Approval in Concept** for the proposed demolition an existing 198-slip private small craft anchorage located on the waterside portion of the subject Parcel 10R, and the subsequent construction of a new 174-slip private small craft anchorage within the Marina Del Rey Basin B.

The applicant is also requesting **amendments to the Marina del Rey Local Coastal Program** to authorize the transfer of development units from an abutting Development Zone (Tahiti Development Zone) into the subject Development Zone (Marquesas Development Zone) and the averaging of the R-III and R-V residential densities on Parcel 10R. Associated approval findings for the requested Local Coastal Program amendments are included in a separate Regional Planning Commission Resolution concerning the Local Coastal Program Amendment requests.

PROCEEDINGS BEFORE THE COMMISSION:

October 29, 2008 Public Hearing

The Regional Planning Commission (Commission) held a duly noticed public hearing regarding the subject project on October 29, 2008. All Commissioners were present at this hearing. The Commission conducted concurrent public hearings regarding the subject project and the following four other proposed Marina development projects:

- Project No. R2006-03652-(4) is a request to demolish an existing surface parking lot containing 202 public parking spaces and appurtenant landscaping on Marina Parcel FF (located northeasterly of the intersection of Via Marina and Marquesas Way), and to construct a 126-unit apartment building (including 19 affordable housing units);

- Project No. TR067861, a request to develop a 225-foot-tall, 288-room hotel and timeshare resort, with an assortment of accessory resort uses/facilities, a six-level parking garage containing 360 parking spaces, and a waterfront pedestrian promenade and other appurtenant facilities on the northerly approximately 2.2 acres of Parcel 9U;

- Project No. R2006-03644-(4) is a request to construct a public/"transient" boat anchorage comprising approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B (adjacent to the Parcel 9U bulkhead) and containing approximately 542 lineal feet of new public dock area; and

Project No. RCDP2006-03643-(4) is a request to authorize the development of a public wetland and upland park on the southerly approximately 1.46 acres of Marina Parcel 9U.

At the October 29, 2008 public hearing on the subject project and associated requested land use entitlements (and at each subsequent Commission hearing described below regarding the project), the Commission considered a single, comprehensive Environmental Impact Report evaluating the potential project-specific and cumulative environmental impacts associated with the subject project and the four above-described proposed development projects on Marina del Rey Parcels FF and Parcel 9U.

Proponent Testimony

Two (2) persons testified in favor of the request:

The project applicants and two members of the public testified in favor of the request.

Opposition Testimony

Eleven (11) persons testified in opposition. Opposition testimony addressed the following issues:

a) The County is piecemealing development and needs to create a master plan for the Marina;
b) The Marina is too densely developed and needs more open space and parks;
c) The California Coastal Commission (CCC) has performed a periodic review of the Marina del Rey Local Coastal Program (LCP), and a comprehensive update of he plan should be done prior to the Regional Planning Commission approving any Marina projects;
d) The CCC has requested that all future amendments to the LCP be batched together; therefore, individual projects with plan amendments should not be approved by the Regional Planning Commission;
e) The number of small boat slips in Marina del Rey will be reduced as a result of the current redevelopment projects;
f) The project does not provide adequate parking;
g) The traffic study in the DEIR is inadequate and antiquated;
h) The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services;
i) The shadow and wind studies in the DEIR are inadequate;
j) The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays;
k) The Marina should be dedicated to public recreation because this was its intended purpose;
l) The subject project on Parcel 10R will result in a reduction in the number of boat slips;
m) An amendment to the LCP is premature. The County needs to conduct a comprehensive review of the LCP prior to granting approval of any development permits in Marina del Rey;
n) The proposed residential units will not be affordable to the current residents of Marina del Rey; and
o) New residential projects should not be approved because local schools are at maximum capacity.

At the conclusion of the October 29, 2008 hearing, the Commission directed staff to prepare a summary of the various concerns that were expressed by the testifiers and instructed the applicant to respond to the concerns raised by the opponents. The Commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the Commission could hold a hearing in the community of Marina del Rey. The Commission also instructed staff to arrange a field trip to the subject property, which would allow the Commission to have a better understanding of the proposed project.

At the November 5, 2008 continued hearing, the Commission chose November 22, 2008 to hold the Marina del Rey community hearing and field trip.

Prior to the field trip and continued public hearing, it was determined that the DEIR needed to be updated and recirculated to address potential cumulative impacts related to the proposed

City of Los Angeles Dual Force Main alignment through Marina del Rey. In addition, the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed project needed to be addressed in the DEIR. The project was taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided additional visual simulations and an updated shade and shadow study to assist in the analysis of the project.

The RDEIR was recirculated for public review and comment on June 11, 2009; a copy of this document was also provided to the Commission on this date. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR closed on July 27, 2009. The Commission scheduled a new public hearing on the Project Permits and RDEIR, to be held in the community of Marina del Rey on August 12, 2009. The Commission also scheduled a field trip to survey the project sites and surrounding properties on August 8, 2009.

August 8, 2009 Regional Planning Commission Field Trip

The Commission conducted a duly noticed field trip to the subject Parcel 9U and adjoining parcels on August 8, 2009. Commissioner Modugno was absent from the field trip; Commissioners Valadez, Bellamy, Helsley and Rew attended. The applicant and several interested members from the public were also in attendance. The Commission toured the subject property and adjacent Parcels 10R and FF (respective locations of the proposed 400-unit and126-unit apartment projects). The Commission also walked the waterfront pedestrian promenade of the nearby, newly-constructed "Esprit" apartments on Parcel 12 at the terminus of Marquesas Way. The Commission concluded the field trip with a boat tour, which afforded the Commission an opportunity to view the subject property and adjacent parcels from the water.

August 12, 2009 PUBLIC HEARING

On August 12, 2009, a duly noticed public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. During the hearing, the Commission heard the staff presentation and testimony from the project applicant and interested members of the public.

Proponent Testimony

The project applicants testified in favor of the project.

Opposition Testimony

Twenty-four (24) persons testified in opposition to the project at the hearing. Opposition testimony addressed the following issues:

a) Marina del Rey is publicly owned land and should be subject to rent control. All of the rental units should be affordable units. These projects are forcing people out of the Marina and making it a place only for the rich;
b) The RDEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in the City of Los Angeles). The proposed buildings will block the Marina and mountain views that these condominiums currently enjoy;
c) The project traffic study erroneously concludes that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of the proposed projects in the area;
d) The height of the buildings will negatively impact sailing winds in Marina Basin B. The LCP prohibits projects that would significantly impede wind to boats in the Marina;
e) The format of the RDEIR is difficult to read (Table 5.8-7). This table is wrong and underestimates wastewater generation by 7 million gallons;
f) The Coastal Act does not allow the proposed project to be built;
g) The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina;
h) The Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area, so the Planning Commission's approval of the project in advance of such an assessment would be premature;
i) The RDEIR should be updated and recirculated because it does not adequately analyze new information on global warming and resulting sea level rise;
j) The hearing violates the Brown Act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time;
k) Piecemealing the development of the Marina is in violation of State law including the Coastal Act and CEQA;
l) The movement/transfer of development units between Development Zones is not permitted in the certified LCP;
m) The public hearing was improperly noticed and is in violation of CEQA;
n) Overall development in Marina del Rey should be guided by a master plan;
o) The proposed view corridor on Parcel 10R is nothing like the view corridor that currently exists over the parcel; the view corridor is not visible from the major street, Via Marina. The existing view corridor along Via Marina will be substantially removed;
p) Pedestrian access along the mole road (Marquesas Way) is inadequate in the proposed plan;
q) How many existing slips in the existing Parcel 10R anchorage are ADA-compliant and how many does the ADA require to be ADA-compliant in the new proposed Parcel 10R anchorage?
r) The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
s) The traffic study does not take into account the traffic on the west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina as an ingress and egress route;

t) Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce; and
u) Solid waste/landfill capacity is only available until 2017. The projects will last beyond 2017. What happens when landfill capacity is no longer available?

Following public testimony, there was insufficient time for the Commission to hear the applicant's rebuttal. The Commission directed staff and the applicant to prepare independent written responses to address the issues that were raised by the public and the Commissioners during the hearing. The public hearing was continued to October 14, 2009, with the direction that staff and the applicant present responses to the public testimony, and the public would have an opportunity to comment on the reports.

October 14, 2009 Public Hearing

The Commission held a continued public hearing on October 14, 2009. All Commissioners were present. Staff presented the issues of concern raised by the public at the August 12, 2009 continued public hearing in Marina del Rey, and provided responses thereto. The applicant followed the staff's presentation with a presentation further responding to the various issues raised during public testimony at the prior community hearing in Marina del Rey. Following the applicant's testimony, interested members of the public addressed the Commission.

At the conclusion of the hearing, after hearing staff's presentation and additional testimony from the applicant and public, Commissioner Valadez stated her opinion that the applicant had not provided sufficient evidence to justify the Commission's approval of the requested Variance allowing a zero-foot building setback from the waterfront pedestrian promenade. Commissioner Valadez indicated that, prior to the Commission acting on the requested building setback Variance, the applicant should be remanded back to the Marina del Rey Design Control Board (DCB) so that the DCB could evaluate and provide the Commission written comments regarding the enhanced waterfront public promenade amenity plans to be submitted by the applicants. Commissioner Helsley concurred that the waterfront promenade amenity plan being proposed by the applicant warranted enhancement.

On a Motion by Commissioner Rew, seconded by Commissioner Helsley, the Regional Planning Commission continued the public hearing to February 3, 2010, directed the applicant to return to the DCB prior to the February 3, 2010 continued hearing to address the promenade amenity plans for the project, and directed staff to prepare final findings and conditions for the project and to prepare the Final Environmental Impact Report, for the Commission's consideration at the February 3, 2010 continued public hearing.

February 3, 2010

At the February 3, 2010 continued public hearing, staff informed the Commission that additional time was needed to prepare the Final Environmental Impact Report and other final

documentation for the Commission's consideration. On a motion by Commissioner Modugno, seconded by Commissioner Bellamy, the Regional Planning Commission continued the public hearing to March 10, 2010.

Findings

1. The applicant has requested a **Coastal Development Permit** to authorize its demolition of the existing 136-unit Neptune Marina Apartments and appurtenant landside facilities (all site landscaping, hardscape and surface parking) located on Marina del Rey Parcel 10R, and to subsequently construct a total of 400 rental apartment units (including a total of 62 affordable housing units) in three (3) buildings with landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and facilities on the subject parcel. Approximately 112,000 cubic yards of grading will be required with excess soil to be exported to a landfill located in Los Angeles County for use as daily cover. The proposed apartment complex will contain thirteen (13) units reserved for exclusive occupancy by very low-income households, twenty-five (25) units reserved for exclusive occupancy by low-income households, and twenty-four (24) units reserved for exclusive occupancy by moderate-income households. The applicant's Coastal Development Permit request also seeks authorization for the applicant's temporary use of Marina del Rey Parcel FF (located across Marquesas Way from the subject Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development. The applicant has also requested a **Conditional Use Permit** for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses; a **Variance** for excess signage and a reduction of the required setback from the waterside promenade (a zero-foot building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code); and a **Coastal Approval in Concept** for the proposed demolition an existing 198-slip private small craft anchorage located on the waterside portion of the subject Parcel 10R and the subsequent construction of a new 174-slip private small craft anchorage within the Marina Del Rey Basin B. Collectively, the requested land use permits for the project are to referred herein as the "Project Permits."

   The Project Permits were considered by the Commission concurrently with the **Local Coastal Program Amendment No. RPA200600013**. On March 10, 2010, the Commission recommended approval of the project-related, plan amendment. The Project Permits will not become effective unless and until Local Coastal Program Amendment No. RPA200600013 has been adopted and certified by the Board of Supervisors and the California Coastal Commission.

2. The subject property, known as Marina del Rey "Parcel 10R," is located in the Playa del Rey Zoned District at the southeast corner of the intersection of Via Marina and Marquesas Way in the County of Los Angeles unincorporated community of Marina del Rey. Via Marina fronts the subject property to the west; Parcel 9U fronts the subject

property to the south; Marquesas Way fronts the subject property to the north; and Marina del Rey Parcel 12 (the recently constructed "Esprit" apartments) and Marina Basin B adjoins the subject property to the east. The subject Parcel 10R contains 7.32 landside acres and 4.68 waterside/submerged acres.

4. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program (LCP). The subject parcel's existing land use designations per the LCP are "Residential V-Waterfront Overlay Zone" (for the "non-mole" portion of the parcel which fronts Via Marina), "Residential III-Waterfront Overlay Zone" (for the "mole road" portion of the parcel), and "Water" for the waterside portion of the parcel (which contains the private Neptune Marina anchorage).

5. Zoning land use designations on the surrounding properties consist of the following:

   North: Open Space

   South: Hotel-Waterfront Overlay Zone

   West: City of Los Angeles, across Via Marina

   East: Residential IV-Waterfront Overlay Zone and Water

6. The subject property is currently developed with an apartment complex containing 136 rental apartment units and landside facilities appurtenant thereto and a private boat anchorage containing 198 boat slips (of which 13 are "end-tie" spaces).

7. Land Use on surrounding properties consist of the following:

   North: A public parking lot and multi-family rental apartments

   South: Vacant parcel

   West: Multi-family residential (condominiums in City of Los Angeles)

   East: Multi-family residential (rental apartments) and private anchorage

8. There are no zoning enforcement cases noted for the subject property in the Department's records.

9. The site plans and elevations depicts three (3) apartment buildings, maximum 60 feet in height (exclusive of rooftop appurtenant structures and mechanical equipment, which by County policy are excluded from the calculation of building height), with four stories of apartments over two levels of subterranean and partially-subterranean garage parking.

The site plans also depict a 28-foot-wide public pedestrian promenade along the parcel's water frontage, an exterior swimming pool facility serving the apartments, and driveways providing vehicular access into the apartment buildings' garages. The site plans also denote four view corridors along the parcel's Marquesas Way frontage and one view corridor along the parcel's Via Marina frontage; a private boat anchorage is depicted on the waterside portion of the parcel.

10. The parking plans depict parking provided in the garages of the apartment buildings. Consistent with County Code parking requirements for the 400-unit apartment complex, a total of 909 on-site parking spaces are denoted on the plans, 678 of which are allocated to residents, 100 of which are allocated to guests, 131 of which are allocated to boat tenants of the private Parcel 10R anchorage. A total of 22 of the 909 spaces are allocated to disabled persons.

11. Prior to the public hearing on the Project Permits and associated Draft Environmental report (DEIR) before the Commission, a legal notice was published in the local newspaper, *The Argonaut*, and in *La Opinion* on September 4, 2008. Staff also mailed out 1,049 hearing notices on September 3, 2008 to property owners and tenants within 500 feet of the site and interested parties. The applicant posted a hearing notice sign on the subject property prior to 45 days before the public hearing.

12. The Commission held a duly noticed public hearing on the Project Permits and associated DEIR on October 29, 2008. At the conclusion of the hearing, the Commission continued the hearing to November 5, 2008, and directed staff to determine possible hearing dates when the Commission could hold a local hearing in the community of Marina del Rey. The Commission also instructed staff to arrange a field trip to the subject property, which would allow the Commission to have a better understanding of the proposed project. At the November 5, 2008 continued hearing, the Commission chose November 22, 2008 to hold the Marina del Rey community hearing and field trip.

13. Prior to the field trip and November 5, 2008 continued public hearing, the applicant and County Counsel determined that the DEIR needed to be updated and recirculated to address potential cumulative impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey. In addition, the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed project needed to be addressed in the DEIR. The item was taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided additional visual simulations and an updated shade and shadow study to assist in the analysis of the project.

14. The RDEIR was recirculated for public review and comment on June 11, 2009; a copy of this document was also provided to the Commission on this date. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR

closed on July 27, 2009. The Commission scheduled a new public hearing on the Project Permits and RDEIR, to be held in the community of Marina del Rey at 6:00PM on Wednesday, August 12, 2009. The Commission also scheduled a field trip to survey the project sites and surrounding properties for 9:00AM on Saturday, August 8, 2009.

15. Prior to the August 8, 2009 Commission field trip to the subject property and August 12, 2009 public hearing on the Project Permits and RDEIR before the Commission, a legal notice was published in the local newspaper, *The Argonaut* on June 11, 2009 and *La Opinion*, on June 9, 2009. Staff also mailed out 1,863 hearing notices on 1,863 to property owners and tenants within 500 feet of the site and interested parties. The applicant posted a hearing notice sign on the subject property prior to 45 days before the public hearing

16. The Commission conducted a duly noticed field trip to the subject Parcel 10R and adjoining parcels on August 8, 2009 at 9:00AM. Commissioner Modugno was absent from the field trip; Commissioners Valadez, Bellamy, Helsley and Rew attended. The applicant and several interested members from the public were also in attendance. Staff gave the Commission a tour of the subject property and adjacent Parcels 9U (location of the proposed Woodfin Suite Hotel & Timeshare Resort and public wetland park) and FF (location of applicant's proposed 126-unit apartment project, across Marquesas Way from the subject Parcel 10R). The Commission also walked the waterfront pedestrian promenade of the adjoining, newly-constructed "Esprit" apartments on Parcel 12 at the terminus of Marquesas Way. The Commission concluded the field trip with a boat tour, which afforded the Commission an opportunity to view the subject property and adjacent parcels from the water.

17. On August 12, 2009, a duly noticed public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. Following presentations by staff and the applicant and after hearing public testimony, there was insufficient time for the Commission to hear the applicant's rebuttal. The Commission directed staff and the applicant to prepare independent written responses to address the issues that were raised by the public and the Commissioners during the hearing. The public hearing was continued to October 14, 2009, with the direction that staff and the applicant present responses to the public testimony, and the public would have an opportunity to comment on the reports.

18. The Commission held a continued public hearing on October 14, 2009 at the Regional Planning Commission's hearing chamber in downtown Los Angeles; all Commissioners were present. At the conclusion of the hearing, following the staff presentation and testimony from the applicant and public, Commissioner Valadez stated her opinion that the applicant had not provided sufficient evidence to justify the Commission's approval of the requested Variance allowing a zero-foot building setback from the waterfront pedestrian promenade. Commissioner Valadez indicated that, prior to the Commission acting on the requested building setback Variance, the applicant should be remanded

back to the Department of Beaches & Harbors' Design Control Board (DCB), so that the DCB could evaluate an enhanced waterfront public promenade amenity plan to be submitted by the applicant. Commissioner Helsley concurred that the waterfront promenade amenity plan being proposed by the applicant warranted enhancement.

19. On a Motion by Commissioner Rew, seconded by Commissioner Helsley, the Regional Planning Commission continued the public hearing to February 3, 2010, directed the applicant to return to the DCB prior to the February 3, 2010 continued Regional Planning Commission hearing for review of revised promenade amenity plans for the project, and directed staff to prepare final findings and conditions for the project and to prepare the Final Environmental Impact Report, for the Commission's consideration at the February 3, 2010 continued public hearing.

20. At the February 3, 2010 continued public hearing, staff informed the Commission that it needed additional time to prepare the Final Environmental Impact Report and other final documentation for the Commission's consideration. On a motion by Commissioner Modugno, seconded by Commissioner Bellamy, the Regional Planning Commission continued the public hearing to March 10, 2010.

21. On March 10, 2010, the Commission voted to certify the FEIR for the project and approved the final findings and conditions for the Project Permits and the Commission's Local Coastal Program Amendment Resolution for the project.

22. During the public hearings for the Project Permits, DEIR and RDEIR before the Commission, a number of persons spoke in opposition to the proposed project. The Commission also received a number of letters and emails in opposition to the project, each of which has been incorporated by staff into the administrative record for the subject case and has been responded to in the FEIR.

23. Written and verbal correspondence to the Commission in opposition to the project generally focused on the following issues and/or allegations:

    a) Marina del Rey is publicly owned land and should be subject to rent control. All of the rental units should be affordable units. These projects are forcing people out of the Marina and making it a place only for the rich;
    b) The RDEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in the City of Los Angeles). The proposed buildings will block the Marina and mountain views that these condominiums currently enjoy;
    c) The project traffic study erroneously concludes that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of the proposed projects in the area;
    d) The height of the buildings will negatively impact sailing winds in Marina Basin B. The LCP prohibits projects that would significantly impede wind to boats in the Marina;

e) The format of the RDEIR is difficult to read (Table 5.8-7). This table is wrong and underestimates wastewater generation by 7 million gallons;
f) The Coastal Act does not allow the proposed project to be built;
g) The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina;
h) The Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area, so the Planning Commission's approval of the project in advance of such an assessment would be premature;
i) The RDEIR should be updated and recirculated because it does not adequately analyze new information on global warming and resulting sea level rise;
j) The hearing violates the Brown Act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time;
k) Piecemealing the development of the Marina is in violation of State law including the Coastal Act and CEQA;
l) The movement/transfer of development units between Development Zones is not permitted in the certified LCP;
m) The public hearing was improperly noticed and is in violation of CEQA;
n) Overall development in Marina del Rey should be guided by a master plan;
o) The proposed view corridor on Parcel 10R is nothing like the view corridor that currently exists over the parcel; the view corridor is not visible from the major street, Via Marina. The existing view corridor along Via Marina will be substantially removed;
p) Pedestrian access along the mole road (Marquesas Way) is inadequate in the proposed plan;
q) ADA compliance issues for the proposed Parcel 10R private anchorage;
r) The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
s) The traffic study does not take into account the traffic on the west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina as an ingress and egress route;
t) Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce; and
u) Alleged inadequacy of the DEIR's analysis of solid waste impacts.

24. The Commission has duly considered all of the issues and information contained in all of the oral testimony and written correspondence made in opposition to the proposed project during the public hearing process on the Project Permits, DEIR and RDEIR, as well as all of the oral testimony and written correspondence provided to the Commission in response thereto by staff and the project applicant. For the reasons set forth in the following findings, in the Commission's findings regarding the amendment to the certified LCP relating to this project, and explained in the County's detailed responses to all public written comments received by the Commission regarding the proposed project, all of which responses have been incorporated into the Final Environmental Impact Report

(FEIR), the Commission finds the allegations made against the project and the FEIR in the opposition testimony and correspondence fail to identify any substantial evidence that the FEIR does not meet the requirements of CEQA, and fail to identity any substantial evidence requiring recirculation of the FEIR pursuant to CEQA Guidelines section 15088.5. The Commission finds that there is no credible evidence in the record that the supposed environmental impacts set forth in the project opponents' testimony and correspondence will in fact occur, but there is credible evidence in the administrative record for this case rebutting such testimony and correspondence. The project opponents have offered no credible expert testimony or any credible evidence that the opponents' representatives, other than Mr. Vanderhook, are experts or have any bonafide expertise with respect to the subject matter of their testimony or correspondence. The Commission further finds that the opponents' oral testimony and written correspondence, including but not limited to Mr. Vanderhook's purported expert testimony, do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment and do not constitute substantial evidence.

25. The applicant is requesting an amendment to the LCP (see Local Coastal Program Amendment No. RPA200600013) to authorize the transfer of 261 residential development unit credits from the abutting Development Zone-2 (Tahiti Development Zone) into the subject Development Zone-3 (Marquesas Development Zone). These development unit credits are, in effect, merely being transferred across Marina Basin B for the applicant's use on the subject property (these "unused" residential development credits are currently allocated for use by apartment projects located on nearby Tahiti Way, none of the owners of which have chosen to utilize the credits). The proposed transfer of 261 residential development units into the subject Marquesas Development Zone is necessary because there are presently only 3 remaining residential development unit credits in the Marquesas Development Zone. There is clear precedent for the proposed inter-Development Zone transfer of residential development units; reference Goldrich & Kest Industries' LCP amendment approval at Marina Parcel 20, certified by the California Coastal Commission, which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ (see approval for County Project No. 98-172-4). As with the Parcel 20 LCP amendment, a traffic analysis has been prepared for the subject project which has determined that the traffic and circulation impacts of the proposed inter-Development Zone transfer of excess development units will have no adverse impact on traffic circulation in the project vicinity.

26. The County's LCP amendment for this project will also authorize the applicant to "blend" residential densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the subject parcel's R-III and R-V land use categories. Total site density will not exceed the LCP-prescribed 400 dwelling units for Parcel 10R, but the units will be more evenly distributed between the R-V (non-mole portion) and R-III (mole

portion) designated areas of the parcel, allowing for a more uniform building massing scheme and development. Adjacent and nearby apartment projects on Marquesas Way and apartment buildings which have been permitted for development along the County unincorporated portion of Via Marina are, and will become, developed with buildings of similar height and massing. The Commission thus finds that the applicant's request to blend or average residential density over the parcel is entirely consistent with and complementary to the established development pattern of the neighborhood.

27. The Marina del Rey Local Coastal Program (LCP) provides development guidelines for the unincorporated community of Marina del Rey. The Marina del Rey LCP consists of two sets of inter-related requirements: the Marina del Rey Land Use Plan (land use policies) and the Local Implementation Program or Specific Plan (development-specific requirements).

28. Consistent with Marina del Rey Specific Plan requirements, the project has been reviewed and conceptually approved by the Marina del Rey Design Control Board ("DCB"). In rendering its conceptual approval for the project, the DCB found the proposed project to be in conformity with the various public access, height, circulation, building massing, visual impact and view requirements of the LCP.

29. The Applicant has submitted a preliminary geotechnical report to County Department of Public Works (a copy of this report is included in the EIR appendices) as part of its application filing, the content of which is compliant with LCP requirements; site development will be based on thorough site-specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading. The project has also been designed to utilize earthquake resistant construction and engineering practices, in full compliance with applicable County and state regulations and ordinances. Preliminary engineering mitigation and planned structural setbacks for the project have been designed for a bedrock acceleration of no less than 0.5g and high potential for liquefaction. Consistent with SECTION 22.46.1190.A.1, the Commission thus finds that site development on Parcel FF will occur in geologically safe areas.

30. The applicant has been conditioned to conduct site development in conformity with the archeological reporting requirements specified in SECTION 22.46.1190.2.a-c.

31. To ensure project consistency with SECTION 22.46.1190.A.3, the applicant has been conditioned to implement a functional transportation systems management (TSM)/Transportation Demand Management (TDM) program incorporating the on-site installation of bike racks and a carpooling informational bulletin board.

32. The Commission hereby finds the proposed development project conforms to the phasing schedules in the LCP because:

- With development of the project, there will be no significant, unmitigated peak-hour project-specific adverse traffic impacts created as a result of project development;

- The County-approved traffic study for the project indicates there is sufficient traffic capacity in both the Marina del Rey internal system and the sub-regional highway system serving the Marina to accommodate the traffic generated by the modest planned development; and

- As outlined in finding #25 above, with approval of the associated LCP amendment, the Commission hereby finds that the project will be in full conformity with the build-out limitations of the LCP specified for Development Zone 3.

33. As outlined above, with approval of the LCP amendment for the project, the project will be consistent with the "Residential V-WOZ" (non-mole portion) and "Residential III-WOZ" (mole portion) land use designations for the parcel, in that:

    - All uses—i.e., multi-family housing, boat slips, boater parking and locker room facilities and other appurtenant uses—that will be developed in the project are included in the list of permitted uses provided in the LCP for the Residential V and Residential III land use categories per SECTION 22.46.1310, 22.46.1230 and 22.46.1670. As noted, the applicant is requesting an amendment to the LCP to authorize the applicant to average, or "blend," residential densities over Parcel 10R without respect to the 35 dwelling units/acre and 75 dwelling units/acre density development standards prescribed in the LCP for the proposed R-III and R-V land use categories. Total site density will not exceed the LCP-prescribed 400 dwelling units for Parcel 10R, but the units will be more evenly distributed between the R-V [non-mole portion] and R-III [mole portion] designated areas of the parcel. This development approach will provide for a more uniform building massing scheme that will be in harmony with the surrounding multi-family residential developments in the immediate vicinity;

    - The proposed development is in conformity with the front, rear and side yard setbacks specified in SECTION 22.46.1250 and 22.46.1330, except as has been modification pursuant to the promenade-adjacent yard reduction Variance request the Commission has approved for this case;

    - The proposed project is consistent with Water Overlay Zone ("WOZ") development standards specified in the certified LCP in that it does not contemplate development that would displace existing public recreation or visitor-serving uses. The project enhances public recreational opportunities at the site through its provision of a new 28-foot-wide pedestrian promenade along the parcel's entire water frontage and enhances boating opportunities through its

replacement of an aging marina with a contemporary one boasting state-of-the-art waterside and landside boaters' facilities; and

- Site development will not reduce the amount of land area devoted to existing visitor-serving, boating or marine commercial uses.

34. Sections 22.46.1090 and 22.46.1100 of the County Code and the LUP require, among other things, that the applicant demonstrate that there is sufficient traffic capacity in both the internal Marina del Rey road system and the subregional highway system serving the Marina to accommodate traffic generated by the development. The certified Environmental Impact Report for the project includes a traffic report that was prepared in accordance with the requirements of the LCP and LUP and which was reviewed and approved by the Traffic & Lighting Division of the County Department of Public Works. The approved traffic report for the project demonstrates there is adequate internal and subregional traffic capacity to support the project, and identifies specific traffic improvements intended to mitigate the project's potentially significant direct and cumulative impacts, which mitigation measures have been incorporated into the Mitigation Monitoring Program approved for the project in conjunction with certification of the Final Environmental Impact Report. In accordance with LCP requirements, the applicant has been conditioned to pay traffic mitigation fees of $5,690 per p.m. peak hour trip generated by the project, to be allocated as follows:

    i. $1,600 per p.m. peak hour trip will be paid by the applicant into the County-administered Transportation Improvement Program to offset project impacts to the internal Marina circulation system (Category 1 improvements identified in Appendix G to the LCP); and

    ii. $4,090 per p.m. peak hour trip will be paid by the applicant into the County-administered Transportation Improvement Program to offset the project's proportional share of the cumulative impacts of Marina development on the subregional transportation system (Category 3 improvements identified in Appendix G of the certified LCP).

    The approved traffic report for the project concludes that the proposed development will generate 85 net new p.m. peak hour trips. Therefore, the applicant has been conditioned to pay a total LCP-prescribed traffic impact fee of $483,650, of which $136,000 will be allocated for Category 1 traffic improvements and $347,650 will be allocated for Category 3 improvements.

35. The proposed maximum 60-foot height of the apartment building proposed for development on the R-V-designated, "non-mole" portion of the subject parcel is well within the allowable building height of the Height Category 5 designation assigned to that portion of the parcel. Pursuant to the LCP, Height Category 5 permits a "base" building height of 140 feet with provision of a 20 percent view corridor, up to a maximum building

height of 225 feet when a view corridor comprising 40 percent of the parcel's water frontage is provided.

36. The proposed maximum 55-foot height of the two (2) apartment buildings proposed for development on the R-III-designated, "mole" portion of the subject parcel is within the allowable building height of the Height Category 3 designation assigned to that portion of the parcel. Pursuant to Marina del Rey Specific Plan Section 22.46.1060.5.c, Height Category 3 permits a "base" building height of 45 feet with provision of a 20 percent view corridor ranging to a maximum of 75 feet when a 40 percent view corridor is provided. Height above 45 feet is permitted at the ratio of 1.5 feet in height for every one percent of view corridor exceeding 20 percent. In this case, the applicant plans comply with the LCP view corridor requirements along the site's Marquesas Way frontage because the applicant is providing a view corridor comprising 29 percent (or 313 lineal feet) of the parcel's water frontage along Marquesas Way whereas the LCP requires provision of view corridors comprising 26.7 percent (or 289 lineal feet) of the parcel's Marquesas Way water frontage in exchange for developing 55-foot-tall buildings along this portion of the parcel.

37. Pursuant to the LCP, parcels located between the water and the first public road must provide a view corridor allowing uninterrupted views of the harbor from the road to the waterside, at ground level. As depicted on the view corridor exhibit submitted by the applicant, the applicant has provided view corridors consistent with LCP requirements. As noted, the applicant has programmed view corridors comprising 29 percent of the parcel's Marquesas Way frontage, whereas the LCP requires provision of view corridors comprising 26.7 percent of the site's Marquesas Way frontage. Likewise, the applicant has provided a view corridor comprising 21 percent (or 76 lineal feet) of the parcel's 355-foot Via Marina water frontage, whereas the LCP requires provision of a 20 percent view corridor (or 71 lineal feet) along the parcel's Via Marina frontage.

38. The project is consistent with LCP standards calling for the provision of a continuous 28-foot-wide pedestrian promenade along the parcel's bulkhead. Seating, landscaping, lighting, trash receptacles, and bicycle racks will be provided along the parcel's bulkhead, consistent with LCP requirements.

39. Consistent with LCP requirements, the project has been designed so that planes of the exterior building walls will vary in depth and/or direction to avoid bulk and monotony, and will relate closely to the pedestrian promenade. The proposed building placement and design avoids long, continuous blocking of water views. As noted, the Design Control Board has reviewed and conceptually approved the proposed site design and architecture, consistent with LCP requirements.

40. Consistent with LCP requirements, more than 10 percent of the net lot area will be landscaped and building coverage is less than 90 percent of the net lot area.

41. On-site parking has been programmed for the project consistent with the parking standards of the County Zoning Ordinance. The applicant has been conditioned to provide at least 909 on-site parking spaces for residents, guests, and boaters, consistent with County Code parking requirements. Of the 909 on-site parking spaces provided in the project, 678 are allocated to residents, 100 are allocated to guests, and 131 are allocated to boat tenants of the private Parcel 10R anchorage. Of the 909 spaces, 22 are allocated to disabled persons.

42. The apartment buildings will be fully sprinklered, in conformance with County Fire Department requirements. Emergency access to all structures and common areas of the project will be provided to the satisfaction of the County Fire Department. The applicant has been conditioned to secure Fire Department approval of a "Fire Safety Plan" prior to issuance of a building permit.

43. The project landscaping along site perimeters will maintain a minimum width of eight feet and will allow visual access into the lot, as required by the LCP.

44. The project infrastructure has been designed, and will be constructed by the applicant, in an environmentally sensitive manner, and will follow design policies of the LCP, including landscaping standards required by the DCB. The project will be subject to the County's newly-enacted Green Building and Drought-Tolerant Landscape ordinances.

45. Consistent with Shoreline Access Policy #1 of the LUP (Public Access to Shoreline a Priority), the project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 10R bulkhead, in conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 ("Shoreline Access") of the Marina del Rey Land Use Plan. The project implements this Public Shoreline Access policy through provision of 28-foot-wide public pedestrian promenade along the parcel bulkhead; through provision of public views to the water from the public street fronting the project (Marquesas Way), consistent with LCP view corridor requirements; through provision of directional signage regarding the project's public waterfront promenade and nearby public wetland park (to be located on southerly portion of adjoining Parcel 9U); and through provision of a Marina del Rey visitor-serving activities promotional kiosk to be located in the apartment building's lobby. In furtherance of these important shoreline access policies, the applicant has been conditioned to provide signage at the project's entrances and at each bulkhead entrance of each public lateral access way identifying these as public access ways. The applicant has also been conditioned to provide signage at conspicuous locations along the length of the bulkhead public access ways (public promenade) identifying the access ways as public.

46. Consistent with Shoreline Access Policy #2 of the LUP, the project enhances public access to the waterfront by constructing a 28-foot-wide public pedestrian promenade along the entire water frontage of Parcel 10R.

47. Consistent with Shoreline Access Policy #3 of the LUP, project design will provide public access to and along the shoreline through provision of a 28-footwide waterfront pedestrian promenade and public lateral access ways across the site from Marquesas Way and Via Marina to the public waterfront promenade. Development adjacent to the bulkhead (i.e., public promenade) will provide pedestrian access ways, benches and rest areas along the bulkhead.

48. Consistent with Shoreline Access Policy #4 of the LUP, the project provides for public access from public roads fronting the project to the shoreline along all fire roads and across all dedicated project open space areas; such access ways will be conspicuously signed at entrances from the public street (i.e., from Marquesas Way).

49. Consistent with Shoreline Access Policy #11 of the LUP, the project has been conditioned to participate in its proportionate share (through the County's appropriation of the Applicant's paid Category 3 traffic mitigation fees), if and when such a shuttle system is established in the future.

50. Consistent with Shoreline Access Policy #12 of the LUP, the project applicant has been conditioned to pay all required Category 3 traffic mitigation fees. The County Department of Public Works, which administers the fees, may use a portion of the fees to fund establishment of a public shuttle service in the Marina.

51. Consistent with Shoreline Access Policy #13 of the LUP, the project has been conditioned to incorporate directional signage, outdoor exhibits and brochures to enhance public awareness of shoreline access ways and public areas, to include: i) conspicuous signage regarding public waterside access (public promenade and nearby wetland park on Parcel 9U); ii) outdoor map indicating the location and type of public access ways and parks located in Marina del Rey; and iii) kiosk within apartment building lobbies containing information on visitor-serving activities in the Marina.

52. Consistent with Shoreline Access Policy #14 of the LUP, applicant's development of a new 28-foot-wide public pedestrian promenade and amenities along the parcel's entire waterfront will allow the public substantial viewing opportunities of the small craft harbor water areas.

53. Consistent with Recreation & Visitor-Serving Facilities Policy #2 of the LUP, the project provides enhanced recreational opportunities through its development of a new 28-foot-wide public pedestrian promenade along the entire waterfront of the parcel.

54. Consistent with Recreation & Visitor-Serving Facilities Policy #5 of the LUP, the applicant has been conditioned to contribute to the LCP-established Coastal Improvement Fund, which funds will be used by the County to fund development of recreational facilities to offset increases in residential densities caused by project development.

55. Consistent with Recreation & Visitor-Serving Facilities Policy #6 of the LUP, the project satisfies County parking requirements for all proposed uses.

56. Consistent with Recreation & Visitor-Serving Facilities Policy #7 of the LUP, the project parking facilities have been integrated into the overall design of the project. The project, including proposed subterranean parking elements, have been reviewed and conceptually approved by the DCB.

57. The applicant will fulfill Recreational Boating Policy #1 of the LUP ("Recreational boating is a top priority of the LCP") through its replacement of the aged and obsolete Neptune Marina with a new, state-of-the-art marina that will be fully consistent with contemporary ADA and CA DB&W standards. The new marina will provide contemporary waterside (i.e., utility hookups and sewerage pumpout stations) and landside (i.e., boaters' restrooms, lounge area and parking) facilities.

58. Consistent with Recreational Boating Policy #3 of the LUP, the applicant has been conditioned to ensure project construction will commence in a manner that ensures as minimal an impact to existing boater facilities as possible. Demolition of the existing marina and construction of the new marina will be coordinated to ensure that adverse impacts to existing boat slip tenants are minimized to the extent practically feasible.

59. Consistent with Marine Resources Policy #2 of the LUP ("*Reduce contaminated run-off into Marina waters*"), the applicant has completed a drainage concept, which has been approved by the County Department of Public Works. To avoid adverse impacts on the local Marina and greater ocean waters, the applicant has been conditioned to comply with National Pollution Discharge Elimination System requirements of the California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.

60. Consistent with Cultural Heritage Resources Policy #1 of the LUP, the project was reviewed during the environmental review/CEQA review process to determine potential impacts on cultural resources; no such impacts were identified.

61. Consistent with Cultural Heritage Resources Policy #2 of the LUP, the project has been conditioned to ensure that in the event a significant cultural resource is found on-site during construction, it shall be collected and maintained at the Los Angeles County Museum of Natural History, or other appropriate location as otherwise provided by State law.

62. Consistent with Cultural Heritage Resources Policy #3 of the LUP, the applicant has been conditioned to notify the County Department of Regional Planning and the State Historic Preservation Office in the event a significant cultural resource is discovered during any construction phase. A halt-work condition will be instituted in the event of such a cultural resource discovery during construction.

63. The project implements Land Use Plan Policy #1 of the LUP ("Preservation of the small craft harbor as a recreational facility shall be a priority") through replacing an aging, outdated marina with a contemporary marina with state-of-the-art landside (boaters' lounge and locker room facilities) and waterside (sewerage pump-out stations and on-dock utilities) amenities while achieving compliance with today's ADA and CA DB&W standards. Moreover, project construction will be coordinated in a manner to ensure that the planned development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities, nor the ancillary uses which support these facilities.

64. The project implements Land Use Plan Policy #2 of the LUP ("Maintenance of the physical and economic viability of the marina is a priority") through redeveloping the water- and land-side portions of the parcel, which are currently developed with aging and outdated marina and apartment facilities, with a contemporary marina and new apartment facilities. This new development will help to ensure maintenance of the physical and economic viability of the marina.

65. Consistent with Land Use Plan Policy #6 of the LUP, the project has received conceptual design approval from the DCB, as prescribed in the LCP. This DCB's review included review for consistency with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction* and applicable policies of the certified LCP.

66. Consistent with Land Use Plan Policy #8 of the LUP (Land Use Consistency), with approval of the LCP amendment and Applicant-requested promenade setback Variance for the project, the proposed project will satisfy all applicable policies and development standards of the certified LCP, including, but not limited to, permissible land use, building height, on-site parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade), meeting requirements for adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. ("Mello Act").

67. Land Use Plan Policy #10 of the LUP encourages development of affordable housing in the LCP area. The proposed project is also subject to California Government Code Sections 65590 and 65590.1 (the "Mello Act" of 1982), which provide, in pertinent part, that, within the Coastal Zone: (a) the demolition of existing residential dwelling units occupied by persons and families of low- or moderate-income shall not be authorized unless provision has been made for the replacement of those dwelling units for persons of low- or moderate-income (i.e., "affordable replacement" dwelling units); and (b) new housing developments shall, where feasible, provide housing units for persons and families of low- or moderate-income (i.e., "affordable inclusionary" dwelling units).

68. The Mello Act provides that existing residential units "occupied by persons or families of low or moderate income" are subject to the replacement unit requirement. The Mello Act does not, however, specify any particular methodology for determining which existing units are occupied by such persons or families. Rather, the Mello Act provides local jurisdictions with the discretion to implement the Act's requirements.

69. The Community Development Commission of the County of Los Angeles (CDC) has confirmed in writing that the CDC had reviewed and approved a replacement housing survey conducted for the subject property by the professional consulting firm of Overland, Pacific and Cutler, LLC. The purpose of the survey was to assess the number of replacement units required by the Mello Act.

70. The replacement housing survey utilized a questionnaire developed by the County of Los Angeles Chief Administrative Office (CAO) and was completed using guidelines established by the CDC. The survey included certified mailings to all tenants, as well as door-to-door visits and follow-up telephone calls, if tenant responses were not received.

71. Based on the professional survey results, the CDC has determined that twenty-two (22) of the 136 exiting Parcel 10R apartment units are subject to replacement under the Mello Act, as follows: 11 moderate-income replacement units (five of which are to be one-bedroom units and six of which are to be two-bedroom units) and 11 low-income replacement units (eight of which are to be one-bedroom units and three of which are to be two-bedroom units).

72. The CDC properly relied on a credible replacement housing survey conducted by Overland, Pacific and Cutler, LLC, a well-qualified consulting firm, and a reasonable tenant questionnaire guiding same prepared by the County CAO's office, in concluding the applicant's replacement obligation under the Mello Act is the above-referenced twenty-two (22) affordable housing units. The Commission has conditioned its approval of the project Coastal Development Permit to require the applicant to enter into a covenant with the County stipulating that these 22 affordable replacement dwelling units shall be maintained on the property at the designated affordability levels for the entire term of the extended lease for Parcel 10R (until 2061), and that these units shall be reasonably dispersed throughout the Project.

73. In February 2008, the County Board of Supervisors adopted an Affordable Housing Policy for Marina del Rey (Policy), which Policy ensures new residential projects in the Marina are fully compliant with Mello Act requirements. For new residential projects in the Marina, the Policy, among other provisions, requires developers to provide a 15 percent inclusionary affordable housing set-aside in new residential projects, to be calculated on the net new incremental units to be constructed as part of the project, and further requires these units to be deed restricted for occupancy by qualifying households at the specified affordability levels for the term of the extended ground lease. The Policy further dictates that 1/3 of a project's inclusionary affordable housing units be reserved for very low-

income households, 1/3 be reserved for low-income households, and 1/3 to be reserved for moderate-income households, subject to a determination to be made on a case-by-case basis.

74. The subject project complies with the Policy's inclusionary affordable housing unit set-aside requirements, in that 15 percent of the 264 net new incremental units to be developed on the project site (i.e., 400 total units less 136 existing units = 264 net new units), or forty (40) units, will be dedicated for exclusive occupancy by qualifying very low-income, low-income, and moderate-income households for the term of the extended lease (until 2061). Consistent with the Policy, thirteen (13) of the project's 40 inclusionary affordable units will be designated for very low-income households (of which eight will be one-bedroom units and five will be two-bedroom units), fourteen (14) of the units will be designated for low-income households (of which nine will be one-bedroom units and five will be two-bedroom units), and thirteen (13) of the units will be designated for moderate-income households (of which eight will be one-bedroom units and five will be two-bedroom units).

75. The applicant's on-site provision of the subject forty (40) inclusionary affordable housing units in the project is in full compliance with Mello Act requirements and the Policy, and represents a significant, important contribution to the production of badly needed affordable housing in Marina del Rey, which is a public benefit being provided by the project. The Commission has conditioned its approval of the project Coastal Development Permit to require the applicant to enter into a covenant with the County stipulating that the project's forty (40) inclusionary affordable dwelling units shall be maintained on the property at the designated affordability levels for the entire term of the extended lease for Parcel 10R (until 2061), and that these units shall be reasonably dispersed throughout the Project.

76. The project implements Coastal Visual Resources Policy #1 of the LUP (Views of the Harbor are a Priority) through its provision of LCP-compliant view corridors across the parcel from adjacent public streets (Marquesas Way and Via Marina) to Marina Basin B. The public viewing of the harbor will be further enhanced through the project's development of a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage. 100% of the property's water frontage has been made available for public viewing of the waterfront. The most valuable, visible, desirable area of the site—the waterfront—will be fully enhanced for public use.

77. Consistent with Coastal Visual Resources Policy #2 of the LUP, project's signage will be in keeping with the character of the neighborhood and will be subject to final review and approval by the Design Control Board prior to installation, as called for in the LCP.

78. Consistent with Coastal Visual Resources Policy #4 of the LUP, the DCB has reviewed and conceptually approved this development proposal for consistency with the policies and objectives of the LCP.

79. The project implements the view protection policies outlined in Coastal Visual Resources Policy #6 of the LUP by incorporating harbor views from streets and pedestrian access ways consistent with security and safety considerations. As noted, the project provides view corridors from public streets to the Marina waters consistent with LCP requirements.

80. The project complies with the building Height Design Concept outlined in Coastal Visual Resources Policy #s 7 and 8 of the LUP. The proposed 55-foot building height (exclusive of typical rooftop appendages) of the two apartment buildings situated along Marquesas Way (on the Residential III, "mole" portion of the parcel) is consistent with the effective Height Category 3 for that portion of the parcel, because the applicant is providing a view corridor comprising 29 percent of the parcel's Marquesas Way water frontage whereas as the LCP requires provision of a 27 percent view corridor along this portion of the site. The proposed 60-foot (exclusive of typical rooftop appendages) height of the apartment building situated along Via Marina (on the Residential V, "non-mole" portion of the parcel) is consistent with the effective Height Category 5 for that portion of the parcel, because the applicant is providing a view corridor comprising 21 percent of the parcel's Via Marina water frontage whereas the LCP requires provision of a 20 percent view corridor along this portion of the site. Adjacent and nearby apartment projects on Marquesas Way and apartment buildings which have been permitted for development along the County unincorporated portion of Via Marina are, and will become, developed with buildings of commensurate height and massing. The Commission thus finds the height and massing of the applicant's proposed apartment buildings on Parcel 10R to be entirely consistent with and complementary to the established development pattern of the neighborhood.

81. The approved project is consistent with Coastal Visual Resources Policy #9 of the LUP (Evaluation of wind impacts). Rowan, Williams, Davies and Irwin, Inc. (RWDI), a well-qualified, licensed engineering firm, performed two detailed wind studies for the project using wind tunnel tests to simulate and measure before and post-development wind conditions in sailing Basin B, which abuts the subject property to the east (for the Via Marina portion of the parcel) and south (for the Marquesas Way portion of the parcel). These studies, which are included as appendices in the project EIR, conclude the overall sailing wind conditions will be unaffected in Basin B by addition of the proposed apartment buildings on Parcel 10R. Minor changes in wind speed and direction were projected only in the westerly end of Basin B, and only during periods of westerly winds. RWDI's wind assessments for the project conclude that, due to the localized, minor nature of the changes coupled with the fact that a majority of sailing vessels will be under motor power as they pull into or leave their slips, the changes in wind speed and direction at the westerly end of Basin B are not assumed to be significant. RWDI's wind assessments also conclude that the proposed development would not have any appreciable affect on winds utilized by birds during flight.

82. The Commission has reviewed RWDI's wind reports for the project and deems them to constitute credible evidence substantiating that development of the subject apartment

buildings on Parcel 10R will not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel, nor adversely impact winds utilized by birds in flight.

83. Consistent with Coastal Visual Resources Policy #13 of the LUP, an 8-foot-wide landscaped pedestrian viewing area will be provided along the parcel bulkhead seaward of the 20-foot-wide dual purpose pedestrian promenade/fire access road.

84. Consistent with Hazards Policy #1 of the LUP, the applicant has obtained approval of Drainage Concept and SUSMP plans from the Department of Public Works. These plans are intended to mitigate flooding concerns relating to site drainage and to minimize runoff of polluted rainwater sheet-flow into the Marina and public storm drain system.

85. Consistent with Hazards Policy #s 2 and 3 of the LUP, the applicant has garnered approval of a preliminary geotechnical report from the Geotechnical & Materials Engineering Division (GMED) of the County Department of Public Works, which report is included as an appendix in the project EIR. This report fully analyzed site geologic conditions, including potential hazards resulting from liquefaction and lateral spreading. Consistent with LCP requirements, preliminary engineering mitigation and planned structural setbacks for the project have been designed for a bedrock acceleration of no less than 0.5g and high potential for liquefaction. The project EIR includes mitigation measures that require applicant's conformance with all recommendations of the approved preliminary geotechnical report. The applicant's implementation of all seismic engineering requirements required for the project by the County Department of Public Works will ensure the project is constructed in conformance with applicable County and State Codes addressing seismic safety.

86. The traffic report prepared for the project, which has been reviewed and approved by the County Department of Public Works' Traffic & Lighting Division and has been included as an appendix to the EIR, prescribes specific mitigation measures for the project's significant traffic impacts and cumulatively significant traffic impacts. The report finds that the development of Parcel 10R alone would not result in any significant traffic impacts; however, development of Parcel 10R in conjunction with the other project components would result in significant project-specific traffic impacts. The report identifies mitigation measures to reduce these impacts to less than significant. In conformance with Traffic Circulation Policy #1 of the LUP (Internal Transportation Improvements), the report concludes that, with implementation of the report's prescribed mitigation measures, the planned development will not exceed the capacity of the internal Marina del Rey street system. The report further finds that the prescribed traffic improvements will be appropriately funded through applicant's payment of the LCP-prescribed "PM Peak Hour" traffic mitigation fee (a total traffic mitigation fee of $483,650 will be paid by the applicant for the project); in turn, the County will utilize $136,000 of the collected traffic mitigation fees to fund construction of "Category 1" ("System-wide") transportation improvements intended to mitigate traffic impacts internal to the Marina's local street network. The

County Department of Public Works prefers to implement the Marina del Rey Transportation Improvement Program (TIP) roadway improvements at each intersection, which are funded by the trip mitigation fees, as a single major project in order to minimize traffic disruptions and construction time. Therefore, the certified Environmental Impact Report recommends the applicant's payment of the above-described fee over the partial construction by the applicant of portions of the TIP roadway improvements. However, should the County Director of Public Works decide that it is necessary to expedite construction in order to mitigate all of the project's significant direct traffic impacts at one or more intersection prior to project occupancy, the certified Environmental Impact Report recommends the following measure(s) as an alternative to address significant traffic impacts:

- **Admiralty Way and Via Marina** – Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina, instead of widening the south side of Admiralty Way to accommodate a triple westbound left turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the Marina del Rey TIP Category 1 improvement. This improvement is identified in the Marina del Rey TIP as a Category 3 improvement, and will enhance traffic flow within the Marina.

- **Washington Boulevard and Via Marina/Ocean Avenue** – No feasible physical improvements are identified in the TIP that remain available to mitigate this potential direct project traffic impact. However, the County of Los Angeles Department of Public Works has identified an improvement at the nearby intersection of Washington Boulevard and Palawan Way that would provide additional egress from the Marina, reducing traffic volumes on the northbound approach of Via Marina at this intersection, and providing mitigation for the impacts. The proposed improvement would reconstruct the intersection of Washington Boulevard and Palawan Way to allow for dual northbound left-turns onto westbound Washington Boulevard, and install a new traffic signal at that intersection. The improvement will provide an additional means of accessing westbound Washington Boulevard from westbound Admiralty Way, reducing the existing high northbound volumes at Washington Boulevard and Via Marina/Ocean Avenue. (See "Washington Boulevard and Palawan Way" below for additional details.) It should be noted that this improvement is not included in the TIP. As such, the applicant would be required by County Department of Public Works to contribute fair share funding to this improvement, above and beyond the previously identified traffic mitigation fees.

- **Lincoln Boulevard and Mindanao Way** – Widen the west side of Lincoln Boulevard both north and south of Mindanao Way, and relocate and narrow the median island on Lincoln Boulevard to provide a right-turn lane in the northbound direction. This improvement is identified in the Marina del Rey TIP as a Category 1 improvement.

- **Admiralty Way and Mindanao Way** – Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way and modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way, has already been approved as part of a previous project (Esprit I Apartments), and would mitigate to less than significance the combined traffic impacts of both projects. It should be noted that this improvement is not included in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified traffic mitigation fees. The project's fair share proportion would be negotiated between the project applicants and the County.

If the County Director of Public Works requires the project to directly implement one or more physical public roadway improvement, a commensurate adjustment to the fee requirement would also be made.

87. Consistent with Traffic Circulation Policy #3 of the LUP (Sub-regional Transportation Improvements), as outlined in the project traffic study, the applicant has been conditioned to make its fair share contribution, though payment of the prescribed traffic mitigation fee, to help fund construction of "Category 3" ("Sub-regional") transportation improvements, which are prescribed in the LCP. Category 3 fees in the amount of $347,650 will be paid to the County by the applicant, which fees will be utilized by the County, in consultation with appropriate agencies, to help fund construction of sub-regional transportation improvements intended to insure that this project and other Phase 2 developments do not exceed the capacity of the sub-regional street system. The County Department of Public Works prefers to implement the Marina del Rey Transportation Improvement Program (TIP) roadway improvements at each intersection, which are funded by the trip mitigation fees, as a single major project in order to minimize traffic disruptions and construction time. Therefore, the certified Environmental Impact Report recommends the applicant's payment of the above-described fee over the partial construction by the applicant of portions of the Traffic Improvement Program roadway improvements. However, should the County Director of Public Works decide that it is necessary to expedite roadway improvement construction at one or more intersection in order to assure that the mitigation occurs in phases coinciding with new development in Marina del Rey, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this project to less than significant levels:

- **Admiralty Way and Via Marina** – Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina, instead of widening the south side of Admiralty Way to accommodate a triple westbound left turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the Marina del Rey TIP Category 1 improvement. This improvement is identified in the Marina del Rey TIP as a Category 3 improvement.

The certified Environmental Impact Report also identified improvements that would mitigate cumulative traffic impacts at the 12 impacted intersections that are not entirely located in the County's jurisdiction and control. If the County, the City of Los Angeles, and Caltrans agree on a funding mechanism to implement the recommended traffic improvements at these 12 intersections prior to building occupancy, the applicant, where appropriate, will pay its fair share of required transportation improvements. If the County Director of Public Works requires the project to directly implement one or more physical public roadway improvement, a commensurate adjustment to the fee requirement would also be made.

88. Consistent with Traffic Circulation Policy #4e of the LUP, project traffic report indicates all vehicle trips generated by the project, in combination with all trips generated by previously approved Phase 2 projects, will not exceed 50% of the total anticipated additional external trips to be generated by new or intensified Marina del Rey development.

89. In conformance with Public Works Policy #2 of the LUP (Public Works improvement phasing), the applicant's Coastal Development Permit has been conditioned to require that all necessary public works facilities/infrastructure will be provided for the project prior to the County's issuance of a Certificate of Occupancy for the project.

90. In conformance with Public Works Policy #s 3 and 4 of the LUP, the Department of Public Works has notified the Commission that sufficient water and sewerage facilities will be made available prior to issuance of a Certificate of Occupancy for the project and that the project will be served by such infrastructure to the satisfaction of the County Department of Public Works. Consistent with Public Works Policy #5 of the LUP, the project has been conditioned to assure that installation of new water and sewer lines will be accomplished in an environmentally sensitive manner, in full conformance with County Department of Public Works' requirements.

91. In conformance with Public Works Policy #6 of the LUP, the project has been conditioned to incorporate water-conserving technology consistent with local, state and/or federal regulations affecting same. Consistent with this Policy, the project has also been conditioned to ensure County Public Works will review the project plans to assure that water conservation measures and techniques are incorporated. Moreover, the project will be subject to the County's recently-enacted Green Building and Drought-Tolerant Landscaping ordinances.

92. Consistent with Public Works Policy #s 8 and 9 of the LUP (Fire access requirements and pedestrian promenades), the project's waterfront fire access lane (i.e., the 20-most inward feet from the building line on the pedestrian waterfront promenade) has be designed to maintain unimpeded access, clear to sky, with no benches, planters or fixed objects. The seaward-most 8 feet (adjacent to the bulkhead) of the 28-foot-wide waterfront pedestrian promenade has been enhanced with landscaping, shade benches, light standards, drinking fountains and other pedestrian amenities, consistent with LCP requirements.

93. Consistent with Public Works Policy #10 of the LUP, the project has been conditioned to require fire sprinklers in conformance with Fire Department requirements.

94. As specified in Sections 22.46.1310 and 22.46.1230 of Los Angeles County Code, the maximum density allowances for the subject Residential V and Residential III land use categories are, respectively, up to 75 and 35 dwelling units per net acre. With approval of the LCP amendment for this project allowing the applicant to average or "blend" residential densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the subject parcel's R-III and R-V land use categories, the proposed 400-unit project will comply with the density requirements of the effective Residential V and III land use categories. This arrangement will provide for more uniform building massing and development. Adjacent and nearby apartment projects on Marquesas Way and apartment buildings which have been permitted for development along the County unincorporated portion of Via Marina are, and will become, developed with buildings of similar height and massing. The Commission thus finds that the applicant's request to blend or average residential density over the parcel is entirely consistent with and complementary to the established development pattern of the neighborhood.

95. Section 22.46.1060 (D) (2) refers sign regulations of each Marina del Rey land use category to those of a particular zone. Standards for the subject parcel's effective Residential V and Residential III land use categories respectively follow R-4 and R-3 zoning requirements. According to Section 22.52.930 of Los Angeles County Code, building identification signage limitations for the applicable R-4 and R-3 Zones would only permit one wall mounted business identification sign per principal use, not to exceed six (6) square feet in sign area.

96. The applicant has requested a Variance for the construction and maintenance of signage in excess of Los Angeles county code requirements. The requested Variance affording excess project signage is needed to provide visibility to prospective tenants and to allow a similar right enjoyed by comparable projects within the vicinity of the site.

97. In a presentation to the Commission, the applicant provided detailed renderings of the proposed signage. Examples of comparable signage within the vicinity of the project were also presented. The information presented by the applicant is sufficient to substantiate the applicant's Variance request for excess signage, because the proposed signage is commensurate, in terms of sign area, placement and design, as that for other existing apartment complexes in the project vicinity.

98. The DCB is charged with regulating the design of Marina del Rey signage through its "Revised Permanent Sign Controls and Regulations" (Section 22.46.1060 (D) (1)). Prior to installation of any signage on the subject property, the applicant will be required to submit its proposed signage package to the DCB for review and approval.

99. The applicant has requested a Variance authorizing a zero-foot building setback from the 28-foot-wide public waterfront pedestrian promenade, whereas Sections 22.46.1330 (Residential V) and 22.46.22.46.1250 (Residential III) of the Marina del Rey Specific Plan require provision of a 10-foot building setback from the promenade.

100. At the conclusion of the October 14, 2009 continued public hearing for the project, the Commission indicated the applicant had failed to provide sufficient justification for its requested Variance to allow a zero-foot building setback from the waterfront pedestrian promenade, noting the applicant needed to provide an enhanced public amenity package for the public waterfront pedestrian promenade in order to justify the Variance request. The Commission remanded the applicant back to the Design Control Board in order for the DCB to review and provide the Commission's its comments regarding the adequacy of the applicant's revised promenade amenity plans for the project.

101. As directed by the Commission at the October 14, 2009 continued public hearing, the applicant updated its promenade amenity plans for the project to include additional pedestrian-oriented details such as promenade seating with shade structures, trash receptacles, drinking fountains, bicycle racks, an enhanced paving pattern along the waterfront pedestrian promenade, and enhanced landscaping.

102. The DCB reviewed the applicant's enhanced promenade amenity plans at its December 17, 2009 public meeting. Staff has transmitted the DCB's written review comments regarding the applicant's updated promenade amenity plan for Parcel 10R, which the Commission has reviewed and which are included in the administrative file for this case. The DCB's review comments indicate the DCB's approval of the applicant's updated promenade amenity plans, subject to the applicant's incorporation of the DCB's suggested modifications intended to further enhance this public space. As required by the LCP, the applicant has been conditioned to return to the DCB prior to issuance of a building permit for a final review of project signage, landscaping, public amenities (concerning final design details of the promenade seating and associate shade structure, bike racks, promenade light standards and decorative paving), and building colors and materials.

103. There are special circumstances applicable to the subject property, including the LCP requirement for provision of public waterfront recreational space (i.e., 28-foot-wide waterfront pedestrian promenade), the relatively narrow depth of the parcel, the LCP requirement for provision of view corridors along the parcel waterfront, and the physical limits of the land area available to the parcel due to it being abutted by water on one side, which justify the requested yard setback reduction variance at the public waterfront pedestrian promenade. Moreover, existing development on adjoining parcels eliminates the development alternative of acquiring additional property or adjusting lot lines to create additional developable area to accommodate the 10-foot yard setback adjacent to the promenade.

104. The Commission's review of the site plan shows a series of design features required by the Marina del Rey Specific Plan that limit the area available to the footprint of the proposed apartment structure, and the resulting necessity to vary from setback standards at the location of the waterfront promenade. These required design regulations include the 28-foot-wide waterfront public pedestrian promenade, building height limitations, maintenance of pubic view corridors to the water from adjacent public streets and other specific requirements, which combine to restrict the portion of land area available for the footprints of the proposed buildings. Moreover, the DCB's December 17, 2009 review of the applicant's enhanced promenade amenity plans, combined with the final design review the applicant's promenade design and amenity plans will receive from the DCB after the applicant's obtainment of the Project Permits but prior to issuance of a project building permit, will ensure proper design and land use interface between the waterfront pedestrian promenade and approved apartment buildings, so that approval of the requested building setback variance will not prove materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

105. In light of the foregoing factors, the applicant's Variance request for provision of a zero-foot building setback from the waterfront public pedestrian promenade to be justified.

106. The applicant has requested a Conditional Use Permit to authorize approximately 112,000 cubic yards of grading for the project, with excess soil to be exported to a landfill located in Los Angeles County for use as daily cover.

107. Sufficient mitigations measures concerning site grading, earth hauling and associated activities have been incorporated in the EIR and associated Mitigation Monitoring Program for the subject project to ensure such activities will not: serve to adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the subject property; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Commission further finds the proposed site is adequate in size and shape to accommodate the proposed grading activity and that local streets that will be used by trucks to haul the earth from the site, subject to a County Department of Public Works' approved haul route, are of sufficient width and are improved as necessary to safely facilitate the truck hauling activity. The Commission thus finds that approval of the applicant's Condition Use Permit request is justified.

108. The applicant has requested a Conditional Use Permit to authorize boater parking facilities within the residential buildings.

109. The apartment building denoted as "Building 3" on the project site plans on file, which is the apartment building proposed at the corner of Via Marina and Marquesas Way, houses the boater parking that will serve the new private marina to be developed on the

waterside portion of the subject Parcel 10R. The building has two garage levels, the upper floor of which is split between apartment resident and guest parking (approximately 25%) and exclusive boater parking (approximately 75%), with separated points of ingress/egress. The boater parking area is located in the southern portion of the garage and is accessed directly from Via Marina. The boaters' parking has been designed to be separated from the apartment and guest parking garage areas, as well as vehicular and pedestrian points of access. Having been designed with exclusive points of access at-grade with the waterfront public pedestrian promenade, the proposed boater parking has been sited in a consolidated, convenient location that will afford the project's boat slip tenant appropriate immediate access to the new private anchorage to be constructed on waterside portion of Parcel 10R.

110. The site plans on file also depict a boaters' lounge facility in the southeast corner of Building 3, at the same on-grade level of the boater garage. Due to grade slopes, the boaters' lounge will be slightly elevated above the waterfront public pedestrian promenade. The boaters' lounge facilities have be designed with direct access from the boaters' garage and will overlook the waterfront public pedestrian promenade as well as the private anchorage and Marina Basin B. The primary entrance to the boaters' lounge is located directly off the waterfront public pedestrian promenade, providing the project's boat slip tenant immediate access to the adjacent private anchorage to be developed on Parcel 10R. In addition to the boaters' lounge connection, the site plans on file show a secondary point of connection to the waterfront public pedestrian promenade at the northeast end of the boater garage. Moreover, in conformance with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction*, the boater restroom facilities have been located on the parcel to ensure that the distance from the pier-head end of each of the anchorage's gangways to the nearest restroom for each sex does not exceed 350 feet.

111. The DCB reviewed the proposed boater parking facilities in conjunction with its initial review of the project applicant, as prescribed in the LCP. This DCB review included review for consistency with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction* and applicable policies of the certified LCP, including parking facility layout and design. The number of boater-allocated parking spaces being provided in the project, 131 spaces, is compliant with County Code requirements respecting same.

112. The Commission instructed the applicant to coordinate with the applicant for the proposed project on Parcel 9U to ensure consistency of the promenade amenities and to avoid a sharp demarcation of the promenade paving from one property to the next. In addition, if the County establishes a comprehensive design concept for promenades in Marina del Rey, the project shall implement said concept during final design review by the Design Control Board.

113. Based on the foregoing, the boater parking facilities have been designed for the project in a manner that will ensure the facilities will not serve to adversely affect the health, peace,

comfort or welfare of persons residing or working in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the subject property; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Commission further finds the proposed site is adequate in size and shape to accommodate the proposed boater parking facilities, and that local streets serving the boater parking facilities are of sufficient width and are improved as necessary to safely facilitate boaters' ingress and egress to and from the parking facilities. The Commission thus finds that approval of the applicant's Condition Use Permit request is justified.

BASED ON THE FOREGOING AND ON OTHER EVIDENCE IN THE RECORD OF PROCEEDINGS, REGARDING THE CONDITIONAL USE PERMIT BURDEN OF PROOF, THE REGIONAL PLANNING COMMISSION CONCLUDES:

Regarding the Coastal Development Permit:

A. That the proposed project is in conformity with the certified local coastal program and, where applicable; and

B. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code."

Regarding the Conditional Use Permit:

A. The proposed use is consistent with the adopted general plan for the area;

B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;

C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area; and

D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Regarding the Variance:

In addition to the information required in section 22.56.280 of the Los Angeles County Code, permit application, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

A. That there are special circumstances or exceptional characteristics applicable to the property involved such as size, shape, topography, location of surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;

B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity or zone; and

C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Coastal Develoment Permit as set forth in Section 22.56.2410 of the Los Angeles County Code (Zoning Ordinance), for a Conditional Use Permit as set forth in Section 22.56.090 of the Zoning Ordinance and for a Variance as set forth in Section 22.56.290 of the Zoning Ordinance.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission, certifies that it has independently reviewed and considered the information contained in the Final Environmental Impact Report prepared by Los Angeles County Department of Regional Planning as lead agency prior to approving the project; certifies the EIR, adopts the Mitigation Monitoring Plan (MMP) which is appended to and included in the attached conditions of approval, finding that, pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation; determines that the conditions of approval attached hereto are the only mitigation measures for the project which are feasible and that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in these findings; determines that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social and/or environmental benefits of the project as stated in the findings and in the Environmental Findings of Fact and Statement of Overriding Considerations for the project, which findings and statement are incorporated herein by reference.

2. In view of the findings of fact and conclusions presented above, Coastal Development Permit No. RCDP200600008, Conditional Use Permit No. RCUP200600289 and Variance No. RVAR200600013 are approved subject to the attached conditions.

VOTE

Concurring: Rew, Modugno, Valadez, Bellamy, and Helsley

Dissenting:

Abstaining:

Absent:

Action Date: March 10, 2010

This grant authorizes a **Coastal Development Permit** for the demolition of a 136-unit apartment complex and all appurtenant landside facilities (all site landscaping, hardscape and surface parking) located on Marina del Rey Parcel 10R, and the subsequent construction of a total of 400 rental apartment units (including a total of 62 affordable housing units) consisting of three (3) buildings (maximum 60 feet in height, excluding appurtenant rooftop structures), and landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and facilities on the subject parcel. Approximately 112,000 cubic yards of onsite grading is authorized under the grant, with excess soil to be exported to a landfill located in Los Angeles County. The subject Coastal Development Permit also authorizes the permittee's temporary use of Marina del Rey Parcel FF (located across Marquesas Way from the subject Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development. This grant also authorizes a **Conditional Use Permit** for site grading with the export of earth in excess of 100,000 cubic yards, and parking for boater related uses. This grant further authorizes a **Variance** to allow the installation of project identification signage on the subject parcel exceeding County Code allowances; and a reduction of the required building setback from the waterside pedestrian promenade (No building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code), as all such improvements are depicted on the approved site plans, building elevations, parking plan, building cross-sections, and other approved plans, marked Exhibit "A" on file, 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. Prior to initiating any development on the waterside portion of the subject Parcel 10R, pursuant to permittee's related proposal to demolish the existing anchorage and to subsequently construct a new private boat anchorage on the waterside portion of the parcel, permittee shall submit documentation to the Director of Planning confirming its receipt of an approved Coastal Development Permit from the California Coastal Commission pertaining to all such proposed waterside development.

3. 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 Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 9, 12, and 13.

4. 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 California 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.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay 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 Regional Planning'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; and

   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 shall be paid by the permittee in accordance with County Code section 2.170.010.

6. This grant shall expire unless used on the date that is five (5) years after the Final Approval Date (defined below). The "Final Approval Date" means the later of (a) the last date on which any party may file any legal challenge or appeal the approval action for this grant, provided no such legal challenge or appeal has been filed; or (b) if any legal challenge or appeal of the approval action for this grant is made by any party, then the date on which such legal challenge or appeal is fully and finally resolved, such that no further legal challenge may be made. No less than six (6) months prior to the permit expiration date, the permittee may request in writing a one-year time extension, and pay the applicable extension fee.

7. 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.

8. Upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

9. 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. The permittee shall deposit with the County the sum of **$4,500**. These monies shall be placed in a performance fund which shall be used exclusively to compensate 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 **30** annual inspections. Inspections shall be unannounced.

   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 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 **$200** per inspection).

10. 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 ("Commission") or a hearing officer may, after conducting a public hearing and giving notice thereof to permittee, 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.

11. Within five (5) days of the approval date of this grant, the permittee shall cause a Notice of Determination to be posted in the office of the County Registrar/Recorder in compliance with Section 21152 of the Public Resources Code. Permittee shall remit applicable processing fees, payable to the County of Los Angeles, in connection with such filing. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish

and Game Code. The current total fee amount is **$2,867.25** ($2,792.25 plus $75.00 processing fee).

12. Within 30 days of the approval date of this grant, the permittee shall deposit the sum of $3,000 with Regional Planning to defray the cost of reviewing the required mitigation monitoring reports and verifying compliance with the Mitigation Monitoring Program ("MMP") adopted in conjunction with the certified Final Environmental Impact Report for the project.

13. The subject apartment complex shall be limited to 400 dwelling units.

14. Front yards (front yard is adjacent to Via Marina for Building 3 and adjacent to Marquesas Way for Buildings 1 and 2) shall be maintained at a minimum of ten (10) feet in width and side yards shall be maintained at a minimum of five (5) feet in width.

15. The conditions and/or changes in the project, set forth in the Final Environmental Impact Report, necessary in order to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached MMP. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to Regional Planning for review and approval as frequently as may be required by Regional Planning. The reports shall describe the status of the permittee's compliance with the required project conditions/changes.

16. The permittee shall enter into a Joint Covenant and Agreement ("Affordable Housing Covenant") with the Los Angeles County ("County") Community Development Commission ("CDC"), the County Department of Regional Planning ("Regional Planning"), and the County Department of Beaches and Harbors ("DBH") stipulating that a total of sixty-two (62) rental dwelling units ("Designated Units") of the approved 400 rental apartment units in the project shall, for the entire term of the extended lease for the subject parcel, be income restricted and rented only at an Affordable Housing Cost and only to qualifying households meeting the "very low-income," "low-income," and "moderate-income" criteria, as such terms are defined under the California Health & Safety Code. Prior to the issuance of any building permits for the project, the permittee shall record said Affordable Housing Covenant in the office of the County Registrar-Recorder/County Clerk ("Registrar-Recorder"). The permittee shall, prior to recordation in the Registrar-Recorder's office, submit a copy of said Affordable Housing Covenant to County Counsel, Regional Planning, DBH, and CDC for review and approval. The permittee's obligations under said Affordable Housing Covenant shall begin on the first date that any of the rental dwelling units of the

project to be constructed by the permittee on the site are approved for legal occupancy ("Term Commencement Date"). The permittee shall have the right to record an affidavit with the Final Building Permit Approval (or Certificate of Occupancy) to reflect the commencement of the term of said Affordable Housing Covenant. Said Affordable Housing Covenant shall expire, and all benefits and burdens associated with this Covenant and Agreement shall cease, upon the expiration date of the extended lease for the subject Parcel 10R.

17. The unit composition of the project's 62 Designated Units shall be as follows:

- Inclusionary Affordable Units: Forty (40) of the project's 62 Designated Units shall be "Inclusionary Affordable Units," thirteen (13) of which shall be designated for exclusive occupancy by qualified very low-income households (8 one-bedroom units and 5 two-bedroom units); fourteen (14) of which shall be designated for exclusive occupancy by qualified low-income households (9 one-bedroom units and 5 two-bedroom units); and thirteen (13) of which shall be designated for exclusive occupancy by qualified moderate-income households (8 one-bedroom units and 5 two-bedroom units); and

- Affordable Replacement Units: Twenty-two (22) of the project's 62 Designated Units shall be "Affordable Replacement Units," eleven of which shall be designated for exclusive occupancy by qualified low-income households (8 one-bedroom units and 3 two-bedroom units) and eleven (11) of which shall be designated for exclusive occupancy by qualified moderate-income households (5 one-bedroom units and 6 two-bedroom units).

The project's 62 Designated Units shall be as depicted on an exhibit to be reviewed and approved by Regional Planning. The Exhibit shall be titled "Project Affordable Unit Location Exhibit" with a copy filed in the case records and a copy furnished to the CDC.

18. The project's 62 Designated Units shall be dispersed throughout the project and shall be compatible with the exterior design of the project's market rate units in terms of appearance, materials, and finished quality.

19. The permittee shall specifically provide in each designated unit lease and shall strictly enforce the requirement that each designated unit be occupied at all times by the eligible household who has leased that designated unit, and that any other occupant of the unit be another qualified member of the lessee's household. CDC shall be identified as a third-party beneficiary of that covenant and shall have the right to directly enforce that restriction in the event the permittee fails to do so. Prior to execution of any designated unit lease with respect to the project,

the permittee shall submit to CDC and obtain its written approval of a standard form occupancy lease and the permittee shall thereafter use the approved form for all leases of Designated Units in the project, with only such further modifications thereto as are first submitted to and approved in writing by CDC.

20. The permittee shall carry out an affirmative marketing program to attract prospective tenants of all minority and non-minority groups in the housing market area regardless of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, ancestry, or familial status. The affirmative marketing program should ensure that any group(s) of persons not likely to apply for the housing without special outreach efforts (because of existing neighborhood racial or ethnic patterns, location of the housing, or other factors), know about the housing, feel welcome to apply, and have the opportunity to rent.

21. The permittee shall maintain records and satisfy reporting requirements as may be reasonably imposed by CDC to monitor compliance with the tenanting requirements described in said joint covenant and agreement.

22. The permittee shall refrain from restricting the rental or lease of the site or any portion thereof on the basis of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, or ancestry of any person. All such leases or contracts shall contain or be subject to substantially the following non-discrimination or non-segregation clauses.

23. There shall be no discrimination against or segregation of any person, or group of persons, on account of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the site, nor shall the permittee itself or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees of the site or any portion thereof. The non-discrimination and non-segregation provisions set forth herein shall remain in effect in perpetuity.

24. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said department.

25. All requirements of Title 22 of the County Code 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.

26. 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.

27. All structures shall comply with the requirements of the Division of Building and Safety of the County Department of Public Works ("Public Works").

28. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. In the event such extraneous markings occur, 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. .

29. Within sixty (60) days of the 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, floor plans, parking plan, roof plan, building elevations, building cross-sections, landscaping plan, and signage plan.

30. Within sixty (60) days of the DCB's final design approval, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into the revised Exhibit "A" described herein. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary for the life of this grant.

31. Within sixty (60) days of the DCB's final design approval, the permittee shall submit to the Director and Director of DBH for review and approval three copies of a signage plan, including elevations, proposed lettering, colors, and locations of signage on the subject property, which may be incorporated into the revised Exhibit "A," described herein. All renderings of said signage shall be drawn to scale and shall be in conformity with those approved by the DCB.

32. Prior to issuance of a building permit for the project, the permittee shall, to the satisfaction of the Director, participate in and contribute its fair share to funding of

the mitigation measures described in the Coastal Improvement Fund as specified in section 22.46.1950 of the County Code.

33. The applicant required to contribute to the Coastal Improvement fund. The estimated contribution based on the 264 proposed additional units on Parcel 10 R is $158,400 ($600.00 x 264 residential units). This amount may be reduced based on any credit the applicant is eligible per LACC 22.46.1950.D.

34. Prior to issuance of a building permit for the project, the permittee shall secure approval from the County Fire Department of a Fire Safety Plan meeting the specifications for same outlined in Section 22.46.1180.15 of he County Code. The permittee shall conduct site development in conformance with the approved Fire Safety Plan, and shall provide a copy of such approved plan to Regional Planning staff for inclusion in the subject case file.

35. Six months prior to any demolition activity associated with construction of the proposed project, the permittee shall distribute a notice (a copy of which shall be submitted to the Director of Planning prior to distribution) to all residential tenants occupying Parcel 10R notifying said tenants of the requirement to relocate. The permittee shall, at the time of notice, provide all interested tenants with lease availability information on other Marina del Rey properties.

36. The permittee shall contact the Fire Prevention Bureau of the County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. The permittee shall provide fire flow, hydrants, gated access width, emergency access, and any other facilities as may be required by said Department.

37. Prior to offering the apartments for rent, a valid business license shall be obtained for operation of the apartment building and shall remain in effect for the life of this grant.

38. The applicant shall provide fire sprinklers in all structures in accordance with County Building Code, Chapter 38, sections 3802(b) 5 and 3802 (h) to the satisfaction of the County Fire Department.

39. The following conditions shall apply to project construction activities:

    a. Construction activity shall be restricted between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday. Written permission from the Department of Beaches and Harbors is required prior to any construction on Saturdays. No construction shall occur on Sundays and legal holidays;

b. Pile driving shall be restricted to the hours between 8:00 a.m. to 5:00 p.m., Monday through Friday. No pile driving activity shall be conducted on Saturdays or Sundays. The permittee shall provide adjacent property owners with a pile-driving schedule 10 days in advance of such activities, and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the schedule and mailing list to the Director and to Public Works prior to the initiation of construction activities. In addition, at least 10 days in advance of any construction activities on the subject parcel, the permittee shall conspicuously post a construction schedule at the subject parcel's Via Marina and Marquesas Way street frontages. The schedule shall also include information where individuals may register questions, concerns, or complaints regarding noise issues. The permittee shall take appropriate action to minimize any reported noise problems;

c. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

d. All fixed and mobile construction equipment shall be in proper operating condition and be fitted with standard silencing devices; engineering noise controls shall be implemented on fixed equipment to minimize adverse effects on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and to Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment

and sensitive land uses;

e. Parking of construction worker vehicles and storage of construction equipment/materials shall be on-site or at Marina Parcel FF. If the permittee chooses to provide parking for construction workers or storage of construction equipment/materials off-site at Marina Parcel FF, the permittee shall submit plans for temporary construction worker parking and equipment/materials storage to the Director for the Director's prior review and approval;

f. All project-related truck hauling shall be restricted to a route approved by the Director of Public Works, a map of which shall be provided to the Director upon approval. The permittee shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the County Department of Public Health;

g. The permittee shall develop and implement a construction management plan, as approved by the Director and the Director of Public Works, which includes all of the following measures as recommended by the South Coast Air Quality Management District ("SCAQMD"), or other measures of equivalent effectiveness approved by the SCAQMD:

i. Configure construction parking to minimize traffic interference;

ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);

iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;

iv. Consolidate truck deliveries when possible;

v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;

vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD for daily

forecasts;

vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Director;

viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices; and

ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices;

h. The permittee shall develop and implement a dust control plan, as approved by the Director of Public Works, and the County Local Enforcement Agency ("LEA"), which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:

i. Apply approved non-toxic chemical soil stabilizers according to the manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more);

ii. Replace ground cover in disturbed areas as quickly as possible;

iii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications;

iv. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded;

v. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available);

vi. Install wheel washers where vehicles enter and exit unpaved areas onto paved roads, or wash-off trucks and any equipment leaving the site each trip; and

vii. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

j. All construction and development on the subject property shall comply with the applicable provisions of the California Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County; and

k. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director of Public Works, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director and to Public Works, prior to building permit issuance.

40. In conformance with the approved parking plans on file, the permittee shall provide a minimum of 909 parking spaces on-site, of which 887 shall be standard-dimensioned parking spaces and 22 shall be disabled access-dimensioned parking spaces. Of the 909 on-site parking spaces, 678 shall be marked reserved for apartment tenant parking, 100 shall be marked reserved for apartment guest parking, and 131 parking spaces shall be marked reserved for boat slip tenant parking.

41. Boat tenant parking and amenity facilities (i.e., landside boaters' lounge and restroom facilities) shall be provided on site in conformance with the approved plans on file.

42. Prior to the issuance of a building permit for the project, the permittee shall return to the DCB for said Board's approval of final project signage, landscaping, and public amenities plans (concerning final design details of the waterfront promenade seating with shade structures, bike racks, drinking fountains, promenade light standards and decorative paving), and building colors and materials palette.

43. ADA compliant sidewalks and driveways shall be constructed to the satisfaction of Public Works.

44. The use of the subject property shall be further subject to all of the following restrictions:

a. The permittee shall maintain a management staff to reside on site and be available to respond to any issues 7 days per week, 24 hours per day;

b. The permittee shall post signage on the subject property providing a telephone number for the reporting of any problems associated with said property;

c. Outdoor storage and the repair of automobiles shall be prohibited; and

d. The permittee shall monitor landscaping on a monthly basis and replace vegetation as needed.

45. The permittee shall design and construct driveways to the satisfaction of Public Works.

46. Site development shall be conducted in conformance with the archeological reporting requirements specified in Section 22.46.1190.2.a-c of the County Code.

47. The permittee shall establish a functional Transportation Demand Management (TDM) program or shall participate in an existing TDM program. Viable TDM components may include, but shall not be limited to:
    - -- Carpools;
    - -- Ridesharing;
    - -- Vanpools;
    - -- Increase use of bicycles for transportation;
    - -- Bicycle racks;
    - -- Preferential parking for TDM participants;
    - -- Incentives for TDM participants;
    - -- Disincentives.

48. Said TDM program shall follow the guidelines in the Transportation Improvement Program contained in Appendix G of the Marina del Rey Local Coastal Program. An annual report on the effectiveness of the TDM program shall be submitted to the Director.

49. As outlined in the attached MMP, prior to issuance of a building permit for the project, the permittee shall pay applicable, LCP-prescribed Category 1 and Category 3 traffic mitigation fees for the project, to the satisfaction of the Director of the Department of Public Works, which Department administers said fees.

50. The permittee shall install conspicuous signage, as reflected on the final signage plans to be approved by the DCB prior to issuance of a building permit for the project, at each bulkhead entrance of each public lateral access way on the parcel and at conspicuous locations along the length of the bulkhead public access ways (public promenade) identifying these as public access ways.

51. The permittee shall incorporate directional signage to enhance the public's awareness of shoreline access ways and public areas, to include conspicuous signage on the promenade regarding public waterside access (public promenade and wetland park on adjacent Parcel 9U) with an outdoor

map indicating the location and type of public access ways and parks located in Marina del Rey and maintenance of a bulletin board or kiosk within apartment building lobbies containing information on visitor-serving attractions in Marina del Rey.

52. The permittee shall coordinate project construction in a manner to ensure that the approved development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities in the vicinity of the site, nor the ancillary uses which support these facilities.

53. All necessary Public Works facilities and infrastructure shall be provided for the project prior to the County's issuance of a Certificate of Occupancy for the project, to the satisfaction of the Director of the Department of Public Works. All project infrastructure shall be designed and constructed in an environmentally sensitive manner, in full conformance with County Department of Public Works' requirements to the satisfaction of said Department, and shall follow the design and recreation policies of the certified Local Coastal Program, including landscaping standards required by the DCB.

54. The permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.

55. Prior to issuance of a building permit, the Department of Public Works shall approve a flood control, runoff and storm drain plan submitted by the permittee, which plan shall be consistent with the Santa Monica Bay Recovery Plan.

56. Permittee shall comply with the NPDES (National Pollution Discharge Elimination System) requirements of the California Regional Water Quality Control Board and the Los Angeles County Department of Public Works. Prior to issuance of a building permit, the permittee shall obtain any necessary permit or approval from the Department of Public Works.

57. The subject facility shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.

58. The building shall be designed and constructed utilizing earthquake resistant construction and engineering practices and shall be designed to withstand a seismic event. All earthquake studies shall comply with the latest recommendations of the state Department of Conservation and the Seismic Safety Board for seismic safety.

59. In the event of discovery of Native American remains or of grave goods, §7050.5 of the Health and Safety Code, and §5097.94, §5097.98 and §5097.99 of the Public Resources Code (all attached) shall apply and govern the permittee's development activities.

60. Prior to commencement of grading, the permittee shall provide evidence that it has notified the Office of State Historic Preservation and the Native American Heritage Commission of the location of the proposed grading, the proposed extent of the grading and the dates on which the work is expected to take place.

61. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.

62. All ground- and roof-mounted equipment shall be fully screened from public view. All roof-mounted facility screening materials shall be constructed of high quality building materials and shall be fully integrated into the building architecture.

63. Outside lighting shall be so arranged to prevent glare or direct illumination onto any adjacent properties and shall be subject to the requirements of the DCB.

64. Project development shall conform to the phasing schedules in the certified Local Coastal Program. The phasing schedules include requirements for the existing Marina, circulation and public recreation improvements and infrastructure.

65. The permittee shall incorporate water-conserving devices and technologies into the project, in compliance with local, state and/or federal regulations controlling same, to the satisfaction of the Director of the Department of Public Works.

66. Pursuant to Chapter 22.72 of the County Code, the permittee shall pay a fee to the County of Los Angeles Public Library prior to the issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department of Regional Planning. The current fee amount is $772.00 per dwelling unit ($772.00 X 400 additional apartment units = $308,800.00). The permittee may contact the County Librarian at (562) 940-8430 regarding payment of fees.

67. This permit shall not become effective unless the Coastal Commission has approved LCP Amendment No. RPA200600013 and until the Board of Supervisors adopted a resolution or take necessary actions effecting said amendment request.

68. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel No. 10R.

Attachment:
Mitigation Monitoring Plan

SD:MT
2/24/10

RESOLUTION OF THE REGIONAL PLANNING COMMISSION OF THE COUNTY OF LOS ANGELES RELATING TO THE ADOPTION OF AN AMENDMENT TO THE MARINA DEL REY LOCAL COASTAL PROGRAM FOR PROJECT NO. R2006-03647

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350) provides for the adoption of amendments to county general plans; and

WHEREAS, the applicant, Legacy Partners Neptune Marina L.P., has requested a Local Coastal Program (LCP) Amendment No. RPA200600013 to authorize the transfer of 261 development units from the adjoining Development Zone #2 (Tahiti Development Zone) into the subject Development Zone #3 (Marquesas Development Zone) to develop a 400-unit apartment complex and average the permitted densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the project site's R-III and R-V land use categories; and

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted concurrent public hearings regarding Coastal Development Permit No. RCDP200600008, Conditional Use Permit No. RCUP200600289, and Variance No. RVAR200600013 on October 29, 2008, August 12, 2009, October 14, 2009, February 3, 2010 and March 10, 2010; and

WHEREAS, in compliance with the California Coastal Act of 1976, as amended to date, the County of Los Angeles has prepared an amendment to the certified Local Coastal Program for Marina del Rey; and

WHEREAS, the Local Coastal Program for Marina del Rey consists of a Land Use Plan and Local Implementation Program, which includes a Specific Plan, a Transportation Improvement Program and related appendices (collectively referred to herein as the "certified LCP"); and

WHEREAS, an amendment to the certified LCP element of the Los Angeles County General Plan is necessary at this time to address unique circumstances in the unincorporated territory of Marina del Rey; and

WHEREAS, the amendment to the certified LCP includes modifications to the Land Use Plan and Local Implementation Program and related text, for the unincorporated area of Marina del Rey commonly known as Parcel "10R"; and

WHEREAS, an Environmental Impact Report for the project has been completed and certified by the Commission in compliance with the California Environmental Quality Act (CEQA) and the State and County guidelines relating thereto; and

WHEREAS, the Regional Planning Commission has considered the public testimony, the recommendations and testimony of the Regional Planning Department staff, and the Environmental Impact Report, including the documentation within each case file; and

WHEREAS, the Regional Planning Commission finds as follows:

1. The subject property is located at 14126 Marquesas Way, also known as Marina del Rey Parcel 10R, on the southeast corner of the intersection of Via Marina and Marquesas Way in Marina del Rey and in the Playa Vista Zoned District.

2. The subject property contains 7.32 landside acres and 4.68 waterside/submerged acres is located on level terrain in a highly urbanized area devoted primarily to recreational boating and multi-family residential uses.

3. The subject property is accessed via Marquesas Way, a private street and Via Marina which is an improved designated Secondary Highway. The subject property is also accessible by boat via the Marina del Rey main channel.

4. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program (LCP). The subject parcel's existing land use designations per the LCP are "Residential V-Waterfront Overlay Zone" (for the "non-mole" portion of the parcel which fronts Via Marina), "Residential III-Waterfront Overlay Zone" (for the "mole road" portion of the parcel), and "Water" for the waterside portion of the parcel (which contains the private Neptune Marina anchorage).

5. Zoning land use designations on the surrounding properties consist of the following:

   North: Open Space

   South: Hotel-Waterfront Overlay Zone

   West: City of Los Angeles, across Via Marina

   East: Residential IV-Waterfront Overlay Zone and Water

6. The subject property is currently developed with an apartment complex containing 136 rental apartment units and landside facilities appurtenant thereto and a private boat anchorage containing 198 boat slips (of which 13 are "end-tie" spaces).

7. Land Use on surrounding properties consist of the following:

   North: A public parking lot and multi-family apartments

   South: Vacant parcel

   West: Multi-family residential (condominiums in City of Los Angeles)

   East: Multi-family residential (apartments) and private anchorage

8. In October of 1991, Plot Plan 12189 was approved for a restaurant with entertainment and dining. In September of 1992, an addendum to Plot Plan 12189 was approved for wall signs. In October of 1992, an addendum to Plot Plan 12189 was approved for a freestanding sign. There are no zoning enforcement cases noted for the subject property in the Department's records.

9. The applicant is requesting the subject amendment to the certified LCP to authorize the transfer of 261 potential residential development units from the abutting Development Zone-2 (Tahiti Development Zone) into the subject Development Zone-3 (Marquesas Development Zone).

10. The proposed transfer of 261 residential development units into the subject Marquesas Development Zone is necessary because there are presently only three (3) remaining potential residential development units in the Marquesas Development Zone.

11. During the public hearing conducted by the Regional Planning Commission regarding the subject amendment to the certified LCP and associated project permits and Draft Environmental Impact Report, speakers testified in opposition to approval of the subject amendment to the certified LCP, stating, among other things, that the movement/transfer of residential development units between Development Zones is not permitted in the certified LCP and should not be authorized in the instant case.

12. The Commission finds there is clear precedent for the proposed inter-Development Zone transfer of residential development units; a previous LCP amendment approval for Marina Parcel 20, certified by the California Coastal Commission, authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ (see approval for County Project No. 98-172-4). A traffic analysis has been prepared for the project which has determined that the traffic and circulation impacts of the proposed inter-Development Zone transfer, within the LCP study area, of excess development units will have no adverse impact on traffic circulation in the project vicinity. The County Department of Public Works' Traffic & Lighting Division has reviewed and approved the project traffic study and concurs

with the traffic report's finding that the proposed transfer of development units will not impact traffic or circulation patterns within or outside of the Marina. The Commission finds that the proposed transfer of the development allocation among different Development Zones is consistent with the goals and policies of the certified LCP inasmuch as it will neither result in additional development as contemplated in the certified LCP nor result in additional traffic impacts as contemplated in the certified LCP.

13. The LCP amendment for the subject project will also authorize the applicant to average, residential densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the subject parcel's R-III and R-V land use categories. Total site density will not exceed the LCP-prescribed 400 dwelling units for Parcel 10R, but the units will be more evenly distributed between the R-V (non-mole portion) and R-III (mole portion) designated areas of the parcel, allowing for more uniform building massing and development. Nearby apartment projects on Marquesas Way and apartment buildings which have been permitted for development along the County unincorporated portion of Via Marina are, and will become, developed with buildings of similar height and massing. The Commission thus finds that the applicant's request to average residential density over the parcel is entirely consistent with the established development pattern of the neighborhood.

14. During the public hearing before the Commission regarding the subject amendment to the certified LCP and associated project permits and Draft Environmental Impact Report, persons testified in opposition to approval of the subject LCP amendment, stating that the proposal to average residential densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the subject parcel's R-III and R-V land use categories would result in adverse wind impacts to sailing vessels in the adjacent Marina Basin B.

15. A qualified engineering firm performed two detailed wind studies for the project using wind tunnel tests to simulate and measure before and post-development wind conditions in sailing Basin B, which abuts the subject property to the south (Marquesas Way portion of the parcel) and east (Via Marina portion of the parcel). These studies, which are included as appendices in the project EIR (Rowan, Williams, Davies and Irwin, Inc. Wind Study), conclude the overall sailing wind conditions will be unaffected in Basin B by addition of the approved apartment buildings on Parcel 10R. Minor changes in wind speed and direction were recorded only in the westerly end of Basin B, and only during periods of westerly winds. The wind study for the project concludes that, due to the localized, minor nature of the changes coupled with the fact that a majority of sailing vessels will be

under motor power as they pull into or leave their slips, the changes in wind speed and direction at the westerly end of Basin B are not assumed to be significant. The wind study also concludes that the proposed development would not have any appreciable affect on winds utilized by birds during flight.

16. The Commission has reviewed the wind reports for the project and deems them to constitute credible evidence substantiating that development of the subject apartment buildings on Parcel 10R will not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel, nor adversely impact winds utilized by birds in flight.

17. During the public hearing before the Commission regarding the subject amendment to the certified LCP and associated project permits and Draft Environmental Impact Report, speakers testified in opposition to approval of the subject amendment to the certified LCP, stating that the approval of the LCP amendment and associated project permits would constitute piecemealing in violation of CEQA.

18. The Commission finds that adoption of the subject amendment to the certified LCP, approval of the Project Permits and certification of the Final Environmental Impact Report does not constitute piecemealing pursuant to CEQA or other applicable laws. Under the CEQA guidelines, the County has overseen preparation of a single, comprehensive Environmental Impact Report in order to evaluate the potential project-specific and cumulative environmental impacts associated with the subject project on Parcel 10R and other proposed development projects on nearby Marina del Rey Parcel FF (located across Marquesas Way from Parcel 10 at the northeast corner of the intersection of Marquesas Way and Via Marina) and Parcel 9U (located at the northeasterly corner of the intersection of Tahiti Way and Via Marina, adjoining the subject Parcel 10R to the south). The Parcel FF project (County Project No. R2006-03652-(4)) is a request to demolish an existing surface parking lot containing 202 public parking spaces and appurtenant landscaping on Marina Parcel FF, and to subsequently construct one (1) apartment building containing 126 rental dwelling units (including 19 affordable housing units), garage parking, landscaping, hardscape, a public waterfront pedestrian promenade and other amenities and appurtenant facilities. The three development projects on nearby Parcel 9U that are also analyzed in the comprehensive EIR include a request a request (reference County Project No. TR067861) to develop a 225-foot-tall, 288-room hotel and timeshare resort, with an assortment of accessory resort uses/facilities, a six-level parking garage containing 360 parking spaces, and a waterfront pedestrian promenade and other appurtenant facilities on the northerly approximately 2.2 acres of Parcel 9U; a request to develop (County Project No. R2006-03643) a public wetland park on the southerly approximately 1.46 acres of Parcel 9U; and a request

to construct a public/"transient" boat anchorage comprising approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B (adjacent to the Parcel 9U bulkhead) and containing approximately 542 lineal feet of new public dock area. The EIR also considered potential cumulative impacts associated with reasonably foreseeable related projects located within and outside of the Marina.

19. The Commission finds that this comprehensive EIR processing approach for the above-referenced development projects, while being compliant with CEQA and other applicable laws, has afforded the public and the Commission an enhanced understanding of the numerous land use planning and environmental issues associated with developing the subject property and nearby Marina Parcels FF and 9U.

20. Concurrently with the local coastal program plan amendment request, the applicant is also requesting a Coastal Development Permit to authorize the demolition of the existing 136-unit Neptune Marina Apartments and appurtenant landside facilities (all site landscaping, hardscape and surface parking) located on Marina del Rey Parcel 10R, and to subsequently construct a total of 400 rental apartment units (including a total of 62 affordable housing units) in three (3) buildings (maximum 60 feet in height, excluding appurtenant rooftop structures), and landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and facilities on the subject parcel. The applicant's Coastal Development Permit request also seeks authorization for the applicant's temporary use of Marina del Rey Parcel FF (located across Marquesas Way from Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development. The applicant has also requested a Conditional Use Permit to authorize site grading, the export of earth in excess of 100,000 cubic yards, and parking for boater related uses; and a Variance to authorize excess signage and an elimination of the required 10-foot building setback from the waterside pedestrian promenade. The applicant has also requested a Coastal Approval in Concept for the proposed demolition an existing 198-slip private small craft anchorage located on the waterside portion of the subject Parcel 10R, and the subsequent construction of a new 174-slip private small craft anchorage within the Marina Del Rey Basin B. Collectively, the requested discretionary land use permits for the project are referred to herein as the "Project Permits."

21. As further outlined in detail in the Commission's findings for the associated Project Permits, and in full conformance with California Government Code Sections 65590 and 65590.1 (the "Mello Act" of 1982) and the County's Affordable Housing Policy for Marina del Rey (Policy), the proposed development has been conditioned to provide a total of sixty-two (62) affordable housing units in the 400-unit project, of which:

- Twenty-two (22) units are being provided as "replacement" affordable units pursuant to the Mello Act and Policy. Of the project's 22 replacement affordable units, eleven (11) will be designated for sole occupancy by qualifying low-income households and eleven (11) will be designated for sole occupancy by qualifying moderate-income households, for the term of the extended lease for the parcel (until February 2061); and

- Forty (40) units are being provided as "inclusionary" affordable housing units pursuant to the Mello Act and Policy. Of the project's 40 inclusionary affordable housing units, thirteen (13) will be designated for sole occupancy by qualifying very low-income households, fourteen (14) will be designated for sole occupancy by qualifying low-income households, and thirteen (13) will be designated for sole occupancy by moderate-income households, for the term of the extended lease for the parcel (until February 2061).

22. The Commission has conditioned its approval of the project Coastal Development Permit to require the applicant to enter into a covenant with the County stipulating that the project's 62 affordable housing units shall be maintained on the property at the designated affordability levels for the entire term of the extended lease for Parcel 10R (until 2061), and that these units shall be reasonably dispersed throughout the development.

23. The Commission finds that the applicant's on-site provision of the subject sixty-two (62) affordable housing units in the project is in full compliance with Mello Act requirements and the Policy, and represents a significant, important contribution to the production of badly needed affordable housing in Marina del Rey, which the Commission finds to be a compelling public benefit being provided by the project. The Commission further finds that increased demand for housing within the region and Marina del Rey—and the affordable housing the project will provide, in particular—is strong evidence supporting the County's adoption of the subject amendment to the certified LCP.

24. The Commission finds the applicant has submitted substantial evidence, in the form of detailed written correspondence and other reports to the Commission and verbal testimony during the public hearing before the Commission, which satisfies the burden of proof for an amendment to the certified Local Coastal Program, which evidence addresses the need for the development, the appropriateness of the subject LCP amendment, and how the subject amendment will be in the interest of the public health, safety and general welfare, and in conformity with good planning practices. Based on the evidence submitted during the hearing process for the request, the Commission finds the subject amendment to the certified LCP is consistent

with the goals, policies and programs of the Los Angeles County General Plan and the certified LCP, and that there is a need for the adoption of the subject LCP amendment in order to facilitate the construction and operation of the proposed residential use. Based on the evidence considered by the Commission, the Commission further finds that the proposed project will not be materially detrimental to the use, enjoyment, or valuation of property or other persons located in the vicinity of the site.

25. The subject property is presently developed with an apartment complex that was constructed in the 1960s, the dated condition of which warrants the proposed redevelopment, which the Commission finds to be in conformance with goals and policies articulated in the certified LCP regarding the Phase 2 redevelopment of the Marina's leaseholds. As noted, the subject property is located in a predominately residential area of the Marina in the immediate vicinity of landside parcels that are developed with multi-family residential uses. The Commission also finds the development of the proposed 400 apartment units on Parcel 10R, including 62 affordable housing units to be deeded for long-term occupancy by qualifying households, will act to reinforce and strengthen the existing residential character on Marquesas Way and Via Marina while also increasing the County's stock of affordable housing for this area of the County. The Commission finds that the project's compatibility with surrounding land uses will be ensured through the conditions of approval for the associated project Coastal Development Permit, Conditional Use Permit, Variance, and environmental controls.

26. The Commission finds the project will be reasonably proximate to available public transit and necessary services and facilities.

27. The Commission finds the project to be consistent with the goal of the certified LCP to encourage controlled changed in the Marina over the next 30 years. The project is also consistent with the certified LCP's goal to encourage private lessees within the Marina to replace and update facilities to maintain the physical and economic viability of the Marina.

28. The subject amendment to the certified LCP constitutes an amendment to the Los Angeles County General Plan and a change to the County Zoning Ordinance.

29. The proposed project, in summary:

    a. Avoids premature conversion of undeveloped land to urban uses;

    b. Promotes the distribution of population consistent with service system capacity, resource availability, environmental limitations, and accessibility;

c. Directs urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as active fault zones, steep hillside areas, and high fire hazard area;

d. Encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of a new urban growth in the areas of suitable land;

e. Ensures that new development and urban expansion areas will occur in a manner consistent with stated plan policies and will pay for marginal and public costs that it generates;

f. Focuses intensive urban uses in inter-dependent systems of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities; and

g. Provides affordable housing in a region with a scarce affordable housing supply.

30. A Final Environmental Impact Report for the project has been prepared in accordance with the California Environmental Quality Act (CEQA), the State Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Final Environmental Impact Report consists of the Draft EIR, the Technical Appendices to the Draft EIR and the Final EIR, including responses to comments. A Mitigation Monitoring Program consistent with the conclusions and recommendations of the FEIR has been prepared, and its requirements have been incorporated into the conditions of approval for this project. On March 10, 2010, the Commission certified the FEIR prepared for the project pursuant to Public Resources Code Section 21082.1(c)(3) and CEQA Guidelines, finding that (1) the FEIR has been completed in compliance with CEQA, (2) that the Commission had reviewed and considered the information contained in the FEIR prior to approving the project, and (3) that the FEIR reflected the Commission's independent judgment and analysis. Except for potentially significant impacts upon air quality and noise at the project level, and impacts related to traffic, solid waste, population and land use when the project is viewed cumulatively with other projects in the area, identified significant impacts can be reduced to acceptable levels with mitigation measures identified in the FEIR. As stated in the FEIR and Statement of Overriding Considerations, the project will result in potentially significant impacts mentioned above. Such impacts have been reduced to the extent feasible, and the Commission found that the benefits of the proposed project outweigh these unavoidable adverse impacts. Such unavoidable adverse impacts have been determined to be acceptable based upon the

overriding considerations set forth in the Statement of Overriding Considerations for the project.

31. In connection with its approval of the Project Permits, the Commission, certified that it has independently reviewed and considered the information contained in the Final Environmental Impact Report prepared by Los Angeles County Department of Regional Planning as lead agency prior to approving the project; certified the EIR; adopted the Mitigation Monitoring Plan (MMP) which is appended to and included in the attached conditions of approval for the associated Project Permits, finding that, pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation; determined that the conditions of approval attached to the Project Permits are the only mitigation measures for the project which are feasible and that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in these findings; determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social and/or environmental benefits of the project as stated in the findings and in the Environmental Findings of Fact and Statement of Overriding Considerations adopted for the project, which findings and statement are incorporated herein by reference.

32. The Commission finds the recommended plan amendment will not place an undue burden upon the community's ability to provide necessary facilities and services, as outlined in the preceding findings of fact, the findings of fact for the associated Project Permits and the certified Final Environmental Impact Report prepared for the project.

WHEREAS, based upon the findings of fact described above and other evidence in the record of proceedings, the Regional Planning Commission, having completed an independent review and analysis of the project, concludes that:

1. The site is suitable for the proposed use and intensity.

2. The recommended Local Coastal Program Amendment will not place an undue burden on the community's ability to provide necessary facilities and services.

3. The recommended Local Coastal Program Amendment is consistent with the goals, policies, and programs of the General Plan and will help implement the various objectives identified with respect to the Site.

4. The recommended Local Coastal Program Amendment is in the interest of public health, safety, and general welfare and is in conformity with good planning practice.

NOW, THEREFORE, BE IT RESOLVED: That the Regional Planning Commission of the County of Los Angeles hereby recommends that the Board of Supervisors:

1. Hold a public hearing to consider the above-recommended Local Coastal Program Amendment; and

2. Rely on the certified EIR in connection with its approval of the above-recommended Local Coastal Program Amendment.

3. Find that the recommended Local Coastal Program Amendment is consistent with the goals, policies and programs of the Los Angeles County General Plan and the Marina Del Rey Specific Plan; and

4. Adopt Local Coastal Program Amendment No. RPA200600013, amending the Land Use Map of the Marina Del Rey Specific Plan and the Land Use Policy Map of the Marina Del Rey Land Use Plan (and related text) regarding the 7.32-acre subject parcel as follows:

   - Authorizing the transfer of 261 potential residential development units from the abutting Development Zone-2 (Tahiti Development Zone) into the subject Development Zone-3 (Marquesas Development Zone); and

   - Authorizing the applicant to average residential densities over Parcel FF without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the proposed R-III (mole portion of parcel) and R-V (non-mole portion of parcel) land use categories.

I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on March 10, 2010.

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Rosie O. Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

Project R2006-03647

Neptune Marina Apartments and Anchorage Project – Parcel 10R
Mitigation Monitoring Plan

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	GEOTECHNICAL AND SOIL RESOURCES			
The proposed project has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving structures adversely affected by the magnitude of seismic shaking that could potentially occur on the project site.	**Fault Rupture, Seismic Ground Shaking, Landslides:** **5.1-1.** Proposed structures shall be designed in conformance with the requirements of the 2007 edition of the UBC and the County of Los Angeles Building Code for Seismic Zone 4. **5.1-2.** Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (**Draft EIR, Appendix 5.1, Section 4.0, pages 6 - 20**) and the Van Beveren & Butelo report (**Draft EIR, Appendix 5.1, pages 14 - 35**).	The applicant shall submit plans designed in conformance with UBC and County of Los Angeles Building Code requirements.	Building and Safety	During plan check
Surficial wind and water erosion on the project site has the potential to increase on the project site during construction.	**Soil Erosion:** **5.1-3.** Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage.	The applicant shall submit an Erosion Control Plan to protect the project from improper surface drainage.	Department of Public Works, Building and Safety	Prior to the issuance of grading permit

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.1-4. Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall. **5.1-5.** Where necessary during periods of rainfall, the Contractor shall install checkdams, desilting basins, rip-rap, sand bags or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements. **5.1-6.** Following periods of rainfall and at the request of the Geotechnical Consultant, the Contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage. **5.1-7.** Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs, and adjacent property. **5.1-8.** For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.	Field inspections	Building and Safety	On going during construction
	5.1-9. Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.	The applicant shall record a covenant prior to issuance of a certificate of occupancy.	Public Works and Building and Safety	Prior to issuance of a certificate of occupancy
	5.1-10. Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.	The applicant shall submit a landscape plan.	Department of Regional Planning	During plan check

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.1-11. Roof drains shall be directed off the site.	Field inspections	Building and Safety	During plan check and on going during construction
	5.1-12. Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report (**Draft EIR, Appendix 5.1, Section 4.0, pages 6 - 20**).	Field inspections	Building and Safety	On going during construction
Consequences of liquefaction on the project site include liquefaction-induced ground subsidence and lateral spread or deformation toward the low-lying areas of the project site.	**Liquefaction:** **5.1-13.** Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (**Draft EIR, Appendix 5.1, Section 4.0, pages 6 - 20**).	Field inspections	Building and Safety	On going during construction
Methane is a natural bi-product of the microbial decomposition of organic matter in an anaerobic environment. In large concentrations, methane can be explosive and, since it is heavier than air, can displace atmospheric oxygen.	**Soil Gas** **5.1-14.** The County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2008 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports (**Draft EIR, Appendix 5.1**) shall be implemented.	Field inspection	Public Works and Building and Safety County Geologist	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
The project site is not located on expansive soils; however, any import material should be tested for expansion potential prior to importing.	**5.1-15.** Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (**Draft EIR, Appendix 5.1, Section 4.0, pages 6 - 20**).	Field inspections	Building and Safety	On going during construction
	NOISE			
Construction Impacts Construction activity would occur as close as 50 feet from existing noise sensitive residential uses located east and west of the project site, or along the haul route. Uses at these locations could experience noise levels that reach up to 94 A-weighted decibels (dB(A)) for short time periods. These could be temporarily exposed to exterior noise levels that could exceed the County's Noise Control Ordinance standards for construction equipment noise.	**5.2-1.** All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as a plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residences. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.	The applicant shall submit an equipment log to ensure the equipment is properly maintained.	Department of Public Works Building and Safety	Log submitted quarterly and during field inspections

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.2-2. All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.	Field inspection	Building and Safety	On going during construction
	5.2-3. The project applicant shall post a notice at the construction site that shall contain information on the type of project and anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.	Field inspection	Building and Safety	On going during construction
Because the use of pile driving equipment is required for foundation construction, vibration impacts that would occur are considered significant and unavoidable, but temporary in nature.	**Vibration Impacts** **5.2-4.** To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving. **5.2-5.** A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.	Field inspection	Building and Safety and Public Health	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	HYDROLOGY AND DRAINAGE			
During construction, landside demolition of the existing apartment complex (Parcel 10R), grading/excavation operations and project construction could result in increased water and wind erosion and a potential for the discharge of sediment to the small-craft harbor during storm events resulting in increased sedimentation or erosion. Additionally, temporary de-watering systems for the proposed partially subterranean parking garages also have the potential to discharge sediments from excavation areas directly to the small-craft harbor unless mitigated. Project applicant(s) would be required to prepare a Stormwater Pollution	**5.3-1.** A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.	The applicant shall submit a final drainage plan and final grading plan	Department of Public Works	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Prevention Plan (SWPPP) for Parcel 10R pursuant to the National Pollutant Discharge Elimination System (NPDES) that would identify the various Best Management Practices (BMPs) that would be implemented at the construction site.				
Any contribution of contaminants to the degradation of water quality in the small-craft harbor would represent a potential significant impact.	**Marine Activity Impacts** **5.3-2.** Small-craft harbor lease agreements for the Neptune Marina Apartments and Anchorage Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.	Implementation of boat slip sublease agreements by the applicant	County Beaches and Harbors, Harbor Patrol	Throughout the life of the project
	AIR QUALITY			
Demolition, Excavation and Construction Impacts The emissions associated with concurrent demolition, excavation and grading and construction of all the project components would exceed the South	**5.4-4.** Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD: a. Configure construction parking to minimize traffic interference. b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).	The applicant shall submit a construction management plan to ensure minimal construction activity impact.	Department of Public Works	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Coast Air Quality Management District (SCAQMD) emission thresholds of significance during the construction phase for carbon monoxide (CO), oxides of nitrogen (NOX), and volatile organic compounds (VOC), as well as cause localized significant ambient air quality impacts for particulate matter less than 10 microns in diameter (PM10), particulate matter less than 2.5 microns in diameter (PM2.5), and NOX.	c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable. d. Reroute construction trucks away from congested streets. e. Consolidate truck deliveries when possible. f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions. h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts. i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators. j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices. k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.4-5. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD: a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more). b. Replace ground cover in disturbed areas as quickly as possible. c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications. d. Water active grading sites at least twice daily (SCAQMD Rule 403). e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded. g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code. h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and	The applicant shall submit a dust control plan to alleviate dust emissions. Field inspection	County of Los Angeles Department of Public Health and Building and Safety	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	any equipment leaving the site each trip. j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. k. Enforce traffic speed limits of 15 mph or less on all unpaved roads. l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.			
Demolition of the existing structures constructed in the 1960s would be a potential hazard if the buildings contained asbestos fibers.	**5.4-6.** In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.	The applicant shall submit an asbestos removal plan, if asbestos is discovered, prior to demolition of existing structures.	Building and Safety	During demolition
The project would generate GHG emissions, which would contribute to potential cumulative impacts of GHG emissions on global climate. These are not considered to be cumulatively considerable impacts.	**Global Climate Change** **5.4-11.** The project shall achieve energy efficiency equivalent to the California Energy Commission Tier II building energy use standards. **5.4-12.** The project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight. **5.4-13.** The project applicant shall use drought-tolerant landscaping from an approved plant list provided by the lead agency, County of Los Angeles, or other agency. **5.4-14.** The project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designated for future landscaping. The project applicant shall ensure landscaped areas comply with all requirements within Title 22	The applicant shall incorporate compliance with the County Green Building Ordinance with final project design plans	Building and Safety	Prior to issuance of building permit.

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	Part 21 of Chapter 22.523. **5.4-15.** The project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed. **5.4-16.** The project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the project. The project applicant will also provide residents and hotel guests with information regarding local and regional public transportation services.			
	BIOTA			
Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for up to 185 new boat spaces This impact is considered potentially significant due to (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of	**5.5-1.** Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in-place the piles are extracted. During this process turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction. **5.5-2.** In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than	The applicant shall incorporate BMP for sedimentation control as part of the NPDES compliance.	Department of Public Works and Regional Water Quality Control Board	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment.	the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor. **5.5-3.** Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.	Qualified biologist to monitor construction activities	Department of Regional Planning	During construction
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, except nesting migratory birds when found nesting in project area landscape trees.	**5.5-4** To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5 and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities.	Qualified biologist to monitor construction activities and provide pre-construction nesting bird survey	Department of Regional Planning and Public Works	Prior to and during construction

Impact	Mitigation Measure		Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
		If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.			
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, with the exception of black-crowned night-heron	**5.5-5**	During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed	Qualified biologist to monitor construction activities	Department of Regional Planning	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
and snowy egret when found nesting in project area landscape trees.	or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.			
TRAFFIC/ACCESS				
The project is expected to generate approximately 1,017 net new trips per day. Of this total, an estimated 92 trips would occur during the morning peak hour, and 85 new trips would occur during the evening peak hour. These new trips would be added to the project area roadway network once the existing development is removed and the proposed project is completed and fully occupied. The incremental project traffic would significantly impact the	**5.7-1.** Through the implementation of area traffic improvement measures recommended in the adopted Marina del Rey Specific Plan Transportation Improvement Program (TIP) project (i.e., existing + ambient growth + project) traffic related impacts would be reduced to a less than significant level. Based on the expected net project trip generation of 85 PM peak hour trips, the project would be required to pay $483,650 in trip mitigation fees. A portion of these fees is designated toward the Category 3 (regional) transportation improvements.	Submittal of plan review	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
(LOS) forecasts during the PM peak hours at three of the study intersections, Admiralty Way and Via Marina, Washington Blvd. at Ocean Avenue and Via Marina, and Admiralty Way and Mindanao Way. During the AM peak hour only the Admiralty Way/Mindanao intersection would be significantly affected.				
Cumulative Impacts The results of the cumulative development analysis show that the potential additional traffic resulting from area-wide development would significantly impact 12 of the 17 study intersections, resulting in several locations nearing or exceeding capacity. The proposed project would also contribute incrementally to these cumulative impacts.	The intersection improvement measures recommended to address these cumulative traffic impacts, consistent with the detailed specific intersection improvement measures in the December 2007 Traffic Analysis prepared by Crain and Associates, include the intersections of: • Admiralty Way and Via Marina • Washington Boulevard and Via Marina/Ocean Avenue • Admiralty Way and Palawan Way • Washington Boulevard and Palawan Way • Lincoln Boulevard and Washington Boulevard • Lincoln Boulevard and Marina Expressway (SR-90) • Lincoln Boulevard and Bali Way • Lincoln Boulevard and Mindanao Way • Lincoln Boulevard and Fiji Way • Admiralty Way and Bali Way • Admiralty Way and Mindanao Way	The applicant shall pay fees to the transportation improvement fund.	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	• Marina Expressway (SR-90) Eastbound and Mindanao Way			
SEWER SERVICE				
The proposed development would generate an increase demand for sewage.	**5.8-1.** Prior to issuance of building permits, the Neptune Marina Apartments and Anchorage Project applicants shall demonstrate sufficient sewage capacity for the proposed project by providing a "will serve" letter from LACDPW's Sewer Maintenance Division.	The applicant shall submit a will serve letter from the Department of Public Works, Sewer Maintenance Division	Department of Public Works, Sewer Maintenance Division	Prior to the issuance of building permits
WATER SERVICE				
The proposed development of the project would increase the demand for water in the project area.	**5.9-4.** The Neptune Marina Apartments and Anchorage Project (Parcel 10R) shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.	The applicant shall submit a landscape plan	Department of Regional Planning	During plan check
Implementation of MWD 25-year comprehensive Integrated Water Resources Plan (IRP)	**5.9-5.** The Neptune Marina Apartments and Anchorage Project (Parcel 10R) shall incorporate into the building plans water conservation measures as outlined in the following items: • Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals; • Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and • Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.	The applicant shall submit building plans incorporating water conservation methods	Department of Public Works	Prior to the issuance of building permit

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.9-6. Prior to the issuance of grading permits, the Neptune Marina Apartments and Anchorage Project (Parcel 10R) applicant shall provide to the Los Angeles County Department of Regional Planning a letter from Marina del Rey Water System confirming that it is able to provide water service to the project phase under consideration.	The applicant shall submit water service letter from Marina del Rey Water System of ability to provide sufficient water supply	Department of Regional Planning	Prior to the issuance of grading permit
SOLID WASTE SERVICE				
Demolition of the existing structures would generate construction debris. Hazardous materials such as asbestos containing materials or lead-based paint within the existing structures may be encountered during demolition.	**5.10-3.** If required, during demolition the Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County	The applicant shall contract with a hauling company.	Department of Public Works	On going during construction
	5.10-4. The Neptune Marina Apartments and Anchorage Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.	The applicant shall submit a Recycling and Reuse Plan	Department of Public Works	Prior to issuance of demolition and grading permits
During project operation, The Neptune	**5.10-5.** To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan	The applicant shall submit a solid waste management	Department of Public Works	Prior to issuance of

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Marina Apartments and Anchorage Project would generate a net increase of solid waste generation beyond currently permitted landfill capacity.	shall be developed by the Neptune Marina Apartments and Anchorage Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.	plan.		demolition and grading permits
EDUCATION				
Cumulative Impacts A total of approximately 2,069 students would be generated by cumulative development within the attendance boundaries of the schools serving the project site. The number of additional students would exceed existing capacity at the elementary, middle and high schools and would place additional demands on services and facilities at all three area schools.	As with the proposed project, the applicants of the related projects would be required to pay state-mandated developer fees to the LAUSD. According to Section 65995 of the Government Code, payment of the developer fees is deemed to be "full and complete mitigation" for school facility impacts. Payment of such fees by the proposed project and related projects would ensure that the cumulative impacts on school services would be less than significant.	Applicant for residential apartments to pay developer fees to school district	Los Angeles Unified School District	Prior to issuance of certificate of occupancy
POLICE PROTECTION				

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Construction Impacts Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact.	**5.12-4.** Prior to construction, the Neptune Marina Apartments and Anchorage Project shall install navigational aids such as buoys and lights as defined by the US Coast Guard to ensure safe access within all channels of the small-craft harbor. **5.12-5.** As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Apartments and Anchorage Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the project. **5.12-6.** During construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12.08 and 12.12 Los Angeles County Code).	The applicant shall submit site design to the County Sheriff's Department	County Sheriff's Department	Prior to issuance of demolition and grading permits
FIRE PROTECTION				
Construction Impacts During construction, a large amount of wood framing and other flammable construction materials would be present on the project site(s). In addition,	**5.13-5.** Applicants associated with the Neptune Marina Apartments and Anchorage Project shall submit and have approved by the County of Los Angeles Fire Department, a Fire Safe Plan. The Fire Safe Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each	The applicant shall submit a Fire Safe Plan	County of Los Angeles Fire Department	Prior to issuance of building permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
construction traffic would occur on and near the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would potentially slow emergency response times. However, no significant impacts will occur with implementation of standard County safety measures.	project. Typically, such plans, defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval. **5.13-6.** During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department. **5.13-7.** Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval. **5.13-8.** The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows, and fire hydrants.			
LIBRARY SERVICES				
Operational Impacts; Funding The proposed project will be responsible for payment of the library mitigation impact fee. Payment of this fee would constitute full mitigation, and impacts to library services would be less than	**5.14-1.** The Neptune Marina Apartments and Anchorage Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007) for the total of all new units (400 units). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.	Applicant for residential apartments to pay library mitigation impact fee to County Librarian	Los Angeles County Librarian	Prior to issuance of certificate of occupancy

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
significant.				

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 4, 2010

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Samuel Z. Dea
Section Head
Special Projects Section

SUBJECT: Woodfin Suites Hotel/Neptune Marina Apartments Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861 (Item Nos. 6, 7, 8, 9a and 9b)

Regional Planning Commission packages, including Draft Findings and Conditions of Approval, on the above-mentioned projects were provided to your commission on February 25, 2010. The following are proposed changes and additions to those Draft Findings and Conditions of Approval:

Item No. 6 (Project R2006-03647 – Neptune Marina Apartments on Parcel 10R)

Staff recommends the following change to the last bullet point of Finding No. 32 found on page 15 of the Draft Findings:

*As outlined in finding **~~#10~~** **#25** above, with approval of the associated LCP amendment, the Commission hereby finds that the project will be in full conformity with the build-out limitations of the LCP specified for Development Zone 3.*

Finding 86, found on pages 26-27, describes the traffic mitigation fee collected by the Department of Public Works to mitigate traffic impacts related to the project. Staff recommends the following sentence be added at the end of the finding:

If the County Director of Public Works requires the project to directly implement one or more physical public roadway improvement, a commensurate adjustment to the fee requirement would also be made.

The applicant has requested that Condition No. 6 on page 2 of the Draft Conditions be replaced with the following:

This grant shall expire unless used on the date that is five (5) years after the Final Approval Date (defined below). The "Final Approval Date" means the later of (a) the

last date on which any party may file any legal challenge or appeal the approval action for this grant, provided no such legal challenge or appeal has been filed; or (b) if any legal challenge or appeal of the approval action for this grant is made by any party, then the date on which such legal challenge or appeal is fully and finally resolved, such that no further legal challenge may be made. No less than six (6) months prior to the permit expiration date, the permittee may request in writing a one-year time extension, and pay the applicable extension fee.

Staff recommends the following change to Condition No. 66 found on page 15 of the Draft Conditions:

Pursuant to Chapter 22.72 of the County Code, the permittee shall pay a fee to the County of Los Angeles Public Library prior to the issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department of Regional Planning. The current fee amount is ***~~$671.00~~*** ***$772.00*** *per dwelling unit ($772.00 X 400 additional apartment units = $308,800.00). The permittee may contact the County Librarian at (562) 940-8430 regarding payment of fees.*

Staff recommends the following change to Local Coastal Program Amendment (LCPA) Resolution Finding No. 19 found on page 6 of the LCPA Resolution Findings:

The Commission finds that this comprehensive EIR processing approach for the above-referenced development projects, while being fully compliant with CEQA and other applicable laws, has afforded the public and the Commission~~, to the extent possible~~, an ***enhanced*** *understanding of the numerous land use planning and environmental issues associated with developing the subject property and nearby Marina Parcels FF and 9U*

Item No. 7 (Project R2006-03652 – Neptune Marina Apartments on Parcel FF)

Staff recommends the following change to Finding No. 29 found on page 17 of the Draft Findings:

The applicant is requesting the associated amendment to ***~~its~~ the*** *certified LCP in order to amend the certified LCP in a manner that will accommodate the proposed development on the subject parcel….*

Findings 94 and 95 found on pages 32-35, describe the traffic mitigation fees collected by the Department of Public Works to mitigate traffic impacts related to the project. Staff recommends the following sentence be added at the end of each finding:

If the County Director of Public Works requires the project to directly implement one or more physical public roadway improvement, a commensurate adjustment to the fee requirement would also be made.

Staff recommends that Finding 113, found on Page 39 of the Draft Findings, be modified as follows:

The applicant's Variance request for provision of a zero-foot building setback from the waterfront public pedestrian promenade ***~~to be~~*** ***<u>is</u>*** *justified.*

Staff recommends the following change to Local Coastal Program Amendment (LCPA) Resolution Finding No. 34 found on page 11 of the LCPA Resolution Findings:

The Commission finds that this comprehensive EIR processing approach for the above-referenced development projects, while being fully compliant with CEQA and other applicable laws, has afforded the public and the Commission~~,~~ ***~~to the extent possible,~~*** *an* ***<u>enhanced</u>*** *understanding of the numerous land use planning and environmental issues associated with developing the subject property and nearby Marina Parcels 10R and 9U.*

The applicant has requested that Condition No. 5 on page 2 of the Draft Conditions be replaced with the following:

This grant shall expire unless used on the date that is five (5) years after the Final Approval Date (defined below). The "Final Approval Date" means the later of (a) the last date on which any party may file any legal challenge or appeal the approval action for this grant, provided no such legal challenge or appeal has been filed; or (b) if any legal challenge or appeal of the approval action for this grant is made by any party, then the date on which such legal challenge or appeal is fully and finally resolved, such that no further legal challenge may be made. No less than six (6) months prior to the permit expiration date, the permittee may request in writing a one-year time extension, and pay the applicable extension fee.

Item No. 8 (Project TR067861 - Woodfin Suite Hotel and Timeshare Resort on Parcel 9U)

Staff recommends the following change to Coastal Development Permit Finding No. 5 found on page 9 of the Draft Permit Findings:

.....This area has been defined as a jurisdictional resource and is subject to regulation by the United States Army Corps of Engineers, ***~~California Department of Fish and Game,~~*** *the California Regional Water Quality Control Board, and the California Coastal Commission.*

Staff recommends the following change to Coastal Development Permit Finding No. 23 found on page 15 of the Draft Permit Findings:

The site plan also depicts an approximately 1.46-acre public wetland park located on the southerly portion of the parcel. As depicted on the approved wetland park exhibit in the administrative file for this case, the public park will consist of a newly established "muted" tidal salt marsh in the center of the park, surrounded by a buffer of 25 feet from the actual wetland area toward both the proposed hotel/timeshare resort structure to the north and Tahiti Way on the south. The muted tidal salt marsh will be approximately ***~~0.43~~*** ***<u>0.47</u>*** *acres in size.*

Staff recommends the following change to Coastal Development Permit Finding No. 31 found on page 16 of the Draft Permit Findings:

Pursuant to Section 22.46.1180.16.b.v, the subject application ***~~to be~~*** ***is*** *exempt from the lower-cost overnight facility provisions of the LCP, because the developer of a prior, larger (300 approved hotel rooms) hotel approved for development on the subject Parcel 9U (the Marina Plaza Hotel) has already fulfilled this obligation through its prior payment, within 20 years of the applicant's filing of* ***~~the subject~~*** ***its January 1999 development application for the subject parcel****, of a lower-cost overnight accommodations "in-lieu" fee. ...*

Item No. 9a (Project R2006-03643 – Wetland Park on Parcel 9U)

Staff recommends the following change to Condition 35 found on page 9 of the Draft Conditions:

Prior to initiation of project development, permittee shall retain the services of a licensed wetland restoration ecologist ("Project Restoration Specialist"), the permittee's retention of whom shall be pre-approved by the Director. The Project Restoration Specialist shall be responsible for ensuring permittee's ongoing compliance with the requirements outlined in conditions ***~~37 through 40~~*** ***36 through 39*** *of this grant.*

If you need further information, please call Michael Tripp of my staff at (213) 974-4813. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

SD:MRT

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 25, 2010

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Samuel Dea, Section Head
Special Projects Section

SUBJECT: Woodfin Suites Hotel/Neptune Marina Apartments Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861 (Item Nos. 6, 7, 8, 9a and 9b)

A public hearing on the above-mentioned projects was held before the Regional Planning Commission on October 14, 2009. At that hearing, your commission continued the items to February 3, 2010, and directed the applicants to return to the Design Control Board for additional review of the Variance requests and directed staff to prepare the Final Environmental Impact Report and complete the final findings and conditions of approval for the Commission's consideration. The applicants presented their revised projects to the Design Control Board on December 17, 2009. The projects were approved by the Design Control Board with conditions.

At the February 3, 2010 hearing, staff requested that the hearing be continued to March 10, 2010, to allow staff time to complete the Final Environmental Impact Report. The Commission continued the hearing to March 10, 2010.

October 29, 2008 Public Hearing

On October 29, 2008, your commission conducted a public hearing on the above-mentioned projects (Project). At that hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. Unfortunately, due to time constraints, public testimony was not heard on Project Nos. R2006-03643 and R2006-03644. Commissioners Bellamy, Rew, Valadez and Modugno were present at the hearing. Commissioner Helsley was absent.

Your commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the commission may hold a hearing in the community of Marina del Rey. Your Commission also instructed staff to arrange a field trip to visit all of the proposed

project sites which would allow the Commission to better understand the Project. At the November 5, 2008 continued hearing, your commission chose November 22, 2008 to hold the community hearing and field trip.

Prior to the field trip and public hearing, it was determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts. Specifically, potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the Project needed to be addressed in the DEIR. The items were taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided some additional visual simulations and updated shade and shadow studies to assist in the analysis of the Project.

The RDEIR was recirculated for public input on June 11, 2009. A copy of this document was also provided to your commission on June 11, 2009. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections of the document. The public review period for the RDEIR closed on July 27, 2009, and a new public hearing was scheduled in the community of Marina del Rey on August 12, 2009.

August 8, 2009 Field Trip

Prior to the hearing, the Regional Planning Commission scheduled a field trip to project sites on August 8, 2009. All Commissioners were in attendance for the field trip. Staff gave the Commission a tour of proposed project sites. A boat tour was also provided which afforded the Commission an opportunity to see the sites from the water.

August 12, 2009 Public Hearing

On August 12, 2009, a public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. During the hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. The Commission directed staff and the applicants to prepare independent responses to address various issues that were raised by the public and the Commission. The public hearing was continued to October 14, 2009.

October 14, 2009 Public Hearing

On October 14, 2009, a public hearing was held at the Regional Planning Commission's hearing chamber in downtown Los Angeles. At the hearing Commissioner Valadez stated that the applicants had not provided sufficient evidence to justify the proposed Variances that the applicants had requested to eliminate the required 10 foot building setback from the pedestrian promenade. The Commission directed the applicants to return to the Marina del Rey Design Control Board so that they may evaluate revised plans and provide the Commission written comments regarding the enhanced waterfront public promenade. Staff was directed to prepare findings and conditions of approval and the Final Environmental Impact Report for consideration.

The applicants returned to the Design Control Board on December 17, 2009. The revised plans and Design Control Board minutes are attached.

February 3, 2010 Public Hearing

On February 3, 2010, you Commission conducted a public hearing on the above-mentioned projects. At the hearing, staff requested that the hearing be continued to March 10, 2010, to allow staff time to complete the Final Environmental Impact Report. You Commission continued the hearing to March 10, 2010.

STAFF RECOMMENDATION
Item 6 Project No. R2006-03647
Approval
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 Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013-(4) subject to the attached conditions. Staff also recommends that the Regional Planning Commission adopt the resolution recommending approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors.

Suggested Motion: "I move that the public hearing be closed and that Regional Planning Commission certify the Final Environmental Impact Report and adopt the Environmental Findings of Fact and Statement of Overriding Considerations for the project. I further move that the Regional Planning Commission approve Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013-(4) with findings and conditions and recommend approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors for its consideration."

STAFF RECOMMENDATION
Item 7 Project No. R2006-03652
Approval
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 Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) subject to the attached

conditions. Staff also recommends that the Regional Planning Commission adopt the resolution recommending approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors.

Suggested Motion: "I move that the public hearing be closed and that Regional Planning Commission certify the Final Environmental Impact Report and adopt the Environmental Findings of Fact and Statement of Overriding Considerations for the project. I further move that the Regional Planning Commission approve Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) with findings and conditions and recommend approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors for its consideration."

STAFF RECOMMENDATION
Item 8 Project No. TR067861
Approval
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 Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020-(4), Variance No. 200600012-(4), and Vesting Tentative Tract Map No. 067861.

Suggested Motion: "I move that the public hearing be closed and that Regional Planning Commission certify the Final Environmental Impact Report and adopt the Environmental Findings of Fact and Statement of Overriding Considerations for the project. I further move that the Regional Planning Commission approve Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020-(4), Variance No. 200600012-(4) and Vesting Tentative Tract Map No. 067861 with findings and conditions."

STAFF RECOMMENDATION
Item 9a and 9b Project Nos. R2006-03643 and R2006-03644
Approval
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 Coastal Development Permit No. 200600006-(4), and Coastal Approval in Concept 200602191.

Suggested Motion: "I move that the public hearing be closed and that Regional Planning Commission certify the Final Environmental Impact Report and adopt the Environmental Findings of Fact and Statement of Overriding Considerations for the project. I further move that the Regional Planning Commission approve Coastal Development Permit No. 200600006-(4) and Coastal Approval in Concept 200602191 with findings and conditions."

Attachments:
Draft Findings
Draft Conditions
Mitigation Monitoring Programs
Resolutions to the Board of Supervisors
Final Environmental Impact Report
Environmental Findings of Fact and Statement of Overriding Considerations
Revised Design Control Board Packages

SZD:mrt
02/25/10

Agenda Item Number 6

Project R2006-03647-(4)

Neptune Marina Apartments and Anchorage Project
Parcel 10R

Findings

Conditions

Mitigation Monitoring Program

Resolution of the Regional Planning Commission
Relating to Local Coastal Program

Project No. R2006-03647-(4)
Coastal Development Permit No. RCDP200600008
Conditional Use Permit No. RCUP200600289
Variance No. RVAR200600013

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATES: October 29, 2008; November 5, 2008; August 12, 2009; October 14, 2009; February 3, 2010; March 10, 2010

SYNOPSIS: The applicant, Legacy Partners Neptune Marina L.P., is requesting approval to demolish an existing 136-unit apartments complex and appurtenant landside facilities (all site landscaping, hardscape and surface parking) located on Marina del Rey Parcel 10R, and to subsequently construct a total of 400 rental apartment units (including a total of 62 affordable housing units) in three (3) buildings with landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and facilities on the subject parcel. Approximately 112,000 cubic yards of grading will be required with excess soil to be exported to a landfill located in Los Angeles County for use as daily cover. The subject Parcel 10R is located southeasterly of the intersection of Via Marina and Marquesas Way, with frontages on both Via Marina and Marquesas Way. Associated land use entitlements for this project consist of a **Coastal Development Permit** to authorize demolition of all existing landside improvements (apartment buildings, surface parking facilities, all site landscaping, hardscape and all other site facilities) and subsequent construction of the aforementioned landside improvements on Parcel 10R, and to further permit the applicant's temporary use of Marina Parcel FF (located across Marquesas Way from Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development; a **Conditional Use Permit** for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses; and a **Variance** for excess signage and a reduction of the required setback from the waterside promenade. The applicant is also requesting a **Coastal Approval in Concept** for the proposed demolition an existing 198-slip private small craft anchorage located on the waterside portion of the subject Parcel 10R, and the subsequent construction of a new 174-slip private small craft anchorage within the Marina Del Rey Basin B.

The applicant is also requesting **amendments to the Marina del Rey Local Coastal Program** to authorize the transfer of development units from an abutting Development Zone (Tahiti Development Zone) into the subject Development Zone (Marquesas Development Zone) and the averaging of the R-III and R-V residential densities on Parcel 10R. Associated approval findings for the requested Local Coastal Program amendments are included in a separate Regional Planning Commission Resolution concerning the Local Coastal Program Amendment requests.

PROCEEDINGS BEFORE THE COMMISSION:

October 29, 2008 Public Hearing

The Regional Planning Commission (Commission) held a duly noticed public hearing regarding the subject project on October 29, 2008. All Commissioners were present at this hearing. The Commission conducted concurrent public hearings regarding the subject project and the following four other proposed Marina development projects:

- Project No. R2006-03652-(4) is a request to demolish an existing surface parking lot containing 202 public parking spaces and appurtenant landscaping on Marina Parcel FF (located northeasterly of the intersection of Via Marina and Marquesas Way), and to construct a 126-unit apartment building (including 19 affordable housing units);

- Project No. TR067861, a request to develop a 225-foot-tall, 288-room hotel and timeshare resort, with an assortment of accessory resort uses/facilities, a six-level parking garage containing 360 parking spaces, and a waterfront pedestrian promenade and other appurtenant facilities on the northerly approximately 2.2 acres of Parcel 9U;

- Project No. R2006-03644-(4) is a request to construct a public/"transient" boat anchorage comprising approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B (adjacent to the Parcel 9U bulkhead) and containing approximately 542 lineal feet of new public dock area; and

Project No. RCDP2006-03643-(4) is a request to authorize the development of a public wetland and upland park on the southerly approximately 1.46 acres of Marina Parcel 9U.

At the October 29, 2008 public hearing on the subject project and associated requested land use entitlements (and at each subsequent Commission hearing described below regarding the project), the Commission considered a single, comprehensive Environmental Impact Report evaluating the potential project-specific and cumulative environmental impacts associated with the subject project and the four above-described proposed development projects on Marina del Rey Parcels FF and Parcel 9U.

Proponent Testimony

Two (2) persons testified in favor of the request:

The project applicants and two members of the public testified in favor of the request.

Opposition Testimony

Eleven (11) persons testified in opposition. Opposition testimony addressed the following issues:

a) The County is piecemealing development and needs to create a master plan for the Marina;
b) The Marina is too densely developed and needs more open space and parks;
c) The California Coastal Commission (CCC) has performed a periodic review of the Marina del Rey Local Coastal Program (LCP), and a comprehensive update of he plan should be done prior to the Regional Planning Commission approving any Marina projects;
d) The CCC has requested that all future amendments to the LCP be batched together; therefore, individual projects with plan amendments should not be approved by the Regional Planning Commission;
e) The number of small boat slips in Marina del Rey will be reduced as a result of the current redevelopment projects;
f) The project does not provide adequate parking;
g) The traffic study in the DEIR is inadequate and antiquated;
h) The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services;
i) The shadow and wind studies in the DEIR are inadequate;
j) The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays;
k) The Marina should be dedicated to public recreation because this was its intended purpose;
l) The subject project on Parcel 10R will result in a reduction in the number of boat slips;
m) An amendment to the LCP is premature. The County needs to conduct a comprehensive review of the LCP prior to granting approval of any development permits in Marina del Rey;
n) The proposed residential units will not be affordable to the current residents of Marina del Rey; and
o) New residential projects should not be approved because local schools are at maximum capacity.

At the conclusion of the October 29, 2008 hearing, the Commission directed staff to prepare a summary of the various concerns that were expressed by the testifiers and instructed the applicant to respond to the concerns raised by the opponents. The Commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the Commission could hold a hearing in the community of Marina del Rey. The Commission also instructed staff to arrange a field trip to the subject property, which would allow the Commission to have a better understanding of the proposed project.

At the November 5, 2008 continued hearing, the Commission chose November 22, 2008 to hold the Marina del Rey community hearing and field trip.

Prior to the field trip and continued public hearing, it was determined that the DEIR needed to be updated and recirculated to address potential cumulative impacts related to the proposed

City of Los Angeles Dual Force Main alignment through Marina del Rey. In addition, the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed project needed to be addressed in the DEIR. The project was taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided additional visual simulations and an updated shade and shadow study to assist in the analysis of the project.

The RDEIR was recirculated for public review and comment on June 11, 2009; a copy of this document was also provided to the Commission on this date. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR closed on July 27, 2009. The Commission scheduled a new public hearing on the Project Permits and RDEIR, to be held in the community of Marina del Rey on August 12, 2009. The Commission also scheduled a field trip to survey the project sites and surrounding properties on August 8, 2009.

August 8, 2009 Regional Planning Commission Field Trip

The Commission conducted a duly noticed field trip to the subject Parcel 9U and adjoining parcels on August 8, 2009. Commissioner Modugno was absent from the field trip; Commissioners Valadez, Bellamy, Helsley and Rew attended. The applicant and several interested members from the public were also in attendance. The Commission toured the subject property and adjacent Parcels 10R and FF (respective locations of the proposed 400-unit and126-unit apartment projects). The Commission also walked the waterfront pedestrian promenade of the nearby, newly-constructed "Esprit" apartments on Parcel 12 at the terminus of Marquesas Way. The Commission concluded the field trip with a boat tour, which afforded the Commission an opportunity to view the subject property and adjacent parcels from the water.

August 12, 2009 PUBLIC HEARING

On August 12, 2009, a duly noticed public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. During the hearing, the Commission heard the staff presentation and testimony from the project applicant and interested members of the public.

Proponent Testimony

The project applicants testified in favor of the project.

Opposition Testimony

Twenty-four (24) persons testified in opposition to the project at the hearing. Opposition testimony addressed the following issues:

a) Marina del Rey is publicly owned land and should be subject to rent control. All of the rental units should be affordable units. These projects are forcing people out of the Marina and making it a place only for the rich;
b) The RDEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in the City of Los Angeles). The proposed buildings will block the Marina and mountain views that these condominiums currently enjoy;
c) The project traffic study erroneously concludes that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of the proposed projects in the area;
d) The height of the buildings will negatively impact sailing winds in Marina Basin B. The LCP prohibits projects that would significantly impede wind to boats in the Marina;
e) The format of the RDEIR is difficult to read (Table 5.8-7). This table is wrong and underestimates wastewater generation by 7 million gallons;
f) The Coastal Act does not allow the proposed project to be built;
g) The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina;
h) The Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area, so the Planning Commission's approval of the project in advance of such an assessment would be premature;
i) The RDEIR should be updated and recirculated because it does not adequately analyze new information on global warming and resulting sea level rise;
j) The hearing violates the Brown Act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time;
k) Piecemealing the development of the Marina is in violation of State law including the Coastal Act and CEQA;
l) The movement/transfer of development units between Development Zones is not permitted in the certified LCP;
m) The public hearing was improperly noticed and is in violation of CEQA;
n) Overall development in Marina del Rey should be guided by a master plan;
o) The proposed view corridor on Parcel 10R is nothing like the view corridor that currently exists over the parcel; the view corridor is not visible from the major street, Via Marina. The existing view corridor along Via Marina will be substantially removed;
p) Pedestrian access along the mole road (Marquesas Way) is inadequate in the proposed plan;
q) How many existing slips in the existing Parcel 10R anchorage are ADA-compliant and how many does the ADA require to be ADA-compliant in the new proposed Parcel 10R anchorage?
r) The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
s) The traffic study does not take into account the traffic on the west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina as an ingress and egress route;

t) Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce; and
u) Solid waste/landfill capacity is only available until 2017. The projects will last beyond 2017. What happens when landfill capacity is no longer available?

Following public testimony, there was insufficient time for the Commission to hear the applicant's rebuttal. The Commission directed staff and the applicant to prepare independent written responses to address the issues that were raised by the public and the Commissioners during the hearing. The public hearing was continued to October 14, 2009, with the direction that staff and the applicant present responses to the public testimony, and the public would have an opportunity to comment on the reports.

October 14, 2009 Public Hearing

The Commission held a continued public hearing on October 14, 2009. All Commissioners were present. Staff presented the issues of concern raised by the public at the August 12, 2009 continued public hearing in Marina del Rey, and provided responses thereto. The applicant followed the staff's presentation with a presentation further responding to the various issues raised during public testimony at the prior community hearing in Marina del Rey. Following the applicant's testimony, interested members of the public addressed the Commission.

At the conclusion of the hearing, after hearing staff's presentation and additional testimony from the applicant and public, Commissioner Valadez stated her opinion that the applicant had not provided sufficient evidence to justify the Commission's approval of the requested Variance allowing a zero-foot building setback from the waterfront pedestrian promenade. Commissioner Valadez indicated that, prior to the Commission acting on the requested building setback Variance, the applicant should be remanded back to the Marina del Rey Design Control Board (DCB) so that the DCB could evaluate and provide the Commission written comments regarding the enhanced waterfront public promenade amenity plans to be submitted by the applicants. Commissioner Helsley concurred that the waterfront promenade amenity plan being proposed by the applicant warranted enhancement.

On a Motion by Commissioner Rew, seconded by Commissioner Helsley, the Regional Planning Commission continued the public hearing to February 3, 2010, directed the applicant to return to the DCB prior to the February 3, 2010 continued hearing to address the promenade amenity plans for the project, and directed staff to prepare final findings and conditions for the project and to prepare the Final Environmental Impact Report, for the Commission's consideration at the February 3, 2010 continued public hearing.

February 3, 2010

At the February 3, 2010 continued public hearing, staff informed the Commission that additional time was needed to prepare the Final Environmental Impact Report and other final

documentation for the Commission's consideration. On a motion by Commissioner Modugno, seconded by Commissioner Bellamy, the Regional Planning Commission continued the public hearing to March 10, 2010.

Findings

1. The applicant has requested a **Coastal Development Permit** to authorize its demolition of the existing 136-unit Neptune Marina Apartments and appurtenant landside facilities (all site landscaping, hardscape and surface parking) located on Marina del Rey Parcel 10R, and to subsequently construct a total of 400 rental apartment units (including a total of 62 affordable housing units) in three (3) buildings with landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and facilities on the subject parcel. Approximately 112,000 cubic yards of grading will be required with excess soil to be exported to a landfill located in Los Angeles County for use as daily cover. The proposed apartment complex will contain thirteen (13) units reserved for exclusive occupancy by very low-income households, twenty-five (25) units reserved for exclusive occupancy by low-income households, and twenty-four (24) units reserved for exclusive occupancy by moderate-income households. The applicant's Coastal Development Permit request also seeks authorization for the applicant's temporary use of Marina del Rey Parcel FF (located across Marquesas Way from the subject Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development. The applicant has also requested a **Conditional Use Permit** for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses; a **Variance** for excess signage and a reduction of the required setback from the waterside promenade (a zero-foot building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code); and a **Coastal Approval in Concept** for the proposed demolition an existing 198-slip private small craft anchorage located on the waterside portion of the subject Parcel 10R and the subsequent construction of a new 174-slip private small craft anchorage within the Marina Del Rey Basin B. Collectively, the requested land use permits for the project are to referred herein as the "Project Permits."

   The Project Permits were considered by the Commission concurrently with the **Local Coastal Program Amendment No. RPA200600013**. On March 10, 2010, the Commission recommended approval of the project-related, plan amendment. The Project Permits will not become effective unless and until Local Coastal Program Amendment No. RPA200600013 has been adopted and certified by the Board of Supervisors and the California Coastal Commission.

2. The subject property, known as Marina del Rey "Parcel 10R," is located in the Playa del Rey Zoned District at the southeast corner of the intersection of Via Marina and Marquesas Way in the County of Los Angeles unincorporated community of Marina del Rey. Via Marina fronts the subject property to the west; Parcel 9U fronts the subject

property to the south; Marquesas Way fronts the subject property to the north; and Marina del Rey Parcel 12 (the recently constructed "Esprit" apartments) and Marina Basin B adjoins the subject property to the east. The subject Parcel 10R contains 7.32 landside acres and 4.68 waterside/submerged acres.

4. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program (LCP). The subject parcel's existing land use designations per the LCP are "Residential V-Waterfront Overlay Zone" (for the "non-mole" portion of the parcel which fronts Via Marina), "Residential III-Waterfront Overlay Zone" (for the "mole road" portion of the parcel), and "Water" for the waterside portion of the parcel (which contains the private Neptune Marina anchorage).

5. Zoning land use designations on the surrounding properties consist of the following:

   North: Open Space

   South: Hotel-Waterfront Overlay Zone

   West: City of Los Angeles, across Via Marina

   East: Residential IV-Waterfront Overlay Zone and Water

6. The subject property is currently developed with an apartment complex containing 136 rental apartment units and landside facilities appurtenant thereto and a private boat anchorage containing 198 boat slips (of which 13 are "end-tie" spaces).

7. Land Use on surrounding properties consist of the following:

   North: A public parking lot and multi-family rental apartments

   South: Vacant parcel

   West: Multi-family residential (condominiums in City of Los Angeles)

   East: Multi-family residential (rental apartments) and private anchorage

8. There are no zoning enforcement cases noted for the subject property in the Department's records.

9. The site plans and elevations depicts three (3) apartment buildings, maximum 60 feet in height (exclusive of rooftop appurtenant structures and mechanical equipment, which by County policy are excluded from the calculation of building height), with four stories of apartments over two levels of subterranean and partially-subterranean garage parking.

The site plans also depict a 28-foot-wide public pedestrian promenade along the parcel's water frontage, an exterior swimming pool facility serving the apartments, and driveways providing vehicular access into the apartment buildings' garages. The site plans also denote four view corridors along the parcel's Marquesas Way frontage and one view corridor along the parcel's Via Marina frontage; a private boat anchorage is depicted on the waterside portion of the parcel.

10. The parking plans depict parking provided in the garages of the apartment buildings. Consistent with County Code parking requirements for the 400-unit apartment complex, a total of 909 on-site parking spaces are denoted on the plans, 678 of which are allocated to residents, 100 of which are allocated to guests, 131 of which are allocated to boat tenants of the private Parcel 10R anchorage. A total of 22 of the 909 spaces are allocated to disabled persons.

11. Prior to the public hearing on the Project Permits and associated Draft Environmental report (DEIR) before the Commission, a legal notice was published in the local newspaper, *The Argonaut*, and in *La Opinion* on September 4, 2008. Staff also mailed out 1,049 hearing notices on September 3, 2008 to property owners and tenants within 500 feet of the site and interested parties. The applicant posted a hearing notice sign on the subject property prior to 45 days before the public hearing.

12. The Commission held a duly noticed public hearing on the Project Permits and associated DEIR on October 29, 2008. At the conclusion of the hearing, the Commission continued the hearing to November 5, 2008, and directed staff to determine possible hearing dates when the Commission could hold a local hearing in the community of Marina del Rey. The Commission also instructed staff to arrange a field trip to the subject property, which would allow the Commission to have a better understanding of the proposed project. At the November 5, 2008 continued hearing, the Commission chose November 22, 2008 to hold the Marina del Rey community hearing and field trip.

13. Prior to the field trip and November 5, 2008 continued public hearing, the applicant and County Counsel determined that the DEIR needed to be updated and recirculated to address potential cumulative impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey. In addition, the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed project needed to be addressed in the DEIR. The item was taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided additional visual simulations and an updated shade and shadow study to assist in the analysis of the project.

14. The RDEIR was recirculated for public review and comment on June 11, 2009; a copy of this document was also provided to the Commission on this date. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR

closed on July 27, 2009. The Commission scheduled a new public hearing on the Project Permits and RDEIR, to be held in the community of Marina del Rey at 6:00PM on Wednesday, August 12, 2009. The Commission also scheduled a field trip to survey the project sites and surrounding properties for 9:00AM on Saturday, August 8, 2009.

15. Prior to the August 8, 2009 Commission field trip to the subject property and August 12, 2009 public hearing on the Project Permits and RDEIR before the Commission, a legal notice was published in the local newspaper, *The Argonaut* on June 11, 2009 and *La Opinion*, on June 9, 2009. Staff also mailed out 1,863 hearing notices on 1,863 to property owners and tenants within 500 feet of the site and interested parties. The applicant posted a hearing notice sign on the subject property prior to 45 days before the public hearing

16. The Commission conducted a duly noticed field trip to the subject Parcel 10R and adjoining parcels on August 8, 2009 at 9:00AM. Commissioner Modugno was absent from the field trip; Commissioners Valadez, Bellamy, Helsley and Rew attended. The applicant and several interested members from the public were also in attendance. Staff gave the Commission a tour of the subject property and adjacent Parcels 9U (location of the proposed Woodfin Suite Hotel & Timeshare Resort and public wetland park) and FF (location of applicant's proposed 126-unit apartment project, across Marquesas Way from the subject Parcel 10R). The Commission also walked the waterfront pedestrian promenade of the adjoining, newly-constructed "Esprit" apartments on Parcel 12 at the terminus of Marquesas Way. The Commission concluded the field trip with a boat tour, which afforded the Commission an opportunity to view the subject property and adjacent parcels from the water.

17. On August 12, 2009, a duly noticed public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. Following presentations by staff and the applicant and after hearing public testimony, there was insufficient time for the Commission to hear the applicant's rebuttal. The Commission directed staff and the applicant to prepare independent written responses to address the issues that were raised by the public and the Commissioners during the hearing. The public hearing was continued to October 14, 2009, with the direction that staff and the applicant present responses to the public testimony, and the public would have an opportunity to comment on the reports.

18. The Commission held a continued public hearing on October 14, 2009 at the Regional Planning Commission's hearing chamber in downtown Los Angeles; all Commissioners were present. At the conclusion of the hearing, following the staff presentation and testimony from the applicant and public, Commissioner Valadez stated her opinion that the applicant had not provided sufficient evidence to justify the Commission's approval of the requested Variance allowing a zero-foot building setback from the waterfront pedestrian promenade. Commissioner Valadez indicated that, prior to the Commission acting on the requested building setback Variance, the applicant should be remanded

back to the Department of Beaches & Harbors' Design Control Board (DCB), so that the DCB could evaluate an enhanced waterfront public promenade amenity plan to be submitted by the applicant. Commissioner Helsley concurred that the waterfront promenade amenity plan being proposed by the applicant warranted enhancement.

19. On a Motion by Commissioner Rew, seconded by Commissioner Helsley, the Regional Planning Commission continued the public hearing to February 3, 2010, directed the applicant to return to the DCB prior to the February 3, 2010 continued Regional Planning Commission hearing for review of revised promenade amenity plans for the project, and directed staff to prepare final findings and conditions for the project and to prepare the Final Environmental Impact Report, for the Commission's consideration at the February 3, 2010 continued public hearing.

20. At the February 3, 2010 continued public hearing, staff informed the Commission that it needed additional time to prepare the Final Environmental Impact Report and other final documentation for the Commission's consideration. On a motion by Commissioner Modugno, seconded by Commissioner Bellamy, the Regional Planning Commission continued the public hearing to March 10, 2010.

21. On March 10, 2010, the Commission voted to certify the FEIR for the project and approved the final findings and conditions for the Project Permits and the Commission's Local Coastal Program Amendment Resolution for the project.

22. During the public hearings for the Project Permits, DEIR and RDEIR before the Commission, a number of persons spoke in opposition to the proposed project. The Commission also received a number of letters and emails in opposition to the project, each of which has been incorporated by staff into the administrative record for the subject case and has been responded to in the FEIR.

23. Written and verbal correspondence to the Commission in opposition to the project generally focused on the following issues and/or allegations:

    a) Marina del Rey is publicly owned land and should be subject to rent control. All of the rental units should be affordable units. These projects are forcing people out of the Marina and making it a place only for the rich;
    b) The RDEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in the City of Los Angeles). The proposed buildings will block the Marina and mountain views that these condominiums currently enjoy;
    c) The project traffic study erroneously concludes that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of the proposed projects in the area;
    d) The height of the buildings will negatively impact sailing winds in Marina Basin B. The LCP prohibits projects that would significantly impede wind to boats in the Marina;

e) The format of the RDEIR is difficult to read (Table 5.8-7). This table is wrong and underestimates wastewater generation by 7 million gallons;
f) The Coastal Act does not allow the proposed project to be built;
g) The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina;
h) The Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area, so the Planning Commission's approval of the project in advance of such an assessment would be premature;
i) The RDEIR should be updated and recirculated because it does not adequately analyze new information on global warming and resulting sea level rise;
j) The hearing violates the Brown Act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time;
k) Piecemealing the development of the Marina is in violation of State law including the Coastal Act and CEQA;
l) The movement/transfer of development units between Development Zones is not permitted in the certified LCP;
m) The public hearing was improperly noticed and is in violation of CEQA;
n) Overall development in Marina del Rey should be guided by a master plan;
o) The proposed view corridor on Parcel 10R is nothing like the view corridor that currently exists over the parcel; the view corridor is not visible from the major street, Via Marina. The existing view corridor along Via Marina will be substantially removed;
p) Pedestrian access along the mole road (Marquesas Way) is inadequate in the proposed plan;
q) ADA compliance issues for the proposed Parcel 10R private anchorage;
r) The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
s) The traffic study does not take into account the traffic on the west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina as an ingress and egress route;
t) Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce; and
u) Alleged inadequacy of the DEIR's analysis of solid waste impacts.

24. The Commission has duly considered all of the issues and information contained in all of the oral testimony and written correspondence made in opposition to the proposed project during the public hearing process on the Project Permits, DEIR and RDEIR, as well as all of the oral testimony and written correspondence provided to the Commission in response thereto by staff and the project applicant. For the reasons set forth in the following findings, in the Commission's findings regarding the amendment to the certified LCP relating to this project, and explained in the County's detailed responses to all public written comments received by the Commission regarding the proposed project, all of which responses have been incorporated into the Final Environmental Impact Report

(FEIR), the Commission finds the allegations made against the project and the FEIR in the opposition testimony and correspondence fail to identify any substantial evidence that the FEIR does not meet the requirements of CEQA, and fail to identity any substantial evidence requiring recirculation of the FEIR pursuant to CEQA Guidelines section 15088.5. The Commission finds that there is no credible evidence in the record that the supposed environmental impacts set forth in the project opponents' testimony and correspondence will in fact occur, but there is credible evidence in the administrative record for this case rebutting such testimony and correspondence. The project opponents have offered no credible expert testimony or any credible evidence that the opponents' representatives, other than Mr. Vanderhook, are experts or have any bonafide expertise with respect to the subject matter of their testimony or correspondence. The Commission further finds that the opponents' oral testimony and written correspondence, including but not limited to Mr. Vanderhook's purported expert testimony, do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment and do not constitute substantial evidence.

25. The applicant is requesting an amendment to the LCP (see Local Coastal Program Amendment No. RPA200600013) to authorize the transfer of 261 residential development unit credits from the abutting Development Zone-2 (Tahiti Development Zone) into the subject Development Zone-3 (Marquesas Development Zone). These development unit credits are, in effect, merely being transferred across Marina Basin B for the applicant's use on the subject property (these "unused" residential development credits are currently allocated for use by apartment projects located on nearby Tahiti Way, none of the owners of which have chosen to utilize the credits). The proposed transfer of 261 residential development units into the subject Marquesas Development Zone is necessary because there are presently only 3 remaining residential development unit credits in the Marquesas Development Zone. There is clear precedent for the proposed inter-Development Zone transfer of residential development units; reference Goldrich & Kest Industries' LCP amendment approval at Marina Parcel 20, certified by the California Coastal Commission, which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ (see approval for County Project No. 98-172-4). As with the Parcel 20 LCP amendment, a traffic analysis has been prepared for the subject project which has determined that the traffic and circulation impacts of the proposed inter-Development Zone transfer of excess development units will have no adverse impact on traffic circulation in the project vicinity.

26. The County's LCP amendment for this project will also authorize the applicant to "blend" residential densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the subject parcel's R-III and R-V land use categories. Total site density will not exceed the LCP-prescribed 400 dwelling units for Parcel 10R, but the units will be more evenly distributed between the R-V (non-mole portion) and R-III (mole

portion) designated areas of the parcel, allowing for a more uniform building massing scheme and development. Adjacent and nearby apartment projects on Marquesas Way and apartment buildings which have been permitted for development along the County unincorporated portion of Via Marina are, and will become, developed with buildings of similar height and massing. The Commission thus finds that the applicant's request to blend or average residential density over the parcel is entirely consistent with and complementary to the established development pattern of the neighborhood.

27. The Marina del Rey Local Coastal Program (LCP) provides development guidelines for the unincorporated community of Marina del Rey. The Marina del Rey LCP consists of two sets of inter-related requirements: the Marina del Rey Land Use Plan (land use policies) and the Local Implementation Program or Specific Plan (development-specific requirements).

28. Consistent with Marina del Rey Specific Plan requirements, the project has been reviewed and conceptually approved by the Marina del Rey Design Control Board ("DCB"). In rendering its conceptual approval for the project, the DCB found the proposed project to be in conformity with the various public access, height, circulation, building massing, visual impact and view requirements of the LCP.

29. The Applicant has submitted a preliminary geotechnical report to County Department of Public Works (a copy of this report is included in the EIR appendices) as part of its application filing, the content of which is compliant with LCP requirements; site development will be based on thorough site-specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading. The project has also been designed to utilize earthquake resistant construction and engineering practices, in full compliance with applicable County and state regulations and ordinances. Preliminary engineering mitigation and planned structural setbacks for the project have been designed for a bedrock acceleration of no less than 0.5g and high potential for liquefaction. Consistent with SECTION 22.46.1190.A.1, the Commission thus finds that site development on Parcel FF will occur in geologically safe areas.

30. The applicant has been conditioned to conduct site development in conformity with the archeological reporting requirements specified in SECTION 22.46.1190.2.a-c.

31. To ensure project consistency with SECTION 22.46.1190.A.3, the applicant has been conditioned to implement a functional transportation systems management (TSM)/Transportation Demand Management (TDM) program incorporating the on-site installation of bike racks and a carpooling informational bulletin board.

32. The Commission hereby finds the proposed development project conforms to the phasing schedules in the LCP because:

- With development of the project, there will be no significant, unmitigated peak-hour project-specific adverse traffic impacts created as a result of project development;

- The County-approved traffic study for the project indicates there is sufficient traffic capacity in both the Marina del Rey internal system and the sub-regional highway system serving the Marina to accommodate the traffic generated by the modest planned development; and

- As outlined in finding #10 above, with approval of the associated LCP amendment, the Commission hereby finds that the project will be in full conformity with the build-out limitations of the LCP specified for Development Zone 3.

33. As outlined above, with approval of the LCP amendment for the project, the project will be consistent with the "Residential V-WOZ" (non-mole portion) and "Residential III-WOZ" (mole portion) land use designations for the parcel, in that:

- All uses—i.e., multi-family housing, boat slips, boater parking and locker room facilities and other appurtenant uses—that will be developed in the project are included in the list of permitted uses provided in the LCP for the Residential V and Residential III land use categories per SECTION 22.46.1310, 22.46.1230 and 22.46.1670. As noted, the applicant is requesting an amendment to the LCP to authorize the applicant to average, or "blend," residential densities over Parcel 10R without respect to the 35 dwelling units/acre and 75 dwelling units/acre density development standards prescribed in the LCP for the proposed R-III and R-V land use categories. Total site density will not exceed the LCP-prescribed 400 dwelling units for Parcel 10R, but the units will be more evenly distributed between the R-V [non-mole portion] and R-III [mole portion] designated areas of the parcel. This development approach will provide for a more uniform building massing scheme that will be in harmony with the surrounding multi-family residential developments in the immediate vicinity;

- The proposed development is in conformity with the front, rear and side yard setbacks specified in SECTION 22.46.1250 and 22.46.1330, except as has been modification pursuant to the promenade-adjacent yard reduction Variance request the Commission has approved for this case;

- The proposed project is consistent with Water Overlay Zone ("WOZ") development standards specified in the certified LCP in that it does not contemplate development that would displace existing public recreation or visitor-serving uses. The project enhances public recreational opportunities at the site through its provision of a new 28-foot-wide pedestrian promenade along the parcel's entire water frontage and enhances boating opportunities through its

replacement of an aging marina with a contemporary one boasting state-of-the-art waterside and landside boaters' facilities; and

- Site development will not reduce the amount of land area devoted to existing visitor-serving, boating or marine commercial uses.

34. Sections 22.46.1090 and 22.46.1100 of the County Code and the LUP require, among other things, that the applicant demonstrate that there is sufficient traffic capacity in both the internal Marina del Rey road system and the subregional highway system serving the Marina to accommodate traffic generated by the development. The certified Environmental Impact Report for the project includes a traffic report that was prepared in accordance with the requirements of the LCP and LUP and which was reviewed and approved by the Traffic & Lighting Division of the County Department of Public Works. The approved traffic report for the project demonstrates there is adequate internal and subregional traffic capacity to support the project, and identifies specific traffic improvements intended to mitigate the project's potentially significant direct and cumulative impacts, which mitigation measures have been incorporated into the Mitigation Monitoring Program approved for the project in conjunction with certification of the Final Environmental Impact Report. In accordance with LCP requirements, the applicant has been conditioned to pay traffic mitigation fees of $5,690 per p.m. peak hour trip generated by the project, to be allocated as follows:

i. $1,600 per p.m. peak hour trip will be paid by the applicant into the County-administered Transportation Improvement Program to offset project impacts to the internal Marina circulation system (Category 1 improvements identified in Appendix G to the LCP); and

ii. $4,090 per p.m. peak hour trip will be paid by the applicant into the County-administered Transportation Improvement Program to offset the project's proportional share of the cumulative impacts of Marina development on the subregional transportation system (Category 3 improvements identified in Appendix G of the certified LCP).

The approved traffic report for the project concludes that the proposed development will generate 85 net new p.m. peak hour trips. Therefore, the applicant has been conditioned to pay a total LCP-prescribed traffic impact fee of $483,650, of which $136,000 will be allocated for Category 1 traffic improvements and $347,650 will be allocated for Category 3 improvements.

35. The proposed maximum 60-foot height of the apartment building proposed for development on the R-V-designated, "non-mole" portion of the subject parcel is well within the allowable building height of the Height Category 5 designation assigned to that portion of the parcel. Pursuant to the LCP, Height Category 5 permits a "base" building height of 140 feet with provision of a 20 percent view corridor, up to a maximum building

height of 225 feet when a view corridor comprising 40 percent of the parcel's water frontage is provided.

36. The proposed maximum 55-foot height of the two (2) apartment buildings proposed for development on the R-III-designated, "mole" portion of the subject parcel is within the allowable building height of the Height Category 3 designation assigned to that portion of the parcel. Pursuant to Marina del Rey Specific Plan Section 22.46.1060.5.c, Height Category 3 permits a "base" building height of 45 feet with provision of a 20 percent view corridor ranging to a maximum of 75 feet when a 40 percent view corridor is provided. Height above 45 feet is permitted at the ratio of 1.5 feet in height for every one percent of view corridor exceeding 20 percent. In this case, the applicant plans comply with the LCP view corridor requirements along the site's Marquesas Way frontage because the applicant is providing a view corridor comprising 29 percent (or 313 lineal feet) of the parcel's water frontage along Marquesas Way whereas the LCP requires provision of view corridors comprising 26.7 percent (or 289 lineal feet) of the parcel's Marquesas Way water frontage in exchange for developing 55-foot-tall buildings along this portion of the parcel.

37. Pursuant to the LCP, parcels located between the water and the first public road must provide a view corridor allowing uninterrupted views of the harbor from the road to the waterside, at ground level. As depicted on the view corridor exhibit submitted by the applicant, the applicant has provided view corridors consistent with LCP requirements. As noted, the applicant has programmed view corridors comprising 29 percent of the parcel's Marquesas Way frontage, whereas the LCP requires provision of view corridors comprising 26.7 percent of the site's Marquesas Way frontage. Likewise, the applicant has provided a view corridor comprising 21 percent (or 76 lineal feet) of the parcel's 355-foot Via Marina water frontage, whereas the LCP requires provision of a 20 percent view corridor (or 71 lineal feet) along the parcel's Via Marina frontage.

38. The project is consistent with LCP standards calling for the provision of a continuous 28-foot-wide pedestrian promenade along the parcel's bulkhead. Seating, landscaping, lighting, trash receptacles, and bicycle racks will be provided along the parcel's bulkhead, consistent with LCP requirements.

39. Consistent with LCP requirements, the project has been designed so that planes of the exterior building walls will vary in depth and/or direction to avoid bulk and monotony, and will relate closely to the pedestrian promenade. The proposed building placement and design avoids long, continuous blocking of water views. As noted, the Design Control Board has reviewed and conceptually approved the proposed site design and architecture, consistent with LCP requirements.

40. Consistent with LCP requirements, more than 10 percent of the net lot area will be landscaped and building coverage is less than 90 percent of the net lot area.

41. On-site parking has been programmed for the project consistent with the parking standards of the County Zoning Ordinance. The applicant has been conditioned to provide at least 909 on-site parking spaces for residents, guests, and boaters, consistent with County Code parking requirements. Of the 909 on-site parking spaces provided in the project, 678 are allocated to residents, 100 are allocated to guests, and 131 are allocated to boat tenants of the private Parcel 10R anchorage. Of the 909 spaces, 22 are allocated to disabled persons.

42. The apartment buildings will be fully sprinklered, in conformance with County Fire Department requirements. Emergency access to all structures and common areas of the project will be provided to the satisfaction of the County Fire Department. The applicant has been conditioned to secure Fire Department approval of a "Fire Safety Plan" prior to issuance of a building permit.

43. The project landscaping along site perimeters will maintain a minimum width of eight feet and will allow visual access into the lot, as required by the LCP.

44. The project infrastructure has been designed, and will be constructed by the applicant, in an environmentally sensitive manner, and will follow design policies of the LCP, including landscaping standards required by the DCB. The project will be subject to the County's newly-enacted Green Building and Drought-Tolerant Landscape ordinances.

45. Consistent with Shoreline Access Policy #1 of the LUP (Public Access to Shoreline a Priority), the project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 10R bulkhead, in conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 ("Shoreline Access") of the Marina del Rey Land Use Plan. The project implements this Public Shoreline Access policy through provision of 28-foot-wide public pedestrian promenade along the parcel bulkhead; through provision of public views to the water from the public street fronting the project (Marquesas Way), consistent with LCP view corridor requirements; through provision of directional signage regarding the project's public waterfront promenade and nearby public wetland park (to be located on southerly portion of adjoining Parcel 9U); and through provision of a Marina del Rey visitor-serving activities promotional kiosk to be located in the apartment building's lobby. In furtherance of these important shoreline access policies, the applicant has been conditioned to provide signage at the project's entrances and at each bulkhead entrance of each public lateral access way identifying these as public access ways. The applicant has also been conditioned to provide signage at conspicuous locations along the length of the bulkhead public access ways (public promenade) identifying the access ways as public.

46. Consistent with Shoreline Access Policy #2 of the LUP, the project enhances public access to the waterfront by constructing a 28-foot-wide public pedestrian promenade along the entire water frontage of Parcel 10R.

47. Consistent with Shoreline Access Policy #3 of the LUP, project design will provide public access to and along the shoreline through provision of a 28-footwide waterfront pedestrian promenade and public lateral access ways across the site from Marquesas Way and Via Marina to the public waterfront promenade. Development adjacent to the bulkhead (i.e., public promenade) will provide pedestrian access ways, benches and rest areas along the bulkhead.

48. Consistent with Shoreline Access Policy #4 of the LUP, the project provides for public access from public roads fronting the project to the shoreline along all fire roads and across all dedicated project open space areas; such access ways will be conspicuously signed at entrances from the public street (i.e., from Marquesas Way).

49. Consistent with Shoreline Access Policy #11 of the LUP, the project has been conditioned to participate in its proportionate share (through the County's appropriation of the Applicant's paid Category 3 traffic mitigation fees), if and when such a shuttle system is established in the future.

50. Consistent with Shoreline Access Policy #12 of the LUP, the project applicant has been conditioned to pay all required Category 3 traffic mitigation fees. The County Department of Public Works, which administers the fees, may use a portion of the fees to fund establishment of a public shuttle service in the Marina.

51. Consistent with Shoreline Access Policy #13 of the LUP, the project has been conditioned to incorporate directional signage, outdoor exhibits and brochures to enhance public awareness of shoreline access ways and public areas, to include: i) conspicuous signage regarding public waterside access (public promenade and nearby wetland park on Parcel 9U); ii) outdoor map indicating the location and type of public access ways and parks located in Marina del Rey; and iii) kiosk within apartment building lobbies containing information on visitor-serving activities in the Marina.

52. Consistent with Shoreline Access Policy #14 of the LUP, applicant's development of a new 28-foot-wide public pedestrian promenade and amenities along the parcel's entire waterfront will allow the public substantial viewing opportunities of the small craft harbor water areas.

53. Consistent with Recreation & Visitor-Serving Facilities Policy #2 of the LUP, the project provides enhanced recreational opportunities through its development of a new 28-foot-wide public pedestrian promenade along the entire waterfront of the parcel.

54. Consistent with Recreation & Visitor-Serving Facilities Policy #5 of the LUP, the applicant has been conditioned to contribute to the LCP-established Coastal Improvement Fund, which funds will be used by the County to fund development of recreational facilities to offset increases in residential densities caused by project development.

55. Consistent with Recreation & Visitor-Serving Facilities Policy #6 of the LUP, the project satisfies County parking requirements for all proposed uses.

56. Consistent with Recreation & Visitor-Serving Facilities Policy #7 of the LUP, the project parking facilities have been integrated into the overall design of the project. The project, including proposed subterranean parking elements, have been reviewed and conceptually approved by the DCB.

57. The applicant will fulfill Recreational Boating Policy #1 of the LUP ("Recreational boating is a top priority of the LCP") through its replacement of the aged and obsolete Neptune Marina with a new, state-of-the-art marina that will be fully consistent with contemporary ADA and CA DB&W standards. The new marina will provide contemporary waterside (i.e., utility hookups and sewerage pumpout stations) and landside (i.e., boaters' restrooms, lounge area and parking) facilities.

58. Consistent with Recreational Boating Policy #3 of the LUP, the applicant has been conditioned to ensure project construction will commence in a manner that ensures as minimal an impact to existing boater facilities as possible. Demolition of the existing marina and construction of the new marina will be coordinated to ensure that adverse impacts to existing boat slip tenants are minimized to the extent practically feasible.

59. Consistent with Marine Resources Policy #2 of the LUP ("*Reduce contaminated run-off into Marina waters*"), the applicant has completed a drainage concept, which has been approved by the County Department of Public Works. To avoid adverse impacts on the local Marina and greater ocean waters, the applicant has been conditioned to comply with National Pollution Discharge Elimination System requirements of the California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.

60. Consistent with Cultural Heritage Resources Policy #1 of the LUP, the project was reviewed during the environmental review/CEQA review process to determine potential impacts on cultural resources; no such impacts were identified.

61. Consistent with Cultural Heritage Resources Policy #2 of the LUP, the project has been conditioned to ensure that in the event a significant cultural resource is found on-site during construction, it shall be collected and maintained at the Los Angeles County Museum of Natural History, or other appropriate location as otherwise provided by State law.

62. Consistent with Cultural Heritage Resources Policy #3 of the LUP, the applicant has been conditioned to notify the County Department of Regional Planning and the State Historic Preservation Office in the event a significant cultural resource is discovered during any construction phase. A halt-work condition will be instituted in the event of such a cultural resource discovery during construction.

63. The project implements Land Use Plan Policy #1 of the LUP ("Preservation of the small craft harbor as a recreational facility shall be a priority") through replacing an aging, outdated marina with a contemporary marina with state-of-the-art landside (boaters' lounge and locker room facilities) and waterside (sewerage pump-out stations and on-dock utilities) amenities while achieving compliance with today's ADA and CA DB&W standards. Moreover, project construction will be coordinated in a manner to ensure that the planned development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities, nor the ancillary uses which support these facilities.

64. The project implements Land Use Plan Policy #2 of the LUP ("Maintenance of the physical and economic viability of the marina is a priority") through redeveloping the water- and land-side portions of the parcel, which are currently developed with aging and outdated marina and apartment facilities, with a contemporary marina and new apartment facilities. This new development will help to ensure maintenance of the physical and economic viability of the marina.

65. Consistent with Land Use Plan Policy #6 of the LUP, the project has received conceptual design approval from the DCB, as prescribed in the LCP. This DCB's review included review for consistency with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction* and applicable policies of the certified LCP.

66. Consistent with Land Use Plan Policy #8 of the LUP (Land Use Consistency), with approval of the LCP amendment and Applicant-requested promenade setback Variance for the project, the proposed project will satisfy all applicable policies and development standards of the certified LCP, including, but not limited to, permissible land use, building height, on-site parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade), meeting requirements for adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. ("Mello Act").

67. Land Use Plan Policy #10 of the LUP encourages development of affordable housing in the LCP area. The proposed project is also subject to California Government Code Sections 65590 and 65590.1 (the "Mello Act" of 1982), which provide, in pertinent part, that, within the Coastal Zone: (a) the demolition of existing residential dwelling units occupied by persons and families of low- or moderate-income shall not be authorized unless provision has been made for the replacement of those dwelling units for persons of low- or moderate-income (i.e., "affordable replacement" dwelling units); and (b) new housing developments shall, where feasible, provide housing units for persons and families of low- or moderate-income (i.e., "affordable inclusionary" dwelling units).

68. The Mello Act provides that existing residential units "occupied by persons or families of low or moderate income" are subject to the replacement unit requirement. The Mello Act does not, however, specify any particular methodology for determining which existing units are occupied by such persons or families. Rather, the Mello Act provides local jurisdictions with the discretion to implement the Act's requirements.

69. The Community Development Commission of the County of Los Angeles (CDC) has confirmed in writing that the CDC had reviewed and approved a replacement housing survey conducted for the subject property by the professional consulting firm of Overland, Pacific and Cutler, LLC. The purpose of the survey was to assess the number of replacement units required by the Mello Act.

70. The replacement housing survey utilized a questionnaire developed by the County of Los Angeles Chief Administrative Office (CAO) and was completed using guidelines established by the CDC. The survey included certified mailings to all tenants, as well as door-to-door visits and follow-up telephone calls, if tenant responses were not received.

71. Based on the professional survey results, the CDC has determined that twenty-two (22) of the 136 exiting Parcel 10R apartment units are subject to replacement under the Mello Act, as follows: 11 moderate-income replacement units (five of which are to be one-bedroom units and six of which are to be two-bedroom units) and 11 low-income replacement units (eight of which are to be one-bedroom units and three of which are to be two-bedroom units).

72. The CDC properly relied on a credible replacement housing survey conducted by Overland, Pacific and Cutler, LLC, a well-qualified consulting firm, and a reasonable tenant questionnaire guiding same prepared by the County CAO's office, in concluding the applicant's replacement obligation under the Mello Act is the above-referenced twenty-two (22) affordable housing units. The Commission has conditioned its approval of the project Coastal Development Permit to require the applicant to enter into a covenant with the County stipulating that these 22 affordable replacement dwelling units shall be maintained on the property at the designated affordability levels for the entire term of the extended lease for Parcel 10R (until 2061), and that these units shall be reasonably dispersed throughout the Project.

73. In February 2008, the County Board of Supervisors adopted an Affordable Housing Policy for Marina del Rey (Policy), which Policy ensures new residential projects in the Marina are fully compliant with Mello Act requirements. For new residential projects in the Marina, the Policy, among other provisions, requires developers to provide a 15 percent inclusionary affordable housing set-aside in new residential projects, to be calculated on the net new incremental units to be constructed as part of the project, and further requires these units to be deed restricted for occupancy by qualifying households at the specified affordability levels for the term of the extended ground lease. The Policy further dictates that 1/3 of a project's inclusionary affordable housing units be reserved for very low-

income households, 1/3 be reserved for low-income households, and 1/3 to be reserved for moderate-income households, subject to a determination to be made on a case-by-case basis.

74. The subject project complies with the Policy's inclusionary affordable housing unit set-aside requirements, in that 15 percent of the 264 net new incremental units to be developed on the project site (i.e., 400 total units less 136 existing units = 264 net new units), or forty (40) units, will be dedicated for exclusive occupancy by qualifying very low-income, low-income, and moderate-income households for the term of the extended lease (until 2061). Consistent with the Policy, thirteen (13) of the project's 40 inclusionary affordable units will be designated for very low-income households (of which eight will be one-bedroom units and five will be two-bedroom units), fourteen (14) of the units will be designated for low-income households (of which nine will be one-bedroom units and five will be two-bedroom units), and thirteen (13) of the units will be designated for moderate-income households (of which eight will be one-bedroom units and five will be two-bedroom units).

75. The applicant's on-site provision of the subject forty (40) inclusionary affordable housing units in the project is in full compliance with Mello Act requirements and the Policy, and represents a significant, important contribution to the production of badly needed affordable housing in Marina del Rey, which is a public benefit being provided by the project. The Commission has conditioned its approval of the project Coastal Development Permit to require the applicant to enter into a covenant with the County stipulating that the project's forty (40) inclusionary affordable dwelling units shall be maintained on the property at the designated affordability levels for the entire term of the extended lease for Parcel 10R (until 2061), and that these units shall be reasonably dispersed throughout the Project.

76. The project implements Coastal Visual Resources Policy #1 of the LUP (Views of the Harbor are a Priority) through its provision of LCP-compliant view corridors across the parcel from adjacent public streets (Marquesas Way and Via Marina) to Marina Basin B. The public viewing of the harbor will be further enhanced through the project's development of a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage. 100% of the property's water frontage has been made available for public viewing of the waterfront. The most valuable, visible, desirable area of the site—the waterfront—will be fully enhanced for public use.

77. Consistent with Coastal Visual Resources Policy #2 of the LUP, project's signage will be in keeping with the character of the neighborhood and will be subject to final review and approval by the Design Control Board prior to installation, as called for in the LCP.

78. Consistent with Coastal Visual Resources Policy #4 of the LUP, the DCB has reviewed and conceptually approved this development proposal for consistency with the policies and objectives of the LCP.

79. The project implements the view protection policies outlined in Coastal Visual Resources Policy #6 of the LUP by incorporating harbor views from streets and pedestrian access ways consistent with security and safety considerations. As noted, the project provides view corridors from public streets to the Marina waters consistent with LCP requirements.

80. The project complies with the building Height Design Concept outlined in Coastal Visual Resources Policy #s 7 and 8 of the LUP. The proposed 55-foot building height (exclusive of typical rooftop appendages) of the two apartment buildings situated along Marquesas Way (on the Residential III, "mole" portion of the parcel) is consistent with the effective Height Category 3 for that portion of the parcel, because the applicant is providing a view corridor comprising 29 percent of the parcel's Marquesas Way water frontage whereas as the LCP requires provision of a 27 percent view corridor along this portion of the site. The proposed 60-foot (exclusive of typical rooftop appendages) height of the apartment building situated along Via Marina (on the Residential V, "non-mole" portion of the parcel) is consistent with the effective Height Category 5 for that portion of the parcel, because the applicant is providing a view corridor comprising 21 percent of the parcel's Via Marina water frontage whereas the LCP requires provision of a 20 percent view corridor along this portion of the site. Adjacent and nearby apartment projects on Marquesas Way and apartment buildings which have been permitted for development along the County unincorporated portion of Via Marina are, and will become, developed with buildings of commensurate height and massing. The Commission thus finds the height and massing of the applicant's proposed apartment buildings on Parcel 10R to be entirely consistent with and complementary to the established development pattern of the neighborhood.

81. The approved project is consistent with Coastal Visual Resources Policy #9 of the LUP (Evaluation of wind impacts). Rowan, Williams, Davies and Irwin, Inc. (RWDI), a well-qualified, licensed engineering firm, performed two detailed wind studies for the project using wind tunnel tests to simulate and measure before and post-development wind conditions in sailing Basin B, which abuts the subject property to the east (for the Via Marina portion of the parcel) and south (for the Marquesas Way portion of the parcel). These studies, which are included as appendices in the project EIR, conclude the overall sailing wind conditions will be unaffected in Basin B by addition of the proposed apartment buildings on Parcel 10R. Minor changes in wind speed and direction were projected only in the westerly end of Basin B, and only during periods of westerly winds. RWDI's wind assessments for the project conclude that, due to the localized, minor nature of the changes coupled with the fact that a majority of sailing vessels will be under motor power as they pull into or leave their slips, the changes in wind speed and direction at the westerly end of Basin B are not assumed to be significant. RWDI's wind assessments also conclude that the proposed development would not have any appreciable affect on winds utilized by birds during flight.

82. The Commission has reviewed RWDI's wind reports for the project and deems them to constitute credible evidence substantiating that development of the subject apartment

buildings on Parcel 10R will not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel, nor adversely impact winds utilized by birds in flight.

83. Consistent with Coastal Visual Resources Policy #13 of the LUP, an 8-foot-wide landscaped pedestrian viewing area will be provided along the parcel bulkhead seaward of the 20-foot-wide dual purpose pedestrian promenade/fire access road.

84. Consistent with Hazards Policy #1 of the LUP, the applicant has obtained approval of Drainage Concept and SUSMP plans from the Department of Public Works. These plans are intended to mitigate flooding concerns relating to site drainage and to minimize runoff of polluted rainwater sheet-flow into the Marina and public storm drain system.

85. Consistent with Hazards Policy #s 2 and 3 of the LUP, the applicant has garnered approval of a preliminary geotechnical report from the Geotechnical & Materials Engineering Division (GMED) of the County Department of Public Works, which report is included as an appendix in the project EIR. This report fully analyzed site geologic conditions, including potential hazards resulting from liquefaction and lateral spreading. Consistent with LCP requirements, preliminary engineering mitigation and planned structural setbacks for the project have been designed for a bedrock acceleration of no less than 0.5g and high potential for liquefaction. The project EIR includes mitigation measures that require applicant's conformance with all recommendations of the approved preliminary geotechnical report. The applicant's implementation of all seismic engineering requirements required for the project by the County Department of Public Works will ensure the project is constructed in conformance with applicable County and State Codes addressing seismic safety.

86. The traffic report prepared for the project, which has been reviewed and approved by the County Department of Public Works' Traffic & Lighting Division and has been included as an appendix to the EIR, prescribes specific mitigation measures for the project's significant traffic impacts and cumulatively significant traffic impacts. The report finds that the development of Parcel 10R alone would not result in any significant traffic impacts; however, development of Parcel 10R in conjunction with the other project components would result in significant project-specific traffic impacts. The report identifies mitigation measures to reduce these impacts to less than significant. In conformance with Traffic Circulation Policy #1 of the LUP (Internal Transportation Improvements), the report concludes that, with implementation of the report's prescribed mitigation measures, the planned development will not exceed the capacity of the internal Marina del Rey street system. The report further finds that the prescribed traffic improvements will be appropriately funded through applicant's payment of the LCP-prescribed "PM Peak Hour" traffic mitigation fee (a total traffic mitigation fee of $483,650 will be paid by the applicant for the project); in turn, the County will utilize $136,000 of the collected traffic mitigation fees to fund construction of "Category 1" ("System-wide") transportation improvements intended to mitigate traffic impacts internal to the Marina's local street network. The

County Department of Public Works prefers to implement the Marina del Rey Transportation Improvement Program (TIP) roadway improvements at each intersection, which are funded by the trip mitigation fees, as a single major project in order to minimize traffic disruptions and construction time. Therefore, the certified Environmental Impact Report recommends the applicant's payment of the above-described fee over the partial construction by the applicant of portions of the TIP roadway improvements. However, should the County Director of Public Works decide that it is necessary to expedite construction in order to mitigate all of the project's significant direct traffic impacts at one or more intersection prior to project occupancy, the certified Environmental Impact Report recommends the following measure(s) as an alternative to address significant traffic impacts:

- **Admiralty Way and Via Marina** – Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina, instead of widening the south side of Admiralty Way to accommodate a triple westbound left turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the Marina del Rey TIP Category 1 improvement. This improvement is identified in the Marina del Rey TIP as a Category 3 improvement, and will enhance traffic flow within the Marina.

- **Washington Boulevard and Via Marina/Ocean Avenue** – No feasible physical improvements are identified in the TIP that remain available to mitigate this potential direct project traffic impact. However, the County of Los Angeles Department of Public Works has identified an improvement at the nearby intersection of Washington Boulevard and Palawan Way that would provide additional egress from the Marina, reducing traffic volumes on the northbound approach of Via Marina at this intersection, and providing mitigation for the impacts. The proposed improvement would reconstruct the intersection of Washington Boulevard and Palawan Way to allow for dual northbound left-turns onto westbound Washington Boulevard, and install a new traffic signal at that intersection. The improvement will provide an additional means of accessing westbound Washington Boulevard from westbound Admiralty Way, reducing the existing high northbound volumes at Washington Boulevard and Via Marina/Ocean Avenue. (See "Washington Boulevard and Palawan Way" below for additional details.) It should be noted that this improvement is not included in the TIP. As such, the applicant would be required by County Department of Public Works to contribute fair share funding to this improvement, above and beyond the previously identified traffic mitigation fees.

- **Lincoln Boulevard and Mindanao Way** – Widen the west side of Lincoln Boulevard both north and south of Mindanao Way, and relocate and narrow the median island on Lincoln Boulevard to provide a right-turn lane in the northbound direction. This improvement is identified in the Marina del Rey TIP as a Category 1 improvement.

- **Admiralty Way and Mindanao Way** – Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way and modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way, has already been approved as part of a previous project (Esprit I Apartments), and would mitigate to less than significance the combined traffic impacts of both projects. It should be noted that this improvement is not included in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified traffic mitigation fees. The project's fair share proportion would be negotiated between the project applicants and the County.

87. Consistent with Traffic Circulation Policy #3 of the LUP (Sub-regional Transportation Improvements), as outlined in the project traffic study, the applicant has been conditioned to make its fair share contribution, though payment of the prescribed traffic mitigation fee, to help fund construction of "Category 3" ("Sub-regional") transportation improvements, which are prescribed in the LCP. Category 3 fees in the amount of $347,650 will be paid to the County by the applicant, which fees will be utilized by the County, in consultation with appropriate agencies, to help fund construction of sub-regional transportation improvements intended to insure that this project and other Phase 2 developments do not exceed the capacity of the sub-regional street system. The County Department of Public Works prefers to implement the Marina del Rey Transportation Improvement Program (TIP) roadway improvements at each intersection, which are funded by the trip mitigation fees, as a single major project in order to minimize traffic disruptions and construction time. Therefore, the certified Environmental Impact Report recommends the applicant's payment of the above-described fee over the partial construction by the applicant of portions of the Traffic Improvement Program roadway improvements. However, should the County Director of Public Works decide that it is necessary to expedite roadway improvement construction at one or more intersection in order to assure that the mitigation occurs in phases coinciding with new development in Marina del Rey, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this project to less than significant levels:

- **Admiralty Way and Via Marina** – Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina, instead of widening the south side of Admiralty Way to accommodate a triple westbound left turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the Marina del Rey TIP Category 1 improvement. This improvement is identified in the Marina del Rey TIP as a Category 3 improvement.

The certified Environmental Impact Report also identified improvements that would mitigate cumulative traffic impacts at the 12 impacted intersections that are not entirely located in the County's jurisdiction and control. If the County, the City of Los Angeles,

and Caltrans agree on a funding mechanism to implement the recommended traffic improvements at these 12 intersections prior to building occupancy, the applicant, where appropriate, will pay its fair share of required transportation improvements. If the County Director of Public Works requires the project to directly implement one or more physical public roadway improvement, a commensurate adjustment to the fee requirement would also be made.

88. Consistent with Traffic Circulation Policy #4e of the LUP, project traffic report indicates all vehicle trips generated by the project, in combination with all trips generated by previously approved Phase 2 projects, will not exceed 50% of the total anticipated additional external trips to be generated by new or intensified Marina del Rey development.

89. In conformance with Public Works Policy #2 of the LUP (Public Works improvement phasing), the applicant's Coastal Development Permit has been conditioned to require that all necessary public works facilities/infrastructure will be provided for the project prior to the County's issuance of a Certificate of Occupancy for the project.

90. In conformance with Public Works Policy #s 3 and 4 of the LUP, the Department of Public Works has notified the Commission that sufficient water and sewerage facilities will be made available prior to issuance of a Certificate of Occupancy for the project and that the project will be served by such infrastructure to the satisfaction of the County Department of Public Works. Consistent with Public Works Policy #5 of the LUP, the project has been conditioned to assure that installation of new water and sewer lines will be accomplished in an environmentally sensitive manner, in full conformance with County Department of Public Works' requirements.

91. In conformance with Public Works Policy #6 of the LUP, the project has been conditioned to incorporate water-conserving technology consistent with local, state and/or federal regulations affecting same. Consistent with this Policy, the project has also been conditioned to ensure County Public Works will review the project plans to assure that water conservation measures and techniques are incorporated. Moreover, the project will be subject to the County's recently-enacted Green Building and Drought-Tolerant Landscaping ordinances.

92. Consistent with Public Works Policy #s 8 and 9 of the LUP (Fire access requirements and pedestrian promenades), the project's waterfront fire access lane (i.e., the 20-most inward feet from the building line on the pedestrian waterfront promenade) has be designed to maintain unimpeded access, clear to sky, with no benches, planters or fixed objects. The seaward-most 8 feet (adjacent to the bulkhead) of the 28-foot-wide waterfront pedestrian promenade has been enhanced with landscaping, shade benches, light standards, drinking fountains and other pedestrian amenities, consistent with LCP requirements.

93. Consistent with Public Works Policy #10 of the LUP, the project has been conditioned to require fire sprinklers in conformance with Fire Department requirements.

94. As specified in Sections 22.46.1310 and 22.46.1230 of Los Angeles County Code, the maximum density allowances for the subject Residential V and Residential III land use categories are, respectively, up to 75 and 35 dwelling units per net acre. With approval of the LCP amendment for this project allowing the applicant to average or "blend" residential densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the subject parcel's R-III and R-V land use categories, the proposed 400-unit project will comply with the density requirements of the effective Residential V and III land use categories. This arrangement will provide for more uniform building massing and development. Adjacent and nearby apartment projects on Marquesas Way and apartment buildings which have been permitted for development along the County unincorporated portion of Via Marina are, and will become, developed with buildings of similar height and massing. The Commission thus finds that the applicant's request to blend or average residential density over the parcel is entirely consistent with and complementary to the established development pattern of the neighborhood.

95. Section 22.46.1060 (D) (2) refers sign regulations of each Marina del Rey land use category to those of a particular zone. Standards for the subject parcel's effective Residential V and Residential III land use categories respectively follow R-4 and R-3 zoning requirements. According to Section 22.52.930 of Los Angeles County Code, building identification signage limitations for the applicable R-4 and R-3 Zones would only permit one wall mounted business identification sign per principal use, not to exceed six (6) square feet in sign area.

96. The applicant has requested a Variance for the construction and maintenance of signage in excess of Los Angeles county code requirements. The requested Variance affording excess project signage is needed to provide visibility to prospective tenants and to allow a similar right enjoyed by comparable projects within the vicinity of the site.

97. In a presentation to the Commission, the applicant provided detailed renderings of the proposed signage. Examples of comparable signage within the vicinity of the project were also presented. The information presented by the applicant is sufficient to substantiate the applicant's Variance request for excess signage, because the proposed signage is commensurate, in terms of sign area, placement and design, as that for other existing apartment complexes in the project vicinity.

98. The DCB is charged with regulating the design of Marina del Rey signage through its "Revised Permanent Sign Controls and Regulations" (Section 22.46.1060 (D) (1)). Prior to installation of any signage on the subject property, the applicant will be required to submit its proposed signage package to the DCB for review and approval.

99. The applicant has requested a Variance authorizing a zero-foot building setback from the 28-foot-wide public waterfront pedestrian promenade, whereas Sections 22.46.1330

(Residential V) and 22.46.22.46.1250 (Residential III) of the Marina del Rey Specific Plan require provision of a 10-foot building setback from the promenade.

100. At the conclusion of the October 14, 2009 continued public hearing for the project, the Commission indicated the applicant had failed to provide sufficient justification for its requested Variance to allow a zero-foot building setback from the waterfront pedestrian promenade, noting the applicant needed to provide an enhanced public amenity package for the public waterfront pedestrian promenade in order to justify the Variance request. The Commission remanded the applicant back to the Design Control Board in order for the DCB to review and provide the Commission's its comments regarding the adequacy of the applicant's revised promenade amenity plans for the project.

101. As directed by the Commission at the October 14, 2009 continued public hearing, the applicant updated its promenade amenity plans for the project to include additional pedestrian-oriented details such as promenade seating with shade structures, trash receptacles, drinking fountains, bicycle racks, an enhanced paving pattern along the waterfront pedestrian promenade, and enhanced landscaping.

102. The DCB reviewed the applicant's enhanced promenade amenity plans at its December 17, 2009 public meeting. Staff has transmitted the DCB's written review comments regarding the applicant's updated promenade amenity plan for Parcel 10R, which the Commission has reviewed and which are included in the administrative file for this case. The DCB's review comments indicate the DCB's approval of the applicant's updated promenade amenity plans, subject to the applicant's incorporation of the DCB's suggested modifications intended to further enhance this public space. As required by the LCP, the applicant has been conditioned to return to the DCB prior to issuance of a building permit for a final review of project signage, landscaping, public amenities (concerning final design details of the promenade seating and associate shade structure, bike racks, promenade light standards and decorative paving), and building colors and materials.

103. There are special circumstances applicable to the subject property, including the LCP requirement for provision of public waterfront recreational space (i.e., 28-foot-wide waterfront pedestrian promenade), the relatively narrow depth of the parcel, the LCP requirement for provision of view corridors along the parcel waterfront, and the physical limits of the land area available to the parcel due to it being abutted by water on one side, which justify the requested yard setback reduction variance at the public waterfront pedestrian promenade. Moreover, existing development on adjoining parcels eliminates the development alternative of acquiring additional property or adjusting lot lines to create additional developable area to accommodate the 10-foot yard setback adjacent to the promenade.

104. The Commission's review of the site plan shows a series of design features required by the Marina del Rey Specific Plan that limit the area available to the footprint of the

proposed apartment structure, and the resulting necessity to vary from setback standards at the location of the waterfront promenade. These required design regulations include the 28-foot-wide waterfront public pedestrian promenade, building height limitations, maintenance of pubic view corridors to the water from adjacent public streets and other specific requirements, which combine to restrict the portion of land area available for the footprints of the proposed buildings. Moreover, the DCB's December 17, 2009 review of the applicant's enhanced promenade amenity plans, combined with the final design review the applicant's promenade design and amenity plans will receive from the DCB after the applicant's obtainment of the Project Permits but prior to issuance of a project building permit, will ensure proper design and land use interface between the waterfront pedestrian promenade and approved apartment buildings, so that approval of the requested building setback variance will not prove materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

105. In light of the foregoing factors, the applicant's Variance request for provision of a zero-foot building setback from the waterfront public pedestrian promenade to be justified.

106. The applicant has requested a Conditional Use Permit to authorize approximately 112,000 cubic yards of grading for the project, with excess soil to be exported to a landfill located in Los Angeles County for use as daily cover.

107. Sufficient mitigations measures concerning site grading, earth hauling and associated activities have been incorporated in the EIR and associated Mitigation Monitoring Program for the subject project to ensure such activities will not: serve to adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the subject property; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Commission further finds the proposed site is adequate in size and shape to accommodate the proposed grading activity and that local streets that will be used by trucks to haul the earth from the site, subject to a County Department of Public Works' approved haul route, are of sufficient width and are improved as necessary to safely facilitate the truck hauling activity. The Commission thus finds that approval of the applicant's Condition Use Permit request is justified.

108. The applicant has requested a Conditional Use Permit to authorize boater parking facilities within the residential buildings.

109. The apartment building denoted as "Building 3" on the project site plans on file, which is the apartment building proposed at the corner of Via Marina and Marquesas Way, houses the boater parking that will serve the new private marina to be developed on the waterside portion of the subject Parcel 10R. The building has two garage levels, the upper floor of which is split between apartment resident and guest parking (approximately 25%) and exclusive boater parking (approximately 75%), with separated points of

ingress/egress. The boater parking area is located in the southern portion of the garage and is accessed directly from Via Marina. The boaters' parking has been designed to be separated from the apartment and guest parking garage areas, as well as vehicular and pedestrian points of access. Having been designed with exclusive points of access at-grade with the waterfront public pedestrian promenade, the proposed boater parking has been sited in a consolidated, convenient location that will afford the project's boat slip tenant appropriate immediate access to the new private anchorage to be constructed on waterside portion of Parcel 10R.

110. The site plans on file also depict a boaters' lounge facility in the southeast corner of Building 3, at the same on-grade level of the boater garage. Due to grade slopes, the boaters' lounge will be slightly elevated above the waterfront public pedestrian promenade. The boaters' lounge facilities have be designed with direct access from the boaters' garage and will overlook the waterfront public pedestrian promenade as well as the private anchorage and Marina Basin B. The primary entrance to the boaters' lounge is located directly off the waterfront public pedestrian promenade, providing the project's boat slip tenant immediate access to the adjacent private anchorage to be developed on Parcel 10R. In addition to the boaters' lounge connection, the site plans on file show a secondary point of connection to the waterfront public pedestrian promenade at the northeast end of the boater garage. Moreover, in conformance with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction*, the boater restroom facilities have been located on the parcel to ensure that the distance from the pier-head end of each of the anchorage's gangways to the nearest restroom for each sex does not exceed 350 feet.

111. The DCB reviewed the proposed boater parking facilities in conjunction with its initial review of the project applicant, as prescribed in the LCP. This DCB review included review for consistency with the *Manual for Specifications and Minimum Standards of Architectural Treatment and Construction* and applicable policies of the certified LCP, including parking facility layout and design. The number of boater-allocated parking spaces being provided in the project, 131 spaces, is compliant with County Code requirements respecting same.

112. Based on the foregoing, the boater parking facilities have been designed for the project in a manner that will ensure the facilities will not serve to adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the subject property; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Commission further finds the proposed site is adequate in size and shape to accommodate the proposed boater parking facilities, and that local streets serving the boater parking facilities are of sufficient width and are improved as necessary to safely facilitate boaters' ingress and egress to and from the parking facilities. The Commission thus finds that approval of the applicant's Condition Use Permit request is justified.

BASED ON THE FOREGOING AND ON OTHER EVIDENCE IN THE RECORD OF PROCEEDINGS, REGARDING THE CONDITIONAL USE PERMIT BURDEN OF PROOF, THE REGIONAL PLANNING COMMISSION CONCLUDES:

Regarding the Coastal Development Permit:

A. That the proposed project is in conformity with the certified local coastal program and, where applicable; and

B. That any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code."

Regarding the Conditional Use Permit:

A. The proposed use is consistent with the adopted general plan for the area;

B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;

C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area; and

D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Regarding the Variance:

In addition to the information required in section 22.56.280 of the Los Angeles County Code, permit application, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

A. That there are special circumstances or exceptional characteristics applicable to the property involved such as size, shape, topography, location of surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;

B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity or zone; and

C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Coastal Develoment Permit as set forth in Section 22.56.2410 of the Los Angeles County Code (Zoning Ordinance), for a Conditional Use Permit as set forth in Section 22.56.090 of the Zoning Ordinance and for a Variance as set forth in Section 22.56.290 of the Zoning Ordinance.

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission, certifies that it has independently reviewed and considered the information contained in the Final Environmental Impact Report prepared by Los Angeles County Department of Regional Planning as lead agency prior to approving the project; certifies the EIR, adopts the Mitigation Monitoring Plan (MMP) which is appended to and included in the attached conditions of approval, finding that, pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation; determines that the conditions of approval attached hereto are the only mitigation measures for the project which are feasible and that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in these findings; determines that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social and/or environmental benefits of the project as stated in the findings and in the Environmental Findings of Fact and Statement of Overriding Considerations for the project, which findings and statement are incorporated herein by reference.

2. In view of the findings of fact and conclusions presented above, Coastal Development Permit No. RCDP200600008, Conditional Use Permit No. RCUP200600289 and Variance No. RVAR200600013 are approved subject to the attached conditions.

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: March 10, 2010

This grant authorizes a **Coastal Development Permit** for the demolition of a 136-unit apartment complex and all appurtenant landside facilities (all site landscaping, hardscape and surface parking) located on Marina del Rey Parcel 10R, and the subsequent construction of a total of 400 rental apartment units (including a total of 62 affordable housing units) consisting of three (3) buildings (maximum 60 feet in height, excluding appurtenant rooftop structures), and landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and facilities on the subject parcel. Approximately 112,000 cubic yards of onsite grading is authorized under the grant, with excess soil to be exported to a landfill located in Los Angeles County. The subject Coastal Development Permit also authorizes the permittee's temporary use of Marina del Rey Parcel FF (located across Marquesas Way from the subject Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development. This grant also authorizes a **Conditional Use Permit** for site grading with the export of earth in excess of 100,000 cubic yards, and parking for boater related uses. This grant further authorizes a **Variance** to allow the installation of project identification signage on the subject parcel exceeding County Code allowances; and a reduction of the required building setback from the waterside pedestrian promenade (No building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code), as all such improvements are depicted on the approved site plans, building elevations, parking plan, building cross-sections, and other approved plans, marked Exhibit "A" on file, 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. Prior to initiating any development on the waterside portion of the subject Parcel 10R, pursuant to permittee's related proposal to demolish the existing anchorage and to subsequently construct a new private boat anchorage on the waterside portion of the parcel, permittee shall submit documentation to the Director of Planning confirming its receipt of an approved Coastal Development Permit from the California Coastal Commission pertaining to all such proposed waterside development.

3. 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 Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 9, 12, and 13.

4. 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 California 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.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay 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 Regional Planning'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; and

   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 shall be paid by the permittee in accordance with County Code section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of approval. The date of final approval is the date of the approval action plus any applicable appeal period. Four (4) one-year time extensions may be requested in writing and with payment of the applicable fee at least six (6) months prior to such expiration date

7. 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.

8. Upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

9. 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. The permittee shall deposit with the County the sum of **$4,500**. These monies shall be placed in a performance fund which shall be used exclusively to compensate 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 **30** annual inspections. Inspections shall be unannounced.

   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 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 **$200** per inspection).

10. 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 ("Commission") or a hearing officer may, after conducting a public hearing and giving notice thereof to permittee, 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.

11. Within five (5) days of the approval date of this grant, the permittee shall cause a Notice of Determination to be posted in the office of the County Registrar/Recorder in compliance with Section 21152 of the Public Resources Code. Permittee shall remit applicable processing fees, payable to the County of Los Angeles, in connection with such filing. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is **$2,867.25** ($2,792.25 plus $75.00 processing fee).

12. Within 30 days of the approval date of this grant, the permittee shall deposit the sum of $3,000 with Regional Planning to defray the cost of reviewing the required mitigation monitoring reports and verifying compliance with the Mitigation

Monitoring Program ("MMP") adopted in conjunction with the certified Final Environmental Impact Report for the project.

13. The subject apartment complex shall be limited to 400 dwelling units.

14. Front yards (front yard is adjacent to Via Marina for Building 3 and adjacent to Marquesas Way for Buildings 1 and 2) shall be maintained at a minimum of ten (10) feet in width and side yards shall be maintained at a minimum of five (5) feet in width.

15. The conditions and/or changes in the project, set forth in the Final Environmental Impact Report, necessary in order to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached MMP. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to Regional Planning for review and approval as frequently as may be required by Regional Planning. The reports shall describe the status of the permittee's compliance with the required project conditions/changes.

16. The permittee shall enter into a Joint Covenant and Agreement ("Affordable Housing Covenant") with the Los Angeles County ("County") Community Development Commission ("CDC"), the County Department of Regional Planning ("Regional Planning"), and the County Department of Beaches and Harbors ("DBH") stipulating that a total of sixty-two (62) rental dwelling units ("Designated Units") of the approved 400 rental apartment units in the project shall, for the entire term of the extended lease for the subject parcel, be income restricted and rented only at an Affordable Housing Cost and only to qualifying households meeting the "very low-income," "low-income," and "moderate-income" criteria, as such terms are defined under the California Health & Safety Code. Prior to the issuance of any building permits for the project, the permittee shall record said Affordable Housing Covenant in the office of the County Registrar-Recorder/County Clerk ("Registrar-Recorder"). The permittee shall, prior to recordation in the Registrar-Recorder's office, submit a copy of said Affordable Housing Covenant to County Counsel, Regional Planning, DBH, and CDC for review and approval. The permittee's obligations under said Affordable Housing Covenant shall begin on the first date that any of the rental dwelling units of the project to be constructed by the permittee on the site are approved for legal occupancy ("Term Commencement Date"). The permittee shall have the right to record an affidavit with the Final Building Permit Approval (or Certificate of Occupancy) to reflect the commencement of the term of said Affordable Housing Covenant. Said Affordable Housing Covenant shall expire, and all benefits and burdens associated with this Covenant and Agreement shall cease, upon the

expiration date of the extended lease for the subject Parcel 10R.

17. The unit composition of the project's 62 Designated Units shall be as follows:

    - Inclusionary Affordable Units: Forty (40) of the project's 62 Designated Units shall be "Inclusionary Affordable Units," thirteen (13) of which shall be designated for exclusive occupancy by qualified very low-income households (8 one-bedroom units and 5 two-bedroom units); fourteen (14) of which shall be designated for exclusive occupancy by qualified low-income households (9 one-bedroom units and 5 two-bedroom units); and thirteen (13) of which shall be designated for exclusive occupancy by qualified moderate-income households (8 one-bedroom units and 5 two-bedroom units); and

    - Affordable Replacement Units: Twenty-two (22) of the project's 62 Designated Units shall be "Affordable Replacement Units," eleven of which shall be designated for exclusive occupancy by qualified low-income households (8 one-bedroom units and 3 two-bedroom units) and eleven (11) of which shall be designated for exclusive occupancy by qualified moderate-income households (5 one-bedroom units and 6 two-bedroom units).

    The project's 62 Designated Units shall be as depicted on an exhibit to be reviewed and approved by Regional Planning. The Exhibit shall be titled "Project Affordable Unit Location Exhibit" with a copy filed in the case records and a copy furnished to the CDC.

18. The project's 62 Designated Units shall be dispersed throughout the project and shall be compatible with the exterior design of the project's market rate units in terms of appearance, materials, and finished quality.

19. The permittee shall specifically provide in each designated unit lease and shall strictly enforce the requirement that each designated unit be occupied at all times by the eligible household who has leased that designated unit, and that any other occupant of the unit be another qualified member of the lessee's household. CDC shall be identified as a third-party beneficiary of that covenant and shall have the right to directly enforce that restriction in the event the permittee fails to do so. Prior to execution of any designated unit lease with respect to the project, the permittee shall submit to CDC and obtain its written approval of a standard form occupancy lease and the permittee shall thereafter use the approved form for all leases of Designated Units in the project, with only such further modifications thereto as are first submitted to and approved in writing by CDC.

20. The permittee shall carry out an affirmative marketing program to attract prospective tenants of all minority and non-minority groups in the housing market area regardless of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, ancestry, or familial status. The affirmative marketing program should ensure that any group(s) of persons not likely to apply for the housing without special outreach efforts (because of existing neighborhood racial or ethnic patterns, location of the housing, or other factors), know about the housing, feel welcome to apply, and have the opportunity to rent.

21. The permittee shall maintain records and satisfy reporting requirements as may be reasonably imposed by CDC to monitor compliance with the tenanting requirements described in said joint covenant and agreement.

22. The permittee shall refrain from restricting the rental or lease of the site or any portion thereof on the basis of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, or ancestry of any person. All such leases or contracts shall contain or be subject to substantially the following non-discrimination or non-segregation clauses.

23. There shall be no discrimination against or segregation of any person, or group of persons, on account of race, color, creed, religion, gender, marital status, sexual orientation, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the site, nor shall the permittee itself or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees of the site or any portion thereof. The non-discrimination and non-segregation provisions set forth herein shall remain in effect in perpetuity.

24. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said department.

25. All requirements of Title 22 of the County Code 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.

26. 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.

27. All structures shall comply with the requirements of the Division of Building and Safety of the County Department of Public Works ("Public Works").

28. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. In the event such extraneous markings occur, 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. .

29. Within sixty (60) days of the 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, floor plans, parking plan, roof plan, building elevations, building cross-sections, landscaping plan, and signage plan.

30. Within sixty (60) days of the DCB's final design approval, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into the revised Exhibit "A" described herein. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The permittee shall maintain all landscaping in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary for the life of this grant.

31. Within sixty (60) days of the DCB's final design approval, the permittee shall submit to the Director and Director of DBH for review and approval three copies of a signage plan, including elevations, proposed lettering, colors, and locations of signage on the subject property, which may be incorporated into the revised Exhibit "A," described herein. All renderings of said signage shall be drawn to scale and shall be in conformity with those approved by the DCB.

32. Prior to issuance of a building permit for the project, the permittee shall, to the satisfaction of the Director, participate in and contribute its fair share to funding of the mitigation measures described in the Coastal Improvement Fund as specified in section 22.46.1950 of the County Code.

33. The applicant required to contribute to the Coastal Improvement fund. The estimated contribution based on the 264 proposed additional units on Parcel 10 R is $158,400 ($600.00 x 264 residential units). This amount may be reduced based on any credit the applicant is eligible per LACC 22.46.1950.D.

34. Prior to issuance of a building permit for the project, the permittee shall secure approval from the County Fire Department of a Fire Safety Plan meeting the specifications for same outlined in Section 22.46.1180.15 of he County Code. The permittee shall conduct site development in conformance with the approved Fire Safety Plan, and shall provide a copy of such approved plan to Regional Planning staff for inclusion in the subject case file.

35. Six months prior to any demolition activity associated with construction of the proposed project, the permittee shall distribute a notice (a copy of which shall be submitted to the Director of Planning prior to distribution) to all residential tenants occupying Parcel 10R notifying said tenants of the requirement to relocate. The permittee shall, at the time of notice, provide all interested tenants with lease availability information on other Marina del Rey properties.

36. The permittee shall contact the Fire Prevention Bureau of the County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. The permittee shall provide fire flow, hydrants, gated access width, emergency access, and any other facilities as may be required by said Department.

37. Prior to offering the apartments for rent, a valid business license shall be obtained for operation of the apartment building and shall remain in effect for the life of this grant.

38. The applicant shall provide fire sprinklers in all structures in accordance with County Building Code, Chapter 38, sections 3802(b) 5 and 3802 (h) to the satisfaction of the County Fire Department.

39. The following conditions shall apply to project construction activities:

    a. Construction activity shall be restricted between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. No construction shall occur on Saturday, Sundays and legal holidays;

    b. Pile driving shall be restricted to the hours between 8:00 a.m. to 5:00 p.m., Monday through Friday. No pile driving activity shall be conducted on Saturdays or Sundays. The permittee shall provide adjacent property owners with a pile-driving schedule 10 days in advance of such activities, and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the schedule and mailing list to the Director and to Public Works prior to the initiation of construction activities. In addition, at least 10 days in advance of any construction activities on the subject parcel, the permittee shall conspicuously post a construction schedule at the subject parcel's Via Marina and Marquesas Way street

frontages. The schedule shall also include information where individuals may register questions, concerns, or complaints regarding noise issues. The permittee shall take appropriate action to minimize any reported noise problems;

c. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

d. All fixed and mobile construction equipment shall be in proper operating condition and be fitted with standard silencing devices; engineering noise controls shall be implemented on fixed equipment to minimize adverse effects on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and to Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses;

e. Parking of construction worker vehicles and storage of construction equipment/materials shall be on-site or at Marina Parcel FF. If the permittee chooses to provide parking for construction workers or storage of construction equipment/materials off-site at Marina Parcel FF, the permittee shall submit plans for temporary construction worker parking and equipment/materials storage to the Director for the Director's prior review and approval;

f. All project-related truck hauling shall be restricted to a route approved by

the Director of Public Works, a map of which shall be provided to the Director upon approval. The permittee shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the County Department of Public Health;

g. The permittee shall develop and implement a construction management plan, as approved by the Director and the Director of Public Works, which includes all of the following measures as recommended by the South Coast Air Quality Management District ("SCAQMD"), or other measures of equivalent effectiveness approved by the SCAQMD:

i. Configure construction parking to minimize traffic interference;

ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);

iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;

iv. Consolidate truck deliveries when possible;

v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;

vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD for daily forecasts;

vii. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators, except as approved by the Director;

viii. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices; and

ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices;

h. The permittee shall develop and implement a dust control plan, as approved by the Director of Public Works, and the County Local Enforcement Agency ("LEA"), which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:

   i. Apply approved non-toxic chemical soil stabilizers according to the manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more);

   ii. Replace ground cover in disturbed areas as quickly as possible;

   iii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications;

   iv. Provide temporary wind fencing consisting of three- to five-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded;

   v. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available);

   vi. Install wheel washers where vehicles enter and exit unpaved areas onto paved roads, or wash-off trucks and any equipment leaving the site each trip; and

   vii. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

j. All construction and development on the subject property shall comply with the applicable provisions of the California Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County; and

k. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director of Public Works, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director and to Public Works, prior to building permit issuance.

40. In conformance with the approved parking plans on file, the permittee shall provide a minimum of 909 parking spaces on-site, of which 887 shall be standard-dimensioned parking spaces and 22 shall be disabled access-dimensioned parking spaces. Of the 909 on-site parking spaces, 678 shall be marked reserved for apartment tenant parking, 100 shall be marked reserved for apartment guest parking, and 131 parking spaces shall be marked reserved for boat slip tenant parking.

41. Boat tenant parking and amenity facilities (i.e., landside boaters' lounge and restroom facilities) shall be provided on site in conformance with the approved plans on file.

42. Prior to the issuance of a building permit for the project, the permittee shall return to the DCB for said Board's approval of final project signage, landscaping, and public amenities plans (concerning final design details of the waterfront promenade seating with shade structures, bike racks, drinking fountains, promenade light standards and decorative paving), and building colors and materials palette.

43. ADA compliant sidewalks and driveways shall be constructed to the satisfaction of Public Works.

44. The use of the subject property shall be further subject to all of the following restrictions:

    a. The permittee shall maintain a management staff to reside on site and be available to respond to any issues 7 days per week, 24 hours per day;

    b. The permittee shall post signage on the subject property providing a telephone number for the reporting of any problems associated with said property;

    c. Outdoor storage and the repair of automobiles shall be prohibited; and

    d. The permittee shall monitor landscaping on a monthly basis and replace vegetation as needed.

45. The permittee shall design and construct driveways to the satisfaction of Public Works.

46. Site development shall be conducted in conformance with the archeological reporting requirements specified in Section 22.46.1190.2.a-c of the County Code.

47. The permittee shall establish a functional Transportation Demand Management (TDM) program or shall participate in an existing TDM program. Viable TDM components may include, but shall not be limited to:
    - -- Carpools;
    - -- Ridesharing;
    - -- Vanpools;
    - -- Increase use of bicycles for transportation;
    - -- Bicycle racks;
    - -- Preferential parking for TDM participants;
    - -- Incentives for TDM participants;
    - -- Disincentives.

48. Said TDM program shall follow the guidelines in the Transportation Improvement Program contained in Appendix G of the Marina del Rey Local Coastal Program. An annual report on the effectiveness of the TDM program shall be submitted to the Director.

49. As outlined in the attached MMP, prior to issuance of a building permit for the project, the permittee shall pay applicable, LCP-prescribed Category 1 and Category 3 traffic mitigation fees for the project, to the satisfaction of the Director of the Department of Public Works, which Department administers said fees.

50. The permittee shall install conspicuous signage, as reflected on the final signage plans to be approved by the DCB prior to issuance of a building permit for the project, at each bulkhead entrance of each public lateral access way on the parcel and at conspicuous locations along the length of the bulkhead public access ways (public promenade) identifying these as public access ways.

51. The permittee shall incorporate directional signage to enhance the public's awareness of shoreline access ways and public areas, to include conspicuous signage on the promenade regarding public waterside access (public promenade and wetland park on adjacent Parcel 9U) with an outdoor map indicating the location and type of public access ways and parks located in Marina del Rey and maintenance of a bulletin board or kiosk within apartment building lobbies containing information on visitor-serving attractions in Marina del Rey.

52. The permittee shall coordinate project construction in a manner to ensure that the approved development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities in the vicinity of the site, nor the ancillary uses which support these facilities.

53. All necessary Public Works facilities and infrastructure shall be provided for the project prior to the County's issuance of a Certificate of Occupancy for the project, to the satisfaction of the Director of the Department of Public Works. All project infrastructure shall be designed and constructed in an environmentally sensitive manner, in full conformance with County Department of Public Works' requirements to the satisfaction of said Department, and shall follow the design and recreation policies of the certified Local Coastal Program, including landscaping standards required by the DCB.

54. The permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.

55. Prior to issuance of a building permit, the Department of Public Works shall approve a flood control, runoff and storm drain plan submitted by the permittee, which plan shall be consistent with the Santa Monica Bay Recovery Plan.

56. Permittee shall comply with the NPDES (National Pollution Discharge Elimination System) requirements of the California Regional Water Quality Control Board and the Los Angeles County Department of Public Works. Prior to issuance of a building permit, the permittee shall obtain any necessary permit or approval from the Department of Public Works.

57. The subject facility shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.

58. The building shall be designed and constructed utilizing earthquake resistant construction and engineering practices and shall be designed to withstand a seismic event. All earthquake studies shall comply with the latest recommendations of the state Department of Conservation and the Seismic Safety Board for seismic safety.

59. In the event of discovery of Native American remains or of grave goods, §7050.5 of the Health and Safety Code, and §5097.94, §5097.98 and §5097.99 of the Public Resources Code (all attached) shall apply and govern the permittee's development activities.

60. Prior to commencement of grading, the permittee shall provide evidence that it has notified the Office of State Historic Preservation and the Native American Heritage Commission of the location of the proposed grading, the proposed extent of the grading and the dates on which the work is expected to take place.

61. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.

62. All ground- and roof-mounted equipment shall be fully screened from public view. All roof-mounted facility screening materials shall be constructed of high quality building materials and shall be fully integrated into the building architecture.

63. Outside lighting shall be so arranged to prevent glare or direct illumination onto any adjacent properties and shall be subject to the requirements of the DCB.

64. Project development shall conform to the phasing schedules in the certified Local Coastal Program. The phasing schedules include requirements for the existing Marina, circulation and public recreation improvements and infrastructure.

65. The permittee shall incorporate water-conserving devices and technologies into the project, in compliance with local, state and/or federal regulations controlling same, to the satisfaction of the Director of the Department of Public Works.

66. Pursuant to Chapter 22.72 of the County Code, the permittee shall pay a fee to the County of Los Angeles Public Library prior to the issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department of Regional Planning. The current fee amount is $671.00 per dwelling unit ($772.00 X 400 additional apartment units = $308,800.00). The permittee may contact the County Librarian at (562) 940-8430 regarding payment of fees.

67. This permit shall not become effective unless the Coastal Commission has approved LCP Amendment No. RPA200600013 and until the Board of Supervisors adopted a resolution or take necessary actions effecting said amendment request.

68. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel No. 10R.

Attachment:
Mitigation Monitoring Plan

SD:MT
2/24/10

AP- michael

trip

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: July 2, 2008

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2006-03647

LOCATION: SE corner of Via Marina and Marquesas Way (Parcel 10R)

☐ The Fire Department Land Development Unit has no additional requirements for this permit.

☒ The required fire flow for this development is **3500** gallons per minute for **3** hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.

☒ Install **2** Public 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☒ **Comments:** THIS PROJECT IS CLEARED FOR PUBLIC HEARING.

☒ **Location:** As shown on the site plan file in our office. A copy is attached on this report.

☒ **Access:** Access is adequate as shown.

☒ **Special Requirements:** Submit architectural plan to our Fire Prevention Engineering Section in Hawthorne for review and approval prior to building permit issuance. For submittal information contact (310) 263-2732.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Juan C. Padilla

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Acting Chief Deputy

Environmental Health
ANGELO J. BELLOMO, REHS, Director

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

Environmental Hygiene Program
Cole Landowski, MS, CIH, REHS, Program Head
5050 Commerce Drive
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www.lapublichealth.org

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June 19, 2008

Mr. Michael Tripp
Impact Analysis Section
Department of Regional Planning
Los Angeles County
320 West Temple Street
Los Angeles, California 90012

RE: **The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project. RCUPT200600289**

Dear Mr. Tripp:

This is to inform you that upon review of all documents forwarded to our program by you and upon visiting the proposed project site location at the above address, it appears that the proposed construction project will have a significant noise impact upon the surrounding community during the grading and construction of the site. However, the surrounding community will have no significant noise impact on the above project. The following comments and recommendations are therefore presented:

1. Construction activities should be restricted between the hours of 8:00 A.M. and 5:00 P.M. in order to minimize construction and haul route activities that would increase noise disturbance on surrounding residential and commercial land.

2. All construction equipment, fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper engineering noise controls should be implemented when necessary on fixed equipment. It is recommended that a monitoring program be implemented by the applicant to monitor mobile sources.

The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

3. It is recommended that the occupants of the surrounding sensitive land use be informed of the anticipated duration of the project, noise impact and any other pertinent information where people can register questions and complaints.

4. The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints.

5. Pile drivers used during the foundation construction are required by building code regulation and therefore vibration impact and high intensity repetitious intrusive noise is expected and unavoidable. In order to minimize the impact associated with pile drivers it is recommended that such construction activity be limited to the hours of 8:00 A.M. and 4:30 P.M. Also, if economically feasible, the use of a noise attenuation barrier around the pile driver should be implemented.

6. Grading work should be kept between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. Noise generated by the project shall attempt to remain within standards dictated by the Los Angeles County Code, Title 12, Environmental Protection, Section 12.08.440. However, the noise level shall not exceed a cumulative 15 minute noise level of 85 dB-A during any hour that construction activities are in operation. This standard shall apply for any period of time during the construction that compliance is technically and economically feasible.

7. Staging and delivery areas should be located as far as feasible from existing residences and should be schedule to take place from the mid-morning to mid-afternoon to take advantage of times when residential zones are less susceptible to annoyance from outside noise.

8. Maintaining equipment in an idling mode shall be minimized. This practice helps minimize the impact associated with noise engine, particulate matter and green gas emissions.

9. Any semi-stationary piece of equipment that operates under full power for more than sixty minutes per day shall have a temporary ¾ inch plywood screen if there is a direct line of sight to any residential bedroom window from the equipment to homes along the perimeter of the construction site.

Particle matter emissions (PM_{10} and $PM_{2.5}$) and Greenhouse Gases

The evaluation of particle emissions are now being routinely addressed in preliminary environmental impact reports. Recent research shows significant health risk to populations including children and people of advanced age when exposed to these pollutants. As a result environmental impact reports, including this report, should now address these issues.

The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

The proposed project may result in exposure to these particle emissions to the surrounding community especially during the construction phase of the project, which may include people that belong to high risk populations.

Implement a construction plan as approved by the County, that includes the following recommendations presented by the SCAQMD:

a. Configure construction parking to minimize traffic interference.

b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person)

c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours as permitted.

d. Reroute construction trucks away from congested streets.

e. Consolidate truck deliveries when possible.

f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.

g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.

h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.

i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if ready available at competitive prices.

k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

The Neptune Marina Apartments
and Anchorage/Woodfin Suite Hotel
and Timeshare Resort
Marina del Rey, CA 90292

Also, develop and implement a dust control plan as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures by the SCAQMD:

a. Apply approved non-toxic chemical soil stabilizers according to manufacturers' specification to all inactive construction areas (previously graded areas inactive for four days or more).

b. Replace ground cover in disturbed areas as quickly as possible.

c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (e.g. gravel, sand, dirt) according to manufacturers' specifications.

d. Water active grading sites at least twice daily (SCAQMD rule 403)

e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25mph.

f. Provide temporary wind fencing consisting of 3-to-5 foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.

g. All trucks hauling dirt, sand, soil or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.

h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).

i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.

j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

k. Enforce traffic speed limits of 15mph or less on all unpaved roads.

l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.

If you have any questions, please contact Evenor Masis at (626)430-5435.

Cole Landowski, M.S., CIH
Head, Environmental Hygiene Program

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DEAN D. EFSTATHIOU, Acting Director

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Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
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ALHAMBRA, CALIFORNIA 91802-1460

August 13, 2008

IN REPLY PLEASE REFER TO FILE: LD-1

TO: Mark Child, AICP
Zoning Permits I Section
Department of Regional Planning

Attention Michael Tripp

FROM: Steve Burger
Land Development Division

CONDITIONAL USE PERMIT (CUP) REVIEW AND COMMENT
NEPTUNE MARINA APARTMENTS
PROJECT NO. R2006-03647
CUP NO. RCUP 200600289
UNINCORPORATED MARINA DEL REY AREA

☒ Public Works recommends approval of this CUP.

☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for the subject CUP in the unincorporated Marina del Rey area located on Parcel 10R. The project is for the construction, use, and maintenance of a 400 unit multi-family residential apartment community consisting of three structures, 909 parking spaces, and a Waterfront Stroll Promenade.

Upon Regional Planning's approval of the site plan, we recommend the following conditions:

1. Geotechnical Engineering

   1.1. Prior to the issuance of grading or building permits, submit an updated soils engineering report that adequately addresses the comments stated on the Soils Engineering Review Sheet from Public Works' Geotechnical and Materials Engineering Division dated June 14, 2007 (see attachment), to the satisfaction of Public Works.

For questions regarding the above items, contact Jeremy Wan at (626) 458-4925.

2. Drainage

2.1. Prior to the approval of improvement plans:

- Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on July 2, 2008, to the satisfaction of Public Works.
- Obtain approval or letter of nonjurisdiction from the State Department of Fish and Game.
- Obtain approval or letter of nonjurisdiction from the State Water Resources Control Board.
- Obtain approval or letter of nonjurisdiction from the Corps of Engineers.
- Obtain and provide all applicable permits.

2.2. Prior to the issuance of building permits:

- A grading plan and soils report must be submitted and approved. The grading plans must show and call out the construction of at least all the drainage devices and details, the paved driveways, the elevation and drainage of all pads, and the SUSMP devices to the satisfaction of Public Works. The applicant is required to show and call out all existing easements on the grading plans and obtain the easement holder approvals prior to the grading plans approval.
- Submit recorded covenants for the private maintenance of SUSMP devices.

For questions regarding the above items, contact Nazem Said at (626) 458-4921.

3. Waterworks

3.1. Install approximately 500 feet of 18-inch-diameter water main in Via Marina including interconnections to existing water system and all necessary appurtenances.

3.2. Install domestic water meter as required based on domestic flow calculated by applicant engineer.

3.3. Install three 8-inch reduced pressure principal detector assembly to be designed to meet or exceed on-site fire flow requirements as determined by the Los Angeles County Fire Chief.

3.4. Install one 6-inch x 4-inch x 2-1/2-inch fire hydrant assembly to be designed to meet or exceed public fire flow requirements as determined by the Fire Chief.

3.5. Abandon existing 6-inch-diameter water main at the southern property line.

For questions regarding the above items, contact Tom Eng at (626) 300-3317.

4. Right of Way and Road Improvement Requirements

4.1. Close any unused driveways with curb, gutter, and sidewalk along the property frontage on Via Marina and Marquesas Way to the satisfaction of Public Works.

4.2. Provide an adequate property line return location based on a full parkway width at the intersection of Via Marina and Marquesas Way (southeast corner) to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works and the Department of Beaches and Harbors.

4.3. Construct a curb return radius of 35 feet at the intersection of Via Marina and Marquesas Way (southeast corner) to the satisfaction of Public Works. Relocate any affected utilities.

4.4. Construct a 5-foot-wide sidewalk adjacent to the curb on Marquesas Way along property frontage to the satisfaction of Public Works. Sidewalk pop-outs shall be constructed in the vicinity of any above-ground utilities/obstructions to meet current ADA requirements.

4.5. Construct sidewalk pop-outs in the vicinity of any above-ground utilities along Via Marina to meet current ADA requirements.

4.6. Construct driveway approaches at the site to the satisfaction of Public Works.

4.7. Median openings/modifications/striping on Marquesas Way as shown on the exhibit maps are not necessarily approved. Comply with median openings/modifications/striping (if any) to the satisfaction of Public Works and Beaches and Harbors.

4.8. Relocate/remove existing street trees and/or street lights located in the medians along Marquesas Way to the satisfaction of Public Works and Beaches and Harbors. Street lighting plans may be required for the relocation/removal/addition of any street lights along the project frontages (including the medians) to the satisfaction of Public Works and Beaches and Harbors.

4.9. Submit street improvement plans and acquire street plan approval or direct check status before obtaining grading permit.

4.10. Execute an Agreement to Improve for the street improvements prior to issuance of a building permit. For information regarding Agreement to Improve, contact Ruben Cruz at (626) 458-4910.

4.11. Comply with the mitigation measures identified in the attached June 12, 2008, letter from Public Works' Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008, letter, to the satisfaction of Public Works. Detailed signing and striping and signal plans (for off-site areas) may be required to the satisfaction of Public Works. Sidewalk requirements stipulated in the June 12, 2008, Traffic and Lighting letter may be disregarded. The applicant shall comply with sidewalk requirements as stipulated by Public Works' Land Development Division.

4.12. Submit a traffic signal modification plan for the intersection of Via Marina and Marquesas Way for review and approval if traffic signal equipment is impacted by the modification of the southeast corner curb-return radius and/or curb ramp.

4.13. Submit a detailed signing and striping plan for Marquesas Way and Via Marina in the vicinity of the project for review and approval.

4.14. Submit a grading plan to Public Works' Land Development Division for approval. The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and

drainage of all pads, and the SUSMP devices if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder(s) approvals.

4.15. A maintenance agreement may be required prior to grading plan approval for privately maintained drainage devices including any on-site SUSMP devices.

4.16. Obtain Geotechnical and Materials Engineering Division's soil/geology approval (if applicable) of the grading plan.

For questions regarding the items above, contact Andy Narag at (626) 458-4921.

If you have any other questions or require additional information, please contact Simin Agahi or Toan Duong at (626) 458-4910.

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Dist. Office 12.0

Sheet 1 of 1

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
1 Dist. Office
___ Geologist
1 Soils Engineer
1 GMED File

Tract / Parcel Map		**Lot(s)**	
Parent Tract		**Location**	Marina Del Rey
Site Address	13967 Marquesas Way	**APN**	
Geologist	----------	**Developer/Owner**	L.A. County Beaches and Harbor / Legacy Partners
Soils Engineer	Group Delta Consultants	**Engineer/Arch.**	Bagahi Engineering

Review of:

Miscellaneous Application No. 0407150003 For: Feasibility for Proposed Residential Apartment Development
Geologic Report(s) Dated
Soils Engineering Report(s) Dated 4/11/07, 9/29/05
Geology and Soils Engineering Report(s) Dated Bagahi Engineering: 3/11/00 (two volumes)

Remarks/Conditions:

1. The Soils Engineering review dated 6/14/07 is attached.

2. The proposed building area is in an area subject to geologic hazard according to available data. Prior to geotechnical review for issuance of future permits, specific development plans must be submitted.

3. The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property which are contained in this review sheet are tentative and subject to change. Additional data may be brought to the Department's attention which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

Prepared by _____ Reviewed by _____ Date 5/17/07
Charles Nestle

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10/19/05

Dist. Office 12.0

Sheet 1 of 1

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
1 Dist. Office
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1 Soils Engineer
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Prepared by Charles Nestle Reviewed by Date 5/17/07

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10/19/05

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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IN REPLY PLEASE
REFER TO FILE: T-4

June 12, 2008

Mr. Jonathan Louie
Crain & Associates
2007 Sawtelle Boulevard, Suite No. 4
Los Angeles, CA 90025-6238

Dear Mr. Louie:

NEPTUNE MARINA APARTMENTS AND ANCHORAGE, NEPTUNE MARINA APARTMENTS, AND WOODFIN SUITE HOTEL/TIMESHARE RESORT
MARINA DEL REY PARCEL NOS. 10R, FF, AND 9U
CONDITIONAL USE PERMITS 06289, 06290, AND 06216
TRAFFIC IMPACT ANALYSIS (DECEMBER 2007)
MARINA DEL REY AREA

As requested, we have reviewed the Traffic Impact Analysis (TIA) for the Neptune Marina Apartments and Anchorage located at the southeast corner of Via Marina at Marquesas Way, the Neptune Marina Apartment located at the northeast corner of Via Marina at Marquesas Way, and the Woodfin Suite Hotel/Timeshare Resort located at the northeast corner of Via Marina at Tahiti Way, all in the unincorporated County of Los Angeles area of Marina del Rey.

Neptune Marina Apartments and Anchorage is located on the County-owned Parcel No. 10R in the Marquesas Development Zone (DZ) 3. The proposed Neptune Marina Apartments and Anchorage consists of the removal of 136 existing apartment units and the construction of a 400-unit multi-family residential apartment community consisting of three structures, 909 parking spaces, and a 1,437 feet waterfront public pedestrian promenade. The waterside portion of Parcel No. 10R would be comprised of a small craft anchorage consisting of 174 boat spaces that would replace an existng marina containing 198 deteriorated boat spaces. Neptune Marina Apartments and Anchorage is estimated to generate a net increase of approximately 1,017 vehicle trips daily, with 92 and 85 vehicle trips during the a.m. and p.m. peak hours, respectively.

Neptune Marina Apartments is located on the County-owned Parcel No. FF in the Marquesas DZ 3. The proposed Neptune Marina Apartments consists of the demolition of an existing public parking lot containing 207 parking spaces and the development of a 126-unit residential apartment community comprised of one structure, 243 parking spaces, and a 200-foot long waterfront public pedestrian promenade. Neptune Marina Apartments is estimated to generate approximately 499 vehicle trips daily, with 44 and 41 vehicle trips during the a.m. and p.m. peak hours, respectively.

Woodfin Suite Hotel/Timeshare Resort is located on the County-owned Parcel No. 9U in the Tahiti DZ 2. The proposed Woodfin Suite Hotel/Timeshare Resort is comprised of a hotel/timeshare resort with 288 hotel and timeshare suites (152 conventional hotel suites and 136 timeshare suites) and an assortment of accessory patron and visitor-serving uses contained in a 19-story structure. It also includes a public waterfront pedestrian promenade and 360 parking spaces for the hotel/timeshare resort. Woodfin Suite Hotel/Timeshare Resort is estimated to generate approximately 1,588 vehicle trips daily, with 117 and 102 vehicle trips during the a.m. and p.m. peak hours, respectively. The three projects at its build out year 2013, combined are estimated to generate a net increase of approximately 3,104 vehicle trips daily, with 253 and 228 vehicle trips during the a.m. and p.m. peak hours, respectively.

The traffic generated by all three projects and cumulatively with other related projects will exceed the significance threshold as defined in our TIA Report Guidelines at the four intersections listed below. We agree with the TIA that mitigation measures which are identified in the Marina del Rey Local Implementation Program (MDR LIP) will fully mitigate the direct and cumulative impacts to these four intersections. As required by the MDR Local Coastal Plan (LCP), the project shall pay the LCP traffic mitigation fee of $5,690 per p.m. peak-hour trip for Category I and III improvements. Based on the 228 estimated project p.m. peak-hour trips, the project's fair share of the LCP Transportation Improvement Program fee is $1,297,320 of which $362,976 will go toward the Category I transportation improvements and the remaining $934,344 will go toward the Category III transportation improvements. The payment shall be made to Public Works, Marina del Rey Traffic Mitigation Fee Account No. TF2 7703 upon approval of the project.

- Admiralty Way at Via Marina

Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina as proposed under the MDR LIP Category III improvements instead of widening the south side of Admiralty Way to accommodate a triple westbound left-turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the MDR LIP Category I Improvements.

- Lincoln Boulevard at Mindanao Way

  Widen the west side of Lincoln Boulevard both north and south of Mindanao Way, and relocate and narrow the median island on Lincoln Boulevard to provide a northbound right-turn lane as proposed under the MDR LIP Category I improvements. In addition, the proposed extension of SR-90 to Admiralty Way will mitigate the cumulative impact at this intersection. Although the SR-90 extension is not a programmed project, it is one of several potential regional transportation circulation improvements identified under the MDR LIP Category III Improvements. This intersection will have significant cumulative impacts until the SR-90 extension or another project of equal effectiveness is constructed. Therefore, please ensure that this unmitigated impact is properly described in the project's Draft Environmental Impact Report (DEIR).

- Admiralty Way at Mindanao Way

  The TIA proposes a second southbound left-turn lane and modification of the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. We also recommend converting the shared left-turn/through lane to a shared through/left-/right-turn lane on the westbound approach, plus optimizing the signal operation at adjacent intersections, to mitigate the project's cumulative traffic impact at the intersection.

- Admiralty Way at Ball Way

  Widen Admiralty Way from Fiji Way to Via Marina to provide a third westbound through lane as proposed under the MDR LIP Category I Improvements.

The traffic generated by all three projects and cumulatively with other related projects will exceed the significance threshold as defined in our TIA Report Guidelines at the following intersections listed below.

- Washington Boulevard at Ocean Avenue/Via Marina

  Although no physical improvements are feasible at this intersection, the improvements recommended for the adjacent intersection of Washington Boulevard at Palawan Way will provide adequate mitigation.

- Washington Boulevard at Palawan Way

  South approach: Two northbound left-turn lanes onto westbound Washington Boulevard and an exclusive right-turn lane (add second left-turn).

  Install a new traffic signal and, as necessary, modify traffic signal at the intersection of Palawan Way at Admiralty Way. The project's prorata share is 18.4 percent, or $61,180 based on the total improvement cost estimated at $332,500. This improvement was reviewed and approved in concept by the City of Los Angeles Department of Transportation (copy enclosed).

No feasible physical improvements are currently available to mitigate the potential cumulative impact for the four intersections listed below. The TIA indicates the proposed extension of SR-90 to Admiralty Way will mitigate the cumulative impact at these intersections. Although the SR-90 extension is not a programmed project, it is one of several potential regional transportation circulation improvements identified under the MDR LIP Category III Improvements. These four intersections will have significant cumulative impacts until the SR-90 extension or another project of equal effectiveness is constructed. Therefore, please ensure that this unmitigated impact is properly described in the project's DEIR.

- Lincoln Boulevard at Washington Boulevard
- Lincoln Boulevard at SR-90 (Marina Expressway)
- Lincoln Boulevard at Bali Way
- Lincoln Boulevard at Fiji Way

The intersections listed below need to be improved to adequately handle the cumulative traffic generated by the project and other related projects. The project shall contribute its proportionate share of the cost for these improvements. Detailed striping and signal modification plans and cost estimates shall be submitted to Public Works for review and approval.

- Admiralty Way at Palawan Way

  North approach: One left-turn lane, one shared left-turn/through lane, and an exclusive right-turn lane instead of one left-turn lane, one through lane, and an exclusive right-turn lane (convert through lane to shared left-turn/through lane). This alternative appears to be feasible and provides a better Level of Service (LOS) than the alternative to convert one through lane into a second left-turn lane to Admiralty Way as proposed under the MDR LIP Category I improvements.

  East approach: One left-turn, two through lanes, and one shared through/right-turn lane instead of one left-turn lane, one through lane, and one shared through/right-turn lane (add second through lane).

  South approach: One left-turn and one shared through/right-turn lane instead of one shared left-turn/through lane and one shared through/right-turn lane (convert shared left-turn/through lane to left-turn lane). This alternative appears to be feasible and provides a better LOS than the alternative to provide a separate right-turn lane to Admiralty Way as proposed under the MDR LIP Category I improvements.

- SR-90 (Marina Expressway) Eastbound at Mindanao Way

  West approach: Two through lanes and one free-right-turn lane instead of one through lane, one shared through/right-turn lane, and one right-turn lane (convert one shared through/right-turn lane to second through lane and convert right-turn lane to free-right-turn lane). This improvement shall also be reviewed and approved by Caltrans.

The project shall dedicate the necessary right of way for the future widening of Via Marina and an 8-foot-wide sidewalk along project frontage on Via Marina.

The project shall submit a 40-foot-scale site plan of the project showing access locations in relationship to adjacent intersections and driveways to our Land Development Division for review and approval.

MDR LCP Compliance

The project is well within the MDR LCP potential development entitlement of 2,750 p.m. peak-hour trips. The project's proposed net increase of 264 dwelling units on Parcel No. 10R and 126 dwelling units on Parcel No. FF exceeds the three dwelling units currently available in DZ 3; therefore, the project's request to transfer the development potential from other DZs and will require an amendment to the LCP. We advise the project's representatives to consult with the Department of Regional Planning to assess the requirements for obtaining the necessary approvals for this amendment.

Chapter 22.46 of the Los Angeles County Code (also known as the Marina del Rey Specific Plan) states for Parcel No. OT that development of uses other than public parking shall be conditioned to provide replacement public parking on-site or elsewhere in the marina on a one to one basis such that there is no net reduction on public parking spaces. The proposed Neptune Marina Apartments consists of the demolition of an existing underutilized public parking lot containing 207 parking spaces and does not mention the replacement of these existing parking spaces. The project's representatives shall consult with the Department of Beaches and Harbors to assess the project's requirements for redevelopment/replacement of the parking spaces.

The Cities of Culver City and Los Angeles and Caltrans should be consulted to obtain its written concurrence with the California Environmental Quality Act level of significance determination, as soon as possible and/or before the public review period.

If you have any questions regarding the traffic analysis, please contact Mr. Suen Fei Lau of our Traffic Studies Section at (626) 300-4820.

Very truly yours,

DEAN D. EFSTATHIOU
Acting Director of Public Works

WILLIAM J. WINTER FOR
Assistant Deputy Director
Traffic and Lighting Division

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Enc.

cc: Caltrans (Lan Nguyen)
City of Culver City (Charles Herbertson)
City of Los Angeles (Jay Kim)
County Counsel (Thomas Faughnan)
Department of Beaches and Harbors (Barry Kurtz)
Department of Regional Planning (Michael Tripp)

bc: Design
Land Development (Agahi, Schleikorn, Toan)
Programs Development (Dingman)
Traffic and Lighting (Quintana)

Project R2006-03647

Neptune Marina Apartments and Anchorage Project – Parcel 10R
Mitigation Monitoring Plan

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	GEOTECHNICAL AND SOIL RESOURCES			
The proposed project has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving structures adversely affected by the magnitude of seismic shaking that could potentially occur on the project site.	**Fault Rupture, Seismic Ground Shaking, Landslides:** **5.1-1.** Proposed structures shall be designed in conformance with the requirements of the 2007 edition of the UBC and the County of Los Angeles Building Code for Seismic Zone 4. **5.1-2.** Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (**Draft EIR, Appendix 5.1, Section 4.0, pages 6 - 20**) and the Van Beveren & Butelo report (**Draft EIR, Appendix 5.1, pages 14 - 35**).	The applicant shall submit plans designed in conformance with UBC and County of Los Angeles Building Code requirements.	Building and Safety	During plan check
Surficial wind and water erosion on the project site has the potential to increase on the project site during construction.	**Soil Erosion:** **5.1-3.** Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage.	The applicant shall submit an Erosion Control Plan to protect the project from improper surface drainage.	Department of Public Works, Building and Safety	Prior to the issuance of grading permit

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.1-4. Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall. **5.1-5.** Where necessary during periods of rainfall, the Contractor shall install checkdams, desilting basins, rip-rap, sand bags or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements. **5.1-6.** Following periods of rainfall and at the request of the Geotechnical Consultant, the Contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage. **5.1-7.** Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs, and adjacent property. **5.1-8.** For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.	Field inspections	Building and Safety	On going during construction
	5.1-9. Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.	The applicant shall record a covenant prior to issuance of a certificate of occupancy.	Public Works and Building and Safety	Prior to issuance of a certificate of occupancy
	5.1-10. Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.	The applicant shall submit a landscape plan.	Department of Regional Planning	During plan check

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.1-11. Roof drains shall be directed off the site.	Field inspections	Building and Safety	During plan check and on going during construction
	5.1-12. Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report (**Draft EIR, Appendix 5.1, Section 4.0, pages 6 - 20**).	Field inspections	Building and Safety	On going during construction
Consequences of liquefaction on the project site include liquefaction-induced ground subsidence and lateral spread or deformation toward the low-lying areas of the project site.	**Liquefaction:** **5.1-13.** Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (**Draft EIR, Appendix 5.1, Section 4.0, pages 6 - 20**).	Field inspections	Building and Safety	On going during construction
Methane is a natural bi-product of the microbial decomposition of organic matter in an anaerobic environment. In large concentrations, methane can be explosive and, since it is heavier than air, can displace atmospheric oxygen.	**Soil Gas** **5.1-14.** The County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2008 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports (**Draft EIR, Appendix 5.1**) shall be implemented.	Field inspection	Public Works and Building and Safety County Geologist	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
The project site is not located on expansive soils; however, any import material should be tested for expansion potential prior to importing.	**5.1-15.** Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report (**Draft EIR, Appendix 5.1, Section 4.0, pages 6 - 20**).	Field inspections	Building and Safety	On going during construction
	NOISE			
Construction Impacts Construction activity would occur as close as 50 feet from existing noise sensitive residential uses located east and west of the project site, or along the haul route. Uses at these locations could experience noise levels that reach up to 94 A-weighted decibels (dB(A)) for short time periods. These could be temporarily exposed to exterior noise levels that could exceed the County's Noise Control Ordinance standards for construction equipment noise.	**5.2-1.** All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as a plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residences. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.	The applicant shall submit an equipment log to ensure the equipment is properly maintained.	Department of Public Works Building and Safety	Log submitted quarterly and during field inspections

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.2-2. All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.	Field inspection	Building and Safety	On going during construction
	5.2-3. The project applicant shall post a notice at the construction site that shall contain information on the type of project and anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.	Field inspection	Building and Safety	On going during construction
Because the use of pile driving equipment is required for foundation construction, vibration impacts that would occur are considered significant and unavoidable, but temporary in nature.	**Vibration Impacts** **5.2-4.** To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving. **5.2-5.** A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.	Field inspection	Building and Safety and Public Health	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	HYDROLOGY AND DRAINAGE			
During construction, landside demolition of the existing apartment complex (Parcel 10R), grading/excavation operations and project construction could result in increased water and wind erosion and a potential for the discharge of sediment to the small-craft harbor during storm events resulting in increased sedimentation or erosion. Additionally, temporary de-watering systems for the proposed partially subterranean parking garages also have the potential to discharge sediments from excavation areas directly to the small-craft harbor unless mitigated. Project applicant(s) would be required to prepare a Stormwater Pollution	**5.3-1.** A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.	The applicant shall submit a final drainage plan and final grading plan	Department of Public Works	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Prevention Plan (SWPPP) for Parcel 10R pursuant to the National Pollutant Discharge Elimination System (NPDES) that would identify the various Best Management Practices (BMPs) that would be implemented at the construction site.				
Any contribution of contaminants to the degradation of water quality in the small-craft harbor would represent a potential significant impact.	**Marine Activity Impacts** **5.3-2.** Small-craft harbor lease agreements for the Neptune Marina Apartments and Anchorage Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.	Implementation of boat slip sublease agreements by the applicant	County Beaches and Harbors, Harbor Patrol	Throughout the life of the project
	AIR QUALITY			
Demolition, Excavation and Construction Impacts The emissions associated with concurrent demolition, excavation and grading and construction of all the project components would exceed the South	**5.4-4.** Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD: a. Configure construction parking to minimize traffic interference. b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).	The applicant shall submit a construction management plan to ensure minimal construction activity impact.	Department of Public Works	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Coast Air Quality Management District (SCAQMD) emission thresholds of significance during the construction phase for carbon monoxide (CO), oxides of nitrogen (NOX), and volatile organic compounds (VOC), as well as cause localized significant ambient air quality impacts for particulate matter less than 10 microns in diameter (PM10), particulate matter less than 2.5 microns in diameter (PM2.5), and NOX.	c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable. d. Reroute construction trucks away from congested streets. e. Consolidate truck deliveries when possible. f. Provide dedicated turn lanes for movement of construction trucks and equipment on and off site. g. Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions. h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts. i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators. j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices. k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.			

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.4-5. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD: a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more). b. Replace ground cover in disturbed areas as quickly as possible. c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications. d. Water active grading sites at least twice daily (SCAQMD Rule 403). e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded. g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code. h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and	The applicant shall submit a dust control plan to alleviate dust emissions. Field inspection	County of Los Angeles Department of Public Health and Building and Safety	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	any equipment leaving the site each trip. j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. k. Enforce traffic speed limits of 15 mph or less on all unpaved roads. l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.			
Demolition of the existing structures constructed in the 1960s would be a potential hazard if the buildings contained asbestos fibers.	**5.4-6.** In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.	The applicant shall submit an asbestos removal plan, if asbestos is discovered, prior to demolition of existing structures.	Building and Safety	During demolition
The project would generate GHG emissions, which would contribute to potential cumulative impacts of GHG emissions on global climate. These are not considered to be cumulatively considerable impacts.	**Global Climate Change** **5.4-11.** The project shall achieve energy efficiency equivalent to the California Energy Commission Tier II building energy use standards. **5.4-12.** The project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight. **5.4-13.** The project applicant shall use drought-tolerant landscaping from an approved plant list provided by the lead agency, County of Los Angeles, or other agency. **5.4-14.** The project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designated for future landscaping. The project applicant shall ensure landscaped areas comply with all requirements within Title 22	The applicant shall incorporate compliance with the County Green Building Ordinance with final project design plans	Building and Safety	Prior to issuance of building permit.

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	Part 21 of Chapter 22.523. **5.4-15.** The project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed. **5.4-16.** The project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the project. The project applicant will also provide residents and hotel guests with information regarding local and regional public transportation services.			
	BIOTA			
Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for up to 185 new boat spaces This impact is considered potentially significant due to (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of	**5.5-1.** Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in-place the piles are extracted. During this process turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction. **5.5-2.** In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than	The applicant shall incorporate BMP for sedimentation control as part of the NPDES compliance.	Department of Public Works and Regional Water Quality Control Board	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment.	the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor. **5.5-3.** Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.	Qualified biologist to monitor construction activities	Department of Regional Planning	During construction
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, except nesting migratory birds when found nesting in project area landscape trees.	**5.5-4** To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5 and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities.	Qualified biologist to monitor construction activities and provide pre-construction nesting bird survey	Department of Regional Planning and Public Works	Prior to and during construction

Impact	Mitigation Measure		Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
		If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.			
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, with the exception of black-crowned night-heron	**5.5-5**	During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed	Qualified biologist to monitor construction activities	Department of Regional Planning	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
and snowy egret when found nesting in project area landscape trees.	or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.			
TRAFFIC/ACCESS				
The project is expected to generate approximately 1,017 net new trips per day. Of this total, an estimated 92 trips would occur during the morning peak hour, and 85 new trips would occur during the evening peak hour. These new trips would be added to the project area roadway network once the existing development is removed and the proposed project is completed and fully occupied. The incremental project traffic would significantly impact the	**5.7-1.** Through the implementation of area traffic improvement measures recommended in the adopted Marina del Rey Specific Plan Transportation Improvement Program (TIP) project (i.e., existing + ambient growth + project) traffic related impacts would be reduced to a less than significant level. Based on the expected net project trip generation of 85 PM peak hour trips, the project would be required to pay $483,650 in trip mitigation fees. A portion of these fees is designated toward the Category 3 (regional) transportation improvements.	Submittal of plan review	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
(LOS) forecasts during the PM peak hours at three of the study intersections, Admiralty Way and Via Marina, Washington Blvd. at Ocean Avenue and Via Marina, and Admiralty Way and Mindanao Way. During the AM peak hour only the Admiralty Way/Mindanao intersection would be significantly affected.				
Cumulative Impacts The results of the cumulative development analysis show that the potential additional traffic resulting from area-wide development would significantly impact 12 of the 17 study intersections, resulting in several locations nearing or exceeding capacity. The proposed project would also contribute incrementally to these cumulative impacts.	The intersection improvement measures recommended to address these cumulative traffic impacts, consistent with the detailed specific intersection improvement measures in the December 2007 Traffic Analysis prepared by Crain and Associates, include the intersections of: • Admiralty Way and Via Marina • Washington Boulevard and Via Marina/Ocean Avenue • Admiralty Way and Palawan Way • Washington Boulevard and Palawan Way • Lincoln Boulevard and Washington Boulevard • Lincoln Boulevard and Marina Expressway (SR-90) • Lincoln Boulevard and Bali Way • Lincoln Boulevard and Mindanao Way • Lincoln Boulevard and Fiji Way • Admiralty Way and Bali Way • Admiralty Way and Mindanao Way	The applicant shall pay fees to the transportation improvement fund.	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	• Marina Expressway (SR-90) Eastbound and Mindanao Way			
SEWER SERVICE				
The proposed development would generate an increase demand for sewage.	**5.8-1.** Prior to issuance of building permits, the Neptune Marina Apartments and Anchorage Project applicants shall demonstrate sufficient sewage capacity for the proposed project by providing a "will serve" letter from LACDPW's Sewer Maintenance Division.	The applicant shall submit a will serve letter from the Department of Public Works, Sewer Maintenance Division	Department of Public Works, Sewer Maintenance Division	Prior to the issuance of building permits
WATER SERVICE				
The proposed development of the project would increase the demand for water in the project area.	**5.9-4.** The Neptune Marina Apartments and Anchorage Project (Parcel 10R) shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.	The applicant shall submit a landscape plan	Department of Regional Planning	During plan check
Implementation of MWD 25-year comprehensive Integrated Water Resources Plan (IRP)	**5.9-5.** The Neptune Marina Apartments and Anchorage Project (Parcel 10R) shall incorporate into the building plans water conservation measures as outlined in the following items: • Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals; • Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and • Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.	The applicant shall submit building plans incorporating water conservation methods	Department of Public Works	Prior to the issuance of building permit

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.9-6. Prior to the issuance of grading permits, the Neptune Marina Apartments and Anchorage Project (Parcel 10R) applicant shall provide to the Los Angeles County Department of Regional Planning a letter from Marina del Rey Water System confirming that it is able to provide water service to the project phase under consideration.	The applicant shall submit water service letter from Marina del Rey Water System of ability to provide sufficient water supply	Department of Regional Planning	Prior to the issuance of grading permit
SOLID WASTE SERVICE				
Demolition of the existing structures would generate construction debris. Hazardous materials such as asbestos containing materials or lead-based paint within the existing structures may be encountered during demolition.	**5.10-3.** If required, during demolition the Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County	The applicant shall contract with a hauling company.	Department of Public Works	On going during construction
	5.10-4. The Neptune Marina Apartments and Anchorage Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.	The applicant shall submit a Recycling and Reuse Plan	Department of Public Works	Prior to issuance of demolition and grading permits
During project operation, The Neptune	**5.10-5.** To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan	The applicant shall submit a solid waste management	Department of Public Works	Prior to issuance of

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Marina Apartments and Anchorage Project would generate a net increase of solid waste generation beyond currently permitted landfill capacity.	shall be developed by the Neptune Marina Apartments and Anchorage Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.	plan.		demolition and grading permits
EDUCATION				
Cumulative Impacts A total of approximately 2,069 students would be generated by cumulative development within the attendance boundaries of the schools serving the project site. The number of additional students would exceed existing capacity at the elementary, middle and high schools and would place additional demands on services and facilities at all three area schools.	As with the proposed project, the applicants of the related projects would be required to pay state-mandated developer fees to the LAUSD. According to Section 65995 of the Government Code, payment of the developer fees is deemed to be "full and complete mitigation" for school facility impacts. Payment of such fees by the proposed project and related projects would ensure that the cumulative impacts on school services would be less than significant.	Applicant for residential apartments to pay developer fees to school district	Los Angeles Unified School District	Prior to issuance of certificate of occupancy
POLICE PROTECTION				

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Construction Impacts Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact.	**5.12-4.** Prior to construction, the Neptune Marina Apartments and Anchorage Project shall install navigational aids such as buoys and lights as defined by the US Coast Guard to ensure safe access within all channels of the small-craft harbor. **5.12-5.** As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Apartments and Anchorage Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the project. **5.12-6.** During construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12.08 and 12.12 Los Angeles County Code).	The applicant shall submit site design to the County Sheriff's Department	County Sheriff's Department	Prior to issuance of demolition and grading permits
FIRE PROTECTION				
Construction Impacts During construction, a large amount of wood framing and other flammable construction materials would be present on the project site(s). In addition,	**5.13-5.** Applicants associated with the Neptune Marina Apartments and Anchorage Project shall submit and have approved by the County of Los Angeles Fire Department, a Fire Safe Plan. The Fire Safe Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each	The applicant shall submit a Fire Safe Plan	County of Los Angeles Fire Department	Prior to issuance of building permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
construction traffic would occur on and near the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would potentially slow emergency response times. However, no significant impacts will occur with implementation of standard County safety measures.	project. Typically, such plans, defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval. **5.13-6.** During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department. **5.13-7.** Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval. **5.13-8.** The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows, and fire hydrants.			
LIBRARY SERVICES				
Operational Impacts; Funding The proposed project will be responsible for payment of the library mitigation impact fee. Payment of this fee would constitute full mitigation, and impacts to library services would be less than	**5.14-1.** The Neptune Marina Apartments and Anchorage Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007) for the total of all new units (400 units). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.	Applicant for residential apartments to pay library mitigation impact fee to County Librarian	Los Angeles County Librarian	Prior to issuance of certificate of occupancy

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
significant.				

RESOLUTION OF THE REGIONAL PLANNING COMMISSION OF THE COUNTY OF LOS ANGELES RELATING TO THE ADOPTION OF AN AMENDMENT TO THE MARINA DEL REY LOCAL COASTAL PROGRAM FOR PROJECT NO. R2006-03647

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350) provides for the adoption of amendments to county general plans; and

WHEREAS, the applicant, Legacy Partners Neptune Marina L.P., has requested a Local Coastal Program (LCP) Amendment No. RPA200600013 to authorize the transfer of 261 development units from the adjoining Development Zone #2 (Tahiti Development Zone) into the subject Development Zone #3 (Marquesas Development Zone) to develop a 400-unit apartment complex and average the permitted densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the project site's R-III and R-V land use categories; and

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted concurrent public hearings regarding Coastal Development Permit No. RCDP200600008, Conditional Use Permit No. RCUP200600289, and Variance No. RVAR200600013 on October 29, 2008, August 12, 2009, October 14, 2009, February 3, 2010 and March 10, 2010; and

WHEREAS, in compliance with the California Coastal Act of 1976, as amended to date, the County of Los Angeles has prepared an amendment to the certified Local Coastal Program for Marina del Rey; and

WHEREAS, the Local Coastal Program for Marina del Rey consists of a Land Use Plan and Local Implementation Program, which includes a Specific Plan, a Transportation Improvement Program and related appendices (collectively referred to herein as the "certified LCP"); and

WHEREAS, an amendment to the certified LCP element of the Los Angeles County General Plan is necessary at this time to address unique circumstances in the unincorporated territory of Marina del Rey; and

WHEREAS, the amendment to the certified LCP includes modifications to the Land Use Plan and Local Implementation Program and related text, for the unincorporated area of Marina del Rey commonly known as Parcel "10R"; and

WHEREAS, an Environmental Impact Report for the project has been completed and certified by the Commission in compliance with the California Environmental Quality Act (CEQA) and the State and County guidelines relating thereto; and

WHEREAS, the Regional Planning Commission has considered the public testimony, the recommendations and testimony of the Regional Planning Department staff, and the Environmental Impact Report, including the documentation within each case file; and

WHEREAS, the Regional Planning Commission finds as follows:

1. The subject property is located at 14126 Marquesas Way, also known as Marina del Rey Parcel 10R, on the southeast corner of the intersection of Via Marina and Marquesas Way in Marina del Rey and in the Playa Vista Zoned District.

2. The subject property contains 7.32 landside acres and 4.68 waterside/submerged acres is located on level terrain in a highly urbanized area devoted primarily to recreational boating and multi-family residential uses.

3. The subject property is accessed via Marquesas Way, a private street and Via Marina which is an improved designated Secondary Highway. The subject property is also accessible by boat via the Marina del Rey main channel.

4. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program (LCP). The subject parcel's existing land use designations per the LCP are "Residential V-Waterfront Overlay Zone" (for the "non-mole" portion of the parcel which fronts Via Marina), "Residential III-Waterfront Overlay Zone" (for the "mole road" portion of the parcel), and "Water" for the waterside portion of the parcel (which contains the private Neptune Marina anchorage).

5. Zoning land use designations on the surrounding properties consist of the following:

   North: Open Space

   South: Hotel-Waterfront Overlay Zone

   West: City of Los Angeles, across Via Marina

   East: Residential IV-Waterfront Overlay Zone and Water

6. The subject property is currently developed with an apartment complex containing 136 rental apartment units and landside facilities appurtenant thereto and a private boat anchorage containing 198 boat slips (of which 13 are "end-tie" spaces).

7. Land Use on surrounding properties consist of the following:

   North: A public parking lot and multi-family apartments

   South: Vacant parcel

   West: Multi-family residential (condominiums in City of Los Angeles)

   East: Multi-family residential (apartments) and private anchorage

8. In October of 1991, Plot Plan 12189 was approved for a restaurant with entertainment and dining. In September of 1992, an addendum to Plot Plan 12189 was approved for wall signs. In October of 1992, an addendum to Plot Plan 12189 was approved for a freestanding sign. There are no zoning enforcement cases noted for the subject property in the Department's records.

9. The applicant is requesting the subject amendment to the certified LCP to authorize the transfer of 261 potential residential development units from the abutting Development Zone-2 (Tahiti Development Zone) into the subject Development Zone-3 (Marquesas Development Zone).

10. The proposed transfer of 261 residential development units into the subject Marquesas Development Zone is necessary because there are presently only three (3) remaining potential residential development units in the Marquesas Development Zone.

11. During the public hearing conducted by the Regional Planning Commission regarding the subject amendment to the certified LCP and associated project permits and Draft Environmental Impact Report, speakers testified in opposition to approval of the subject amendment to the certified LCP, stating, among other things, that the movement/transfer of residential development units between Development Zones is not permitted in the certified LCP and should not be authorized in the instant case.

12. The Commission finds there is clear precedent for the proposed inter-Development Zone transfer of residential development units; a previous LCP amendment approval for Marina Parcel 20, certified by the California Coastal Commission, authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ (see approval for County Project No. 98-172-4). A traffic analysis has been prepared for the project which has determined that the traffic and circulation impacts of the proposed inter-Development Zone transfer, within the LCP study area, of excess development units will have no adverse impact on traffic circulation in the project vicinity. The County Department of Public Works' Traffic & Lighting Division has reviewed and approved the project traffic study and concurs

with the traffic report's finding that the proposed transfer of development units will not impact traffic or circulation patterns within or outside of the Marina. The Commission finds that the proposed transfer of the development allocation among different Development Zones is consistent with the goals and policies of the certified LCP inasmuch as it will neither result in additional development as contemplated in the certified LCP nor result in additional traffic impacts as contemplated in the certified LCP.

13. The LCP amendment for the subject project will also authorize the applicant to average, residential densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the subject parcel's R-III and R-V land use categories. Total site density will not exceed the LCP-prescribed 400 dwelling units for Parcel 10R, but the units will be more evenly distributed between the R-V (non-mole portion) and R-III (mole portion) designated areas of the parcel, allowing for more uniform building massing and development. Nearby apartment projects on Marquesas Way and apartment buildings which have been permitted for development along the County unincorporated portion of Via Marina are, and will become, developed with buildings of similar height and massing. The Commission thus finds that the applicant's request to average residential density over the parcel is entirely consistent with the established development pattern of the neighborhood.

14. During the public hearing before the Commission regarding the subject amendment to the certified LCP and associated project permits and Draft Environmental Impact Report, persons testified in opposition to approval of the subject LCP amendment, stating that the proposal to average residential densities over Parcel 10R without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the subject parcel's R-III and R-V land use categories would result in adverse wind impacts to sailing vessels in the adjacent Marina Basin B.

15. A qualified engineering firm performed two detailed wind studies for the project using wind tunnel tests to simulate and measure before and post-development wind conditions in sailing Basin B, which abuts the subject property to the south (Marquesas Way portion of the parcel) and east (Via Marina portion of the parcel). These studies, which are included as appendices in the project EIR (Rowan, Williams, Davies and Irwin, Inc. Wind Study), conclude the overall sailing wind conditions will be unaffected in Basin B by addition of the approved apartment buildings on Parcel 10R. Minor changes in wind speed and direction were recorded only in the westerly end of Basin B, and only during periods of westerly winds. The wind study for the project concludes that, due to the localized, minor nature of the changes coupled with the fact that a majority of sailing vessels will be

under motor power as they pull into or leave their slips, the changes in wind speed and direction at the westerly end of Basin B are not assumed to be significant. The wind study also concludes that the proposed development would not have any appreciable affect on winds utilized by birds during flight.

16. The Commission has reviewed the wind reports for the project and deems them to constitute credible evidence substantiating that development of the subject apartment buildings on Parcel 10R will not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel, nor adversely impact winds utilized by birds in flight.

17. During the public hearing before the Commission regarding the subject amendment to the certified LCP and associated project permits and Draft Environmental Impact Report, speakers testified in opposition to approval of the subject amendment to the certified LCP, stating that the approval of the LCP amendment and associated project permits would constitute piecemealing in violation of CEQA.

18. The Commission finds that adoption of the subject amendment to the certified LCP, approval of the Project Permits and certification of the Final Environmental Impact Report does not constitute piecemealing pursuant to CEQA or other applicable laws. Under the CEQA guidelines, the County has overseen preparation of a single, comprehensive Environmental Impact Report in order to evaluate the potential project-specific and cumulative environmental impacts associated with the subject project on Parcel 10R and other proposed development projects on nearby Marina del Rey Parcel FF (located across Marquesas Way from Parcel 10 at the northeast corner of the intersection of Marquesas Way and Via Marina) and Parcel 9U (located at the northeasterly corner of the intersection of Tahiti Way and Via Marina, adjoining the subject Parcel 10R to the south). The Parcel FF project (County Project No. R2006-03652-(4)) is a request to demolish an existing surface parking lot containing 202 public parking spaces and appurtenant landscaping on Marina Parcel FF, and to subsequently construct one (1) apartment building containing 126 rental dwelling units (including 19 affordable housing units), garage parking, landscaping, hardscape, a public waterfront pedestrian promenade and other amenities and appurtenant facilities. The three development projects on nearby Parcel 9U that are also analyzed in the comprehensive EIR include a request a request (reference County Project No. TR067861) to develop a 225-foot-tall, 288-room hotel and timeshare resort, with an assortment of accessory resort uses/facilities, a six-level parking garage containing 360 parking spaces, and a waterfront pedestrian promenade and other appurtenant facilities on the northerly approximately 2.2 acres of Parcel 9U; a request to develop (County Project No. R2006-03643) a public wetland park on the southerly approximately 1.46 acres of Parcel 9U; and a request

to construct a public/"transient" boat anchorage comprising approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B (adjacent to the Parcel 9U bulkhead) and containing approximately 542 lineal feet of new public dock area. The EIR also considered potential cumulative impacts associated with reasonably foreseeable related projects located within and outside of the Marina.

19. The Commission finds that this comprehensive EIR processing approach for the above-referenced development projects, while being compliant with CEQA and other applicable laws, has afforded the public and the Commission, to the extent possible, an understanding of the numerous land use planning and environmental issues associated with developing the subject property and nearby Marina Parcels FF and 9U.

20. Concurrently with the local coastal program plan amendment request, the applicant is also requesting a Coastal Development Permit to authorize the demolition of the existing 136-unit Neptune Marina Apartments and appurtenant landside facilities (all site landscaping, hardscape and surface parking) located on Marina del Rey Parcel 10R, and to subsequently construct a total of 400 rental apartment units (including a total of 62 affordable housing units) in three (3) buildings (maximum 60 feet in height, excluding appurtenant rooftop structures), and landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and facilities on the subject parcel. The applicant's Coastal Development Permit request also seeks authorization for the applicant's temporary use of Marina del Rey Parcel FF (located across Marquesas Way from Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development. The applicant has also requested a Conditional Use Permit to authorize site grading, the export of earth in excess of 100,000 cubic yards, and parking for boater related uses; and a Variance to authorize excess signage and an elimination of the required 10-foot building setback from the waterside pedestrian promenade. The applicant has also requested a Coastal Approval in Concept for the proposed demolition an existing 198-slip private small craft anchorage located on the waterside portion of the subject Parcel 10R, and the subsequent construction of a new 174-slip private small craft anchorage within the Marina Del Rey Basin B. Collectively, the requested discretionary land use permits for the project are referred to herein as the "Project Permits."

21. As further outlined in detail in the Commission's findings for the associated Project Permits, and in full conformance with California Government Code Sections 65590 and 65590.1 (the "Mello Act" of 1982) and the County's Affordable Housing Policy for Marina del Rey (Policy), the proposed development has been conditioned to provide a total of sixty-two (62) affordable housing units in the 400-unit project, of which:

- Twenty-two (22) units are being provided as "replacement" affordable units pursuant to the Mello Act and Policy. Of the project's 22 replacement affordable units, eleven (11) will be designated for sole occupancy by qualifying low-income households and eleven (11) will be designated for sole occupancy by qualifying moderate-income households, for the term of the extended lease for the parcel (until February 2061); and

- Forty (40) units are being provided as "inclusionary" affordable housing units pursuant to the Mello Act and Policy. Of the project's 40 inclusionary affordable housing units, thirteen (13) will be designated for sole occupancy by qualifying very low-income households, fourteen (14) will be designated for sole occupancy by qualifying low-income households, and thirteen (13) will be designated for sole occupancy by moderate-income households, for the term of the extended lease for the parcel (until February 2061).

22. The Commission has conditioned its approval of the project Coastal Development Permit to require the applicant to enter into a covenant with the County stipulating that the project's 62 affordable housing units shall be maintained on the property at the designated affordability levels for the entire term of the extended lease for Parcel 10R (until 2061), and that these units shall be reasonably dispersed throughout the development.

23. The Commission finds that the applicant's on-site provision of the subject sixty-two (62) affordable housing units in the project is in full compliance with Mello Act requirements and the Policy, and represents a significant, important contribution to the production of badly needed affordable housing in Marina del Rey, which the Commission finds to be a compelling public benefit being provided by the project. The Commission further finds that increased demand for housing within the region and Marina del Rey—and the affordable housing the project will provide, in particular—is strong evidence supporting the County's adoption of the subject amendment to the certified LCP.

24. The Commission finds the applicant has submitted substantial evidence, in the form of detailed written correspondence and other reports to the Commission and verbal testimony during the public hearing before the Commission, which satisfies the burden of proof for an amendment to the certified Local Coastal Program, which evidence addresses the need for the development, the appropriateness of the subject LCP amendment, and how the subject amendment will be in the interest of the public health, safety and general welfare, and in conformity with good planning practices. Based on the evidence submitted during the hearing process for the request, the Commission finds the subject amendment to the certified LCP is consistent

with the goals, policies and programs of the Los Angeles County General Plan and the certified LCP, and that there is a need for the adoption of the subject LCP amendment in order to facilitate the construction and operation of the proposed residential use. Based on the evidence considered by the Commission, the Commission further finds that the proposed project will not be materially detrimental to the use, enjoyment, or valuation of property or other persons located in the vicinity of the site.

25. The subject property is presently developed with an apartment complex that was constructed in the 1960s, the dated condition of which warrants the proposed redevelopment, which the Commission finds to be in conformance with goals and policies articulated in the certified LCP regarding the Phase 2 redevelopment of the Marina's leaseholds. As noted, the subject property is located in a predominately residential area of the Marina in the immediate vicinity of landside parcels that are developed with multi-family residential uses. The Commission also finds the development of the proposed 400 apartment units on Parcel 10R, including 62 affordable housing units to be deeded for long-term occupancy by qualifying households, will act to reinforce and strengthen the existing residential character on Marquesas Way and Via Marina while also increasing the County's stock of affordable housing for this area of the County. The Commission finds that the project's compatibility with surrounding land uses will be ensured through the conditions of approval for the associated project Coastal Development Permit, Conditional Use Permit, Variance, and environmental controls.

26. The Commission finds the project will be reasonably proximate to available public transit and necessary services and facilities.

27. The Commission finds the project to be consistent with the goal of the certified LCP to encourage controlled changed in the Marina over the next 30 years. The project is also consistent with the certified LCP's goal to encourage private lessees within the Marina to replace and update facilities to maintain the physical and economic viability of the Marina.

28. The subject amendment to the certified LCP constitutes an amendment to the Los Angeles County General Plan and a change to the County Zoning Ordinance.

29. The proposed project, in summary:

    a. Avoids premature conversion of undeveloped land to urban uses;

    b. Promotes the distribution of population consistent with service system capacity, resource availability, environmental limitations, and accessibility;

c. Directs urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as active fault zones, steep hillside areas, and high fire hazard area;

d. Encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of a new urban growth in the areas of suitable land;

e. Ensures that new development and urban expansion areas will occur in a manner consistent with stated plan policies and will pay for marginal and public costs that it generates;

f. Focuses intensive urban uses in inter-dependent systems of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities; and

g. Provides affordable housing in a region with a scarce affordable housing supply.

30. A Final Environmental Impact Report for the project has been prepared in accordance with the California Environmental Quality Act (CEQA), the State Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Final Environmental Impact Report consists of the Draft EIR, the Technical Appendices to the Draft EIR and the Final EIR, including responses to comments. A Mitigation Monitoring Program consistent with the conclusions and recommendations of the FEIR has been prepared, and its requirements have been incorporated into the conditions of approval for this project. On March 10, 2010, the Commission certified the FEIR prepared for the project pursuant to Public Resources Code Section 21082.1(c)(3) and CEQA Guidelines, finding that (1) the FEIR has been completed in compliance with CEQA, (2) that the Commission had reviewed and considered the information contained in the FEIR prior to approving the project, and (3) that the FEIR reflected the Commission's independent judgment and analysis. Except for potentially significant impacts upon air quality and noise at the project level, and impacts related to traffic, solid waste, population and land use when the project is viewed cumulatively with other projects in the area, identified significant impacts can be reduced to acceptable levels with mitigation measures identified in the FEIR. As stated in the FEIR and Statement of Overriding Considerations, the project will result in potentially significant impacts mentioned above. Such impacts have been reduced to the extent feasible, and the Commission found that the benefits of the proposed project outweigh these unavoidable adverse impacts. Such unavoidable adverse impacts have been determined to be acceptable based upon the

overriding considerations set forth in the Statement of Overriding Considerations for the project.

31. In connection with its approval of the Project Permits, the Commission, certified that it has independently reviewed and considered the information contained in the Final Environmental Impact Report prepared by Los Angeles County Department of Regional Planning as lead agency prior to approving the project; certified the EIR; adopted the Mitigation Monitoring Plan (MMP) which is appended to and included in the attached conditions of approval for the associated Project Permits, finding that, pursuant to California Public Resources Code Section 21081.6, the MMP is adequately designed to ensure compliance with the mitigation measures during project implementation; determined that the conditions of approval attached to the Project Permits are the only mitigation measures for the project which are feasible and that the unavoidable significant effects of the project after adoption of said mitigation measures are as described in these findings; determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social and/or environmental benefits of the project as stated in the findings and in the Environmental Findings of Fact and Statement of Overriding Considerations adopted for the project, which findings and statement are incorporated herein by reference.

32. The Commission finds the recommended plan amendment will not place an undue burden upon the community's ability to provide necessary facilities and services, as outlined in the preceding findings of fact, the findings of fact for the associated Project Permits and the certified Final Environmental Impact Report prepared for the project.

WHEREAS, based upon the findings of fact described above and other evidence in the record of proceedings, the Regional Planning Commission, having completed an independent review and analysis of the project, concludes that:

1. The site is suitable for the proposed use and intensity.

2. The recommended Local Coastal Program Amendment will not place an undue burden on the community's ability to provide necessary facilities and services.

3. The recommended Local Coastal Program Amendment is consistent with the goals, policies, and programs of the General Plan and will help implement the various objectives identified with respect to the Site.

4. The recommended Local Coastal Program Amendment is in the interest of public health, safety, and general welfare and is in conformity with good planning practice.

NOW, THEREFORE, BE IT RESOLVED: That the Regional Planning Commission of the County of Los Angeles hereby recommends that the Board of Supervisors:

1. Hold a public hearing to consider the above-recommended Local Coastal Program Amendment; and

2. Rely on the certified EIR in connection with its approval of the above-recommended Local Coastal Program Amendment.

3. Find that the recommended Local Coastal Program Amendment is consistent with the goals, policies and programs of the Los Angeles County General Plan and the Marina Del Rey Specific Plan; and

4. Adopt Local Coastal Program Amendment No. RPA200600013, amending the Land Use Map of the Marina Del Rey Specific Plan and the Land Use Policy Map of the Marina Del Rey Land Use Plan (and related text) regarding the 7.32-acre subject parcel as follows:

   - Authorizing the transfer of 261 potential residential development units from the abutting Development Zone-2 (Tahiti Development Zone) into the subject Development Zone-3 (Marquesas Development Zone); and

   - Authorizing the applicant to average residential densities over Parcel FF without regard to the respective 35 dwelling units per acre and 75 dwelling units per acre density limitations prescribed in the Marina del Rey Specific Plan for the proposed R-III (mole portion of parcel) and R-V (non-mole portion of parcel) land use categories.

I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on March 10, 2010.

_____

Rosie O. Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

FINDINGS OF FACT and
STATEMENT of OVERRIDING CONSIDERATIONS
regarding NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL
AND TIMESHARE RESORT PROJECT

PROJECT NUMBERS: R2006-03643-(4)
R2006-03644-(4)
R2006-03647-(4)
R2006-03652-(4)
TR067861-(4)

COASTAL DEVELOPMENT PERMITS: RCDP200600006-(4)
RCDP200600007-(4)
RCDP 200600008-(4)
RCDP 200600009-(4)

CONDITIONAL USE PERMITS: RCUP200600288-(4)
RCUP200600289-(4)
RCUP200600290-(4)

TENTATIVE TRACT MAP: TR067861-(4)

LOCAL COASTAL PLAN AMENDMENTS: RPA200600013-(4)
RPA200600014-(4)

VARIANCES: RVAR200600012-(4)
RVAR200600013-(4)
RVAR200600014-(4)

PARKING PERMIT: RPKP200600020-(4)

STATE CLEARINGHOUSE NUMBER: 2007031114

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2007031114) FOR THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT (COUNTY PROJECT NUMBERS R2006-03643-(4), R2006-03644-(4), and R2006-03647-(4), R2006-03652-(4))

The Regional Planning Commission ("Commission") of the County of Los Angeles ("County") hereby certifies the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Final Environmental Impact Report, State Clearinghouse Number 2007031114, which consists of the Draft Environmental Impact Report ("Draft EIR") dated September 2008, Technical Appendices to the Draft EIR dated September 2008, the Re-Circulated Draft Environmental Impact Report ("Recirculated Draft EIR") dated June 2009, and the Final Environmental Impact Report, including Responses to Comments dated February 2010, collectively referred to as the "FEIR," and finds that the FEIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) ("CEQA"). The Commission further hereby certifies that it has received, reviewed and considered the information contained in the FEIR, the applications for Coastal Development Permit Nos. RCDP200600006-(4), RCDP200600007-(4), RCDP200600008-(4), and RCDP200600009-(4), Conditional Use Permit Nos. RCUP200600288-(4), RCUP200600289-(4), and RCUP200600290-(4), Tentative Tract Map No. TR067861-(4), Local Coastal Plan Amendment Nos. RPA200600013-(4) and RPA200600014-(4), Variance Nos. RVAR200600012-(4), RVAR200600013-(4) and RVAR200600014-(4), and Parking Permit No. RPKP200600020-(4) (collectively, the "Project Approvals"), to permit demolition of all existing of all existing landside improvements on Parcels FF, 10R and 9U and subsequent construction of a 400-unit, multi-family residential apartment community comprised of three structures, 174 boat spaces, a 126-unit, multi-family residential apartment community comprised of a single structure, a 19-story suite hotel and timeshare resort including 288 hotel and timeshare suites and accessory uses, a restored wetland and upland park, and a public anchorage (collectively, the "Project), all hearings, and submissions of testimony from officials and departments of the County,

the Applicant (as defined below), the public and other municipalities and agencies, and all other pertinent information in the record of proceedings. Concurrently with the adoption of these findings, the Commission adopts the Mitigation Monitoring and Reporting Plan attached as Exhibit A to these findings.

Having received, reviewed, and considered the foregoing information, as well as any and all other information in the record, the Commission hereby makes findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

(a) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
(b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,
(c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

BACKGROUND

The Environmental Impact Report Process

Applicants Legacy Partners Residential, Inc and Hardage Group (individually, referred to as an "Applicant" and collectively, the "Applicants") propose redevelopment of existing uses and located on three underutilized contiguous parcels, which the Applicants lease from the County within Marina del Rey. The 17.71- acre area (13.03 landside acres and 4.68 waterside or submerged acres) is identified as Parcel 10R (12 acres composed of 7.32 landside acres and 4.68 waterside or submerged acres), Parcel FF (2.05 acres), and Parcel 9U (3.66 acres) in the Marina del Rey Specific Plan and is located in the western portion of the Marina del Rey small-craft harbor in the unincorporated community of Marina del Rey. Regional access to the site is provided by Lincoln Boulevard, the Marina Freeway/Expressway, and the San Diego Freeway.

The Applicants initially proposed the Project in December, 2006. The County completed an Initial Study of the Project on March 22, 2007 and determined that an Environmental Impact Report ("EIR") was required. In order to provide a more

conservative assessment, the County required all Project components to be analyzed in a single Draft EIR that analyzed the potential impacts of all of the components combined together as a single project, as well as analyzing the potential impacts of each Project component individually. Potentially significant environmental impacts addressed in the Draft EIR include geotechnical and soil resources, hydrology and water quality, air quality, noise, land use, biota, visual quality, traffic/access, sewage disposal, education, police protection, fire protection, water service, parks and recreation, solid waste, and population and housing. The Draft EIR analyzed both individual component, combined Project and cumulative effects of the Project together with related projects on these topics and identified a variety of mitigation measures to minimize, reduce, avoid, or compensate for the potential adverse effects of the proposed Project.

The Draft EIR also analyzed a number of potential alternatives to the proposed Project, including (1) No Project/No Development Alternative, (2) No Project/No Amendment Alternative, (3) Increased Structure Height on Parcels 10R and FF, (4) Density Bonus Associated with Affordable Housing Requirements, (5) Reduced Density on Parcels 10R, FF, and 9U, (6) Residential-Sized Building Height on Parcel 9U, (7) Marine Oriented Commercial on Parcel 9U, (8) RV Resort on Parcels 10R, FF, and 9U, and (9) Marina Plaza Alternative. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project. The range of reasonable alternatives has permitted a reasoned choice to be made by the Commission in directing specific changes to the Project. The Commission has reviewed each of the alternatives and recommends approval of the Project, as revised during the public hearing process.

After conducting its own independent departmental review and analysis of the proposed Project through the screen check process, the Los Angeles County Department of Regional Planning circulated copies of the preliminary Draft EIR to all affected County agencies. Interested County agencies provided written comments on the document, and those comments were incorporated into and made part of the Draft EIR.

The Draft EIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on September 8, 2008, when a notice of completion was sent to the State Clearinghouse, and ended on October 22, 2008. The public review period lasted 45 days. A Publication Notice for the Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers and was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the Draft EIR were also made available at the Regional Planning Department and in local public libraries.

An initial public hearing on the project and the Draft EIR was held before the Commission on October 29, 2008. At the conclusion of that hearing, the Commission continued the public hearing to November 5, 2008, in order to schedule a field trip to the project site and nearby parcels and to allow for a local public hearing in Marina del Rey. The Commission scheduled its field trip and continued public hearing in Marina del Rey for November 22, 2008. On November 12, 2008, the applicants for the Project requested the Commission take the continued November 22, 2008 hearing and field trip off its hearing calendar. This request was based on the recommendation of County staff that certain sections of the Draft EIR be revised and recirculated due to new information that was not previously analyzed and which could have potential impacts not addressed in the original Draft EIR.

A Recirculated Draft EIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on June 9, 2009, when a notice of completion was sent to the State Clearinghouse, and ended on July 23, 2009. The public review period lasted 45 days. A Publication Notice for the Recirculated Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers and was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the Draft EIR were also made available at the Regional Planning Department and in local public libraries.

The Commission conducted a duly noticed field trip to the subject property on August 8, 2009 The Commission held duly noticed hearings on the Project, the Draft EIR and the Recirculated Draft EIR on August 12, 2009 and October 14, 2009. , Detailed responses to the comments received regarding the Project and the analyses of the Draft EIR and Recirculated Draft EIR were prepared with assistance of a private consultant and reviewed and revised as necessary to reflect the County's independent judgment on issues raised. These Responses to Comments are embodied in the Final EIR ("FEIR").

On March 3, 2010, the Commission made the following environmental findings and certified the FEIR and adopted orders approving the Coastal Development Permits, Conditional Use Permits, Tentative Tract Map, , and Variance.

The FEIR has been prepared by the County in accordance with CEQA, as amended, and State and County Guidelines for implementation of CEQA. More specifically, the County has relied on Section 15084(d)(3) of the State CEQA Guidelines, which allow acceptance of drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The Department of Regional Planning, acting for the County, has revised and edited as necessary the submitted drafts to reflect its own independent judgment, including reliance on County technical personnel from other departments.

Section 1 of these findings discusses the potential environmental effects of the Project which are not significant or which have been mitigated to a less than significant level. In addition, this section discusses the potential environmental effects of the Project components combined, as well as individually. Section 2 of these findings discusses the significant environmental effects of the Project which cannot be feasibly mitigated to a level of insignificance. In addition, this section discusses the potential environmental effects of the Project components combined, as well as individually. Section 3 discusses the growth-inducing impacts of the Project. Section 4 discusses the alternatives to the Project discussed in the Draft EIR and FEIR. Section 5 discusses the Mitigation Monitoring Program for the Project. Section 6 contains the Statement of Overriding Considerations. Section 7 contains the findings pursuant to CEQA Guidelines

sections 15091 and 15092. Section 8 contains the findings pursuant to Public Resources Code section 21082.1(c)(3). Section 9 identifies the custodian of the record upon which these findings are based. Section 10 discusses the de minimis impacts on fish and wildlife. Section 11 discusses the relationship between and among these findings, the Draft EIR, the Recirculated Draft EIR, and the FEIR. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

SECTION 1

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

All FEIR mitigation measures (as set forth in the Mitigation Monitoring Plan attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Project Coastal Development Permit, Conditional Use Permit, Plan Amendment, and Variance. In addition, the other conditions of approval for the Coastal Development Permit, Conditional Use Permit, Plan Amendment, and Variance further mitigate the potential effects of the Project.

The Commission has determined, based on the FEIR, that Project design features, mitigation measures, and conditions of approval will reduce Project-specific impacts concerning Geotechnical Resources and Soils, Operational Noise, Hydrology and Drainage, Operational Air Quality, Biota, Traffic, Sewer Service, Water Service, Solid Waste, Education, Police Services, Fire Services, Library Services, Parks and Recreation, Population and Housing, and Land Use and Planning to less than significant levels. The Commission has further determined, based on the FEIR, that there are no significant cumulative impacts, or that Project design features, mitigation measures, and conditions of approval will reduce the Project's contribution to less than cumulatively considerable levels, concerning Geotechnical Resources and Soils, Operational Noise, Hydrology and Drainage, Operational Air Quality, Biota, Sewer Service, Water Service, Education, Police Services, Fire Services, Library Services, and Parks and Recreation.

Project Impacts

1. Geotechnical and Soil Resources

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Project site, although the Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Project, potential geotechnical and soil resource impacts from the proposed Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Project site is

located within 7 km of a major fault and is therefore subject to significant ground shaking. The Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Project is not anticipated to endure issues related to soil erosion or topsoil due to the Project covering the site with non-erosive surfaces including pavement, structures, and permanent vegetation. The site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. As the 1.46 acre-wetland park and public-serving boat slips will involve only minor ground alterations and small structures, there is no potential for significant geologic impacts with respect to these Project components. The above finding is made in that the following measures will be made conditions of the Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report and the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo Report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Neptune Marina Parcel 10R Project

Potential Effect

The Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Project site, although the Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project, potential geotechnical and soil resource impacts from the Parcel 10R Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will

reduce impacts from ground shaking to less than significant levels. The Parcel 10R Project site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Parcel 10R Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Parcel 10R Project is not anticipated to endure issues related to soil erosion or topsoil due to the plans to cover the site with non-erosive surfaces including pavement, structures, and permanent vegetation prior to operation. The site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Parcel 10R Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the Parcel 10R Project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the Project 10R Project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Parcel FF Project site, although the Parcel FF Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Parcel FF Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Parcel FF Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project, potential geotechnical and soil resource impacts from the Parcel FF Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Parcel FF Project

site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Parcel FF Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Parcel FF Project is not anticipated to endure issues related to soil erosion or topsoil due to plans to cover the site with non-erosive surfaces including pavement, structures, and permanent vegetation prior to operation. The Parcel FF Project site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Parcel FF Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the Parcel FF Project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Woodfin Suite Hotel and Timeshare Resort Project site, although the Woodfin Suite Hotel and Timeshare Resort Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Woodfin Suite Hotel and Timeshare Resort Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Woodfin Suite Hotel and Timeshare Resort Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project, potential geotechnical and soil resource impacts from the Woodfin Suite Hotel and Timeshare Resort Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the Uniform Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Woodfin Suite Hotel and Timeshare Resort Project site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Woodfin Suite Hotel and Timeshare Resort Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Woodfin Suite Hotel and Timeshare Resort Project is not anticipated to endure issues related to soil erosion or topsoil due to the design that includes covering the site with non-erosive surfaces including pavement, structures, and permanent vegetation as part of the Woodfin Suite Hotel and Timeshare Resort Project. The Woodfin Suite Hotel and Timeshare Resort site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Woodfin Suite Hotel and Timeshare Resort Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage.

- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.
- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent

to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

- There are several existing pile foundations on the site. Where the foundations are in the building area, they shall be cut off at least 5 feet below the bottom of the proposed mat or the proposed pile caps.
- A program of in-situ densification to improve the density of the granular estuary deposits to a minimum N-value of 20 shall be employed. Densification could be accomplished using stone columns, where a vibrating probe is inserted into the ground and the densified soils are replaced with gravel. Van Beveren & Butelo anticipate that the probes will need to be spaced between 6 and 12 feet on centers to achieve the required minimum N-values. The densification should be performed throughout the estuary deposits to the surface of the dense sand and gravel, which was encountered in the explorations between Elevation –25 to –37 feet or 26 to 38 feet below the lowest parking level. The densification should be performed within the entire area of the tower and conference center and 15 feet beyond the building footprints in plan. If there is not sufficient space to permit the densification beyond the buildings, then Van Beveren & Butelo recommend that the soils within the building area be confined using a soil-cement column, where the on-site soils are mixed in place with cement to create a confinement around the site's perimeter. The soil-cement columns could be located on the property line. The densification will need to be evaluated by a test program using cone penetration tests (CPT). Van Beveren & Butelo recommend that the ground improvement program be initiated on a test area about 50 square feet. After the initial ground improvement effort, the results should be evaluation using a CPT and the spacing of the probes be adjusted.

- Foundations for the hotel/timeshare tower should extend through the existing fill and estuary deposits and into the underlying dense sand and gravel. Driven piles could be used, but the noise associated with pile driving may be a problem in this residential neighborhood. Auger-cast piles could be used as an option to the driven piles. Each method is described in detail in the Van Beveren & Butelo report, located in Appendix 5.1 of the Draft EIR. Van Beveren & Butelo also recommend a mat foundation and specific retaining wall specifications that shall be integrated into the design of the conference center. These specifications can also be found in Appendix 5.1 of the Draft EIR.

Expansive Soils

- Any import material shall be tested for expansion potential prior to importing.
- Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.
- Any additional recommendations pertinent to expansive soils as shall be carried out in accordance with the recommendations of the Van Beveren & Butelo Report, October 23, 2006.

General Mitigation Measures

- Mitigation measures are applicable to the proposed project, but do not specifically fall into any threshold category as defined above. The project shall incorporate any additional mitigation measures are defined in the Van Beveren & Butelo Report, October 23, 2006, included in Appendix 5.1 to the Draft EIR.

2. Hydrology and Drainage

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Project draining into the Marina during construction. The Project's post-development activities could

potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to less than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and drainage impacts are discussed in section 5.3 of the Draft EIR. As the 1.46 acre-wetland park and public-serving boat slips will involve only minor ground alterations and small structures, there is no potential for significant hydrology and drainage impacts with respect to these Project components.

On- and/or Off-site Flooding

A minimal increase in total site runoff during a 25-year storm event would occur as a result of development of the Neptune Marina Apartments and the Anchorage/Woodfin Suite Hotel and Timeshare Resort Project. Under existing conditions, runoff during a 25-year storm event from Parcel 10R is approximately 16.0 cubic feet per second (cfs) and sheetflows to Basin B. Existing runoff from Parcel FF is approximately 4.0 cfs and sheetflows directly to Basin C, also via a series of catch basins. Existing runoff from a portion of Parcel 9U is approximately 5.2 cfs and collects in a man-made depression situated in the southern portion of the parcel. The rest of Parcel 9U sheetflows directly into Basin B and is approximately 1.3 cfs.

Project operation would result in no alteration of surface flows for Parcels 10R and FF. Runoff from the northern portion of Parcel 9U would be 7.8 cfs and would be routed to Marina del Rey Basin B via an on-site storm drain system. No runoff would be directed to the wetland/upland area to the south. No flood hazard to the small-craft

harbor would occur because the elevation of the bulkhead is substantially (greater than 8 feet) above the tidal elevation. Construction of the partially subterranean parking facilities may require de-watering during excavation only.

Increased Sedimentation and Erosion

Project applicant(s) would be required to prepare a SWPPP for Parcels 10R, FF, and 9U pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site. Upon completion of the Project, Parcels 10R, FF, and 9U would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

The applicant(s) will install debris booms around all waterside construction areas to capture and control floating debris, and debris catchers would be used in places where falling debris is unavoidable. Siltation collars would be employed around individual piles during pile removal to reduce and/or prevent sediment from crossing into surrounding waters. The project applicants would also comply with the National Pollutant Discharge Elimination System (NPDES) and Regional Water Quality Control Board (RWQCB) requirements governing activities within the small-craft harbor.

Mitigation Measures Already Incorporated into the Project:

- Waterside demolition of the boat anchorages for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project (Parcel 10R only) would employ debris booms around all waterside construction areas to capture and control floating debris.
- Debris catchers will be utilized in places where falling debris is unavoidable.
- Siltation collars will be placed around piles prior to removal to reduce and/or prevent sediment from costing into surrounding waters.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the

satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Project site.

Mitigation Measures Already Incorporated into the Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Mitigation Measures:

- Small-craft harbor lease agreements for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.

Implementation of the Project with the Mitigation Measures already included as part of the Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Parcel 10R Project draining into the Marina during construction. The Parcel 10R Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to lessen

than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

No increase in total site runoff during a 25-year storm event would occur as a result of development of the Parcel 10R Project. No flood hazard to the Parcel 10R Project site from the small-craft harbor would occur because the elevation of the bulkhead is substantially greater (greater than 8 feet) above the tidal elevation.

Increased Sedimentation and Erosion

The Parcel 10R Project applicant would be required to prepare a SWPPP pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site including the temporary dewatering of subterranean parking areas. Upon completion of the Parcel 10R Project, the Parcel 10R Project site would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

The applicant(s) will install debris booms around all waterside construction areas to capture and control floating debris, and debris catchers would be used in places where falling debris is unavoidable. Siltation collars would be employed around individual piles during pile removal to reduce and/or prevent sediment from crossing into surrounding waters. The Parcel 10R Project applicants would also comply with the (NPDES) and (RWQCB) requirements governing activities within the small-craft harbor.

Mitigation Measures Already Incorporated into the Parcel 10R Project:

- Waterside demolition of the boat anchorages for Parcel 10R would employ a debris boom around all waterside construction areas to capture and control floating debris.
- Debris catchers will be utilized in places where falling debris is unavoidable.
- Siltation collars will be placed around piles prior to removal to reduce and/or prevent sediment from costing into surrounding waters.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Parcel 10R Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Parcel 10R Project site.

Mitigation Measures Already Incorporated into the Parcel 10R Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to

the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Mitigation Measures:

- Small-craft harbor lease agreements for the Parcel 10R Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.

Implementation of the Parcel 10R Project with the Mitigation Measures already included as part of the Parcel 10R Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Parcel FF Project draining into the Marina during construction. The Parcel FF Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to lessen than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

No increase in total site runoff during a 25-year storm event would occur as a result of the Parcel FF Project. Existing runoff from the Parcel FF Project site is approximately 4.0 cfs and sheetflows directly to Marina del Rey Basin C via a series of catch basins. Future on-site storm drainage improvements would be designed to accommodate post-development flows during a 25-year storm event and would, per normal practice, be approved by the Los Angeles County Department of Public Works prior to grading. No flood hazard to Parcel FF Project from the small-craft harbor would occur because the elevation of the bulkhead is substantially (greater than eight feet) above the tidal elevation.

Increased Sedimentation and Erosion

Project applicant(s) would be required to prepare a SWPPP for Parcel FF Project pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site. Upon completion of the Parcel FF Project, the Parcel FF Project would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project site. These plans shall be prepared to the

satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Parcel FF Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Parcel FF Project site.

Mitigation Measures Already Incorporated into the Parcel FF Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor form the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Implementation of the Parcel FF Project with the Mitigation Measures already included as part of the Parcel FF Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Woodfin Suite Hotel and Timeshare Resort Project draining into the Marina during construction. The Woodfin Suite Hotel and Timeshare Resort Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to less than significant levels. Therefore, no unavoidable significant Woodfin Suite Hotel and Timeshare Resort Project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

A minimal (1.3 cfs) increase in total site runoff during a 25-year storm event would occur as a result of the development of the Woodfin Suite Hotel and Timeshare Resort. No runoff from the Woodfin Suite Hotel and Timeshare Resort would be directed to the proposed wetland situated to the south. The storm drain system would be designed to accommodate post-development flows during a 25-year storm event and, per normal practice, would be approved by the Los Angeles County Department of Public Works prior to grading. No flood hazard to the Woodfin Suite Hotel and Timeshare Resort Project from the small-craft harbor would occur because the elevation of the bulkhead is substantially (greater than eight feet) above the tidal elevation.

Increased Sedimentation and Erosion

The Woodfin Suite Hotel and Timeshare Resort Project applicant would be required to prepare a SWPPP pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site including the temporary dewatering of subterranean parking areas. Upon completion of the Woodfin Suite Hotel and Timeshare Resort Project, the Woodfin Suite Hotel and Timeshare Resort Project site would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project site. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Woodfin Suite Hotel and Timeshare Resort Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Woodfin Suite Hotel and Timeshare Resort Project site.

Mitigation Measures Already Incorporated into the Woodfin Suite Hotel and Timeshare Resort Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project with the Mitigation Measures already included as part of the Woodfin Suite Hotel and Timeshare Resort Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

3. <u>Biota</u>

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction and operation of the Project. Operation of the Project would result in a less than significant impact and would actually improve biotic resources by restoring the area through a Public Wetland Park.

Facts

Biota impacts are discussed in section 5.5 of the Draft EIR. Parcels 10R and FF are presently developed as an apartment complex and surface parking lot, respectively, and no natural biotic communities are present. Parcel 9U is a vacant undeveloped lot. In these undeveloped areas, a ruderal and a man-made wetland vegetation/habitat is present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Project site.

As part of the proposed development on Parcels 10R and FF, existing uses would be removed and replaced with similar land uses but at a greater density. Development associated with Woodfin Suite Hotel/Timeshare Resort (Parcel 9U) would occur on a vacant lot now typified by ruderal vegetation. Development of Parcels 10R, FF, and the Woodfin Suite Hotel/Timeshare Resort on Parcel 9U would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation on Parcels 10R, FF, and Woodfin Suite Hotel/Timeshare Resort Parcel 9U are not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The South-Central portion of Parcel 9U is an excavated depression that supports a mixture of native and non-native plant species that exhibit a range relative to their wetland indicator status and is considered to be special status. The Project includes a

restoration plan for this wetland area. Development of the Parcel 9U project would not result in significant direct or indirect impacts to biological resources. Therefore, no mitigation is proposed, as none is necessary to reduce impacts to a less than significant level as this Project component is sufficient to mitigate for the loss of the man-made wetland habitat. The features of the restored wetland and upland park will become requirements under the coastal development permit.

Construction and operation of the wetland park would occur on a vacant lot now typified by ruderal and willow riparian vegetation on an existing man-made berm. Similar to development associated with Neptune Marina Parcels 10R and FF and the northern portion of Parcel 9U, development would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation of the wetland park is not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The Project site is highly developed and no portion of the Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. With the requested entitlement, the Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan. As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.

Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for the new boat spaces This impact is considered potentially significant due to: (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment. If placed in such a manner (i.e., from the water surface to the sea-floor and enclosing as small an area as possible) the proposed use of siltation collars would reduce the potential impacts to less than significant and limit the

extent of the turbidity. The use of a debris boom during removal and replacement of the new dock facilities should effectively reduce or eliminate altogether the amount of floating debris entering the main channel of the small-craft harbor. The proposed utilization of a vessel to recover floating material will further reduce this potential impact.

Other potential construction-related impacts may include the disturbance of the existing marine biological community via the removal of solid, high-relief substrate (pilings) and the epibiota attached to them. Pile-associated and demersal (bottom-oriented) fish would be expected to leave the area during construction and move to other portions of the small-craft harbor. These impacts are not considered significant since the pilings will be replaced, and there are no known sensitive, rare, threatened, or endangered plant, invertebrate or fish taxa in the project area. Re-colonization of the sea floor and new concrete pilings would be expected, and the biological community associated with those habitats is expected to be similar to that which currently exists within one to three years of completion of in-water construction.

In addition to marine sediment resuspension, onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts:
Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description, (i.e., siltation collars and debris booms) would serve to mitigate

project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in place, the piles are extracted. During this process, turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction.
- In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor.
- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.

- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-

construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Parcel 10R Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act. The Parcel 10R Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with

local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction and operation of the Project.

Facts

Biota impacts are discussed in pages 5.5-45 to 5.5-52 of the Draft EIR. Parcel 10R is presently developed as an apartment complex, and no natural biotic communities are present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Parcel 10R.

As part of the proposed development on Parcel 10R, existing uses would be removed and replaced with similar land uses but at a greater density. Development of Parcel 10R would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation on Parcel 10R are not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The Parcel 10R Project site is highly developed and no portion of the Parcel 10R Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. No wetlands occur on Parcel 10R; thus, the Parcel FF Project would not affect any wetlands. Parcel 10R is not a wildlife corridor. With the requested entitlement, the Parcel 10R Project is also

consistent with the applicable policies including the Marina del Rey Local Coastal Plan As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.,.

Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for the new boat spaces. This impact is considered potentially significant due to: (1) the reported use of the water area by the endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment. If placed in such a manner (i.e., from the water surface to the sea-floor and enclosing as small an area as possible) the proposed use of siltation collars would reduce the potential impacts to less than significant and limit the extent of the turbidity. The use of a debris boom during removal and replacement of the new dock facilities should effectively reduce or eliminate altogether the amount of floating debris entering the main channel of the small-craft harbor. The proposed utilization of a vessel to recover floating material will further reduce this potential impact.

Other potential construction-related impacts may include the disturbance of the existing marine biological community via the removal of solid, high-relief substrate (pilings) and the epibiota attached to them. Pile-associated and demersal (bottom-oriented) fish would be expected to leave the area during construction and move to other portions of the small-craft harbor. These impacts are not considered significant since the pilings will be replaced, and there are no known sensitive, rare, threatened, or endangered plant, invertebrate or fish taxa in the project area. Re-colonization of the sea floor and new concrete pilings would be expected, and the biological community associated with those habitats is expected to be similar to that which currently exists within one to three years of completion of in-water construction.

In addition to marine sediment resuspension, onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within

the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Parcel 10R Project approval so as to mitigate the identified impacts: Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description (i.e., siltation collars and debris booms) would serve to mitigate project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in place, the piles are extracted. During this process, turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction.

- In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor.
- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.
- To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence

of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Parcel FF Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Parcel FF Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

No special-status plant or animal species were observed or are known to occur on or significantly utilize the Parcel FF site. Therefore, no significant impact to biota resources would occur.

Facts

Biota impacts are discussed in pages 5.5-53 to 5.5-55 of the Draft EIR. No natural biotic communities are located on the Parcel FF site. As proposed, the Parcel FF Project would not result in the removal of any defined special-status habitat due to the lack of habitat on the site. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Parcel FF.

No wetlands occur on the Parcel FF site, thus, the Parcel FF Project would not affect any wetlands. Parcel FF is not a wildlife corridor. With the requested entitlement, the Parcel FF Project is also consistent with the applicable policies including

the Marina del Rey Local Coastal Plan. As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.

Onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

No special-status plant or animal species are known to occur on or significantly use Parcel FF, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees. The following mitigation measures are included to ensure a less than significant impact.

Mitigation Measures Recommended by the EIR:

- To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and

juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Woodfin Suite Hotel and Timeshare Resort Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Woodfin Suite Hotel and Timeshare Resort Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

Implementation of Woodfin Suite Hotel and Timeshare Resort Project features would reduce impacts to a less than significant level.

Facts

Biota impacts are discussed in pages 5.5-56 to 5.5-58 of the Draft EIR. As proposed, the Woodfin Suite Hotel/Timeshare Resort Project would not result in the removal of any defined special-status habitat due to the lack of habitat on the site on the northern portion of Parcel 9U. Impacts to the wetland portion of Parcel 9U are discussed below. No wetlands occur on the northern portion of the Woodfin Suite Hotel/Timeshare Resort Project site, thus, the Woodfin Suite Hotel/Timeshare Resort Project would not affect any wetlands. The Woodfin Suite Hotel/Timeshare Resort Project would impact less than 2.2 acres of ornamental and disturbed/ruderal habitat and is not a wildlife corridor. Development of the Woodfin Suite Hotel/Timeshare

Resort Project will, with the requested entitlement, be consistent with the land use plan for the site.

Onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

No special-status plant or animal species are known to occur on or significantly use the northern portion of the Woodfin Suite Hotel/Timeshare Resort site, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees. The following mitigation measures are included to ensure a less than significant impact should species use the site.

Mitigation Measures Recommended by the EIR:

- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the

surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Wetland Park Project

Potential Effect

The Public Wetland Park Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Public Wetland Park Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Public Wetland Park Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

Potential impacts to biota from the Public Wetland Park are less than significant level during construction of the Project. Operation of the Pubic Wetland Project would result in a less than significant impact and would actually improve biotic resources by restoring the area through the Public Wetland Park.

Facts

Biota impacts are discussed in pages 5.5-59 to 5.5-67 of the Draft EIR. The Public Wetland Park portion of Parcel 9U remains as a vacant undeveloped lot. In these undeveloped areas, a ruderal and a man-made wetland vegetation/habitat is present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence.

Construction and operation of the wetland park would occur on a vacant lot now typified by ruderal and willow riparian vegetation on an existing man-made berm. The South-Central potion of Parcel 9U is an excavated depression that supports a mixture of native and non-native plant species that exhibit a range relative to their wetland

indicator status and is considered to be special status. The Public Wetland Park Project includes restoration of this degraded wetland in accordance with the restoration plan incorporated as Appendix 5.5 of the DEIR. This plan includes establishment of a muted tidal regime that will substantially enhance the hydrologic, biogeochemical and habitat functions of the degraded wetland, and will include the establishment of coastal salt marsh vegetation with a variable buffer that will be planted with native vegetation. The minimum buffer, as measured from the edge of the salt marsh will be 25 feet; however, the buffer between the salt marsh and hotel landscaping will be effectively larger due to the installation of turfblock vegetated with native grasses between the native buffer plantings and the hotel. Including the turfblock area, the setback buffer ranges from approximately 53 to 82 feet, with an average of about 66 feet between the wetland and hotel. Mr. Tony Bomkamp, a Senior Biologist and Restoration Ecologist at Glenn Lukos Associates, Inc. has determined that this buffer is sufficient to ensure that the hotel/timeshare and other uses on Parcel 9U will not significantly impact the restored wetland.

Development of the Public Wetland Park Project would not result in significant direct or indirect impacts to biological resources and would provide improved habitat. Therefore, no mitigation is proposed, as none is necessary to reduce impacts to a less than significant level, as this Public Wetland Park Project component is sufficient to mitigate for the loss of the man-made wetland habitat. The features of the restored wetland and upland park will become requirements under the coastal development permit.

The Public Wetland Park Project site is highly developed and no portion of the Public Wetland Park Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. The Public Wetland Park Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan and the RWQCB Water Quality Control Plan, and would therefore not result in a significant land use impact. Compliance with all permitting requirements will reduce all impacts to less than significant levels.

Public-Serving Boat Space Project

Potential Effect

The Public-Serving Boat Space Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Public-Serving Boat Space Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Public-Serving Boat Space Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction of the Public-Serving Boat Space Project.

Facts

Biota impacts are discussed in pages 5.5-68 to 5.5-75 of the Draft EIR. The Public-Serving Boat Space Project area is presently developed as a dock with space for boats. Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the placement of the new pilings for the new public-serving boat spaces. This impact is considered potentially significant due to (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to

further the aforementioned re-suspension and increase the area potentially affected by the sediment.

The Public-Serving Boat Space Project is waterside and no portion of the Public Serving Boat Space Project would interfere with movement patterns associated with the existing ground-dwelling fauna currently. The Public-Serving Boat Space Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan and the RWQCB Water Quality Control Plan, and would therefore not result in a significant land use impact.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Public-Serving Boat Space Project approval so as to mitigate the identified impacts:

Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description, would serve to mitigate project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.
- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to

construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing

offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

4. Traffic and Access

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project will contain 526 apartment units and 288 hotel/timeshare rooms and is located in an area with known congestion problems at roadways and/or intersections. The Project may result in hazardous traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access points for the sites may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate material amounts of traffic and therefore do not have the potential to have

significant traffic impacts. As the parking for the Public Wetland Park would exceed County requirements, and the Public Serving Boat Spaces would only be accessible by water, neither would have the potential to result in significant parking impacts.

Finding

Prior to mitigation, Project traffic could produce significant direct traffic impacts at four nearby intersections: Admiralty Way and Via Marina; Washington Boulevard and Via Marina/Ocean Avenue; Lincoln Boulevard and Mindanao Way, and Admiralty Way and Mindanao Way. Mitigation measures would reduce these potential impacts to a less than significant level.

The project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would be less than significant; however, significant impacts would remain if implementation of the prescribed mitigation measures is delayed or the measures are not implemented.

Facts

Traffic/access impacts are discussed at pages 5.7-1 to 5.7-94 of the Recirculated Draft EIR. Upon completion, the Project will generate approximately 3,104 net new daily trips, with approximately 253 net new AM peak hour trips and 228 net new PM peak hour trips. For Project traffic only, at the 17 intersections evaluated, the Project would, after mitigation, result in a less than significant impact on all intersections. . Prior to mitigation, only one intersection (Admiralty Way/Mindanao Way) would result in a significant impact in the AM peak hour. In the PM peak hour, four intersections (Admiralty Way/Via Marina, Washington Boulevard/Ocean Avenue/Via Marina, Lincoln Boulevard/Mindanao Way, and Admiralty Way/Mindanao Way) are significantly impacted prior to mitigation. These impacts would be fully mitigated through the

implementation of area traffic improvement measures indicated in the Traffic section of the Recirculated Draft EIR as well as the adopted Marina del Rey Specific Plan Transportation Improvement Plan. The Transportation Improvement Plan includes specific detailed transportation and circulation improvements designed to fully mitigate the traffic generation of the Phase II development of Marina del Rey. .Short-term impacts may occur if the Project becomes operational prior to implementation of the planned traffic improvements proposed at these intersections.

According to the traffic distribution for the Project that was reviewed and agreed to by the County Department of Public Works, Traffic, and Lighting Division, approximately five percent of the project traffic is anticipated to access and depart from the Project using Via Dolce. Based on the trip generation for the Project, the Project would generate about eight net trips (about one trip every 7.5 minutes) during the AM peak hour and six net trips (about one trip every 10 minutes) during the PM peak hour to the traffic on Via Dolce. The segment of the roadway west of Via Marina currently carries about 288 trips during the AM peak hour and 236 trips during the PM peak hour. The Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below its capacity, no significant project or cumulative traffic impact is expected to occur on this roadway.

One Congestion Management Program intersection, Lincoln Boulevard and Marina Expressway, was identified in the project area. The Project is not expected to add 50 or more trips to this intersection during either the AM or PM weekday peak hours. However, this intersection was included as a study intersection and analyzed due to its close proximity to the project site. In addition, a traffic analysis is also required at all mainline freeway monitoring locations where the project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours. A review of the Project's net trip generation assignments indicates that the Project is not expected to add substantial traffic volumes to the regional transportation system. The maximum amount of project traffic added to any particular freeway segment would occur along the eastbound Marina Expressway/Freeway east of Mindanao Way during the AM peak

hour. During this time, the Project would add approximately 71 trips, which is substantially less than the Los Angeles Congestion Management Program threshold of 150 peak hour trips added to any freeway segment in a single direction.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Project is a part. Parcel 9U is located in DZ 2 and that portion of Project is consistent with the original development allowances and trip cap for DZ 2. The cap for DZ 2 is 200.89 PM peak hour trips, 200.89 trips are currently available, and the DZ 2 portion of the Project would require 101.66 PM peak hour trips. Parcels 10R and FF are located in DZ 3. DZ 3 currently has a cap of 180.5 PM peak hour trips, while, after taking into account existing dwelling units in DZ 3, -39.12 PM peak hour trips are available. After transfer of 36.51 PM peak hour trips from DZ 1 and 89.65 PM peak hour trips from DZ 2, 131.19 PM peak hour trips would be available in DZ 3, of which the DZ 3 portion of the Project would require 126.16 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

Potential impacts from the Venice Dual Force Sewer Main Project Via Marina alignment are speculative because the County has filed for declaratory relief against the Via Marina alignment of the Project; as a result, the Project is on hold until trial and a final alignment has thus yet to be determined. There is also no indication that the Project construction and construction of the Venice Dual Force Sewer Main will be completed concurrently. The Venice Dual Force Sewer Main Project will also use designated staging and roadway areas for its construction, and those impacts have been analyzed in a separate environmental document pursuant to CEQA. In addition, the Project is required to coordinate with other area projects, including the Venice Dual Force Sewer Main Project, as part of the required mitigation for the Project. Thus, if and when the Venice Dual Force Sewer Main Project is implemented, the Project will

coordinate with the Venice Dual Force Sewer Main Project to ensure minimal impacts to traffic in the immediate area.

A total of 1,510 parking spaces will be provided for resident, guest, and visitor parking for the 526 apartment units, 174 boat slips, and 288 guest rooms and uses ancillary to the Hotel/Timeshare resort. The amount of parking provided for all uses exceeds County parking requirements. The parking provided for the 526 apartment units and 174 boat slips meets County parking requirements for stand-alone facilities. The parking provided for the Hotel/Timeshare resort use meet County parking requirements for shared use of Hotel/Timeshare facilities and ancillary uses such as a sundry shop, spa, ballroom, meeting rooms, and a restaurant. Parking for the Public Wetland Park exceeds County requirements. As all parking provided in the Project is in excess of County requirements, the Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

The project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 228 net-new PM peak-hour trips, the Project shall be required to pay $1,297,320.

The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, Applicant's payment of the above-described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements.

However, should the County decide that some roadway improvement measures are necessary immediately, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this Project to less than significant levels:

- **Admiralty Way and Via Marina** – Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina, instead of widening the south side of Admiralty Way to accommodate a triple westbound left turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the Marina del Rey TIP Category 1 improvement. This improvement is identified in the Marina del Rey TIP as a Category 3 improvement, and will enhance traffic flow within the Marina.
- **Washington Boulevard and Via Marina/Ocean Avenue** – No feasible physical improvements are identified in the TIP that remain available to mitigate this potential direct project traffic impact. However, the County of Los Angeles Department of Public Works has identified an improvement at the nearby intersection of Washington Boulevard and Palawan Way that would provide additional egress from the Marina, reducing traffic volumes on the northbound approach of Via Marina at this intersection, and providing mitigation for the impacts. The proposed improvement would reconstruct the intersection of Washington Boulevard and Palawan Way to allow for dual northbound left-turns onto westbound Washington Boulevard, and install a new traffic signal at that intersection. The improvement will provide an additional means of accessing westbound Washington Boulevard from westbound Admiralty Way, reducing the existing high northbound volumes at Washington Boulevard and Via Marina/Ocean Avenue. (See "Washington Boulevard and Palawan Way" below for additional details.) It should be noted that this improvement is not included in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified

traffic mitigation fees. The project's fair share proportion is 18.4 percent or approximately $61,180 as determined by the County.

- **Lincoln Boulevard and Mindanao Way** – Widen the west side of Lincoln Boulevard both north and south of Mindanao Way, and relocate and narrow the median island on Lincoln Boulevard to provide a right-turn lane in the northbound direction. This improvement is identified in the Marina del Rey TIP as a Category 1 improvement, and will enhance traffic flow within the Marina.
- **Admiralty Way and Mindanao Way** – Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way and modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way, has already been approved as part of a previous project (Esprit I Apartments), and would mitigate to less than significance the combined traffic impacts of both projects. It should be noted that this improvement is not included in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified traffic mitigation fees. The project's fair share proportion would be negotiated between the Project applicants and the County.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project will contain 400 apartment units and is located in an area with known congestion problems at roadways and/or intersections. The Parcel 10R Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Parcel 10R Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour

vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Parcel 10R Project, as well as participation in the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Parcel 10R Project are less than significant.

The Parcel 10R Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-51 to 5.7-60 of the Recirculated Draft EIR. Upon completion, the Parcel 10R Project will generate approximately 1,017 net new daily trips, with approximately 92 net new AM peak hour trips and 85 net new PM peak hour trips. For Parcel 10R Project traffic only, at the 17 intersections evaluated, the Parcel 10R Project would result in a less than significant impact at all intersections. Based on the trip generation for the Parcel 10R Project, the Parcel 10R Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project impact is expected to occur on this roadway.

The Parcel 10R Project would not add 50 or more trips to any Congestion Management Program intersection. The Parcel 10R Project's maximum peak hour generation (92 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Parcel 10R Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey second generation development, of which Parcel 10R is a part. Parcel 10R is located in DZ 3. The Project would transfer development allowances for Parcel 10R of approximately 261 dwelling units (out of a total of 275 available dwelling units) from the abutting DZ 2. The transfer of 261 dwelling units from DZ 2 plus the 3 remaining allowable units for DZ 3 would allow for the development increase of 264 dwelling units on Parcel 10R. In addition, the Project would transfer development allowances from the remaining 14 dwelling units within DZ 2, and transfer 112 dwelling units from nearby DZ 1 into DZ 3. Thus, the proposed residential development allowance transfers from DZ 1 and DZ 2 would permit the entire proposed Parcel 10R and FF development within DZ 3 to be consistent with the development allowances described in the Marina Del Rey LUP.

A total of 908 parking spaces will be provided for resident, guest, and visitor parking for the 400 apartment units and 174 boat slips. The amount of parking provided for all uses exceeds County parking requirements for stand-alone parking facilities. As all parking provided in the Parcel 10R Project is in excess of County requirements, the Parcel 10R Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Parcel 10R Project approval so as to mitigate the identified impacts:

The Parcel 10R Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 85 net-new PM peak-hour trips, the Parcel 10R Project shall be required to pay $483,650.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project will contain 126 apartment units is located in an area with known congestion problems at roadways and/or intersections. The Parcel FF Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Parcel FF Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Parcel FF Project, as well as participation in the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Parcel FF Project are less than significant.

The Parcel FF Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-61 to 5.7-69 of the Recirculated Draft EIR. Upon completion, the Parcel FF Project will generate approximately 499 net new daily trips, with approximately 44 net new AM peak hour trips and 41 net new PM peak hour trips. For Parcel FF Project traffic only, at the 17 intersections evaluated, the

Parcel FF Project would result in a less than significant impact to all intersections. Based on the trip generation for the Parcel FF Project, the Parcel FF Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project traffic impact is expected to occur on this roadway.

The Parcel FF Project would not add 50 or more trips to any Congestion Management Program intersection. The Project's maximum peak hour generation (44 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Parcel FF Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Parcel FF Project is a part. Parcel FF is located in DZ 3. DZ 3 currently has a cap of 180.5 PM peak hour trips, while, after taking into account existing dwelling units in DZ 3, -39.12 PM peak hour trips are available. After transfer of 36.51 PM peak hour trips from DZ 1 and 89.65 PM peak hour trips from DZ 2, 131.19 PM peak hour trips would be available in DZ 3, of which the Project would require 41 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Parcel FF Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

A total of 242 parking spaces will be provided for resident, guest, and visitor parking for the 126 apartment units. The amount of parking provided for all uses exceeds County parking requirements for stand-alone parking facilities. As all parking provided in the Parcel FF Project is in excess of County requirements, the Parcel FF Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Parcel FF Project approval so as to mitigate the identified impacts:

The Parcel FF Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 41 net-new PM peak-hour trips, the Parcel FF Project shall be required to pay $233,290.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project will contain 288 hotel and timeshare suites and is located in an area with known congestion problems at roadways and/or intersections. The Woodfin Suite Hotel and Timeshare Resort Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Woodfin Suite Hotel and Timeshare Resort Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project, as well as participation in

the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Woodfin Suite Hotel and Timeshare Resort Project are less than significant.

The Woodfin Suite Hotel and Timeshare Resort Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the Woodfin Suite Hotel and Timeshare Resort Project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-70 to 5.7-79 of the Recirculated Draft EIR. Upon completion, the Woodfin Suite Hotel and Timeshare Resort Project will generate approximately 1,538 net new daily trips, with approximately 117 net new AM peak hour trips and 102 net new PM peak hour trips. For Woodfin Suite Hotel and Timeshare Resort Project traffic only, at the 17 intersections evaluated, the Woodfin Suite Hotel and Timeshare Resort Project would result in a less than significant impact at all intersections. Based on the trip generation for the Woodfin Suite Hotel and Timeshare Resort Project, the Woodfin Suite Hotel and Timeshare Resort Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project traffic impact is expected to occur on this roadway.

The Woodfin Suite Hotel and Timeshare Resort Project would not add 50 or more trips to any Congestion Management Program intersection. The Woodfin Suite Hotel and Timeshare Resort Project's maximum peak hour generation (117 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Woodfin Suite Hotel and Timeshare Resort Project is a part. Parcel 9U is located in DZ 2 and that portion of Woodfin Suite Hotel and Timeshare Resort Project is consistent with the original development allowances and trip cap for DZ 2. The cap for DZ 2 is 200.89 PM peak hour trips, 200.89 trips are currently available, and the DZ 2 portion of the Woodfin Suite Hotel and Timeshare Resort Project would require 101.66 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Woodfin Suite Hotel and Timeshare Resort Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

A total of 556 parking spaces will be provided for resident, guest, and visitor parking for the 288 hotel/timeshare units and appurtenant hotel uses. The amount of parking provided for all uses exceeds County parking requirements using the County's shared parking requirements. As all parking provided in the Woodfin Suite Hotel and Timeshare Resort Project is in excess of County requirements, the Woodfin Suite Hotel and Timeshare Resort Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Woodfin Suite Hotel and Timeshare Resort Project approval so as to mitigate the identified impacts:

The Woodfin Suite Hotel and Timeshare Resort Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee

structure is currently $5,690 per PM peak-hour trip. Based on the expected Woodfin Suite Hotel and Timeshare Resort Project trip generation of 102 net-new PM peak-hour trips, the Woodfin Suite Hotel and Timeshare Resort Project shall be required to pay $580,380.

5. Sewer Service

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project is served by a community sewage system, and the Project could create capacity problems at the treatment plant due to an increase in population in the area. The Project could create capacity problems in the sewer lines serving the Project due to an increase in population in the area. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate material amounts of wastewater and therefore do not have the potential to have significant sewer service impacts.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-1 to 5.8-25 of the Recirculated Draft EIR. Operation of the Project would generate approximately 160,096 gallons per day (gpd) of wastewater. This represents a net increase of 139,696 gpd when compared to existing uses on the Project site. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Project. In

addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Project. The Project will include abandonment of a portion of existing sewer mains, and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare resort Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impacts associated with the increased population and resulting Sewer Service impact caused by the Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Project applicants shall demonstrate sufficient sewage capacity for the Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the proposed project are less than significant.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project is served by a community sewage system, and the Parcel 10R Project could create capacity problems at the treatment plant due to an increase in population in the area. The Parcel 10R Project could create capacity problems in the sewer lines serving the Parcel 10R Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project will reduce the

potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts for the Parcel 10R Project are discussed at pages 5.8-13 to 5.8-16 of the Recirculated Draft EIR. Operation of the Parcel 10R Project would generate approximately 67,700 gallons per day (gpd) of wastewater. This represents a net increase of 47,300 gpd when compared to existing uses on the Parcel 10R Project site. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Parcel 10R Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Parcel 10R Project. The Parcel 10R Project will include abandonment of a portion of existing sewer mains and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Parcel 10R Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Parcel 10R Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Parcel 10R Project applicants shall demonstrate sufficient sewage capacity for the Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the Parcel 10R Project are less than significant.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project is served by a community sewage system, and the Parcel FF Project could create capacity problems at the treatment plant due to an increase in population in the area. The Parcel FF Project could create capacity problems in the sewer lines serving the Parcel FF Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-16 to 5.8-18 of the Recirculated Draft EIR. Operation of the Parcel FF Project would generate approximately 21,000 gallons per day (gpd) of wastewater. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Project. The Parcel FF Project will include abandonment of a portion of existing sewer mains and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Parcel FF Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Parcel FF Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Parcel FF Project applicants shall demonstrate sufficient sewage capacity for the Parcel FF Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the proposed project are less than significant.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project is served by a community sewage system, and the Woodfin Suite Hotel and Timeshare Resort Project could create capacity problems at the treatment plant due to an increase in population in the area. The Woodfin Suite Hotel and Timeshare Resort Project could create capacity problems in the sewer lines serving the Woodfin Suite Hotel and Timeshare Resort Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-19 to 5.8-21 of the Recirculated Draft EIR. Operation of the Woodfin Suite Hotel and Timeshare Resort Project would generate approximately 71,396 gallons per day (gpd) of wastewater. The sewage produced by the hotel and the public-serving anchorage sewer pump serving four pumpout stations can be accommodated by the current wastewater infrastructure.

Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Woodfin Suite Hotel and Timeshare Resort Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Woodfin Suite Hotel and Timeshare Resort Project. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Woodfin Suite Hotel and Timeshare Resort Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Woodfin Suite Hotel and Timeshare Resort Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Woodfin Suite Hotel and Timeshare Resort Project applicants shall demonstrate sufficient sewage capacity for the Woodfin Suite Hotel and Timeshare Resort Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the Woodfin Suite Hotel and Timeshare Resort Project are less than significant.

6. Water Service

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service

the increase in demand caused by the Project. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate demand for material amounts of water and therefore do not have the potential to have significant water service impacts.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-1 to 5.9-38 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Project would consume approximately 107,320 gallons of water per day ("gpd"). This represents a net increase of approximately 91,000 gpd over existing water use on the Project site. However, sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;

- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Parcel 10R Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-28 to 5.9-30 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Parcel 10R Project would consume approximately 48,000 gallons of water per day ("gpd"). This represents a net increase of approximately 31,680 gpd over existing water use on the Parcel 10R Project site. However, sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del

Rey, including the Parcel 10R Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Parcel 10R shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Parcel 10R shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Neptune Marina Parcel 10R applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Parcel FF Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-31 to 5.9-33 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Parcel FF Project would consume approximately 15,120 gallons of water per day ("gpd"). Sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Parcel FF Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Parcel FF shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Parcel FF shall incorporate into the building plans water conservation measures as outlined in the following items:

Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;

- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and

Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.

- Prior to the issuance of grading permits, the Neptune Marina Parcel FF applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-34 to 5.9-38 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Woodfin Suite Hotel and Timeshare Resort Project would consume approximately 44,200 gallons of water per day ("gpd"). Sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Woodfin Suite Hotel and Timeshare Resort Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Woodfin Suite Hotel and Timeshare Resort Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Woodfin Suite Hotel and Timeshare Resort Project applicants shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration in accordance with the water supply analysis in the EIR.

7. Education

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District. The Woodfin Hotel and Timeshare Resort, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant education impacts.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Project. The implementation of a mitigation measure requiring payment of school fees by the Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-1 to 5.11-18 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Project is expected to generate 90 new students, an increase of 27 students over the current site condition. Of the additional new students, 13 are expected to use primary schools, 6 are expected to use secondary schools, and 8 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Parcel 10R Project. The implementation of a mitigation measure requiring payment of school fees by the Parcel 10R Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-12 to 5.11-13 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Parcel 10R Project is expected to generate 71 new students, an increase of 8 students over the current site condition. Of the additional new students, 4 are expected to use primary schools, 1 is expected to use secondary schools, and 3 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Parcel 10R Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of

project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Parcel FF Project. The implementation of a mitigation measure requiring payment of school fees by the Parcel FF Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-14 to 5.11-15 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Parcel FF Project is expected to generate 19 new students. Of the new students, 9 are expected to use primary schools, 4 are expected to use secondary schools, and 6 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Parcel FF Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

8. Police Protection

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features and the reduction in the number of boat spaces available will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-1 to 5.12-32 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Project has been designed with security features intended to deter crime and reduce demand for police services. In addition, the reduction in the number of available boat slips will likely result in decreased police protection demand due to the overall reduction of users on-

site. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Prior to construction, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall install navigational aids such as buoys and lights as defined by the U.S. Coast Guard to ensure safe access within all channels of the small-craft harbor.
- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features and the reduction in the number of boat spaces available will reduce potential impacts to police protection

services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-12 to 5.12-15 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Project has been designed with security features intended to deter crime and reduce demand for police services. In addition, the reduction in the number of available boat slips will likely result in decreased police protection demand due to the overall reduction of users on-site. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Prior to construction, the Neptune Marina Parcel 10R Project shall install navigational aids such as buoys and lights as defined by the U.S. Coast Guard to ensure safe access within all channels of the small-craft harbor.
- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Parcel 10R Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-12 to 5.12-15 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Parcel FF Project area.

The Parcel FF Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Parcel FF Project has been designed with security features intended to deter crime and reduce demand for police services. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Parcel FF Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.

- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Woodfin Suite Hotel and Timeshare Resort Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-20 to 5.12-23 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Woodfin Suite Hotel and Timeshare Resort Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Woodfin Suite Hotel and Timeshare Resort Project has been designed with security features intended to deter crime and reduce demand for police services. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting,

landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.

- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

1.46 Acre Restored Wetland and Public Upland Park Project

Potential Effect

The 1 Public Wetland Park Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if the 1. park's demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of the small park will likely result in a minimal increase in demand to services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol. However, due to the lack of permanent residents on the site and the size of the park, the operation of the small park would result in a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-24 to 5.12-26 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Public Wetland Park would likely result in minimal increase in demand for police services due to public use of the park by visitors and transients. However, no significant impact is expected from this slight increase. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the approval process, the County Sheriff's Department shall review the 1.46-acre public park site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Public-Serving Boat Spaces Project

Potential Effect

The Public-Serving Boat Spaces could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if the Public-Serving Boat Spaces' demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of the Public-Serving Boat Spaces will likely result in a minimal increase in demand to services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol. However, due to the lack of permanent residents using the facility, the operation of the Public-Serving Boat Spaces would result in a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-27 to 5.12-29 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Public-Serving Boat Spaces would likely result in a minimal increase in demand for police services due to public use of the facility by visitors and transients. However, no significant impact is expected from this slight increase. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Public-Serving Boat Space Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

9. Fire Protection

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives. The Public Wetland Park and Public-Serving Boat Spaces would only not result in any habitable structures and therefore do not have the potential to have significant fire protection impacts.

Finding

The existing fire protection infrastructure for both landside and waterside uses is adequate to accommodate the Project. Thus, implementation of the Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-1 to 5.13-32 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Project area.

The Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Project site. However, the Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:
Mitigation Measures:

- Applicants associated with the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and timeshare Resort Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.
- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.

- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Parcel 10R Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure for both landside and waterside uses is adequate to accommodate the Parcel 10R Project. Thus, implementation of the Parcel 10R Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-14 to 5.13-19 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Parcel 10R Project area.

The Parcel 10R Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Parcel 10R Project site. However, the Parcel 10R Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Parcel 10R Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Neptune Marina Parcel 10R Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a

Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safety Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.

- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safety Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Parcel FF Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure is adequate to accommodate the Parcel FF Project. Thus, implementation of the Parcel FF Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-20 to 5.13-24 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Parcel 10R Project area.

The Parcel FF Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Parcel FF Project site. However, the Parcel FF Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Parcel FF Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Neptune Marina Parcel FF Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.
- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Woodfin Suite Hotel and Timeshare Resort Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure is adequate to accommodate the Woodfin Suite Hotel and Timeshare Resort Project. Thus, implementation of the Woodfin Suite Hotel and Timeshare Resort Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-25 to 5.13-28 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Woodfin Suite Hotel and Timeshare Resort Project area.

The Woodfin Suite Hotel and Timeshare Resort Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Woodfin Suite Hotel and Timeshare Resort Project site. However, the Woodfin Suite Hotel and Timeshare Resort Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Woodfin Suite Hotel and Timeshare Resort Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Woodfin Suite Hotel and Timeshare Resort Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Woodfin Suite Hotel and Timeshare Resort Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant

will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safety Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.

- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safety Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

10. Library Services

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library. The Woodfin Hotel and Timeshare Resort, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant library impacts.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Project. The implementation of

a mitigation measure requiring payment of library fees by the Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-1 to 5.14-15 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Project would result in a population increase of 585 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Parcel 10R Project. The implementation of a mitigation measure requiring payment of library fees by the Parcel 10R Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-9 to 5.14-10 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Parcel 10R Project would result in a population increase of 396 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Parcel 10R Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Parcel 10R Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Parcel FF Project. The implementation of a mitigation measure requiring payment of library fees by the Parcel FF Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-11 to 5.14-12 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Parcel FF Project would result in a population increase of 189 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Parcel FF Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Parcel FF Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

11. <u>Parks and Recreation</u>

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey. The Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant parks and recreation impacts.

Finding

The Park Planning Area in which the Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Project is subject to the requirements of the Marina del Rey Specific Plan that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The Project includes a Waterfront Stroll Promenade, public wetland park, and public-serving anchorage. These features, combined with the payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, would reduce potential Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed in pages 5.15-1 to 5.14-18 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 1.77 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons. As an alternative to parkland dedication, applicants of residential projects can make payment into the Coastal Improvement Fund for parkland dedication or provide other recreational improvements within Marina del Rey. The Project includes a publicly-accessible Waterfront Stroll Promenade with public access to the waterfront, a public wetland park with restored wetlands, and a public-

serving anchorage to allow the public access to use of boat slips. The Project also includes additional recreational facilities available to Project residents including a resident's fitness center, media theater room, recreational lounge, game room, business center, outdoor pool, and 174 boat docks. In addition, the Woodfin Suite Hotel and Timeshare Resort would include a restaurant and bar, business center, meeting rooms, sundry shop, exercise room and spa, outdoor pool, and dining terrace.

While the Project would technically fall 0.31 acres shy of meeting the required parkland per new resident standard, additional recreational components, as well as the payment of fees to the Coastal Improvement Fund, less any credit the applicant may be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D), would mitigate Project impacts to a less than significant level. Thus, with the implementation of proposed park and recreation improvements, and payment of the required fees, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Parcel 10R Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Parcel 10R Project is subject to the requirements of the Marina del Rey Specific Plan

that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, less any credit due to eligibility per LACC 22.46.1950.D, would reduce potential Parcel 10R Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed on page 5.15-11 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 1.20 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons.

The Project developer would be required to pay fees to the Coastal Improvement Fund, less any credit the applicant ay be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D). With this required payment, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Parcel FF Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Parcel FF Project is subject to the requirements of the Marina del Rey Specific Plan

that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, less any credit due to eligibility per LACC 22.46.1950.D, would reduce potential Parcel FF Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed on pages 5.15-1 5.15-15 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 0.57 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons.

The Project developer would be required to pay fees to the Coastal Improvement Fund, less any credit the applicant ay be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D). In addition, the Parcel FF Project would include or the developer of the Parcel FF Project would participate in the funding of public and private recreational facilities. Accompanying the change of Open Space designated land use of Parcel FF by the Marina del Rey Specific Plan, as Parcel FF would instead by developed with an apartment building, the developer of Parcel FF would fund one-half the cost of a public wetland and upland park of approximately 1.46 acres within the southern portion of Parcel 9U, while the developer of the remainder of Parcel 9U would fund the other half of the cost of the public wetland and upland park.

Additional recreational components and features of the Parcel FF Project would help to further offset potential recreational demands of the new residents. The location of the public wetland park and buffer area, immediately adjacent to the planned Waterfront Stroll Promenade, as well as the public dock accessible to between 7 and 11 transient vessels, and would represent a significant public boater-serving amenity, as no

such purely public anchorage currently exists on the eastern residential side of Marina del Rey. The combination of benefits to the public from these habitat and public access and recreation improvements accomplish all of the County's objectives otherwise associated with the future park site on Parcel FF.

Parcel 9U, the site of the new public park, is similarly situated to and in close proximity to Parcel FF. Moreover, Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value—a restored wetland and upland, fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher-quality views of the basin. The Park on Parcel 9U would also better integrate with other pubic uses, including the public amenities associated with the hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B. Therefore, the Parcel FF Project would facilitate, rather than impede, the development of future public parkland.

The Parcel FF Project's additional recreational components, as well as the payment of fees to the Coastal Improvement Fund, less any credit the applicant may be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D), mitigates any potential impacts. Thus, with the implementation of proposed park and recreation improvements and payment of required fees, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Woodfin Suite Hotel and Timeshare Resort Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Woodfin Suite Hotel and Timeshare Resort Project is not subject to the requirements of the Marina del Rey Specific Plan that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof, due to the fact that the Woodfin Suite Hotel and Timeshare Resort is a non-residential use.

Therefore, the Woodfin Suite Hotel and Timeshare Resort Project would result in a less than significant impact to park and recreation resources in the area.

Facts

Park and recreation impacts are discussed on pages 5.15-16 to 5.15-18 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would require no parkland dedication due to the fact that it does not include residential uses.

The Woodfin Suite Hotel and Timeshare Resort Project would include the funding of one-half the cost of a public wetland and upland park on the southern portion of Parcel 9U, and would include a Waterfront Stroll Promenade providing public access to the Waterfront. In addition, the Woodfin Suite Hotel and Timeshare Resort would include a restaurant and bar, a business center, meeting rooms, a sundry shop, an exercise room and spa, an outdoor pool, and a dining terrace, and all ground-level uses on the Woodfin Suite Hotel and Timeshare Resort Project would be open to the public. Thus, impacts from the Woodfin Suite Hotel and Timeshare Project would be less than significant.

12. <u>Population and Housing</u>

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing. The Woodfin Suite Hotel and Timeshare Resort Project, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant population and housing impacts.

Finding

The Project would not exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Project are discussed on pages 5.16-1 to 5.16-15. The net increase in persons anticipated as part of the Project results in 4.0 percent of the projected increase in population for the area from 2000-2010 and 7.9 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 10.4 percent of the projected increase in housing units for the area from 2000-2010 and 8.2 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

All relocations involved in implementation of the Project would be conducted in a manner consistent with the Mello Act's inclusionary and replacement housing regulations. In addition, adequate three-month notice will be provided to boat

anchorage tenants and information regarding alternative arrangements will be made. Thus, no significant impact will occur and no mitigation is required.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could cumulatively exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing.

Finding

The Parcel 10R Project would not cumulatively exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Parcel 10R Project are discussed on pages 5.16-9 to 5.16-11. The net increase in persons anticipated as part of the Project results in 2.7 percent of the projected increase in population for the area from 2000-2010 and 5.3 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 7.1 percent of the projected increase in housing units for the area from 2000-2010 and 3.5 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

All relocations involved in implementation of the Project would be conducted in a manner consistent with the Mello Act's inclusionary and replacement housing regulations. In addition, adequate three-month notice will be provided to boat anchorage tenants and information regarding alternative arrangements will be made. Thus, no significant impact will occur and no mitigation is required.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could cumulatively exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing.

Finding

The Parcel FF Project would not cumulatively exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Parcel FF Project are discussed on pages 5.16-12 to 5.16-13. The net increase in persons anticipated as part of the Project results in 1.3 percent of the projected increase in population for the area from 2000-2010 and 2.5 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 3.4 percent of the projected increase in housing units for the area from 2000-2010 and 2.6 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts

are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

There are no housing units or residents on the Neptune Marina Parcel FF site. Therefore, no displacement of people or housing would occur. Thus, no significant impact will occur and no mitigation is required.

13. Land Use and Planning

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could physically divide a community, conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Project would be consistent with the existing County of Los Angeles General Plan land use designations for the project site. More specific land use guidance is provided in the County's Marina del Rey Local Coastal Program, which is made up of the Marina Del Rey Land Use Plan and Specific Plan. The majority of the individual components of the Project, including the hotel/timeshare, wetland park and public boat slips, and marina components are fully consistent with the Marina del Rey Specific Plan Land Use Plan and the Marina del Rey Specific Plan. The Neptune Marina Parcels 10R and FF, while consistent with most of the policies, goals and requirements of the Marina Del Rey Land Use Plan and Specific Plan, require amendments to the Land Use Plan and Specific Plan. The proposed amendments to the Marina del Rey Land Use Plan and Specific Plan would be consistent with the policies of the Coastal Act. With the California Coastal Commission's certification of the requested amendments, the Project would be consistent with the certified Local Coastal Program (LCP). The individual components of the Project would also require approval of Coastal Development Permits; Conditional

Use Permits; Variances; a Tentative Map; and/or a Parking Permit. No mitigation measures are required and all impacts are less than significant.

Facts

Development of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not physically divide the community of Marina del Rey. As noted earlier, the project site is located in the western portion of the Marina del Rey small-craft harbor area and is currently developed with some housing, boat anchorage, and surface parking. Parcel 9U is an undeveloped vacant lot. High-density residential uses occur or are being constructed to the east, west, and south of the project site. West of the project site is the main collector road for the west side of Marina del Rey, Via Marina. Across this road, high-density residential land uses also occur. Further north of the site, high-density visitor-serving commercial land uses are present. The Project would continue the development of residential and commercial uses that currently border the site. The existing roadway infrastructure in Marina del Rey would provide access to the project site. The hotel proposed on Parcel 9U would be 225-feet tall (exclusive of appurtenant, screened rooftop equipment, parapets and architectural features) and considerably taller than nearby structures. This height is consistent with the height provisions for this parcel in the LCP. While this relative height difference, would create a conspicuous contrast to the surrounding residential structures, it would not physically divide the existing community. Therefore, the Project does not have the potential to divide the existing community.

Parking Policy No. 12 of Chapter 2 of the LUP (page 2-8) states that public parking spaces lost due to the conversion of parking lots shall be replaced elsewhere in the Marina on a 0.5:1 (50 percent) basis. The County is proposing an amendment to the LCP, consisting of modifications to the LUP and Specific Plan to allow deferral of construction of the 103 "replacement" parking spaces (i.e., 50 percent of the existing 206 spaces) until these replacement parking spaces can be provided for by the County at an alternate location in the Marina. This LCP amendment will also request authorization to allow tenants to occupy the new Parcel FF apartment building prior to construction of

replacement parking spaces elsewhere in the Marina. The Applicant will deposit funds sufficient to construct the replacement parking with the County prior to issuance of a building permit. The County will use these funds to construct new parking at a location that better serves visitor-serving uses. As the current parking lot is underutilized, no short-term parking impacts would result from this proposed modification.

The Neptune Marina Apartments and Anchorage/Woodfin Suites Hotel and Timeshare Resort Project would require the transfer of 387 total development allotment credits from the neighboring Tahiti and Bora Bora Development Zones (DZs) into the Marquesas DZ to accommodate the proposed residential development on Parcels 10R and FF. There is a clear precedent for such inter-development zone transfers on the western side of Marina del Rey (See Goldrich & Kest Industries' LCP amendment approval at Marina Parcel 20, certified by the Coastal Commission, which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ). Redevelopment of the Project site as proposed would improve the public's coastal recreational opportunities, consistent with the relevant policies of the Coastal Act , with the creation of the wetland and upland park.

As with the Parcel 20 LCP amendment, a traffic analysis has been prepared which has determined that the traffic and circulation impacts of the proposed inter-DZ transfer of excess development units are insignificant. The Project's development of new housing units, after approval of the transfer of development credits, are consistent with the Marina del Rey Land Use Plan and the policy objectives of the Plan.

The Marina del Rey LUP designates Parcel FF as Open Space. An amendment to the Marina del Rey LUP is proposed to construct and operate the 126 apartment units on Parcel FF. As discussed above, as an offset for precluding the potential future development of a park on Parcel FF, the developer will fund 50% of the costs of developing a public wetland park on the southerly 1.46 acres of Parcel 9U. The development of a public park on Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value (a restored wetland park), fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher quality

views of the basin and the water. The park on Parcel 9U would also better integrate with other public uses than would a park on Parcel FF, including the public amenities associated with the proposed hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B.

Development proposed for Parcel 9U is consistent with provisions of the certified LCP. As defined in the Marina del Rey Land Use Plan, the Tahiti DZ calls for a hotel with a maximum of 288 rooms and a maximum height of 225 feet. The Woodfin Suites Hotel and Timeshare Resort project is planned on the northern portion of Parcel 9U, fronts on Via Marina, and is limited to a building height of 225 feet. Moreover, the development of a public park on Parcel 9U is in conformance with the parcel's "Hotel-Waterfront Overlay Zone" land use designation per the LCP (inasmuch as parks are a permitted land use in the Hotel land use category). LUP Section C.8 Land Use Plan lists hotel as a permissible land use category and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that are complementary to a hotel. The Woodfin Suite Hotel and Timeshare Resort will be a full-service facility, with a single set of support facilities (check-in desk, reception, restaurants, cocktail lounge, etc.) for both timeshare and hotel users. Therefore, there will be no distinction in terms of services between hotel patrons and timeshare patrons. Key points regarding the operational aspects of the proposed timeshare use are the following :

- The timeshare suites will not be in a separate tower from the hotel suites; rather, both the hotel and timeshare suites will be on same floors (4 through 19).
- Rental of both the timeshare suites and hotel suites will be handled in a similar manner by on-site management (electronic keys issued by the front desk, concierge services, housekeeping, and front desk check-in/out).
- Timeshares will be made available to the general public through the hotel reservation system when not used by timeshare vacationers.
- Timeshare vacationers may make their unused timeshare suites available to the

general public.

- Timeshare suites will be marketed through an exchange program and through the hotel, and will be rented at comparable rates to equivalent hotel suites.
- Timeshare suites will be sold in one-week intervals.
- Stays in the timeshare suites would be limited to no more than a total of four weeks annually.
- The Woodfin timeshare component will remain a commercial use and will comply with the timeshare laws governed by the California Department of Real Estate.

The timeshare portion of the proposed development on Parcel 9U is consistent with the LCP, which recognizes overnight lodgings as a primary visitor-serving use in accord with Section 30213 of the CCA. There is no discernible difference in intensity of use or impacts to the physical environment between units that are used as timeshares and those that are used as traditional hotel rooms. All project impacts have been fully analyzed and the Woodfin Suite Hotel and Timeshare Resort will not result in any impacts to the physical environment based on timeshare or hotel units.

The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade), provision of adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. (Mello Act). The project applicant would be conditioned by the County to provide both replacement and inclusionary affordable housing units on site in compliance with the State Mello Act and the County's Marina del Rey Mello Act Policy. Upon approval of the requested LCP amendments for the Neptune Marina Apartment portions of the Project, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not conflict with any applicable land use plan, policy, or regulation as discussed in Table 5.17.1 of the Draft EIR which provides detailed analysis of the consistency with

specific policies in applicable land use plans.

Development of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not conflict with any habitat conservation plan or natural community conservation plan because no such plans are applicable to the project site or its vicinity. No mitigation measures are required and impacts would be less than significant.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel 10R Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Parcel 10R Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel 10R Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Parcel 10R Project would not physically divide the community of Marina del Rey. The Parcel 10R Project would redevelop an existing residential development, and the existing roadway infrastructure in Marina del Rey would provide access to the Parcel 10R Project site. The Parcel 10R Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

The Parcel 10R Project would exceed the Marquesas DZ residential allotment by 261 units and an amendment of the Local Coastal Plan would be required in order to authorize the transfer of the required residential development credits from the adjacent DZs to the Marquesas DZ. As indicated in the Traffic analysis included in the Recirculated Draft EIR, this transfer of residential credits would not result in significant

environmental impacts. Therefore, the Parcel 10R Project would not be in conflict with applicable land use policies and would not result in a physical impact to the land as a result of the consistency.

Development of the Parcel 10R Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Parcel 10R Project site or its vicinity. Therefore, no significant impact would result from the Parcel 10R Project.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel FF Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Parcel FF Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel FF Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Parcel FF Project would not physically divide the community of Marina del Rey. The existing roadway infrastructure in Marina del Rey would provide access to the Parcel FF Project site. The Parcel FF Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

The Parcel FF Project would exceed the Marquesas DZ residential allotment by 126 units and an amendment of the Local Coastal Plan would be required in order to authorize the transfer of the required residential development credits from the adjacent DZs to the Marquesas DZ. As indicated in the Traffic analysis included in the Recirculated Draft EIR, this transfer of residential credits would not result in significant

environmental impacts. Therefore, the Parcel FF Project would not be in conflict with applicable land use policies and would not result in a physical impact to the land as a result of the consistency.

The Marina del Rey LUP currently designates Parcel FF as Open Space. To address the Parcel FF Project's loss of Open Space-designated land and potential public park, the Parcel FF Project developer has proposed to relocate the potential future public park space contemplated in the LCP on Parcel FF to the southerly portion of Parcel 9U. The development of a public park on Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value (a restored wetland park), fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher quality views of the basin and the water. The park on Parcel 9U would also better integrate with other public uses than would a park on Parcel FF, including the public amenities associated with the proposed hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B. The proposed benefits to the public from the improvements meet the intent and spirit of the LUP. Therefore, there is no conflict with applicable plans, policies, or regulations and this impact is considered less than significant.

Development of the Parcel FF Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Parcel FF Project site or its vicinity. Therefore, no significant impact would result from the Parcel FF Project.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Woodfin Suite Hotel and Timeshare Resort Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Woodfin Suite Hotel and Timeshare Resort Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Woodfin Suite Hotel and Timeshare Resort Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Woodfin Suite Hotel and Timeshare Resort Project would not physically divide the community of Marina del Rey. The Woodfin Suite Hotel and Timeshare Resort Project would occupy the northernmost portion of Parcel 9U, while the Public Wetland Park would occupy the southern portion of Parcel 9U and the public-serving boat anchorage would connect the Parcel with the Marina del Rey Basin B. The Hotel on the northern portion of Parcel 9U would be 225 feet tall (exclusive of appurtenant, screened rooftop equipment, parapets, and architectural features) and considerably taller than nearby structures. this relative height difference, while consistent with the LCP, would create a conspicuous contrast to the surrounding lower residential structures; however, it would not divide the community. In addition, the Woodfin Suite Hotel and Timeshare Resort Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

Development proposed for the Woodfin Suite Hotel and Timeshare Resort Project is consistent with provisions of the certified LCP. As defined in the Marina del Rey Land Use Plan, the Tahiti DZ calls for a hotel with a maximum of 288 rooms and a maximum height of 225 feet. The Woodfin Suites Hotel and Timeshare Resort project is planned on the northern portion of Parcel 9U, fronts on Via Marina, and is limited to a building height of 225 feet. Moreover, the development of a public park on Parcel 9U is in conformance with the parcel's "Hotel-Waterfront Overlay Zone" land use designation per the LCP (inasmuch as parks are a permitted land use in the Hotel land use category). LUP Section C.8 Land Use Plan lists hotel as a permissible land use category and

designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that are complementary to a hotel. The Woodfin Suite Hotel and Timeshare Resort will be a full-service facility, with a single set of support facilities (check-in desk, reception, restaurants, cocktail lounge, etc.) for both timeshare and hotel users. Therefore, there will be no distinction in terms of services between hotel patrons and timeshare patrons. Key points regarding the operational aspects of the proposed timeshare use are the following:

- The timeshare suites will not be in a separate tower from the hotel suites; rather, both the hotel and timeshare suites will be on same floors (4 through 19).
- Rental of both the timeshare suites and hotel suites will be handled in a similar manner by on-site management (electronic keys issued by the front desk, concierge services, housekeeping, and front desk check-in/out).
- Timeshares will be made available to the general public through the hotel reservation system when not used by timeshare vacationers.
- Timeshare vacationers may make their unused timeshare suites available to the general public.
- Timeshare suites will be marketed through an exchange program and through the hotel, and will be rented at comparable rates to equivalent hotel suites.
- Timeshare suites will be sold in one-week intervals.
- Stays in the timeshare suites would be limited to no more than a total of four weeks annually.
- The Woodfin timeshare component will remain a commercial use and will comply with the timeshare laws governed by the California Department of Real Estate.

The timeshare portion of the proposed development on Parcel 9U is consistent with the LCP, which recognizes overnight lodgings as a primary visitor-serving use in accord with Section 30213 of the CCA. There is no discernible difference in intensity of use or impacts to the physical environment between units that are used as timeshares and those that are used as traditional hotel rooms. All project impacts have been fully analyzed and the Woodfin Suite Hotel and Timeshare Resort will not result in any

impacts to the physical environment based on timeshare or hotel units.

The Woodfin Suite Hotel and Timeshare Resort Project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade), provision of adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. (Mello Act). The Woodfin Suite Hotel and Timeshare Resort project would not conflict with any applicable land use plan, policy, or regulation as discussed in Table 5.17.1 of the Draft EIR, which provides detailed analysis of the consistency with specific policies in applicable land use plans.

Development of the Woodfin Hotel and Timeshare Resort Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Woodfin Hotel and Timeshare Resort Project site or its vicinity. Therefore, no significant land use impact would result from the Woodfin Hotel and Timeshare Resort Project.

Cumulative Impacts

(1) Cumulative Geotechnical and Soil Resources

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project site. These related projects, in conjunction with the Project, may potentially result in cumulative geotechnical and soil resource impacts.

Finding

The Project and the related projects will not cause any cumulative geotechnical and soils resource impacts through compliance with current building and seismic safety codes and other applicable laws and regulations.

Facts

Cumulative geotechnical and soil resource impacts are discussed at section 5.1.5 of the Draft EIR. Geotechnical impacts are generally site specific rather than cumulative

in nature. Each development site is subject to, at a minimum, uniform development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. Development of each development projects are pending or approved in the vicinity of the Project site would have to be consistent with Los Angeles County or other applicable governmental requirements as they pertain to protection against known geologic hazards.

(2) Cumulative Hydrology and Water Quality

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project. These projects, in conjunction with the Project, could have a significant cumulative impact on hydrology and drainage.

Finding

The Project and related Projects would meet the local jurisdiction and Regional Water Quality Control Board water quality requirements. The cumulative impacts of the Project and related projects with respect to hydrology and water quality are not significant.

Facts

Cumulative hydrology and water quality impacts are discussed at section 5.3.4 of the Draft EIR. All cumulative projects within the tributary watershed are required to meet the same general flood control and water quality requirements as the Project. The requirements will be identified by the local jurisdiction and the Regional Water Quality Control Board and will include prohibitions on significant increases in post-development stormwater flows and stormwater velocities into the small craft harbor. Since the Project would not represent a significant change in hydrological or drainage conditions, its contribution to cumulative impacts is negligible. Other projects can be expected to be similarly conditioned such that no significant cumulative impacts will occur.

(3) Cumulative Biota Effects

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the potential impacts to naturally occurring plants and animals, resulting in a potentially significant cumulative impact to biota in the Marina del Rey area.

Finding

As with the Project, each related project is required to ensure that adequate precautions are taken to protect naturally occurring plants and animals in the project area. As such, cumulative impacts to biota would be less than significant.

Facts

Cumulative effects to biota are discussed on page 5.5-76 of the Draft EIR. Cumulative or other related projects currently proposed in the Marina del Rey area that would affect the terrestrial or marine environments are proposed in a highly urbanized environment and/or involve the re-use of existing land uses and/or the replacement of boat spaces. Due to the urban character of the area in which the related projects occur, no special status species, naturally occurring special status habitat or wetlands are known to occur. With respect to marine avian species, the species forage over a large area and many forage areas are available throughout the area. Therefore, cumulative impacts are less than significant.

(4) Cumulative Sewer/Wastewater Disposal

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of effluent requiring collection and treatment, resulting in a potentially significant cumulative impact to sewer services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in the local and trunk sewer lines and receiving wastewater treatment plant exists to accommodate the effluent generated by that use. Additionally, each project is required to pay a connection fee used to fund expenses needed to accommodate

growth. As such, cumulative impacts to sewage collection, treatment and disposal would be less than significant.

Facts

Cumulative sewer service impacts are discussed at pages 5.8-22 to 5.8-25 of the Recirculated Draft EIR. Treatment capacity at the Hyperion Treatment Plant is available to serve the wastewater that is estimated to be generated by cumulative projects within Marina del Rey. The City of Los Angeles has adopted an Integrated Resources Plan that provides for implementation of improvement to increase capacity to 100 mgd as demand increases. In addition, each future project is required to provide adequate capacity to convey sewage to a safe point of discharge and pay fees to connect to the sewage system. In this manner, the existing sewage collection and conveyance system would be upgraded to accommodate sewage created by the development of future projects and a significant cumulative impact avoided.

Section C.12 of the Marina del Rey Land Use Plan (the "LUP") addressed potential impacts on sewer capacity resulting from full buildout under the LUP. The LUP contains policies and actions to assure that there is proof of availability of adequate sewer facilities. The County consulted with the City of Los Angeles as part of the LUP process, and as a result the City has taken future development under the LUP in account in planning for sewer capacity infrastructure improvements. These improvements include, among other things, the upgrading of the force main from the City's Venice Pumping Station to accommodate additional flows from future development in the Marina.

(5) Cumulative Water Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase development intensity and water demand, resulting in a potentially significant cumulative impact to water services.

Finding

Feasible mitigation measures such as constructing waterline improvements, implementation of water efficient landscaping, and water conservation measures to address the impact of the Project and the related projects would reduce cumulative those impacts to a less than significant level.

Facts

Cumulative water service impacts are discussed on section 5.9.4 of the Draft EIR. Prior to the issuance of grading permits, the applicant for each future project within Marina del Rey shall provide to the Los Angeles County Department of Regional Planning a letter from Water Works District No. 29 stating that the District is able to provide water service to the project under consideration. Both the County and the Metropolitan Water District (MWD) are implementing plan, programs and strategies to assure the continued reliability of water supply. These plans include the Integrated Resources Plan, the Five Year Supply Plan, the Report on Metropolitan Water Supplies: A Blueprint for Water Reliability, the Urban Water Management Plan, the Water Surplus and Drought Management Plan, and the Water Supply Allocation Plan.

At present several on-going programs have been proposed to address the environmental concerns within the Delta. These programs include the CALFED Bay-Delta Program, the Delta Vision Process, and the Bay-Delta Conservation Plan. The CALFED Bay-Delta Program is a unique collaboration among 23 state and federal agencies that came together with a mission to improve California's water supply and the ecological health of the Delta. The CALFED Bay-Delta Program includes various program plans on an annual basis which address key Delta issues, including water quality, levee system, water supply, ecosystem restoration, and science. The program plans describe what was accomplished in the past year, strategically plan for future implementation actions, identify problems and propose steps for resolving issues, identify available funding and additional funding needs, and ensure cross-program integration and balance. Implementation of the CALFED Bay-Delta Program has resulted in an investment of

three billion dollars on a variety of projects and programs to being addressing water supply, water quality, ecosystem, and levee stability programs.

To guide future development of the CALFED Bay-Delta Program and identify a strategy for managing the Delta as a sustainable resource, in September 2006, Governor Schwarzenegger established by Executive Order a Delta Vision Process. The Delta Vision Process entailed the completion of two work products as prepared by phase. The Phase I work product was the Delta Vision Report (January 2008), which includes long-term strategic solutions for the conflicts in the Delta as recommended by the Delta Vision task force established by Governor Schwarzenegger. The Phase II work product was the Delta Strategic Plan (October 2008), which assesses alternative implementing measures and management practices to implement the Delta Vision Report recommendations.

In addition, specific recommendations of the Delta Vision Committee, chaired by the State Secretary for Resources, were set forth as part of the Delta Vision Committee Implementation Report in December, 2008. The Report included a list of recommended near-term actions and timelines necessary to achieve Delta sustainability. The Bay-Delta Conservation Plan (BDCP) is being developed under the aegis of the California Resources Agency to provide for the recovery of endangered and sensitive species and their habitats in the Delta in a way that also will provide for the protection and restoration of water supplies. Completion of the BCDP is just one of the recommendations from the Delta Vision Committee discussed above. The BDCP is being developed under the Federal ESA and the California Natural Community Conservation Planning Act (NCCPA) and will undergo extensive environmental analysis that will include opportunities for public review and comment. The BDCP will identify and implement conservation strategies to improve the overall ecological health of the Delta; identify and implement ecologically friendly ways to move fresh water through and/or around the Delta; address toxic pollutants, invasive species, and impairments to water quality; and provide a framework to implement the plan over time. MWD is one of the parties that are drafting the BDCP to provide State and federal ESA coverage for its SWP operations.

A draft EIR/EIS evaluating the environmental impacts of the BDCP is expected to be ready for public review and comment by early 2010.

At the regional and local levels, numerous water decision-makers are actively addressing the threats facing the Delta. MWD is engaged in planning processes that will identify local solutions that, when combined with the rest of its supply portfolio, will ensure a reliable long-term water supply for its member agencies. In the near-term MWD will continue to rely on the plans and policies and outlined it is Regional Urban Water Management Plan and Integrated Water Resource Plans to address water supply shortages and interruptions (including potential shutdowns of SWP pumps) to meet water demands. Campaigns for voluntary conservation, curtailment of replenishment water, and agricultural water delivery are some of the actions outlined in the RUWMP. If necessary, reduction in municipal and industrial water use and mandatory water allocation could be implemented.

MWD has also been developing agreements, programs, and taking efforts to provide additional water supply reliability for the entire southern California region. Programs include the Arvin-Edison/Metropolitan Water Management Program; the Semitropic/MWD Groundwater Storage and Exchange Program; the California Aqueduct Dry-Year Transfer Program; purchase, storage and exchange programs in the Sacramento and San Joaquin Valleys; the MWD/Coachella Desert Water Agency Exchange and Advance Delivery Agreement; and other agreements.

With these and other programs, MWD's storage capacity has increased to five million acre-feet. Approximately 674,000 acre-feet of stored water is emergency storage that is reserved for use in the event of supply interruptions from earthquakes or similar emergencies, as well as extended drought.

In response to the drought conditions as well as the Delta Smelt issue for the State Water Project, the Governor declared a State of Emergency-Water Shortage on February 27. 2009. In response to the Governor's declaration, Department of Water Resources (DWR) has established a 2009 Drought Water Bank. DWR will purchase water from willing sellers primarily from water suppliers upstream of the Delta. This water will

be transferred using SWP or CVP facilities to water suppliers that are at risk of experiencing water shortages in 2009 due to drought conditions and that require supplemental water supplies to meet anticipated demands. MWD is seeking to purchase up to 300,000 AF from the Drought Water Bank. Purchases will be contingent on acquisition from the DWR of supplies from willing sellers.

Climate change may also affect California's water supply. Potential impacts of climate change on California's water resources include increases in temperature that could result in drought, stressed cold-water species in rivers, and increased demand for irrigation; changes in precipitation patterns that could lead to floods, lowered groundwater table, a reduction in snowpack, and decreased hydroelectric power; and changes in sea levels that could increase pressure on Delta levees. The impact of climate change on California's water supply has been the subject of DWR's July 2006 report entitled "Progress on Incorporating Climate Change into Management of California's Water Resources," which found that climate change may have a significant effect on California's future water resources and demand. This report also examined the potential impacts of selected climate change scenarios on operations of the State Water Project (SWP) and Central Valley Project, Delta water quality, flood management and evapotranspiration.

The effects and potential future effects of climate change are part of the uncertainties water managers face as they plan for the future. The draft California Water Plan 2009 prepared by DWR promotes ways to develop a common approach for addressing uncertainty and risk in the State's future water supplies. The new approach incorporates consideration of uncertainty, risk, and sustainability into planning for the future. Additionally, the DWR prepared in October 2008, the Climate Change Adaption Strategies for California's Water, which presents 10 climate change adaption strategies for California's water. These strategies include: (1) provide sustainable funding for Statewide and Integrated Regional Water Management; (2) fully develop the potential of integrate regional water management; (3) aggressively increase water use efficiency; (4) practice and promote integrated flood management; (5) enhance and sustain

ecosystems; (6) expand water storage and conjunctive management of surface and groundwater resources; (7) fix Delta water supply, quality, and ecosystem conditions; (8) preserve, upgrade, and increase monitoring, data analysis, and management; (9) Plan for and adapt to sea level rise; and (10) identify and fund focused climate change impacts and adaption research and analysis.

MWD also recognizes that climate change will require water suppliers to develop new, alternative water supplies and to focus on water use efficiency. In March 2002, MWD's Board of Directors adopted climate change policy principles that relate to water resources. These principles are reflected in MWD's water supply planning efforts, including the IRP. Further, in response to climate change and uncertainty, MWD's 2005 RUWMP incorporated three basic elements to promote adaptability and flexibility, important in addressing impacts of climate change: conservation; groundwater recharge; and water recycling.

More recently, MWD approved criteria to further explain its position on the conveyance options that are currently being discussed to remedy the Delta, which include addressing projected sea level rise and change in inflows due to climate change. MWD's criteria provide that, "whatever option is chosen, it should provide water supply reliability, improve export water quality, allow flexible pumping operations in a dynamic fishery environment, enhance the Delta ecosystem, reduce seismic risks, and reduce climate change risks." (Report for Metropolitan Water District of Southern California Board Meeting September 11, 2007 Agenda Item 8-4, emphasis added.) MWD has demonstrated a commitment to addressing climate change by evaluating the vulnerability of its water systems to global warming impacts and has developed appropriate response strategies and management tools that account for the impacts of climate change on future water supplies.

Based on the water supply planning requirements imposed on its member agencies and ultimate customers, such as the requirements to adopt urban water management plans, water supply assessments and written verifications, MWD has adopted a series of official reports on the state of its water supplies. As described

below, MWD has consistently stated that its water supplies are fully reliable to meet the demands of its customers, in all hydrologic conditions through at least 2030.

In March 2003, MWD published a document entitled the Report on Metropolitan Water Supplies: A Blueprint for Water Reliability (Blueprint Report). The objective of the Blueprint Report was to provide member agencies, retail water utilities, cities and counties within the MWD service area with information that may assist in their preparation of urban water management plans, water supply assessments and written verifications. The Blueprint Report stated that the approach taken to evaluate water supplies and demands was consistent with MWD's 2000 Regional UWMP. MWD utilized SCAG's regional growth forecast in calculating regional water demands for its service area.

The Blueprint Report fully discusses MWD's historical and projected deliveries of Colorado River and SWP water. The conclusion of the Blueprint Report and supplemental information published by MWD, such as its Integrated Resources Plan Update and annual Implementation Reports, is that with its current water supply portfolio and planned actions, MWD will have sufficient water to deliver to LADWP to meet all of the water demands in the LADWP service area, for the next 20 years.

By comparing total projected water demands and conservatively estimating water supplies over the next 20 years, MWD has found that if its supply programs were implemented under its IRP "[b]ased on water supplies that are currently available, Metropolitan already has in place the existing capability to...[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) over the next 20 years" in average, wet, multiple dry- and single dry years. (Report on Metropolitan Water Supplies: A Blueprint for Water Reliability, March 2003, (Blueprint Report), p. 24-35.) In multiple dry years, MWD reports that it will "[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) even under the repeat of the worst multiple-year drought event over the next 15 years," while in a single dry-year it can "[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) even

under the repeat of the worst single-year drought event over the next 15 years." (*Id.*) MWD's additional reserve supplies will provide a "'margin of safety' to guard against uncertainties in demand projections and risks in fully implementing all supply programs under development." (*Id.*)

Based on all or the foregoing, the Commission finds that the water supply from MWD to be reliable.

On the local level, grading permits for the Project shall not be issued until such time that the District indicates that the distribution system and water supply are adequate to serve the project under review. Alternatively, the applicant of each future project under consideration Marina del Rey may construct that phased improvement identified in the Water Works District No. 29 Backbone Water Distribution Master Plan that provides sufficient water supply and fire flows to accommodate the project under consideration. With these measures, cumulative impacts with respect to water service would be less than significant.

(6) Cumulative Public Services (Fire Protection, Police Protection, Education, Library Services, and Parks and Recreation)

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the potential impacts to public services including fire protection, police protection, education, library services, and parks and recreation resulting in a potentially significant cumulative impact to public services in the Marina del Rey area.

Finding

As with the Project, each related project is required to ensure that adequate fire protection, police protection, education, library services, and parks and recreation can service that related project, and all required mitigation measures must be taken to ensure a minimal impact. As such, cumulative impacts to public services would be less than significant.

Facts

Implementation of the Project in conjunction with the related projects studied in the Draft EIR sections 5.11, 5.12, 5.13, 5.14, and 5.15 would increase the demand for fire protection, police protection, education, library services, and parks and recreation. However, as the Project's impacts with respect to public services are less than significant, its contribution to cumulative impacts would be less than significant. With respect to fire protection, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services. In addition, compliance with fire codes and other safety measures, along with implementation of fire service and traffic mitigation measures, reduce any cumulative impacts to a less than significant level. With respect to police protection, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services. In addition, the County Sheriff's Department reviews all plans with respects to lighting, landscaping, building access, visibility, street circulation, building design, and defensible space, which would reduce any cumulative impacts to a less than significant level. With respect to educational impacts, each related project developer or applicant would be required to pay developer fees to LAUSD, which, under Government Code section 65995, is deemed to be full and complete mitigation of school facility impacts, reducing all impacts to education to a less than significant level. With respect to library services, payment of library mitigation fees by related projects on a project-by-project basis will ensure that a less than significant cumulative impact on library services. With respect to parks and recreation, each project is subject to payment of fees or dedication of parkland pursuant to the Marina del Rey Specific Plan, which ensures a less than significant impact from cumulative impacts.

SECTION 2

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS WHICH CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The County has determined that, although FEIR mitigation measures, design features included as part of the Project, and conditions of approval imposed on the

Project will reduce the following effects, these effects cannot be feasibly or effectively mitigated to less than significant levels. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 6).

1. Noise

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Construction Related Effects

Implementation of the Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-1 to 5.2-86. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Project construction noise would be limited to normal working hours when

many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the project site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the project site must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the

County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.

- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.
- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Neptune Marina Parcel 10R Project

Potential Construction Related Effects

Implementation of the Parcel 10R Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Parcel 10R Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-30 to 5.2-36. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Parcel 10R Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Parcel 10R Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Parcel 10R Project construction activities, especially pile driving, would significant and unavoidable vibration impacts.

Noise level increases generated by Parcel 10R Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Parcel 10R Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel 10R as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during

weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.

- The Parcel 10R Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.
- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Neptune Marina Parcel FF Project

Potential Construction Related Effects

Implementation of the Parcel FF Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Parcel FF Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-37 to 5.2-42. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Parcel FF Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Parcel FF Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Parcel FF Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Parcel FF Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel FF Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-

site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel FF as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Parcel FF Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of

construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Construction Related Effects

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Woodfin Suite Hotel and Timeshare Resort Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-43 to 5.2-48. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Woodfin Suite Hotel and Timeshare Resort Project during construction stages would occur periodically

throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Woodfin Suite Hotel and Timeshare Resort Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Woodfin Suite Hotel and Timeshare Resort Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Woodfin Suite Hotel and Timeshare Resort Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Woodfin Suite Hotel and Timeshare Resort Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Woodfin Suite Hotel and Timeshare Resort Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel 9U as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the Parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Woodfin Suite Hotel and Timeshare Resort Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Wetland Park Project (Parcel 9U)

Potential Construction Related Effects

Implementation of the Wetland Park Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Wetland Park Project operation would be associated with intermittent sounds associated with human activity, including talking and domestic animals.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-49 to 5.2-51. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Wetland Park Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Wetland Park Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Wetland Park Project construction activities, especially pile

driving, would significant and unavoidable vibration impacts. Noise level increases generated by operation of the Wetland Park Project would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Wetland Park Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the Wetland Park Project site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring in the Wetland Park must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood

fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.

- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Wetland Park Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

Public-Serving Boat Space Project

Potential Construction Related Effects

Implementation of the Public-Serving Boat Space Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Public-Serving Boat Space Project operation would be associated with intermittent sounds associated with human activity, including talking and domestic animals, as well as noise from boat engines.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-52 to 5.2-54. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Public-Serving Boat Space Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Public-Serving Boat Space Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Public-Serving Boat Space Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by operation of the Public-Serving Boat Space Project would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Public-Serving Boat Space Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Public-Serving Boat Space Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring in the boat spaces must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during

weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.

- The Public-Serving Boat Space Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

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2. Air Quality

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Construction-Related Effects

Implementation of the Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. Project-

related traffic would also generate emissions. In addition, the Project has the potential to alter wind patterns in the Marina.

Finding

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval and design features such as development and implementation of a construction management plan incorporated into the Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at pages 5.4-71 to 5.4-72 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on those pages.

Facts

Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Project. In addition, localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}"), particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"), and nitrogen dioxide ("NO_2"). Recommended thresholds for operational emissions would not be exceeded.

The RWDI wind study concludes that the Project will not affect key wind patterns in the Marina. The Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
  - Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).

- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

- In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

Neptune Marina Parcel 10R

Potential Construction-Related Effects

Implementation of the Parcel 10R Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Parcel 10R Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Parcel 10R Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

and design features such as development and implementation of a construction management plan incorporated into the Parcel 10R Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Parcel 10R Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at page 5.4-85 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on that page.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Parcel 10R Project. In addition, localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}") and particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"). Recommended thresholds for operational emissions would not be exceeded.

Operation of the Parcel 10R Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Parcel 10R Project study area.

The RWDI wind study concludes that the Parcel 10R Project will not affect key wind patterns in the Marina. The Parcel 10R Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing conditions. The change in wind patterns caused by the Parcel 10R Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
  - Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).

- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

- In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

Neptune Marina Parcel FF

Potential Construction-Related Effects

Implementation of the Parcel FF Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Parcel FF Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Parcel FF Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

and design features such as development and implementation of a construction management plan incorporated into the Parcel FF Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Parcel FF Project will have a less-than-significant effect on wind patterns in the Marina.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Parcel FF Project. Localized ambient air quality impacts would occur during Parcel FF Project construction for particulate matter less than 10 microns in diameter ("PM_{10}") and particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"). Recommended thresholds for operational emissions would not be exceeded.

Operation of the Parcel FF Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Parcel FF Project study area.

The RWDI wind study concludes that the Parcel FF Project will not affect key wind patterns in the Marina. The Parcel FF Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Parcel FF Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel FF Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate $PM_{2.5}$ and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
    - Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
    - Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
    - Replace ground cover in disturbed areas as quickly as possible.
    - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
    - Water active grading sites at least twice daily (SCAQMD Rule 403).
    - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
    - Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
    - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
    - Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
    - Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
    - Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Construction-Related Effects

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

The Woodfin Suite Hotel and Timeshare Resort Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Woodfin Suite Hotel and Timeshare Resort Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval and design features such as development and implementation of a construction management plan incorporated into the Woodfin Suite Hotel and Timeshare Resort Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Woodfin Suite Hotel and Timeshare Resort Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at page 5.4-112 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on that page.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Woodfin Suite Hotel and Timeshare Resort Project. Localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}"), particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"), and Nitrogen Dioxide ("NO_2"). Recommended thresholds for operational emissions would not be exceeded.

The RWDI wind study concludes that the Woodfin Suite Hotel and Timeshare Resort Project will not affect key wind patterns in the Marina. The Woodfin Suite Hotel and Timeshare Resort Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Woodfin Suite Hotel and Timeshare Resort Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Woodfin Suite Hotel and Timeshare Resort Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

<u>Mitigation for Demolition, Excavation/Grading and Construction Impacts</u>:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
    - Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
    - Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:

- Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
- Replace ground cover in disturbed areas as quickly as possible.
- Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
- Water active grading sites at least twice daily (SCAQMD Rule 403).
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

***Wetland Park Project* Potential Construction-Related Effects**

Implementation of the Wetland Park Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

The Wetland Park Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the operation of gasoline powered maintenance equipment, and the use of equipment such as landscape maintenance equipment. . The Wetland Park Project will not involve the construction of new structures and therefore does not have the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified would be less than significant. Operation-related impacts would be less than significant. The mitigation measures set forth at pages 5.4-122 to 5.4-123 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on those pages.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Project. In addition, localized ambient air quality impacts would be less than significant during project construction. Recommended thresholds for operational emissions would not be exceeded.

Operation of the Wetland Park Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Restored Wetland and Upland Buffer Project study area.

Although the Wetland Park Project would not result in any significant air quality impacts, following measures are recommended:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Even though the Restored Wetland and Upland Buffer Project would not result in any significant air quality impacts, the following measures are recommended to reduce NO_x, $PM_{2.5}$, and PM_{10} emissions:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
  - Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).

- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

Public-Serving Boat Space Project

Potential Construction-Related Effects

Implementation of the Public-Serving Boat Space Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Public-Serving Boat Space Project-related traffic will generate pollutant emissions. Minimal area source emissions would be generated by the use of the site. The Public-Serving Boat Space Project will not involve the construction of new structures and therefore does not have the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified would be less than significant. Operation-related impacts would be less than significant.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Public-Serving Boat Space Project. In addition, localized ambient air quality impacts would be

less than significant during Project construction. Recommended thresholds for operational emissions would not be exceeded.

3. Visual Quality

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could potentially obstruct views, including views of coastal areas. The Project could also be considered out of character with existing adjacent development. The Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. Although the Woodfin Suites Hotel and Timeshare Resort's height is fully consistent with LCP, it could be considered to be out of character with existing adjacent development. Therefore, the Commission conservatively considers the Project to have a significant impact to visual character. The Project would not result in significant sun shadow, light, or glare impacts.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. Neptune Marina Parcel 10R is presently developed with two-story wood and stucco structure with areas of surface parking and mature landscaping. The structure was constructed in the early 1960s as part of the Phase I Marina del Rey development. The apartment buildings are low-lying and rectangular in nature and are typical of other existing development on the west side of the small-craft harbor. Generally, the buildings extend in a linear fashion along the frontage of the waterfront, and in most case completely obscure water views for viewers on peripheral roadways. Along the waterfront between the existing structures and the Marina is a narrow concrete sidewalk. This existing sidewalk is accessible to the public and provides extensive views of the Marina.

Neptune Marina Parcel FF site is presently developed as an approximately 2.05-acre surface parking lot. Surrounding the western and northern portion of the parking lot (west of the existing driveway) is a screened chain-link fence. The intention of the fence is to obscure views of the parking lot from adjacent roadways. A fence that permits filtered view is present east of the parking lot, and glimpses of the parking lot and Marina are available from Marquesas Way. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Parcel 9U is presently an undeveloped lot. Vegetation on Parcel 9U consists generally of low annual grasses and summer flowering forbs. However, in the south-central portion of the site, a small, man-made depression, the remnant of an abandoned construction project, is present where water ponds seasonally. In this location the vegetation now consists of a taller willow thicket of approximately 0.5 acre. Due to the lack of development at this location, boat masts in the western portion of Marina del Rey Basin B are visible form Via Marina. Existing residential uses are present to the north, south, and west. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Project would require the removal of all existing structures, the existing surface parking lot, and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the Project site. Screened chain-link fencing would likely be installed that would surround the perimeter of the Project site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the project and changes in the visual character of the Project site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Project site will be

altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Neptune Marina Parcels 10R, FF, and 9U incorporate six view corridors. To further ensure visual resource protection, the Marina del Rey LUP requires the Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Project site.

Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of a given parcel's water frontage and the proposed building height. Based on the length of the Project's water frontage and the proposed building heights, the Land Use Plan requires 567 feet of view corridor. As proposed, the Project would provide 602.5 linear feet of view corridor, exceeding the amount of view corridor required under the Land Use Plan. The Project would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development standards under it purview. Therefore, project impact to visual corridors and view form scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The Neptune Marina Project (Parcels 10R and FF) proposes development of apartment structures that would be fully compatible, in terms of height, scale, and visual qualities, with apartment structures either under construction (on Parcel 12) or soon to be constructed (Parcel 15, 100, and 101) on adjacent parcels. The visual character of the proposed Neptune Marina Project is expected to be representative of other future new development in the Marina as future (Phase II) projects recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program (LCP), is intentionally designed to result in a marked intensification of existing land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments.

While the height of the proposed structures would alter the visual character of the property, the design is consistent with the Marina del Rey Local Coastal Plan. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort structures would not result in a significant intensification of development on the project sites, but are compliant with past California Coastal Commission approvals, the Local Coastal Plan-proscribed building height standards and are consistent with the County's desire to recycle Phase I Marina development and intensify land uses within the Marina. However, the Woodfin Suite Hotel and Timeshare Resort building could appear out of character in comparison to immediately adjacent use in terms of height and mass, as the structure will dominate a larger percentage of the available viewshed. In contrast, the hotel building would occupy only a very small portion of the viewshed available from more distant locations, such as Mother's Beach or Fisherman's Village, and the panoramic view from these locations includes other structures of similar size, height, and mass. Consequently, there are significant visual character impacts from immediately adjacent locations, but no significant visual character impacts from more distant viewing locations.

To mitigate impact associated with the height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from certain viewing locations, the following Mitigation Measures will be implemented.

Mitigation Measures:

- A deed restriction shall be placed on the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space.
- On the street level of the project landscaping, to the satisfaction of the County of Los Angeles Design Control Board, shall be implemented to reduce visual impacts of the project when viewed from adjacent rights of way. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies incorporated into the design of the hotel structure and associated parking structure.
- Articulation and variations in color or building materials shall be incorporated into the lower levels of the hotel and parking structure to reduce visual impacts on Via Marina.

With incorporation of these mitigation measures, potential impacts from the proposed project remain significant after mitigation.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.1.4 of the Recirculated Draft EIR, the project would cast shadows only on small portions of the south facing facades of the existing and proposed residential uses across Marquesas Way from Parcel 10R and adjacent to Parcel FF and only during the winter months. The Woodfin Suite Hotel and Timeshare Resort would cast shadows in the non-winter months on small portions of the existing residential uses to the west, but the duration of these shadows would be limited (i.e., less than two hours). Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, the Project's shade and shadow impacts would be less than significant.

Structures proposed on the project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are

intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, this project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the project's glare impacts would also be less than significant.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could potentially obstruct views, including views of coastal areas. The Parcel 10R Project could also be considered out of character with existing adjacent development. The Parcel 10R Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Parcel 10R Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. The Parcel 10R Project would be in character with existing adjacent development. The Parcel 10R Project would not result in significant sun shadow, light, or glare impacts. Therefore, impacts to visual resources would be less than significant.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. The Parcel 10R Project is presently developed with two-story wood and stucco structure with areas of surface parking and mature landscaping. The structure was constructed in the early 1960s as part of the Phase I Marina del Rey development. The apartment buildings are low-lying and rectangular in nature and are typical of other existing development on the west side of the small-craft harbor. Generally, the buildings extend in a linear fashion along the frontage of the waterfront, and in most case completely obscure water views for viewers on peripheral roadways. Along the waterfront between the existing structures and the Marina is a narrow concrete sidewalk. This existing sidewalk is accessible to the public and provides extensive views of the Marina.

Construction Impacts

Development of the Parcel 10R Project would require the removal of all existing structures and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the Parcel 10R Project site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Parcel 10R Project site will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with the provisions of the Land Use Plan, the Parcel 10R Project incorporates four view corridors. Of the four view corridors, three allow vistas of Marina del Rey Basin B from Marquesas Way (southerly) and one corridor allows vistas of Marina del Rey Basin B from Via Marina (easterly). Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires a total of 360 feet of view corridor. As proposed, the Parcel 10R Project would provide 388.5 linear feet of view corridor, and would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

Development on Parcel 10R would replace existing structures and no visibility of the Marina is available from Via Marina adjacent to Parcel 10R. As such, development on Parcel 10R would not affect a defined Scenic Highway. Consistent with the requirements of the Marina del Rey Land Use Plan, and in conformance with the Design Control Board, the project incorporates four view corridors that would enhance visibility of the Marina from Parcel 10R. Because this project is consistent with all development requirements defined in the Marina del Rey Land Use Plan, impacts associated with this visual resource criterion are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The three structures proposed as part of the Parcel 10R Project would not exceed 60 feet (exclusive of appurtenant, screened rooftop equipment). This height, as well as the mass and design, are in character with adjacent existing development. Proposed building heights on Parcel 10R would be complaint with the height standards as defined in the Marina del Rey Land Use Plan. The visual character of the proposed Parcel 10R Project is expected to be representative of other future new development in the Marina as future ("Phase II") project recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program ("LCP"), is intentionally designed to result in a marked intensification of existing land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments.

The proposed apartment structures would be considered in character with the contemporary structures present or under construction within the Marina as well as existing, older residential structures in the vicinity of the Project site. Further, the Project's architecture has been approved by the Design Review Board and is considered to be in character with the contemporary structures present, under construction, or

planned within the Marina. Thus, impacts related to height, bulk, or other features are considered less than significant.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.2.4 of the Recirculated Draft EIR, the Parcel 10R Project would cast shadows only on small portions of the south facing facades of the existing and proposed residential uses across Marquesas Way and only during the winter months. Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, Parcel 10R Project shade and shadow impacts would be less than significant.

Structures proposed on the Parcel 10R Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, the Parcel 10R Project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the Project's glare impacts would also be less than significant.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could potentially obstruct views, including views of coastal areas. The Parcel FF Project could also be considered out of character with existing adjacent development. The Parcel FF Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Parcel FF Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. The Parcel FF Project would be in character with existing adjacent development. The Parcel FF Project would not result in significant sun shadow, light, or glare impacts. Therefore, impacts to visual resources would be less than significant.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. The Parcel FF Project site is presently developed as an approximately 2.05-acre surface parking lot. Surrounding the western and northern portion of the parking lot (west of the existing driveway) is a screened chain-link fence. The intention of the fence is to obscure views of the parking lot from adjacent roadways. A fence that permits filtered view is present east of the parking lot, and glimpses of the parking lot and Marina are available from Marquesas Way. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Parcel FF Project would require the removal of the existing surface parking lot and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the Parcel FF Project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Parcel FF Project will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Parcel FF Project incorporates one view corridor that allows views of Marina del Rey Basin C from Marquesas Way (northerly). Provisions of the

Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires 53 feet of view corridor. As proposed, the Parcel FF Project would provide 60 linear feet of view corridor, and would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways. To further ensure visual resource protection, the Marina del Rey LUP requires the Parcel FF Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Parcel FF Project site. The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Parcel FF Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development standards under it purview. Therefore, project impact to visual corridors and view form scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The structure proposed as part of the Parcel FF Project would not exceed 55 feet in height (exclusive of appurtenant, screened rooftop equipment). This height, as well as the mass and design, are in character with adjacent existing development. Proposed building height of the Parcel FF Project is complaint with the height standards as defined in the Marina del Rey Land Use Plan. The visual character of the proposed the Parcel FF Project is expected to be representative of other future new development in the Marina as future (Phase II) projects recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program (LCP), is intentionally designed to result in a marked intensification of existing

land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments. Further, the Project's architecture has been conceptually approved by the Design Control Board and is considered in character with the contemporary structures, under construction structures, and proposed structures within the Marina. As such, impacts are not considered significant.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.3.4 of the Recirculated Draft EIR, the Parcel FF Project would cast shadows only on the garages of the existing residential structures situated north of Parcel FF (Parcel 15) and, if that Parcel is redeveloped, on the lower portion of part of the south-facing façade of the proposed new development and only during the winter months. Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, the Parcel FF Project's shade and shadow impacts would be less than significant.

Structures proposed on the Parcel FF Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, the Parcel FF Project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the Parcel FF Project's glare impacts would also be less than significant.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could potentially obstruct views, including views of coastal areas. The Woodfin Suite Hotel and Timeshare Resort Project could also be considered out of character with existing adjacent development. The Woodfin Suite Hotel and Timeshare Resort Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Woodfin Suite Hotel and Timeshare Resort Project would not significantly obstruct view and therefore would not result in significant view blockage impacts. Although the Woodfin Suites Hotel and Timeshare Resort Project's height is fully consistent with LCP, it could be considered to be out of character with existing adjacent development. Therefore, the Commission conservatively considers the Woodfin Suite Hotel and Timeshare Resort Project to have a significant impact to visual character. The Woodfin Suite Hotel and Timeshare Resort Project would not result in significant sun shadow, light, or glare impacts.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. Parcel 9U is presently an undeveloped lot. Vegetation on Parcel 9U consists generally of low annual grasses and summer flowering forbs. However, in the south-central portion of the site, a small, man-made depression, the remnant of an abandoned construction project, is present where water ponds seasonally. In this location the vegetation now consists of a taller willow thicket of approximately 0.5 acre. Due to the lack of development at this location, boat masts in the western portion of Marina del Rey Basin B are visible form Via Marina. Existing residential uses are present to the north, south, and west. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Woodfin Suite Hotel and Timeshare Resort Project would require earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As

the structures are constructed and become finished, the scale of the Woodfin Suite Hotel and Timeshare Resort Project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Woodfin Suite Hotel and Timeshare Resort Project site will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Woodfin Suite Hotel and Timeshare Resort Project incorporates a substantial 154-foot view corridor. Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires 154 feet of view corridor. As proposed, the Woodfin Suite Hotel and Timeshare Resort Project would provide 154 linear feet of view corridor through the Parcel 9U public park/wetland situated south of the structure. The Woodfin Hotel and Timeshare Resort Project would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

To further ensure visual resource protection, the Marina del Rey LUP requires the Woodfin Suite Hotel and Timeshare Resort Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Woodfin Suite Hotel and Timeshare Resort Project site. The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development

standards under it purview. Therefore, project impact to visual corridors and view from scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The proposed Woodfin Suite Hotel and Timeshare Resort Project building would appear taller than other immediately adjacent existing or proposed structures when the views are not obstructed by structures, landscaping, or distance. The Woodfin Suite Hotel and Timeshare Resort Project is consistent with the stated height guidelines as approved by the California Coastal Commission and the County of Los Angeles as defined in the Marina del Rey Land Use Plan. The height of the Woodfin Suite Hotel and Timeshare Resort Project would be a dominant visual element as seen from immediately adjacent viewing locations, but would only be another structure in the panoramic view that comes from more distant viewing locations such as Mother's Beach and Fisherman's Village.

Site development of the Woodfin Suite Hotel and Timeshare Resort Project would not alter any defined significant visual features, especially of the scenic Marina. The Woodfin Suite Hotel and Timeshare Resort Project on Parcel 9U would not eliminate views of the Marina from the distant viewing locations across the Marina from the Woodfin Suite Hotel and Timeshare Resort Project site. While the height of the Woodfin Suite Hotel and Timeshare Resort Project would alter the visual character of the property, the design is consistent with the Marina del Rey Local Coastal Plan. The Woodfin Suite Hotel and Timeshare Resort Project structures would not result in a significant intensification of development on the Woodfin Suite Hotel and Timeshare Resort Project site, but are compliant with past California Coastal Commission approvals, the Local Coastal Plan-prescribed building height standards and are consistent with the County's desire to recycle Phase I Marina development and intensify land uses within the Marina. Nonetheless, the Woodfin Suite Hotel and Timeshare Resort Project could appear out of character in comparison to immediately adjacent use in terms of height and mass, as the structure will dominate a larger percentage of the

available viewshed. In contrast, the hotel tower occupies only a very small portion of the viewshed available from more distant locations, such as Mother's Beach or Fisherman's Village, and the panoramic view from these locations includes other structures of similar size, height, and mass. Consequently, the Commission conservatively finds significant visual character impacts from immediately adjacent locations, but no significant visual character impacts from more distant viewing locations.

To mitigate impact associated with the height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from certain viewing locations, the following Mitigation Measures will be implemented.

Mitigation Measures:

- A deed restriction shall be placed on the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space.
- On the street level of the project landscaping, to the satisfaction of the County of Los Angeles Design Control Board, shall be implemented to reduce visual impacts of the project when viewed from adjacent rights of way. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies incorporated into the design of the hotel structure and associated parking structure.
- Articulation and variations in color or building materials shall be incorporated into the lower levels of the hotel and parking structure to reduce visual impacts on Via Marina.

With incorporation of these mitigation measures, potential impacts from the Woodfin Suite Hotel and Timeshare Resort Project remain significant after mitigation.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.4.4 of the Recirculated Draft EIR, the Woodfin Suite Hotel and Timeshare Resort Project building would cast shadows in the non-winter months on small portions of the existing residential uses to the west across Via Marina, but the duration of these shadows would be limited (i.e., less than two hours). Given

the limited extent and duration of the shadows, the Woodfin Suite Hotel and Timeshare Resort Project would not result in substantial sun shadow problems. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project's shade and shadow impacts would be less than significant.

Structures proposed on the Woodfin Suite Hotel and Timeshare Resort Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, this project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the project's glare impacts would also be less than significant.

4. Solid Waste Service

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

Implementation of the Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity. Construction and operation of the Wetland Park Project and Public-Serving Boat Spaces would not generate material amounts of solid waste and therefore do not have the potential to have a solid waste impact.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Project will reduce the Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Project.

Facts

Solid waste impacts are discussed at pages 5.10-1 to 5.10-35 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 14,650 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste

requiring disposal. Approximately 198,450 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the project will not result in a significant solid waste impact during construction.

During operation, the Project would generate a net increase of solid waste generation of approximately 3,076 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0006 percent of the remaining capacity at County landfills, the Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.

- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.
- If hazardous materials are encountered during demolition, the Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.

Neptune Marina Parcel 10R Project

Potential Effect

Implementation of the Parcel 10R Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project will reduce the Parcel 10R Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Parcel 10R Project.

Facts

Solid waste impacts are discussed at pages 5.10-20 to 5.10-24 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 13,300 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste requiring disposal. Approximately 124,650 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Parcel 10R Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50

percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Parcel 10R Project will not result in a significant solid waste impact during construction.

During operation, the Parcel 10R Project would generate a net increase of solid waste generation of approximately 1,692 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Parcel 10R Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Parcel 10R Project's solid waste only confirmed through 2017; therefore even though the Project's solid waste represents only .00035 percent of the remaining capacity at County landfills, the Parcel 10R Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- If hazardous materials are encountered during demolition, the Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.
- The Neptune Marina Project Parcel 10R shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.

- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

Neptune Marina Parcel FF Project

Potential Effect

Implementation of the Parcel FF Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project will reduce the Parcel FF Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Parcel FF Project.

Facts

Solid waste impacts are discussed at pages 5.10-25 to 5.10-28 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 1,350 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste requiring disposal. Approximately 31,600 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Parcel FF Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Parcel FF Project will not result in a significant solid waste impact during construction.

During operation, the Parcel FF Project would generate a net increase of solid waste generation of approximately 808 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Parcel FF Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Parcel FF Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0002 percent of the remaining capacity at County landfills, the Parcel FF Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel FF Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- The Neptune Marina Project Parcel FF shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.
- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs

contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

- If required, during demolition the Neptune Marina Project Parcel FF applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project will reduce the Woodfin Suite Hotel and Timeshare Resort Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Woodfin Suite Hotel and Timeshare Resort Project.

Facts

Solid waste impacts are discussed at pages 5.10-29 to 5.10-32 of the Recirculated Draft EIR. Construction debris would create solid waste requiring disposal. Approximately 42,200 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Woodfin Suite Hotel and Timeshare Resort Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project will not result in a significant solid waste impact during construction.

During operation, the Woodfin Suite Hotel and Timeshare Resort Project would generate a net increase of solid waste generation of approximately 576 pounds per day

over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Woodfin Suite Hotel and Timeshare Resort Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Woodfin Suite Hotel and Timeshare Resort Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0001 percent of the remaining capacity at County landfills, the Woodfin Suite Hotel and Timeshare Resort Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Woodfin Suite Hotel and Timeshare Resort Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- The Woodfin Suite Hotel and Timeshare Resort shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.
- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

Cumulative Effects

(1) Cumulative Noise

Potential Effect

Significant cumulative noise impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once the related projects are constructed and operational.

Finding

The Project and related projects will comply with local noise ordinances. However cumulative construction noise impacts will result in a significant and unavoidable cumulative construction noise impact due to neighboring construction projects. Cumulative construction traffic noise will exceed applicable thresholds of significance, resulting in an unavoidable cumulative construction traffic impact due to shared haul routes and the number of truck trips required for the Project and neighboring projects. Cumulative construction vibration impacts will result in a significant and unavoidable cumulative construction impact. The cumulative impacts of the operation of the Project and related projects with respect to noise are not significant.

Facts

Cumulative noise impacts are discussed at pages 5.2-74 to 5.2-84 of the Recirculated Draft EIR. All construction activities would be subject to the requirements of the "County of Los Angeles Construction Equipment Noise Standards" and the Noise Control Ordinance of the County of Los Angeles (LACC 12.08.440) or similar ordinances in other jurisdictions. Compliance with the County's Noise Ordinance, along with incorporation of mitigation recommended as part of each project's environmental review, would reduce cumulative construction-related noise impacts, but not to a less-than-significant level. Resulting impacts from construction noise, truck haul trip noise, and vibration would therefore be significant and unavoidable during the construction phase of the Project when analyzed with neighboring projects. There are no known

mitigation measures that would mitigate these potential cumulative significant impacts to a less than significant level.

Under the adopted threshold of significance, significant cumulative operational noise impacts will occur if cumulative traffic increases noise levels at noise-sensitive land uses 5 dB(A) or more, if noise levels remain within the normally acceptable range, or 3 dB(A) if noise levels change from normally acceptable to conditionally acceptable. In this case, cumulative operational noise increases from traffic along the identified road segments adjacent to sensitive land uses would be less than 3 dB(A) at all locations. Therefore, cumulative operational noise impacts will be less than significant.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(2) Cumulative Air Quality

Potential Effect

Significant cumulative construction air quality impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once the Project is constructed and operational. Significant cumulative air quality impacts could also contribute to global climate change.

Finding

The Project will result in a cumulative air quality impact using the emission-based thresholds for project-specific impact which are considered to cause a cumulatively considerable increase in emissions for NO_x, as well as local NO_2, PM_{10} and $PM_{2.5}$, during construction, which would result in a significant and unavoidable construction air quality impact. The Project will not result in any significant operational air quality impacts. Further, the Project would not result in a cumulative air quality impact to global climate change.

Facts

Cumulative air quality impacts are discussed at pages 5.4-128 to 5.4-139 of the Draft EIR. While the Project does not create a cumulative air quality impact using two of the methods generally used for analysis pursuant to the *CEQA Air Quality Handbook*, using an emissions-based threshold as suggested by SCAQMD staff, construction of the Project would result in daily construction emissions of NO_x, as well as local NO_2, PM_{10} and $PM_{2.5}$,that exceed the thresholds of significance recommended by the SCAQMD during peak construction activities. There are no known mitigation measures that would mitigate these potential cumulative significant impacts to a less than significant level. Because the basin is in nonattainment for ozone, and because NO_x is a precursor to ozone, construction of the Project would generate a cumulatively considerable contribution, and this is considered a significant and unavoidable construction impact.

Operation of the Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Project study area. Operation of the Project would also result in a less than significant impact to Global Climate Change after mitigation. Therefore, the Project's contribution to cumulative Global Climate Change impacts would not be considerable.

<u>Mitigation for Global Climate Change Impacts</u>:

- The Project shall achieve energy efficiency equivalent to California Energy Commission Tier II building energy use standards.
- The Project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight.
- The Project applicant shall use drought-tolerant landscaping from an approved plant list proved by the lead agency, the County of Los Angeles, or other agency.
- The Project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designed for future landscaping. The project

applicant shall ensure landscaped areas comply with all requirements within Title 22 Part 21 of Chapter 22.523.

- The Project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed.
- The Project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the Project. The Project applicant will also provide resident and hotel guests with information regarding local and regional public transportation services.

The wind study by RWDI attached as an appendix to the Draft EIR expressly considered potential cumulative impacts from the Project and expected future development in the area. The analysis shows that the Project and related projects will not affect existing wind conditions in Marina Del Rey.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(3) Cumulative Visual Quality

Potential Effect

As Phase II Marina del Rey development becomes more prominent, the existing visual character of the Marina del Rey community will be altered. Larger, in many cases, taller, structures will become more commonplace in the Marina, which will increase development intensity. The potential exists that, when all Phase II development is viewed cumulatively, including the height and design changes proposed as part of the Project, impacts to visual quality within the Marina del Rey community could be considered significant, given the intensification of development that will occur.

Finding

The Project has received conceptual approval from the Design Review Board and will be constructed to not exceed the height requirements and is designed to meet the massing and height requirements after the changes discussed in the Recirculated Draft EIR pages 5.6-1 to 5.6-126. Related projects are expected to also conform to height requirements and be reviewed an approved by the Design Review Board. The Project,

however, will result in a significant impact on visual resources, and, when considered cumulatively with the potential removal of trees related to the Force Main Project, the Project is considered to create a potential cumulative impact on visual resources.

Facts

Cumulative visual quality impacts are discussed at pages 5.6-122 to 5.6-124 of the Recirculated Draft EIR. Only those related projects in the immediate Project vicinity could potentially result in cumulative visual quality impacts. The rest of the related projects are located sufficiently away from the Project site so as not to result in changes to the visual environment within which the Project is located. Those related projects within the immediate Project vicinity will be required to comply with the certified LCP's height, density, view corridor and other requirements intended to reduce visual quality impacts and will be subject to design review by the DCB to further reduce such impacts. However, the Force Main Project could result in the removal of trees which could incrementally increase the visual quality impacts caused by the Project.

Development of the Project and the related projects would introduce new or expanded sources of artificial light. As the Project area is highly urbanized, the additional light sources represented by these projects are not of a sufficient magnitude to alter the existing artificial light environment that currently exists in the area. As a result, cumulative light impacts are concluded to be less than significant.

No cumulative shade/shadow impacts would occur, relative to sensitive uses, since no related projects are located adjacent to the Project site or in close enough proximity to result in cumulative shadows. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(4) Cumulative Traffic/Access

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of traffic in and out of the

area both on a temporary basis during Project construction and on a long-term basis during Project operation.

Finding

Construction

Construction activity from other nearby projects, such as the City of Los Angeles' proposed Venice Dual Force Main Sewer upgrade project, the Espirit II project, and The Shores project could potentially may occur during the same time period that the Project is actively under demolition or construction. These potential simultaneous construction activities could limit access along both Via Marina and Marquesas Way. According to the City of Los Angeles, construction of the Venice Dual Force Main Sewer upgrade project will begin in August 2010. Construction of that portion of the Dual Force Main adjacent to the Project will take up to 29 weeks. As construction of the Project is not expected to commence until May 2011, it is reasonably foreseeable that construction of such portion of the Venice Pumping Plant Dual Force Main project would be complete prior to commencement of construction of the proposed project. Moreover, the Espirit II and The Shores projects have not moved forward due to lack of financing, and there are currently no plans for commencement of construction of these projects. Therefore, it is speculative to assume overlapping construction of these projects and the Projects.

Moreover, the County is opposed to the Venice Dual Force Main Sewer upgrade project's preferred Via Marina alignment and has demanded that the City chose the environmentally superior route down Pacific Avenue. The Via Marina alignment would run in and beneath County roads and highways and would utilize a portion of a County-owned parking lot for construction staging. The County has not agreed that the City may construct the proposed sewer upgrade in and beneath the County's highways or use the parking lot for staging and has not granted the City any proprietary interests or rights that would allow such construction and staging. The County contends that the City has not complied with the requirements of Public Utilities Code Sections 10101 to 10105 and has brought an action in the Los Angeles Superior

Court to quiet title and for declaratory relief. Therefore, the actual alignment of the sewer upgrade project is uncertain at this time.

Under the preferred alignment, the Venice Dual Force Main Sewer upgrade project would be constructed in Via Marina, the consequence of which would be the temporary reduction to a single travel lane in each direction on portions of Via Marina, which may result in delays during the day, including peak commuting periods. Although the Final EIR for the Venice Dual Force Main Sewer upgrade project found no significant construction traffic impacts, a supplemental traffic study prepared after completion of the Final EIR indicates that segments and intersections along Via Marina may be temporarily and adversely impacted during construction due to temporary lane closures. Therefore, under the very conservative assumption of concurrent construction, there is a potential for a cumulative construction traffic impacts. However, the combined short-term traffic due to the construction activities of the Venice Dual Force Main project and the peak level of activity of the proposed project would be lower than that of the completed project. Further, such impacts would be temporary and of short duration. In addition, as a project design feature Worksite Traffic Control (WTC) Plans will be developed and approved for the Project. In the unlikely event that there is concurrent construction, the WTC Plans will also coordinate with the construction activities of the Venice Dual Force Main project, the Espirit II project, and The Shores project, as applicable, to minimize any short-term construction traffic impacts. The WTC Plans will also ensure that resident and emergency access will not be impeded, and that pedestrian safety will be maintained.

Operation

As with the Project, each related project is required to ensure mitigation for Project impacts including traffic and parking. However, based on conservative assumptions regarding ambient growth and related projects and the inability to accurately quantify the benefits of certain mitigation measures, the Commission

conservatively finds that the Project will make a considerable contribution to a cumulative impact on area traffic.

Facts

Cumulative traffic impacts are discussed at pages 5.7-80 to 5.7-94 of the Recirculated Draft EIR. The analysis shows that the project traffic, together with the related projects and cumulative growth, would result in significant impacts at twelve of the study intersections as set forth in Table 5.7-25 of the Recirculated Draft EIR. The cumulative mitigation measures include measures specifically identified in the TIP, including funding for larger long-term improvements such as widening the Lincoln Boulevard Corridor and the planned Marina Expressway (SR-90) extension to Admiralty Way that will increase area-wide traffic capacity and help alleviate existing and future congestion in the study area. However, if these or other equally effective measures are not installed, significant cumulative traffic impacts would remain.

Pursuant to *State CEQA Guidelines* Section 15130(d), the project's cumulative impacts may be found to be less than cumulatively considerable/less than significant because they are consistent with (and indeed less severe than predicted in) the cumulative traffic analysis in the Certified LCP (a "comparable programmatic plan...") that is hereby incorporated by reference.

As to intersections within the County and LCP, the Project's significant cumulative impacts are rendered less than cumulatively considerable (less than significant) because the Project is required to pay the Marina del Rey traffic fees (i.e., its fair share contribution toward improvements designed to alleviate the cumulative impacts at the five intersections within Marina del Rey and that are controlled by the LACDPW). As such, all impacts can be reduced to a level of less than significant with implementation of identified mitigation measures. However, if these or other equally effective measures are not installed, significant cumulative traffic impacts would remain. Furthermore, as the precise benefits of the SR-90 extension cannot be quantified at this time, it is conservatively concluded that significant cumulative impacts will remain at the following intersections even with implementation of the SR-90

extension: Lincoln Boulevard and Washington Boulevard; Lincoln Boulevard and Marina Expressway; Lincoln Boulevard and Bali Way; Lincoln Boulevard and Mindanao Way; and Lincoln Boulevard and Fiji Way.

Mitigation Measures:

- **Admiralty Way and Via Marina** – Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina. As described above, the northern leg of Via Marina, south of Washington Boulevard, will intersect into Admiralty Way in a "T" configuration. The striping for turning movements at the configured intersection will be constructed as dual left and dual/triple right-turning movements. This improvement is identified in the Marina del Rey TIP as Category 3 improvement, and will enhance traffic flow within the Marina.
- **Washington Boulevard and Via Marina/Ocean Avenue** – No feasible physical improvements are identified in the TIP that remain available to mitigate this potential direct project traffic impact. However, the County of Los Angeles Department of Public Works has identified an improvement at the nearby intersection of Washington Boulevard and Palawan Way that would provide additional egress from the Marina, reducing traffic volumes on the northbound approach of Via Marina at this intersection, and providing mitigation for the cumulative impacts. The proposed improvement would reconstruct the intersection of Washington Boulevard and Palawan Way to allow for dual northbound left-turns onto westbound Washington Boulevard, and install a new traffic signal at that intersection. The improvement will provide an additional means of accessing westbound Washington Boulevard from westbound Admiralty Way, reducing the existing high northbound volumes at Washington Boulevard and Via Marina/Ocean Avenue. (See "Washington Boulevard and Palawan Way" below for additional details.)
- In addition, the Marina del Rey TIP also identified an improvement at the intersection of Via Marina and Admiralty Way that will enhance traffic flow

between Admiralty Way and Via Marina south of Admiralty Way within the Marina, reducing the northbound right-turn traffic volumes on Via Marina at Washington Boulevard. This improvement would reconstruct the Admiralty Way/Via Marina intersection to realign Admiralty Way as a through roadway with the southern leg of Via Marina. The northern leg of Via Marina, south of Washington Boulevard, will intersect into Admiralty Way in a "T" configuration. The striping for turning movements at the reconfigured intersection will be constructed as dual left and dual/triple right-turning movements. As a result, northbound traffic volumes on Via Marina would need to turn left (instead of making a through movement) at Admiralty Way to access eastbound Washington Boulevard. Due to the high left-turn volume on northbound Via Marina at Admiralty Way, some of these traffic volumes would reroute along eastbound Admiralty Way and turn left at Palawan Way.

- **Admiralty Way and Palawan Way** – Restripe the southbound approach to convert the through lane into a left/through shared lane. Restripe the northbound approach to provide an exclusive left-turn only lane, in addition to a shared right-turn/through lane. In addition, add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way. These measures are identical to or consistent with the improvements in the Marina del Rey TIP.
- **Washington Boulevard and Palawan Way** – Install a new traffic signal at this intersection (as described above as in-lieu mitigation for the cumulative impact at Washington Boulevard and Via Marina/Ocean Avenue). The south leg of the intersection should be realigned to reduce the angle of the northbound right-turn only lane, and provide a more perpendicular approach, and provide northbound dual left-turn lanes. While this improvement is currently being investigated by the County for implementation as a new TIP-type measure, funded by fair share contributions by projects within Marina del Rey, it is not currently included in the TIP improvement program. As such, the proposed

project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified traffic mitigation fees. Cost estimates for this traffic signal improvement are currently being finalized, but are expected to be approximately $332,500, with a project responsibility of approximately $61,180. If the measure is not implemented by the time the anticipated cumulative traffic growth occurs, a temporary significant cumulative impact would remain. Furthermore, if this measure or another measure of equal effectiveness are not implemented (because the County is unable to formally establish an enforceable TIP-type mechanism for collecting fair share contributions or otherwise), a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Washington Boulevard** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the key intersection of Lincoln Boulevard and Washington Boulevard. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. This measure is identified in Appendix G of the Marina del Rey Local Implementation Program and must have approval by the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not implemented, a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Marina Expressway (SR-90)** – Extend Route 90 to connect to Admiralty Way across Lincoln Boulevard. The extension would reconstruct and expand the at-grade intersection, providing additional capacity for all approaches. This improvement is currently included in the TIP roadway improvements funded by the trip fee. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. Furthermore, if the extension of the SR-90 is not constructed at all (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not implemented, a significant cumulative traffic impact would remain at this location.
- **Lincoln Boulevard and Bali Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Bali Way. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must receive approval from the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Mindanao Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Mindanao Way, which currently provides direct access from the SR-90 to Admiralty Way in the Marina, by providing a direct access alternative route. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must have approval by the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.
- **Lincoln Boulevard and Fiji Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Fiji Way. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must receive approval

from the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.

- **Admiralty Way and Bali Way** – Add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way, as identified in the TIP as Category 1 improvement.
- **Admiralty Way and Mindanao Way** – Widen northbound Admiralty Way to provide a right-turn lane at Mindanao Way, as identified in the TIP. In addition, install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way and modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way, and has already been approved as part of a previous project (Marina Two). It should be noted that the installation of dual left-turn lanes on Admiralty Way and the traffic signal modification is not identified in the TIP. As such, the proposed project would be conditioned to contribute "fair share" funding to this non-TIP improvement above and beyond the previously identified traffic mitigation fees. The project's "fair share" proportion would be negotiated between the proposed project and the County.
- **Marina Expressway (SR-90) Eastbound and Mindanao Way** – Restripe the westbound approach of Mindanao Way at the eastbound Marina Expressway to provide two through lanes and one free-right-turn lane. This improvement is not identified in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this non-TIP improvement above and beyond the previously identified traffic mitigation fees. The project's fair share proportion would be negotiated between the proposed project and Caltrans. If the measure is not implemented by the time the anticipated cumulative traffic growth occurs, a

temporary significant cumulative impact would remain. Furthermore, if this measure or another measure of equal effectiveness are not implemented (because the County and/or Caltrans is unable to formally establish an enforceable TIP-type mechanism for collecting fair share contributions or otherwise), a significant cumulative traffic impact would remain at this location.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(5) Cumulative Solid Waste Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of solid waste requiring collection and disposal, resulting in a potentially significant cumulative impact to solid waste services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in landfills exists to accommodate the refuse generated by that use. However, due to the inability to guarantee adequate landfill space beyond 2017, the Project is found to have a significant and unavoidable impact on solid waste.

Facts

Cumulative Solid Waste impacts are discussed on pages 5.10-33 to 5.10-35 of the Recirculated Draft EIR. Build out of the Project and related projects would generate solid waste, and other pending projects within the County would generate solid waste beyond amounts generated by the Project and the identified related projects. It is reasonable to assume that market forces that drive the waste disposal industry will place pressure on the industry and governmental agencies to continually identify new economically feasible means of waste disposal in the future to accommodate this growth. However, because an adequate supply of landfill space has not been approved for beyond 2017 and because existing hazardous waste management facilities in the County are deemed inadequate, the cumulative increase in solid and hazardous waste

generation would cause a significant impact unless additional landfill space or other disposal alternatives are approved. There are no known mitigation measures that would mitigate these potential Project and cumulative significant impacts to a less than significant level. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(6) Cumulative Population and Housing

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, could induce substantial population growth in an area either directly or indirectly, or displace substantial units of housing, necessitating the need for replacement housing.

Finding

Due to anticipated growth from the Project and related projects, the Project is expected to have a significant and unavoidable cumulative impact on population and housing due to projected growth in population to 2010 as well as available housing units.

Facts

Combined, it is projected that the Project and related projects could increase the subregion's population by approximately 16,767 residents, a 14% increase above the projected population growth for 2010, and approximately 76% of the projected 2020 increase. As the Project will not be built out until 2013, and construction of many of the related projects has yet commenced, the 2020 projections are the most appropriate comparison. However, to provide a conservative analysis chapter 5.16 of the Draft EIR was not updated. Under this conservative approach, population growth associated with the Project and the related projects is considered significant in the short term, as the amount of growth projected for the subregion is would be exceeded in the year 2010. However, in the longer term, anticipated population growth is consistent with 2020 projections. Combined, it is projected that the Project and related project could

increase the number of housing units in the subregion by approximately 11,789 units. As such, the projected number of housing units for the subregion for 2010 would be exceeded, and the growth of housing units associated with the Project and related projects are considered substantial. While population growth increase would remain within SCAG projections through the year 2020, the cumulative impact on the growth of housing units is conservatively considered significant for this reason. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(7) Cumulative Land Use and Planning

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, could result in a substantial adverse physical impact associated with increased development density.

Finding

The Project could contribute to significant and unavoidable cumulative impacts with respect to noise, air quality, visual resources, population, traffic and solid waste. As a result, cumulative impacts to land use and planning are considered significant and unavoidable.

Facts

As discussed in these findings, the Project will result in cumulative impacts to noise, air quality, visual resources, population, traffic and solid waste. While mitigation measures have been required to reduce these cumulative impacts, they cannot be reduced to a less than significant level. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

SECTION 3

GROWTH INDUCING IMPACTS OF THE PROJECT

Potential Effect

Development of the Project has the potential to induce growth by fostering economic or population growth or construction of additional housing either directly or indirectly.

Finding

The proposed Project does not meet a growth-inducing criterion specified under CEQA, and, therefore, the proposed Project is not considered to be growth inducing.

Facts

Growth inducing impacts are discussed at pages 8.0-1 to 8.0-6 of the Draft EIR. The following facts support the above finding:

(1) Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth. A network of electricity, water, sewer, stormwater, communication, roads and other supporting infrastructure for the Project is already in place. The Project would connect to existing infrastructure, with some off-site improvements necessary to meet Project demands. Off-site improvements include traffic capacity enhancing improvements at area intersection and new water lines to accommodate necessary water flows. These improvements would serve the Project, but would also allow for more intensive development on other Marina del Rey parcels that could utilize these infrastructure components. However, these improvements and the associated increase in development intensity are consistent with already adopted and approved policies of the Marina del Rey Land Use Plan that promote recycling of Phase I Marina del Rey development with more intensive uses. In addition, no new service lines (e.g., storm drain, electricity, telephone, roadways, etc.) other than those required to serve the proposed uses are to be constructed. Therefore, the Project would not induce growth through introduction or expansion of infrastructure.

(2) Urbanization of Land in Remote Locations

The Project is a redevelopment of improved property and is situated in an existing developed urban community. As a result, the proposed Project will not

"leapfrog" over any undeveloped area or introduce development into a previously undeveloped area.

(3) Economic Growth

Project development would increase population, housing and employment opportunities within Marina del Rey. Short-term construction employment opportunities, however, are likely to be filled by the existing Los Angeles metropolitan labor market. Moreover, increases in population, housing and employment generated by the Project at completion would not result in increases above that anticipated by SCAG or planned for in the Marina del Rey Specific Plan. On those bases, the Project is not considered growth inducing. Rather, it can be considered growth accommodating.

(4) Precedent Setting Action

The Project requires a number of discretionary actions on the part of the Los Angeles County Department of Regional Planning, Regional Planning Commission and the Board of Supervisors. Certain Project components (Neptune Marina Parcels 10R and FF) also require amendments to the Marina del Rey Specific Plan and Marina del Rey Land Use Plan. For Parcel 10R, this change would allow the transfer of excess dwelling units between zones, allowing for greater contiguity between projects and unity in Project design. For Parcel FF, this change would allow development of Parcel FF as a residential use, while placing a park, the desired use for Parcel FF under the Land Use Plan, in a more accessible and sensible portion of the Project. Without the financial construction volunteered by the developer applicants, Parcel FF would remain a parking lot and would not have the potential to become a park or transfer the rights of the site to another location where a park would be built. Displaced parking from the Parcel FF site would be replaced pursuant to County Policy requirements. These amendments do not propose an overall increase in development intensity in the Marina, and the changes to Parcel FF will result in additional public benefits due to the waterside Public Wetland Park.

Approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each

project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the Project is not growth inducing under this criterion.

SECTION 4

FINDINGS REGARDING ALTERNATIVES

Alternatives to the Project described in the Draft EIR were analyzed and considered. The alternatives discussed in the Draft EIR and Final EIR constitutes a reasonable range of alternatives necessary to permit a reasoned choice. The Final EIR concluded that the "No Project/No Development" Alternative was the environmentally superior alternative. However, as specified in the *State CEQA Guidelines* section 15126.d.2, if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the remaining alternatives considered, the "RV Resort," Alternative 8, was considered the environmentally superior alternative. However, these alternatives and the other alternatives analyzed in the Draft EIR and Final EIR are rejected as infeasible for the specific economic, legal, social, technological, and/or other considerations set forth below.

Alternatives Considered But Not Evaluated.

The County Department of Regional Planning, as lead agency, considered a number of potential alternatives that the Department rejected as infeasible and therefore did not analyze in detail in the EIR. The rejected potential alternatives included increasing affordable housing associated with residential development proposed on Parcels 10R and FF to qualify for a 35% density bonus, alternative sites for the Woodfin Suite Hotel and Timeshare Resort Project, alternative sites for the Parcel 10R and Parcel FF Projects, and development of all of Parcel 9U as a public park. The Commission rejects these potential alternatives as infeasible for the reasons set forth at Pages 6.0-1 to 6.0-5 of the Draft EIR.

Commenters to the Draft EIR and Recirculated Draft EIR suggested that Parcel FF be developed as a public park instead of an apartment project. The Commission finds that there is no current or forthcoming proposal—public or private—to develop a public park at Parcel FF. The Commission also finds that development of a public wetland park on the southerly 1.46-acres of Parcel 9U is a superior alternative to the development of a public park on Parcel FF. In light of current budgetary constraints, the County does not have the financial resources to undertake such development. Moreover, Parcel 9U provides a more expansive waterfront viewing opportunity along a far more heavily traveled street—Via Marina versus the Marquesas Way mole road—and would thus provide a larger, higher-quality waterfront park area to a greater number of visitors and passersby, consistent with the policies and objectives of the LCP and the Coastal Act. In addition, the restoration of the degraded wetland on Parcel 9U will provide superior habitat value. Further, developing Parcel FF with a park would not meet the following basic project objectives:

- Create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities.
- Provide for additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act.
- Replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public.
- Restore and enhance the existing artificially-created wetland by creating a wetland park.
- Generate additional revenues to the County in the form of increase ground rents, fees and tax revenues.

The Commission therefore rejects this potential alternative development of Parcel FF as infeasible.

Alternative 1, The "No Project/No Development" Alternative

Description of Alternative

Under this alternative, the Project site would remain in its present condition with site improvements as they currently exist.

Comparison of Effects

None of the potential Project-related impacts identified in the Final EIR would occur under the "No Project/No Development" alternative. The selection of the "No Project/No Development" alternative, however, is not consistent with policies defined in the Marina del Rey Specific Plan. The Specific Plan is directed towards guiding and encouraging recycling, intensification, or conversion of Phase I development consistent with policies that place high priority on development of boating and visitor-serving facilities. The purpose behind encouraging the change and expansion of selected land uses within Marina del Rey includes implementation of the policies of the California Coastal Act, encouragement of controlled change over the next thirty years rather than face the prospect of major simultaneous change when the bulk of the leases expire after the year 2020, correcting existing problems and replacing physically obsolete structures. The objectives are designed to build upon the success of existing uses in Marina del Rey via the creation of opportunities for selective reconstruction at higher intensities and enhancing visitor-serving uses, public access and coastal views.

Finding

The "No Project/No Development" alternative is rejected as infeasible because it fails to meet any of the Project objectives identified in the Draft EIR, would not provide any of the Project benefits as set forth herein, and is not consistent with the policies defined in the Marina del Rey Land Use Plan ("LUP").

Facts

The "No Project/No Development" alternative would fail to create an integrated, self-contained recreational Marina community with contemporary boating facilities. This Alternative would fail to create a public park in a location that provides convenient

parking, public access, and expansive and higher quality views of the basin; the Alternative would also fail to allow integration with other public uses and amenities. This Alternative would fail to improve public coastal recreational opportunities and improved public pedestrian access to the waterfront. This Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views consistent with the residential building-out framework for Marina del Rey specified in the Local Coastal Program. This Alternative would fail to provide additional needed affordable housing in or near the Coastal Zone in compliance with the Mello Act, and would fail to develop an apartment project of sufficient density to support the construction of on-site replacement housing and inclusionary affordable units in compliance with the Mello Act. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water and an additional high-value visitor-serving use in the Coastal Zone in compliance with the Coastal Act. The Alternative would fail to replace existing non-ADA compliant boating facilities with new, state-of-the-art facilities, would fail to replace existing aging housing with new, high-quality housing, and would also fail to restore and enhance the existing artificially-created wetland by creating a wetland park. The Alternative would also fail to generate additional revenues to the County in the form of increased ground rents, fees, and tax revenues. Finally, the Proposed Project would be superior to the "No Project/No Development" Alternative in the context of biological resources due to the inclusion of wetland restoration in the Proposed Project that would not take place if the Project was not implemented.

<u>Alternative 2</u>, The "No Project/No Amendment" Alternative

Description of Alternative

Under the "No Project/No Amendment" Alternative, the project site would be developed within the provisions defined as part of the Marina del Rey Land Use Plan. Parcel 10R, located within the Marquesas DZ, is presently developed with 136

apartment units and 198 boat spaces. Without an amendment to the Land Use Plan, the maximum permitted development that could occur on Parcel 10R would be 139 apartment units and 274 boat spaces. Parcel FF, is presently a surface parking lot. Without an amendment to the Land Use Plan, Parcel FF could be used for open viewing areas, promenades, bikeways, beaches, parks, picnic facilities, nature/interpretive centers, surface parking, or landscaping, although a portion of the Land Use Plan contemplates Parcel FF as a public park with a portion of residential development. However, other than the Project there is no current or forthcoming proposal—public or private—to develop Parcel FF. In light of current budgetary constraints, the County does not have the financial resources to undertake such alternative development. Parcel 9U is presently vacant. Without an amendment to the Land Use Plan, Parcel 9U could be used for a 225-foot high building with 360 parking spaces.

Comparison of Effects

The Project would be superior to this Alternative with respect to biota and parks and recreation. The Alternative would result in comparable impacts as the Project with respect to hydrology and drainage. The Alternative would result in reduced impacts to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), population and housing, public services, public utilities, traffic, and land use.

Finding

The Alternative is rejected because it fails to meet many of the Project objectives. The Alternative would fail to create an integrated, self-contained recreational Marina boating community with contemporary on-water facilities to the same extent as the Project. The Alternative would fail to enhance habitat value by not restoring the existing degraded wetland on Parcel 9U. The Alternative would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities because it would not include a public park. The Alternative would fail to improve public coastal recreational opportunities and provide improved public

pedestrian access to the extent of the Project due to the lack of cohesiveness of the site plan and the lack of inclusion of a public promenade in the Alternative. The Alternative would fail to provide coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan to the extent of the Project due to the reduced development that would be allowed under the Alternative. The Alternative would fail to provide for additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act, to the extent of the Project due to reduced potential for housing under the Alternative. The Alternative would fail to develop an apartment project of sufficient density to support the construction of on-site replacement and inclusionary affordable units in compliance with the County's Mello Act policy to the same extent as the Project due to the reduction in the number of units built under the Alternative. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilities future relocation of public parking in another area of the Marina which will better serve the public due to the limited uses allowed on the Parcel FF site under the Marina del Rey Land Use Plan, which does not currently allow residential uses on Parcel FF. The Alternative would fail to restore and enhance the existing artificially created wetland by creating a wetland park as no wetland park would be built under the Alternative. The Alternative would also fail to generate additional revenues to the County to the same extent as the Project. The level of ground rent is calculated based substantially on the value of the developed Project. With fewer units, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. . The Alternative also fails to provide the other Project benefits discussed herein. For these reasons, the Alternative is rejected as infeasible.

Facts

Under this Alternative, there would be less development on the Project site impacting visual resources, but the development on Parcel 9U of up to 225 feet would still create a significant impact. As a result, while impacts to visual resources would be

reduced under this Alternative, the impacts would, like the Project, still be significant. With respect to air quality, the reduced amount of development would reduce construction air quality impacts, but not to a less than significant level. As a result, the Project and the Alternative would result in a significant impact to air quality during construction. During operation, the Alternative would result in fewer residents and therefore fewer impacts to operational air quality, and, like the Project, would result in a less than significant impact to air quality during operation. Development under this Alternative would not include the Public Wetland Park that is included as part of the Project although the Project and the Alternative would not have any other impacts to biota. As a result, the Alternative would have greater impacts to biota than the Project due to lack of the Public Wetland Park in the Alternative design. Development of the Project site under this Alternative would require less grading than the Project due to the reduced amount of development under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project and, like the Project, are less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar in this regard. This Alternative would reduce the noise impacts over the Project as less development on site would result in less grading and construction, creating less noise. However, like the Project, construction noise levels would still create a significant impact. In operation, the Alternative would result in less traffic and, like the Project, would result in a less than significant impact. The Alternative would include less housing than the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of less housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public services (Fire Protection, Police Protection, Education, Library Services), as the development in the Alternative would be lesser, and less impactful, than the Project. Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would result in impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative would result in reduced traffic when compared to the Project, due to its reduced size, resulting in a less than significant impact for both. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative. With regard to park and recreational impacts, while the Project includes a public park, the Alternative would not. As a result, the Project is considered superior to the Alternative due to the improved access to park and recreational facilities that would result from the Project, although both the Project and the Alternative would have a less than significant impact.

<u>Alternative 3</u>, The "Increased Structure Height" Alternative (applicable only to Parcels 10R and FF)

Under this Alternative, the Project components would remain the same, except that height would be increased on Parcels 10R and FF to accommodate above ground parking, which would reduce air quality impacts from grading to create subterranean parking as part of the Project. In the Project, Buildings 1, 2, and 4 would be up to 55 feet in height and Building 3 would be up to 60 feet in height. In the Alternative, Buildings 1-4 would be up to 75 feet in height.

Comparison of Effects

The Alternative would result in greater impacts to visual resources than the Project. The Alternative would result in less construction noise impacts than the Project. The remainder of impacts from the Alternative would be comparable to the impacts of the Project.

Finding

The Increased Structure Height alternative is rejected as infeasible because it fails to reduce the impacts to construction air quality to a less than significant impact while it increases already significant impacts to visual resources in the area, resulting in greater environmental impacts to the site than the Project. In addition, because the increase in visual quality impacts from the Alternative would be permanent while the increased air quality impacts from the Project would be during construction only, it is preferable to select the project that would result in fewer long-term impacts, namely, the Project.

Facts

Under this Alternative, impacts to visual resources would be greater than the Project due to the increase in height resulting from the addition of above ground parking, incrementally increasing already significant impacts to visual resources when compared to the Project. Short-term air quality impacts related to construction of the Alternative would be reduced when compared to the Project due to a reduction in grading, but, like the Project, the Alternative would still result in a significant impact to air quality. Operational impacts to air quality would be the same in both the Project and the Alternative due to the comparable amount of traffic produced by both, resulting in a less than significant impact. Both the Project and Alternative would have the same less than significant effect on biota, as both would include the same amount of development and the same features, including the Public Wetland Park, and would not have any other effects on biota in the area. The Project's impacts are considered less than significant with respect to geotechnical and soil resources, and while the Alternative would have fewer impacts due to the reduced amount of grading required with elimination of the subterranean parking features, impacts of the Project and the Alternative would remain the same, less than significant. Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, impacts of

both the Project and the Alternative would be similar, and less than significant, in this regard.

While the Alternative would not include the amount of excavation, and the related amount of equipment, that would be required in the Project, the Alternative would require additional construction and pile driving due to its additional height. Thus, construction noise impacts from the Alternative would likely be similar to or greater than the impacts generated by the Project and would, like the Project, be significant. The Project and the Alternative would have comparable operational noise impacts due to the amount of traffic produced by the expected resident population, and, thus, is considered to be less than significant for both the Project and the Alternative. Impacts to population and housing, public services (including fire protection, police protection, education, and library services), public utilities (water service, sewer service, and solid waste service), traffic and access, parks and recreation, and land use would be the same with both the Project and the Alternative due to the same amount of units, development, and features proposed under both the Project and the Alternative.

<u>Alternative 4</u>, The "Density Bonus Associated with Affordable Housing Requirements" Alternative

Under this Alternative, the Project components would be increased to accommodate a twenty-five percent increase in the number of residential units due to Government Code section 65590, entitled "Low and Moderate Income Housing Within the Coastal Zone." All other elements of the Alternative would remain the same as the Project. While the Project includes 526 residential units and occupancy for 789 persons, the Alternative would include 657 residential units and would include occupancy for 986 persons. Due to the increase in units and occupancy under the Alternative, on-site grading requirements and building height would need to be increased to accommodate an additional level of parking and an additional residential level of units for each structure. While all building footprints would remain the same under the Alternative, maximum residential building height would increase from 55 and 60 feet to 70 and 75 feet, respectively.

Comparison of Effects

The Density Bonus Associated with Affordable Housing Requirements Alternative would result in greater impacts to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), population and housing, public services, public utilities, and traffic. The Alternative would result in comparable impacts with the Project in impacts to biota, hydrology and drainage, parks and recreation, and land use.

Finding

The Alternative would result in greater impacts to the environment than the Project and would not reduce any of the environmental impacts of the Project, and, thus, is rejected on environmental grounds. .

Facts

Under this Alternative, impacts to visual resources would be greater than the Project due to the increase in height resulting from the addition of residential units, incrementally increasing already significant impacts to visual resources when compared to the Project. Short-term air quality impacts related to construction of the Alternative would be increased when compared to the Project due to the need for another subterranean parking level, and the related grading required, and to accommodate the additional height required for additional occupancy. Thus, the Alternative, like the Project, would result in a significant impact to air quality. Operational impacts to air quality would be increased due to the increased traffic resulting from the additional amount of residents driving to and from the site, but the Alternative, like the Project, would still result in a less than significant impact to operational air quality. Both the Project and Alternative would have the same less than significant effect on biota, as both would include the same amount of footprint development and the same features, including the Public Wetland Park, and would not impact any other biota in the area. The Project's impacts are considered less than significant with respect to geotechnical and soil resources, and while the Alternative would have greater impacts due to the additional grading required to accommodate an additional level of subterranean parking

features, impacts of the Project and the Alternative would remain the same, less than significant. Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative, as both having the same site footprint and design features. Thus, impacts of both the Project and the Alternative would be similar and less than significant.

The Alternative would increase already significant construction noise impacts from the Project as the building size and height would increase and additional grading for additional parking would be required for the Alternative. The Alternative would generate additional operational noise over the Project but both Project and Alternative operational noise impacts would remain the less than significant. Thus, the Alternative would result in greater impacts to construction than the impacts generated by the Project, although the Project impacts to operation would be greater but less than significant. Impacts of the Alternative to population and housing would, like the Project, result in a less than significant impact, although the provision of additional affordable housing units included in the Alternative makes the Alternative preferable to the Project. Impacts to public services (including fire protection, police protection, education, and library services) resulting from the Alternative would be greater due to the increased population but, like the Project, would still be less than significant. Impacts to public utilities (water service, sewer service, and solid waste service) from the Alternative would also be increased when compared to the Project due to the increase in residents, but impacts from the Alternative like the Project, except to solid waste, would be less than significant. Like the Project, project and cumulative impacts to solid waste from the Alternative would be significant. The Alternative would generate more traffic than the Project, but, like the Project, the Alternative would not result, after mitigation, in a significant impact on traffic. The increase in number of residents in the Alternative over and above those in the Project would result in additional trips that would, like the Project, result in a cumulatively significant impact on traffic. Impacts to parks and recreation and land use would be the same with both the

Project and the Alternative, less than significant, due to the same development and features proposed under both the Project and the Alternative. Impacts to land use are comparable for both the Project and the Alternative due to the same components of each; as a result, the resulting impact would be less than significant for the Project and the Alternative.

<u>Alternative 5</u>, The "Reduced Density" Alternative (Parcels 10R, FF, and 9U)

Description of Alternative

Under the "Reduced Density" Alternative, the project site would be developed at seventy percent of the Project for landside uses only, resulting in a thirty percent density reduction from the Project. As the size of the apartment units and hotel/timeshare guest rooms would be increased, building envelopes under this Alternative would remain the same. The only physical change to the site plan would be the amount of available parking, which would be reduced under the Alternative.

Comparison of Effects

The Alternative would result in comparable impacts to visual resources, biota, hydrology and drainage, project-specific population and housing, parks and recreation, and land use when compared with the Project. This Alternative's impacts to air quality (construction and operation, geotechnical resources and soils, noise (construction and operation), public services, public utilities, traffic and cumulative population and housing would be incrementally reduced.

Finding

While the Alternative would result in fewer and lesser impacts to the environment when compared to the Project, the Alternative is infeasible because it fails to meet several of the Project objectives to the same extent as the Project. Specifically, the Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan, due to the thirty percent reduction in the amount of housing that would be provided in the Alternative. The Alternative would fail to provide additional needed affordable housing

in or near the Coastal Zone, in compliance with the Mello Act, as a reduction in the number of housing units would result in less affordable housing being made available than would otherwise be available as part of the Project. The Alternative also would fail to generate additional revenues to the County in to the same extent as the Project. The level of ground rent is calculated based substantially on the value of the developed Project. Due to the thirty percent reduction in the amount of housing that would be provided, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. Due to the fact that the Alternative fails to meet Project objectives to the same extent as the Project, it is therefore considered infeasible.

Facts

Under this Alternative, while there would be less development on the Project site, the site design would remain the same as the Project, and, thus, the impact on visual resources would remain the same significant impact as the Project. With respect to air quality, the reduced amount of grading required to excavate the reduced parking under the Alternative would reduce air quality impacts, but not to a less than significant level. Thus, air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational impacts to air quality from the Alternative would be reduced due to the fewer trips associated with the site when compared with the Project, but both would result in a less than significant impact. Development under this Alternative would include the restored wetland park that is included as part of the Project and no other impacts to biota; as a result, both would result in a less than significant impact to biota. Development of the Project site under the Alternative would require less grading than the Project due to the reduced amount of parking required under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project and would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both

the Project and the Alternative would be similar in this regard. This Alternative would result in reduced construction noise impacts over the Project as less excavation on site would be required, resulting in less grading and less traffic and creating less noise, but would remain significant. Thus, construction noise impacts would be significant for both the Project and the Alternative. Operational noise impacts for the Alternative would be less than the operational noise impacts from the Project due to the reduced amount of development; the impacts from both the Project and the Alternative would remain less than significant. The Alternative would include less housing than the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of less housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to project-specific population and housing issues; however cumulative population and housing impacts would be less than the Project but still significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative, like the Project, would have less than significant impacts to public services including fire protection, police protection, education, and library services, due to its reduced size when compared to the Project. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size. Like the Project, this Alternative's project-specific traffic impacts would be less than significant. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative, thus resulting in a significant impact. With regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to Park and Recreational resources. Impacts to land use would be the same in both the Project and

the Alternative due to the same site plan and features, and the impacts of both would be less than significant.

<u>Alternative 6</u>, The "Residential Sized Building Height for Parcel 9U" Alternative

Description of Alternative

Under the "Residential Sized Building Height for Parcel 9U" Alternative, the project site would be developed as proposed in the Project on Parcels 10R and FF. The Woodfin Suite Hotel and Timeshare Resort component on Parcel 9U, however, would be modified to accommodate a 5-story, instead of a 19-story, height. This would result in changes to the Woodfin Suite Hotel and Timeshare Resort, including a reduction in the number of rooms from 288 to 75, a reduction in height from 225 feet to 55 feet, elimination of the public serving use portions of the Woodfin Suite Hotel and Timeshare Resort Project (i.e., public restaurant, ballroom/banquet rooms and meeting rooms), and a Hotel and Timeshare Resort that serves longer-term customers.

Comparison of Effects

The Alternative would result in greater impacts to land use than the Project. The Alternative would result in comparable impacts to construction air quality, biota, geotechnical resources and soils, hydrology and drainage, population and housing, and parks and recreation than the Project. The Alternative would result in fewer impacts to visual resources, operational air quality, noise (construction and operation) public services, public utilities, and traffic than the Project.

Finding

The Alternative would fail to meet many of the Project objectives. The Alternative would fail to improve coastal recreational opportunities due to the removal of public-serving uses in reduction of the Resort component, and would also fail to provide improved public pedestrian access to the waterfront due to the reduction in public-serving uses as compared with the Project. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor serving uses in the Coastal Zone in compliance with the Coastal Act due to the vast reduction in size and uses that would be available in the Alternative when compared to

the Project. The Alternative would also fail to generate additional revenue to the County in the form of increased ground rents, fees, and tax revenues, to the extent of the Project. The level of ground rent is calculated based substantially on the value of the developed Project. Due both the reduced size and the reduced amenities that would be provided, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. The reduction in hotel rooms would reduce the amount to transient occupancy tax paid to the County. The elimination of the restaurant would deprive the County of sales tax revenue. . The Alternative also fails to provide the Project benefits discussed herein. For these reasons, the Alternative is deemed to be infeasible.

Facts

Under this Alternative, while there would be less and lower-scale development on the Parcel 9U site, the site design for the Alternative would remain the same as the Project. The Parcel 9U portion of the Alternative would be lower in height and would blend better with surrounding uses of like height when compared to the Project. As a result, visual quality impacts of the Alternative would be less than those of the Project due to the reduction in height and, unlike the Project, Alternative impacts would be less than significant. With respect to construction air quality, the reduced amount of building height for Parcel 9U under the Alternative would reduce air quality impacts, but not to a less than significant level. Thus, air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational air quality impacts of the Alternative would be reduced due to the fewer trips associated with the site due to reduced size when compared with the Project, but both would result in a less than significant impact. Development under this Alternative would include the restored wetland park that is included as part of the Project and would not change any impacts to biota when compared to the Project; as a result, both would result in a less than significant impact to biota. Development of the Project site under the Alternative would require less grading than the Project due to the reduced amount of parking required

under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project but would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both the Project and the Alternative would be similar in this regard. This Alternative would result in reduced construction noise impacts over the Project as less excavation and building on site would be required, resulting in less grading and less traffic and creating less noise. Thus, the Alternative would incrementally reduce noise impacts over the Project, but both would result in a significant impact during construction. During operation, while the Alternative would be smaller and would result in less traffic noise, both the Project and the Alternative would have a less than significant impact on operational noise. The Alternative would not have any affect on population and housing impacts because no change to permanent residents would occur under the Alternative. Thus, project-specific impacts to population and housing from both the Project and the Alternative would be less than significant and cumulative impacts would be significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would have significant project-specific and cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. Like the Project, the Alternative would have a less than significant impact on public services including fire protection, police protection, education, and libraries, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size, but both the Alternative and the Project will have less than significant impacts to traffic after mitigation. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative due to additional project

development in the area. The changes between the Project and the Alternative would not change demand on park and recreational resources due to the reduction in only the transient population, which is not expected to use park and recreational resources. Thus, with regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to park and recreational resources. Project Impacts to land use would be comparable in both the Project and the Alternative due to the same site plan and features, and the impacts of both would be less than significant. Like the Project, cumulative land use impacts would be significant.

Alternative 7, The "Marine Oriented Commercial" Alternative (Parcel 9U)

Description of Alternative

Under the "Marine Oriented Commercial" Alternative, the project site would be developed as proposed in the Project on Parcels 10R and FF. The Woodfin Suite Hotel and Timeshare Resort component on Parcel 9U, however, would be replaced instead with 191,664 square feet of commercial space in up to 100 feet in height. No hotel use would occupy Parcel 9U in this Alternative. This Alternative would also include two levels of parking, one of which would be subterranean.

Comparison of Effects

The Alternative would have greater impacts with respect to operational air quality, operational noise, traffic, and land use than the Project. The Alternative would have comparable impacts to biota, hydrology and drainage, population and housing, and parks and recreation when compared to the Project. The Alternative would have fewer impacts to visual resources, construction air quality, geotechnical resources and soils, construction noise, public services, and public utilities than the Project.

Finding

The Alternative would result in more long-term significant impacts to the environment than the Project. In addition, the Alternative fails to meet a key Project objective. Specifically, the Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor-serving uses in the Coastal

Zone in compliance with the Coastal Act. The Alternative also fails to provide the other Project benefits discussed herein. Thus, the Alternative is rejected as infeasible due to its inability to meet this Project objective and due to the increase in long-term impacts to traffic and air quality resulting from the Alternative's commercial use.

Facts

Under the Alternative, while the development on the Parcel 9U site would be lower in height than the Project, the site design would remain the same as the Project. However the Parcel 9U portion of the Alternative would blend better with surrounding uses. As a result, visual quality impacts of the Alternative would be less than those of the Project and, unlike the Project, would be less than significant. With respect to air quality, the reduced amount of building height for Parcel 9U under the Alternative would reduce construction air quality impacts, and the increase in subterranean parking would contribute to construction air quality impacts, so that construction air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational air quality impacts of the Alternative would be increased due to the additional trips associated with the commercial users of the site when compared with the hotel and resort users of Project, so while the Project would result in a less than significant impact to operational air quality, the Alternative would result in a significant impact to operational air quality. Development under this Alternative would include the restored Public Wetland Park that is included as part of the Project and no major wildlife corridors or other biota would be harmed; as a result, both the Project and the Alternative would result in a less than significant impact to biota. Development of the Project site under the Alternative would require more grading than the Project due to the additional amount of parking required under the Alternative to accommodate commercial uses, but impacts to geotechnical and soil resources would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both

the Project and the Alternative to water quality would be similar in this regard. The Alternative would approximately the same amount of construction as the Project due to the additional excavation on site would be required to accommodate parking for the Alternative. Thus, the Alternative would result in the same construction noise impacts as the Project, resulting in a significant impact during construction. During operation, both the Project would have a less than significant impact with respect to noise, while the Alternative would have a greater impact due to the increase in traffic noise related to the Alternative, resulting in a significant impact. The Alternative would not have any effect on population and housing impacts because no change to permanent residents would occur under the Alternative and, thus, the impact of both the Project and the Alternative are less than significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a comparable impact to the Project. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative has potential to have a slightly greater impact on public services such as fire protection, police protection, education, and library services due to the increased number of visitors. Overall, however, impacts to public services are expected to be the same with both the Alternative and the Project, resulting in a less than significant impact.

The Alternative would generate substantially more traffic. However, because all traffic impacts of the Alternative can be mitigated, the impacts of the Alternative would, like the Project, be less than significant. However, traffic impacts would still be cumulatively considerable for both the Project and the Alternative. With regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to Park and Recreational resources. Impacts to land use would be the same in both the Project and the Alternative due to the fact that both the Parcel 9U portion of the Project and the

Alternative provide visitor-serving uses, and the impacts of both would be less than significant.

<u>Alternative 8</u>, The "RV Resort" Alternative (Parcels 10R, FF, and 9U)

Description of Alternative

Under the "RV Resort" Alternative, the project site would be developed as an RV Resort with potential capacity for 130 recreational vehicles. After complete demolition of the Project site, construction would commence to build amenities such as bathroom and shower facilities, reception areas, landscaping, a small area for tent camping, guest parking, and hookups for 130 RVs. No building in this Alternative would exceed one story in height.

Comparison of Effects

The Alternative would result in more impacts to biota than the Project. The Alternative would result in comparable impacts to hydrology and drainage, population and housing, parks and recreation, and land use than the Project. The Alternative would result in fewer impacts than the Project with respect to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), public services, public utilities, and traffic.

Finding

While the Alternative would result in fewer environmental impacts than the Project, the Alternative fails to meet any of the Project objectives. Specifically, the Alternative would fail to create an integrated, self-contained recreational Marina community with contemporary on-water facilities due to its exclusive use as an RV Resort. The Alternative would fail to enhance habitat value by restoring the existing degraded wetland on Parcel 9U due to its failure to include a Public Wetland Park. The Alternative would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities due to its failure to include a Public Wetland Park. The Alterative would fail to provide improved public pedestrian access to the waterfront due to the reduction in use of the site when compared to existing

conditions. The Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to provide additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to develop an apartment project of sufficient density to support the construction of on-site replacement and inclusionary affordable units in compliance with the County's Mello Act policy due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor-serving uses in the Coastal Zone in compliance with the Coastal Act due to the lack of a Hotel and Timeshare resort as part of the Alternative. The Alternative would fail to replace existing non-ADA complaint boating facilities with new, state-of-the-art facilities due to its failure to include public boat slips. The Alternative would fail to replace existing aging housing with new, high quality housing due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to generate additional revenue to the County in the form if increased ground rents, fees, and tax revenues.. For all these reasons, this Alternative is rejected as infeasible.

Facts

Under this Alternative, there would be less development on the Project site impacting visual resources, and large viewsheds would be available due to the minimal site development on the property. Thus, visual resource impacts would be less than significant and less than with the development contemplated in the Project. With respect to construction air quality, the reduced amount of development would reduce

air quality impacts but not to a less than significant level due to the site grading required during construction. Operational air quality impacts would be reduced when compared to the Project due to the reduction in the number of trips associated with development of the site. As a result, both the Project and Alternative would have less than significant impacts to air quality. Development under this Alternative would not include the restored wetland park that is included as part of the Project; as a result, the Alternative would have greater impacts to biota than the Project, although both would result in a less than significant impact and would not have any other significant impacts on biota. Development of the Project site under this Alternative would require less grading and excavation than the Project due to the reduced amount of development under the Alternative and the lack of the need for subterranean parking, and, thus, impacts to geotechnical and soil resources are less than the Project, although impacts are less than significant for both.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur, and the inclusion of impervious site coverings, on the site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar, and less than significant, in this regard. Construction noise related to the Alternative would continue to exceed noise standards despite the reduced amount of construction required, and as such, like the Project, will result in a significant impact with respect to construction noise. The Alternative would result in less traffic than the Project, and, like the Project, would result in a less than significant impact with respect to operational noise. The Alternative would include no housing, unlike the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of no housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although

the Alternative would have a lesser impact than the Project due to the reduced amount of development and regular use. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. Like the Project, the Alternative would have a less than significant impact on public services (fire protection, police protection, education, and library services) due to the transient and low-intensity use of the Project site. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size and intensity of use, and, like the Project, would result in a less than significant impact. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative. With regard to park and recreational impacts, while the Project includes a public park, the Alternative would not, although it would contain a recreational use that would be accessible to many. As a result, the Project is considered comparable to the Alternative and both the Project and Alternative result in a less than significant impact to parks and recreation. Due to the fact that the Alternative would result in a visitor serving use like the Project, the Alternative's land use impacts are considered comparable to the impacts from the Project and both result in a less than significant impact.

Alternative 9, The "Marina Plaza" Alternative

Description of Alternative

Under the "Marina Plaza" Alternative, the Project site would instead be used for a hotel project that was previously approved for the site by the California Coastal Commission in 1981. As a result, this Alternative is based on the design and features that were approved for the Marina Plaza project. This Alternative would include a 300-guest room hotel in nine stories, not to exceed 100 feet in height, with an assortment of patron- and visitor-serving uses including restaurants, a bar, a coffee shop, banquet facilities, and meeting rooms. Parking areas and ancillary structures, not exceeding three stories, would occupy the remainder of the Parcel 9U site. The remainder of proposed uses on Parcels 10R and FF would remain as proposed in the Project, but the Public Wetland Park proposal on Parcel 9U is not included in the Alternative.

Comparison of Effects

The Alternative would result in more impacts to biota, parks and recreation, and land use than the Project. The Alternative would result in comparable impacts to operational air quality, geotechnical resources and soils, hydrology and drainage, operational noise, population and housing, public services, public utilities, and traffic when compared to the Project. The Alternative would result in fewer impacts to visual resources, construction air quality and construction noise than the Project.

Finding

The Alternative would fail to meet many of the Project objectives. The Alternative would fail to enhance habitat value by restoring the existing degraded wetland on Parcel 9U, and would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities due to its failure to include a Public Wetland Park on Parcel 9U. The Alternative would fail to provide public coastal recreational opportunities and improve public pedestrian access to the waterfront to the same extent of the Project The Alternative would fail to restore and enhance the existing artificially-created wetland by creating a wetland park due to its failure to include a Public Wetland Park. For these reasons, this Alternative has been determined to be infeasible.

Facts

Under this Alternative, there would be lower height development on the Project site impacting visual resources when compared to the Project, but the development on Parcel 9U of up to 100 feet would not be in context with surrounding buildings, which would not exceed 60 feet in height. As a result, while impacts to visual resources would be reduced under this Alternative, the impacts to visual resources, like the Project, would still be significant. With respect to construction air quality, the amount of development and construction required for the Alternative would result in comparable quality impacts to the Project, a significant impact. During operation, the Alternative and Project are expected to generate comparable air quality impacts due to uses and

trips generated by the site, and both the Project and the Alternative would result in a less than significant impact. Development under the Alternative would not include the Public Wetland Park that is included as part of the Project. While no other biotic resources would be affected by either the Project or the Alternative, the implementation of the Park is considered a benefit and, as a result, the Project would be superior to the Alternative with respect to biota, although impacts of both the Project and the Alternative would be less than significant. Development of the Project site under this Alternative would require less grading than the Project due to the reduced amount of subterranean parking proposed with the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project, although both the Project and the Alternative would result in a less than significant impact.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar in this regard and less than significant. The Alternative would result in comparable construction and operational noise impacts when compared to the Project as overall site construction requirements and operational requirements would not vary considerably between the Project and the Alternative. Thus, the Alternative and Project would have the same significant and unavoidable effects with regard to construction noise and the same less than significant impact with regard to operational noise. The Alternative would include the same amount of housing as the Project and would, thus, have the same impact on population and housing as the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service; the Alternative would have a comparable impact than the Project due to only a slight increase in development resulting from the Alternative. Like the Project, however, the Alternative would have project-specific and cumulative impacts to solid waste due to

ongoing production of solid waste by any development on the Project site. The Alternative would have slightly increased impacts to public services including fire protection, police protection, education, and library services, but, like the Project, would remain less than significant due to the comparable size of the Project and the Alternative.

The Alternative would have comparable impacts to traffic when compared to the Project, due to the generation of a comparable number of trips when compared with the Project, resulting in a less than significant impact for both the Project and the Alternative. However, traffic impacts would still be cumulatively considerable for both the Project and the Alternative due to the increase of traffic in the area. With regard to park and recreational impacts, while the Project includes a Public Wetland Park, the Alternative would not. As a result, the Project is considered superior to the Alternative due to the improved access to park and recreational facilities that would result from the Project. Due to the fact that the Alternative would result in the same amount and type of development as the Project, the Alternative's impacts land use impacts are considered comparable to the impacts from the Project and would be, like the Project, less than significant. Like the Project, cumulative impacts under this alternative would be significant.

SECTION 5

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings and incorporated in the Project's Coastal Development Permit, meets the requirements of Section 21081.6 of the Public

Resources Code by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects.

SECTION 6

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to levels of insignificance except for unavoidable significant Project impacts on construction air quality, construction noise, visual resources and solid waste, and unavoidable significant cumulative impacts on construction air quality, construction noise, traffic, population and housing, land use, and solid waste disposal, as identified in Section 2 of these findings. Also, there may be temporary significant Project traffic impacts if implementation of the identified mitigation measures delayed and long-term impacts if for some reason the measures cannot be implemented at all.

Having reduced the significant adverse environmental effects of the proposed Project by approving the Project and adopting the conditions of approval and the mitigation measures identified in the Final EIR, and having balanced the benefits of the Project against the Project's anticipated and potential unavoidable significant adverse impacts, the Commission hereby determines that the benefits of the Project outweigh the anticipated and potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable, based on the following overriding considerations:

(1) The Project will increase coastal housing opportunities that meet projected needs in Marina del Rey by replacing existing, dated development with contemporary multi-family dwelling units with designs that emphasize coastal views, as called for in the Marina del Rey Specific Plan.

(2) The Project will assist in the attainment of basic County goals for the provision of affordable housing by creating coastal housing for those in need of affordable housing.

(3) The Project will restore and enhance habitat value by restoring a degraded wetland and by providing public access to the waterfront through a promenade and public boat slips.

(4) The Project will enhance existing public boat slips by making them compliant with the Americans with Disabilities Act, and therefore making the boat slips accessible to more persons wishing to take advantage of recreational uses in the Marina.

(5) During the construction of the Project, construction related employment would be created. The residential management uses and the hotel and timeshare resort uses will also create permanent employment opportunities.

(6) The Project will result in increased revenues in the form of additional ground rents for the County as the underlying landowner of the property and lessor of the property to the Applicant, as well as increased transit occupancy and sales tax receipts from the hotel and timeshare resort component of the Project.

SECTION 7

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Commission has made one or more of the following findings with respect to each of the significant adverse effects of the Project:

a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the FEIR.

b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR.

To enrich lives through effective and caring service

Los Angeles County
Department of Beaches & Harbors
Caring for Your Coast

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

MINUTES OF MARINA DEL REY DESIGN CONTROL BOARD

December 17, 2009 2:00 p.m.

Department of Beaches and Harbors
Burton Chace Park
Community Building – 13650 Mindanao Way
Marina del Rey, CA 90292

Members Present:	Peter Phinney, A.I.A., Chair, Fourth District Helena Lin Jubany, First District Tony Wong, P.E., Fifth District
Members Absent:	Simon Pastucha, Vice-Chair, Third District David Abelar, Second District
Department Staff Present:	Santos Kreimann, Director Gary Jones, Deputy Director Charlotte Miyamoto, Chief, Planning Division Ismael Lopez, Planner Teresa Young, Secretary
County Staff Present:	Tom Faughnan, Principal Deputy County Counsel Michael Tripp, Department of Regional Planning
Guests Testifying:	Aaron Clark, Armbruster Goldsmith & Delvac, LLP Gin D. Wong, Wong & Associates Ben Ryan, The Hardage Group Justin Wortman, Gin Wong & Associates Aram Chahdazian, Architect for Legacy Partners Sean McEachern, Legacy Partners

1. **<u>Call to Order, Action on absences and Pledge of Allegiance</u>**
   Mr. Phinney called the meeting to order at 2:02 p.m. and Mr. Wong led the Pledge of Allegiance

   Mr. Wong (Phinney) moved to excuse Mr. Pastucha and Mr. Abelar from the meeting {Unanimous consent}

2. **Approval of the DCB minutes**

Mr. Wong (Phinney) moved to approve November 19, 2009 minutes with the following changes (underlined):

- On page one of the minutes **Mr. Phinney is the Chair** of the Design Control Board and **Simon Pastucha is the Vice-Chair**

3. **Design Control Board Reviews**

A. Parcel 50 - Marina West Center - DCB #09-018
Approval of the record of the DCB October 22, 2009 action continued from the November 19, 2009 meeting approving signage for Affordable Portables, a new tenant

Mr. Wong (Jubany) moved to approve DCB Review #09-018 as submitted {Unanimous consent}

B. Parcel 95 - Marina West Center - DCB #09-017-B
Approval of the record of the DCB November 19, 2009 action approving permanent signage for Images Furniture Warehouse, a new tenant

Mr. Wong (Jubany) moved to approve DCB Review #09-017-B as submitted {Unanimous consent}

C. Parcel 7 - Tahiti Marina - DCB #09-019
Approval of the record of the DCB November 19, 2009 action approving new dock gates

Ms. Jubany (Wong) moved to approve DCB Review #09-019 as submitted {Unanimous consent}

4. **Consent Agenda**

None

5. **Old Business**

A. 2010 DCB Meeting Schedule
Further consideration of the 2010 DCB Meeting Schedule

Ms. Miyamoto stated that alternative meeting times were reviewed and due to scheduling conflicts some of the DCB members had, the best alternative was the third Wednesday of each month with meetings beginning between noon and 2 p.m.

Public Comments
None

Board Comments
Mr. Phinney expressed appreciation for staff's work in assembling the proposed schedule to work around his teaching schedule and Mr. Abelar's evening meeting conflicts. He then suggested 12:30 p.m. as the starting time

Mr. Wong suggested the approval of the calendar with the condition the two absent Board members have the opportunity to review the schedule

Mr. Wong (Jubany) moved to approve the 2010 DCB schedule as submitted with meetings on the third Wednesday, starting at 12:30 p.m., subject to review by absent DCB members {Unanimous consent}

B. Parcel 9 - Woodfin Hotel and Timeshare Resort - DCB #04-015-C
Further consideration of waterfront pedestrian promenade

Mr. Lopez gave an overview of the project

Mr. Ryan commented on the Regional Planning Commission meeting on October 14, 2009 where they were asked to present promenade improvements. He also provided details about the development's amenities and Variance to eliminate the 10-foot setback from the promenade

Mr. G. Wong described promenade improvements

Public Comments
None

Board Comments
Mr. Wong suggested the Applicant incorporate green building features, such as solar panels

Mr. Ryan, Mr. Clark and Mr. G. Wong noted that solar panels would be considered and that the project would meet the County's new green building ordinance

Ms. Jubany asked that when the Applicant returns to the DCB for final design review following entitlement approvals, they clearly delineate all new amenities including water taxi gate and shading improvements. The water taxi gateway canopy should cantilever over the water without obstructing water views and without surcharging the sea wall. This will extend the visual impact of the 28'-wide promenade. She added that paving, lighting, furniture and railing design needs to be coordinated with the parcels on either sides

Mr. Phinney asked Mr. Tripp to convey to the Regional Planning Commission the DCB's appreciation for sending the projects back to the DCB for architectural input

Mr. Phinney requested the Applicant and staff to research other agency water taxi stops and consider a unifying element such as a banner that could be used at all water taxi stops

Mr. Phinney concurred with Ms. Jubany's comments on the cantilever of the canopy and the coordination of the promenade paving and improvements with the adjacent parcels. He suggested a small canopy on the promenade with a larger canopy built on the dock

Mr. Phinney noted that palm trees are typically not approved by the DCB or Coastal Commission because many species are not drought tolerant

Mr. G. Wong commented that palm trees were proposed instead of tree species with canopies that may interfere with the Fire Department's access on the promenade

Ms. Jubany said she would like the DCB to review the Board Review of this item before it is submitted to Regional Planning

Ms. Miyamoto indicated the Board Review will be detailed

Mr. Tripp advised that the Regional Planning Commission wanted the promenade to be more welcoming

Mr. Wong (Jubany) moved to approve the project as submitted on DCB #04-015-C with the condition that the Applicant return post entitlement for final approval of landscape, lighting, signage, color and materials {Unanimous consent}

C. Parcels 10/FF - Neptune Marina - DCB #04-014-C
Further consideration of waterfront pedestrian promenade

Mr. Lopez gave an overview of the project

Mr. McEachorn discussed additional details considered for the promenade including sitting areas and planters

Mr. Chahdazian described the promenade improvements

Public Comments
None

Board Comments
Ms. Jubany noted the promenade paving pattern where vehicles have access should be differentiated to alert pedestrians

Ms. Jubany raised questions about the raised planter and asked they be reduced in height and scale so as to eliminate the notion of a barrier plus provide informal seating for the pedestrian. She expressed liking the unshaded benches that could be more of a sculpture and therefore beautiful and iconic. Ms. Jubany reiterated the need for coordination of the paving design where the promenade terminates at the adjacent parcels. She appreciated the proposed promenade furniture and light fixtures, but suggested establishing a creative design theme that is not cartoonish

Mr. Phinney commented on the elevation of the courtyards in relation to the promenade and accessibility to the public

Mr. Phinney asked that the porthole windows at the base of the buildings be rethought

Mr. Wong (Jubany) moved to approve DCB #04-014-C with the condition that a final design be submitted post-entitlement {Unanimous consent}

6. **New Business**
   A. Board Review Approval Process
   Discuss alternatives to the existing Board Review approval process

   Ms. Miyamoto gave an overview of the project

   Public Comments
   None

   Board Comments
   Mr. Phinney noted that this process was an attempt to streamline the approval of all projects beginning in January 2010 whereby before the end of the meeting, staff would restate the DCB's motion and conditions of approval for those items selected by the Board

   Ms. Miyamoto advised this would eliminate the 30-day wait period for the Board Reviews, as currently processed. The Board may elect to have any Board Review return the following meeting for consideration

   Ms. Jubany (Wong) moved to approve the new Board Review process as suggested by Mr. Phinney {Unanimous consent}

7. **Staff Reports**
   All Staff Reports were received and filed

   Mr. Wong left the Design Control Board meeting at 3:40 pm because no further official action was required and quorum was lost

   Ms. Miyamoto commented on the Local Coastal Program Periodic Review noting that the County is continuing to prepare the response document that is planned for submittal to the Coastal Commission by April 29, 2010

   Mr. Tripp noted that the redevelopment project proposed for Parcels OT and 21 would return to DCB for additional review of pedestrian connections and promenade details, respectively before returning to the Planning Commission on April 7, 2010

   Mr. Phinney suggested revisions to the Development Project Status Report to include the number of the projects in the Project Report Key Map on the waterside for waterfront projects listed, especially numbers 14 and 16

8. **Public Comments**
   None

Adjournment

Mr. Phinney (Jubany) moved to adjourn the Design Control Board meeting at 3:46 p.m. {Unanimous consent}

Respectfully Submitted,

Teresa Young
Secretary for the Design Control Board

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

January 21, 2010

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Samuel Dea, Section Head
Special Projects Section

SUBJECT: Woodfin Suites Hotel/Neptune Marina Apartments Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861 (Item Nos. 6, 7, 8, 9a and 9b)

A continued public hearing on the above-mentioned projects was held before the Regional Planning Commission on October 14, 2009. At this hearing the Commission heard staff's presentation and additional testimony from the applicants and members of the public. At the conclusion of the hearing, Commissioner Valadez stated her opinion that the applicants had not provided sufficient evidence to justify the Commission's approval of their requested Variances allowing zero-foot building setbacks from their respective waterfront pedestrian promenades. Commissioner Valadez indicated that, prior to the Commission acting on the requested building setback Variances, the applicants should be remanded back to the Department of Beaches & Harbors' Design Control Board (DCB) so that the DCB could evaluate and provide the Commission written comments regarding the enhanced waterfront public promenade amenity plans to be submitted by the applicants. Commissioner Helsley concurred that the waterfront promenade amenity plans being proposed by the applicants warranted enhancement. The Commission then continued the hearing to February 3, 2010 and directed staff to prepare the Final Environmental Impact Report and complete the final findings and conditions of approval for the Commission's consideration. The applicants presented their revised projects to the Design Control Board on December 17, 2009. The projects were approved by the Design Control Board with conditions (Attachment).

October 29, 2008 Public Hearing

On October 29, 2008, your commission conducted a public hearing on the above-mentioned projects (Project). At that hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the

public. Unfortunately, due to time constraints, public testimony was not heard on Project Nos. R2006-03643 and R2006-03644. Commissioners Bellamy, Rew, Valadez and Modugno were present at the hearing. Commissioner Helsley was absent.

Your commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the commission may hold a hearing in the community of Marina del Rey. Your Commission also instructed staff to arrange a field trip to visit all of the proposed project sites which would allow the Commission to better understand the Project. At the November 5, 2008 continued hearing, your commission chose November 22, 2008 to hold the community hearing and field trip.

Prior to the field trip and public hearing, the applicants and County Counsel determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts. Specifically, potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the Project needed to be addressed in the DEIR. The items were taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided some additional visual simulations and updated shade and shadow studies to assist in the analysis of the Project.

The RDEIR was recirculated for public input on June 11, 2009. A copy of this document was also provided to your commission on June 11, 2009. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections of the document. The public review period for the RDEIR closed on July 27, 2009, and a new public hearing was scheduled in the community of Marina del Rey on August 12, 2009.

August 8, 2009 Field Trip

Prior to the hearing, the Regional Planning Commission scheduled a field trip to project sites on August 8, 2009. Four Commissioners were in attendance for the field trip; Commissioner Modugno was absent. Staff gave the Commission a tour of proposed project sites. A boat tour was also provided which afforded the Commission an opportunity to see the sites from the water.

August 12, 2009 Public Hearing

On August 12, 2009, a public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. During the hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. The Commission directed staff and the applicants to prepare independent responses to address various issues that were raised by the public and the Commission. The public hearing was continued to October 14, 2009.

Final Environment Impact Report

The environmental consultant has informed staff that, due to the volume of responses to address, the document will not be complete on time for the February 3rd continued hearing. In order to have time to correctly complete this task, staff is requesting that the hearing be continued to March 10, 2010, to provide a complete document for the Commission's consideration.

STAFF RECOMMENDATION

Staff recommends that the Regional Planning Commission continue the public hearing to March 10, 2010.

Suggested Motion: "I move that the Regional Planning Commission continue the public hearing to March 10, 2010 so that the Final Environmental Impact Report and associated documents may be completed"

SZD:mrt
01/21/10

To enrich lives through effective and caring service

Los Angeles County
Department of Beaches & Harbors
Caring for Your Coast

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

DESIGN CONTROL BOARD REVIEW
DCB #04-015-C

PARCEL NAME: Woodfin Hotel and Timeshare Resort

PARCEL NUMBER: 9

REQUEST: Further consideration of the waterfront pedestrian promenade

ACTION: Approved with conditions

CONDITIONS:

1. Applicant shall follow all previous conditions stated in the Board Review for DCB #04-015-B, approved on June 29, 2006;
2. Applicant to consider installation of solar panels;
3. All new promenade amenities shall be clearly delineated in the submittal for final post-entitlement Design Control Board (DCB) review, which shall include water taxi gate and shading improvements;
4. Paving, lighting, promenade furniture, and railing design shall coordinate with the design of the Neptune Marina/Legacy parcel. A transitional paving design at the edge with the other adjacent parcel (Parcel 8) should also be incorporated;
5. Applicant and staff to research water taxi stops and consider a unifying design element that can be found at all of the other stops within the Marina;
6. Consider a smaller water taxi canopy on the promenade and a larger canopy installed on the dock;
7. If palm trees need to be used to avoid impairment with fire access, consider a drought tolerant variety; and
8. Return to the DCB for post-entitlement review and approval.

MEETING DATE: December 17, 2009

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6345 • internet: http://marinadelrey.lacounty.gov

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Los Angeles County
Department of Beaches & Harbors
Caring for Your Coast

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

DESIGN CONTROL BOARD REVIEW
DCB #04-014-C

PARCEL NAME: Neptune Marina/Legacy

PARCEL NUMBERS: 10 and FF

REQUEST: Further consideration of the waterfront pedestrian promenade

ACTION: Approved with conditions

CONDITIONS:

1. Applicant shall follow all previous conditions stated in the Board Review for DCB #04-014-B, approved on June 29, 2006;
2. Raised planters along the promenade and courtyards shall be reduced in height to eliminate the notion of a barrier and to allow them to be used as informal public seating areas;
3. The paving pattern should be differentiated where vehicles have access to the promenade;
4. Consider unshaded benches that could be more artistic and iconic;
5. Coordinate paving design where the promenade terminates at each end with the design at both adjacent parcels (Parcels 8 and 9);
6. Establish a creative design theme that is less whimsical for the proposed promenade furniture and light fixtures;
7. Address public accessibility in the elevations of the courtyards in relation to the promenade;
8. Rethink the porthole windows at the base of the buildings; and
9. Return to the Design Control Board for post-entitlement review and approval.

MEETING DATE: December 17, 2009

13837 Fiji Way • Marina del Rey • CA 90292 • 310.305.9503 • fax 310.821.6345 • internet: http://marinadelrey.lacounty.gov

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

NOTICE OF PUBLIC HEARING
AND AVAILABILITY OF RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR STATE CLEARINGHOUSE NUMBER # 2007031114

PROJECT NOS.: **R2006-03647** (400-unit Neptune Marina Apartment complex proposed on Marina del Rey Parcel 10R);
R2006-03652 (126-unit Neptune Marina Apartment complex proposed on Marina del Rey Parcel FF);
TR067861 (288-room hotel and timeshare resort, with 152 hotel suites and 136 timeshare units, proposed on the northern portion of Parcel 9U);
R2006-03643 (Wetland and upland park proposed on the southern portion of Parcel 9U);
R2006-03644 (Public anchorage proposed in the basin adjacent to Parcel 9U).

Notice is hereby given that the Regional Planning Commission will conduct a public hearing concerning these land use proposals on Wednesday, August 12, 2009 at 6:00 p.m. at the **Burton W. Chace Park** community room, located at 13650 Mindanao Way, Marina del Rey, California 90292. Interested persons will be given an opportunity to testify. (The Regional Planning Commission conducted its initial public hearing on these land use proposals on October 29, 2008 at the Commission's downtown Los Angeles hearing chambers located at 320 W. Temple Street, Los Angeles. At the conclusion of this public hearing, after receiving a staff report, presentations from the project applicants and public testimony both for and against the proposals, the Commission indicated its intent to conduct a field trip to the subject properties and to subsequently conduct a public hearing regarding the land use proposals at a location within in the Marina del Rey community.)

LAND USE ENTITLEMENTS: The Regional Planning Commission will consider the above-mentioned projects, their associated entitlements and the entire Draft Environmental Impact Report that has been prepared for the projects.

LOCATION OF SUBJECT PROPERTIES: The subject properties are located on the westerly side of Marina del Rey at the northeast corner of Via Marina and Marquesas Way (Parcel FF), the southeast corner of Via Marina and Marquesas Way (Parcel 10R) and the northeast corner of Via Marina and Tahiti Way (Parcel 9U) in the Playa Del Rey Zoned District.

These cases do not affect the zoning of the surrounding properties. If you are unable to attend the public hearing but wish to send written comments, please write to the Regional Planning Commission, 320 West Temple Street, Los Angeles, California 90012. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised at the public hearing or by written correspondence delivered to the Regional Planning Commission at or prior to, the public hearing.

The County of Los Angeles Department of Regional Planning, acting in the capacity of a Lead Agency under the County Environmental Document Reporting Procedures and Guidelines, Chapter III, Section 304, has filed a Notice of Completion of a Recirculated Draft Environmental Impact Report for the project. This document has been prepared in accordance with, and pursuant to, the California Environmental Quality Act (CEQA), as amended; Public Resources Code, Sections 21000-21178; and the Guidelines for California Environmental Quality Act Guidelines (State CEQA Guidelines), California Code of Regulation, Title 14, Chapter 3, Sections 15000-15387, especially Section 15088.5. The EIR addresses selected environmental factors having a potential for significant impacts under the regulations and guidelines cited above. The Recirculated Draft EIR concludes that the project design and implementation including suggested mitigation measures will result in significant residual impacts in short-term construction noise and vibration impacts, short-term cumulative construction noise and vibration impacts, short-term construction air quality impacts, cumulative construction air quality impacts, visual resource impacts, cumulative traffic impacts, project-specific and cumulative solid waste impacts, and cumulative population and housing impacts that cannot be fully mitigated.

The formal public review period for the Recirculated Draft EIR will be for a period of 45 days, from **June 11, 2009 to July 27, 2009**. Written comments received on the Recirculated Draft EIR prior to the close of the public hearing on the project will be considered in the Final EIR. Written comments should be submitted to Mr. Michael Tripp, Department of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, California 90012. The Recirculated Draft Environmental Impact Report and the original Draft EIR of September 2008 (on CD-ROM) will be available for review at the following libraries: **Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292; Venice-Abbot Kinney Memorial Library (City of Los Angeles), 501 S. Venice Boulevard, Venice, CA 90291; and Culver City Julian Dixon Library, 4975 Overland Avenue, Culver City, CA 90230**

Case materials are available for review between 7:30 a.m. and 6:00 p.m., Monday through Thursday **(our offices are closed on Fridays)** in the offices of the Department of Regional Planning, Hall of Records, Room 1362, 320 West Temple Street, Los Angeles, California 90012. Selected materials are also on the Regional Planning website at http://planning.lacounty.gov and at the following locations:

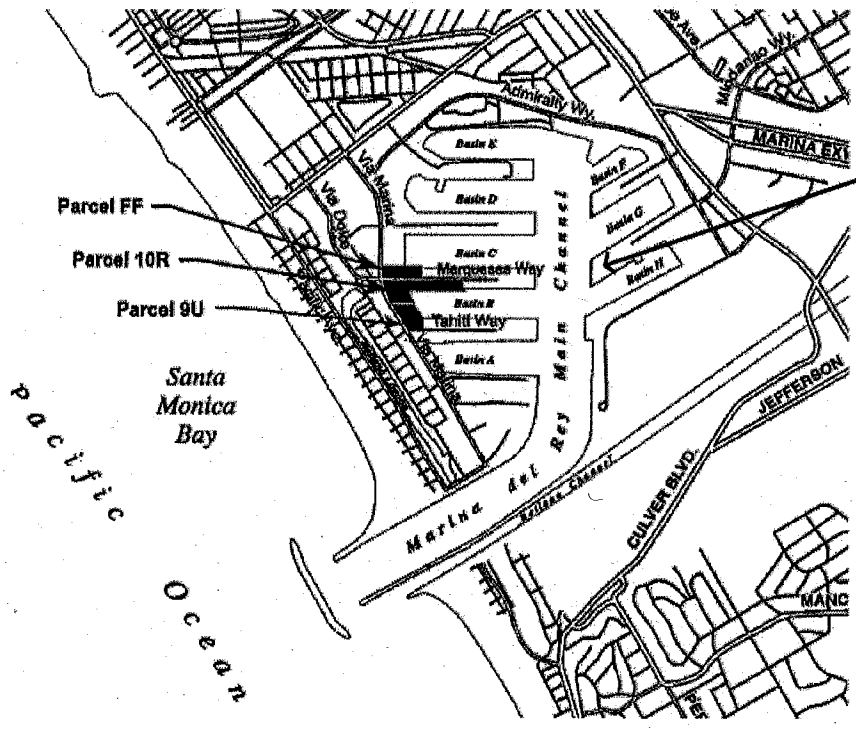
Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292; Venice-Abbot Kinney Memorial Library (City of Los Angeles), 501 S. Venice Boulevard, Venice, CA 90291; and Culver City Julian Dixon Library, 4975 Overland Avenue, Culver City, CA 90230.

Additional information concerning this case may be obtained by telephoning Mr. Michael Tripp at (213) 974-4813 between 7:30 a.m. and 6:00 p.m., Monday through Thursday. **Our offices are closed on Fridays.** Callers from North County areas may dial (805) 272-0964 (Antelope Valley) or (805) 253-0111 (Santa Clarita) and then ask to be connected to 213-974-4813.

"Este es un aviso de una audiencia pública de acuerdo al Decreto de la Protección del Medio Ambiente de California. La audiencia pública considerará los proyectos mencionados arriba, los títulos y el reporte preeliminar de impacto ambiental asociados a esos proyectos y tendrá lugar el dia 12 de agosto de 2009. Si necesita mas información, o si quiere este aviso en Español, favor llamar al Departamento de Planificación al (213) 974-1522."

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".

Project Sites



Hearing Location
13650 Mindanao Way
Marina del Rey, CA 90292

NOTICE OF PUBLIC HEARING AND NOTICE OF COMPLETION AND AVAILABILITY DRAFT ENVIRONMENTAL IMPACT REPORT FOR

STATE CLEARINGHOUSE NUMBER # 2007031114

LOS ANGELES COUNTY PROJECT R2006-03647-(4)

Notice is hereby given that the Regional Planning Commission of Los Angeles County will conduct a public hearing concerning this proposed land development on **October 29, 2008**, at 9:00 a.m., in Room 150, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Interested persons will be given an opportunity to testify. The Draft Environmental Impact Report associated with this project will also be considered.*

General description of proposal: The proposed project is the Neptune Marina Apartments and Anchorage located on Parcel 10R as well as in the adjacent Marina Basin; the subject Parcel 10R is located southeasterly of the intersection of Via Marina and Marquesas Way, with frontages on both Via Marina and Marquesas Way. The proposed project consists of a **Coastal Development Permit** to authorize demolition of all existing landside improvements and subsequent construction of proposed landside improvements on Parcel 10R (described below), and to further permit the applicant's temporary use of Marina Parcel FF (located across Marquesas Way from Parcel 10R at the northeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel 10R development and approximately 112,000 cubic yards of grading will be required with excess soil to be exported to a landfill located in Los Angeles County; a **Conditional Use Permit** for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses; a **Variance** for excess signage and a reduction of the required setback from the waterside promenade; **amendments to the Marina del Rey Local Coastal Program** to authorize the transfer of development units from an abutting Development Zone (Tahiti Development Zone) into the subject Development Zone (Marquesas Development Zone) and the averaging of the R-III and R-V residential densities on Parcel 10R; and a **Coastal Approval in Concept** for the proposed marina demolition activities and subsequent marina construction activities on the waterside portion of Parcel 10R. The Neptune Marina Apartments (Project R2006-03647) consists of demolishing all buildings and related site improvements of an existing 136-unit apartment complex, for the development of 400 new apartment units (including a total of 62 affordable housing units) within three (3) apartment buildings (with a maximum building height of approximately 60 feet) with adjacent waterfront public pedestrian promenades and other site amenities and facilities. This component also includes the demolition of an existing 198-slip small craft anchorage to construct a 174-slip small craft anchorage within the Marina Del Rey Basin B.

Cases are: **RCDP200600008**, **RCUP200600289**, **RPA200600013**, **and RVAR200600013**

General location of property: Parcel 10R in Marina del Rey, east of Via Marina, between Tahiti Way and Marquesas Way, in the Playa del Rey Zoned District. The address of the property is 14126 Marquesas Way, Marina del Rey, Ca 90292.

The County of Los Angeles Department of Regional Planning, acting in the capacity of a Lead Agency under the County Environmental Guidelines, Chapter III, Section 304, has filed a Notice of Completion of a Draft Environmental Impact Report for the project. This document has been prepared in accordance with, and pursuant to, the California Environmental Quality Act, as amended (CEQA); Public Resources Code, Section 21000 et.seq.; and the Guidelines for Implementation of the California Environmental Quality Act Guidelines, California Code of Regulation, Title 14, Chapter 15000 et.seq. The EIR addresses all environmental factors having a potential for significant impacts under the regulations and guidelines cited above. The Draft EIR concludes that the project design and implementation including suggested mitigation measures will result in significant residual impacts in short-term construction noise impacts, short-term construction air quality impacts, cumulative construction air quality impacts, visual resource impacts, cumulative traffic impacts, cumulative solid waste impacts, and cumulative population and housing impacts that cannot be fully mitigated.

The formal public review period for the Draft EIR will be for a period of 45 days, from **September 8, 2008 to October 22, 2008**. Written comments received on the Draft EIR prior to the close of the public hearing on the project will be considered in the Final EIR. Written comments should be submitted to Mr. Michael Tripp, Department of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, California 90012. The Draft Environmental Impact Report will be available for review at the following libraries: **Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292; Venice-Abbot Kinney Memorial Library (City of Los Angeles), 501 S. Venice Boulevard, Venice, CA 90291; and Culver City Julian Dixon Library, 4975 Overland Avenue, Culver City, CA 90230**.

Case materials, including the environmental documentation, are available for review Monday through Thursday, between 7:30 AM and 6:00 PM, at the Department of Regional Planning, Hall of Records, Room 1362, 320 West Temple Street, Los Angeles, California 90012. Our office is closed on Fridays. Case materials will be available for review beginning **September 28, 2008** at the above-mentioned libraries. Selected materials will also be available on the Department of Regional Planning website at http://planning.lacounty.gov.

These cases do not affect the zoning of surrounding properties. If you are unable to attend the public hearing but wish to send written comments, please write to the Department of Regional Planning at the address given below, Attention: Michael Tripp. You may also obtain additional information concerning this case by phoning Michael Tripp at (213) 974-4813. Callers from North County areas may dial (805) 272-0964 (Antelope Valley) or (805) 253-0111 (Santa Clarita) and then ask to be connected to (213) 974-4813. Public service hours: 7:30 a.m. to 6:00 p.m., Monday through Thursday. Our office is closed on Fridays. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised at the public hearing or by written correspondence delivered to the Regional Planning Commission at or prior to the public hearing.

Este es un aviso de una audiencia pública de acuerdo al Decreto de la Protección del Medio Ambiente de California. El proyecto propuesto es el Neptune Marina Apartments and Anchorage en Parcela 10R y adyacente a la bahía de la Marina. La Parcela 10R esta localizada sureste de la intersección de Via Marina y Marquesa Way, con frente a las dos calles. El proyecto consiste de un **permiso de desarrollo costero** para autorizar la demolición de todas las mejoras existentes y construcción de las mejoras propuestas (que se describen abajo)en Parcela 10R, para permitir al solicitante uso temporal de la Parcela FF localizada en la Marina (localizada del otro lado de Marquesas Way, en la parte noreste de de Via Marina y Marquesa Way) como una área de apoyo durante la construcción propuesta en Parcela FF, y permitir la el movimiento de aproximadamente 112,000 yardas cúbicas de tierra, el material excedente será exportado para una área de deposito de residuos en el Condado de Los Angeles ; un **permiso de uso condicional** para el movimiento de tierra y la exportación de tierra excedente de la propriedad, y estacionamiento para los usuarios de barcos y usos relacionados; una **varianza** para el exceso de senalización y reducción de la distancia que separa los edificios del malecón ; y una **enmienda de la Marina del Rey Local Coastal Program**: transferir unidades de desarrollo de parcelas adyacentes y adyacente zonas de desarrollo (Tahiti Development Zones) para la área de desarrollo de Marquesas (Marquesas Development Zone) y calcular la densidad promedio entre las categorías residenciales propuestas en Parcela 10R (R-III y R-V); y una **aprobación de concepto costero** para las actividades de demolición en la marina y posteriores construcciónes en la area de la Parcela 10R cerca del oceano. El proyecto Neptuno Marina Apartments (Proyecto R2006-03647) consiste de demoler todos los edificios de apartamentos existentes con 136 unidades para construir 400 unidades de apartamentos (62 unidades de bajos ingresos) divididos en tres edificios (con altura maxima de aproximadamente 60 pies) y adyacente malecón, otros servicios y instalaciones. Este componente también incluye la demolición de 198 espacios de anclage para barcos pequeňos y la construccion de 174 espacios de anclage para barcos pequeňos dentro de la bahía B localizada en la Marina Del Rey.

La audiencia pública para considerar el proyecto y Redacto de el Reporte de Impacto Ambiental se llevara acabo el **29 de octubre de 2008**. El periodo para que el público evalue Redacto de el Reporte de Impacto Ambiental sera por 45 dias desde el 8 de septiembre hasta el 22 de octubre. Si necesita más información, o si quiere este aviso en Espanol, favor de llamar al Departamento de Planificacion al (213) 974-6466."

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".

***The Draft EIR for this project covers three separate parcels (10R, 9U, and FF), and five separate proposed developments (R2006-03647, R2006-03652, R2006-03643, TR067861, and R2006-03644).**

Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2006-03647-(4)
CDP200600008-(4),CUP200600289,
PA200600013, VAR200600013

RPC/HO MEETING DATE: 10/29/08	CONTINUE TO
AGENDA ITEM	
PUBLIC HEARING DATE 10/29/08	

APPLICANT	**OWNER**	**REPRESENTATIVE**
Legacy Partners Neptune Marina L.P.	Los Angeles County	Aaron Clark

REQUEST
Coastal Development Permit to authorize demolition of all existing landside improvements and construction of a 400 unit apartment complex.
Conditional Use Permit for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses
Variance for excess signage and a reduction of the required setback from the waterside promenade.
Amendments to the Marina del Rey Local Coastal Program to authorize the transfer of development units from an abutting Development Zone (Tahiti Development Zone) into the subject Development Zone (Marquesas Development Zone) and the averaging of the R-III and R-V residential densities on Parcel 10R; and a **Coastal Approval in Concept** for the proposed marina demolition activities and subsequent marina construction activities on the waterside portion of Parcel 10R.

LOCATION/ADDRESS
14126 Marquesas Way in Marina del Rey. Also known as Marina del Rey Parcel 10R.

ACCESS
Via Marquesas way (North) and Via Marina (West)

ZONED DISTRICT
Playa del Rey

COMMUNITY
Marina del Rey

EXISTING ZONING
SP (Specific Plan) Residential V and Residential III

SIZE	**EXISTING LAND USE**	**SHAPE**	**TOPOGRAPHY**
7.32 acres	Multifamily Residential	Irregular	Flat

SURROUNDING LAND USES & ZONING

North: SP (Specific Plan) Open Space	East: SP (Specific Plan) Multifamily Residential
South: SP (Specific Plan) Hotel	West: SP (Specific Plan) Open Space/ City of Los Angeles Multifamily Residential

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	N/A	N/A	N/A
Specific Plan	RV/RIII (Multifamily Residential)	N/A	Yes

ENVIRONMENTAL STATUS
Environmental Impact Report.

DESCRIPTION OF SITE PLAN
The site plan depicts the proposed 400 unit apartment complex located in three buildings.

KEY ISSUES
- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code Conditional Use Permit Burden of Proof requirements, 22.56.290, the Variance Burden of Proof, 22.56.2320, the Coastal Development Burden of Proof, and 22.16.070 the Local Coastal Program Plan Amendment Burden of Proof.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

**(O) = Opponents (F) = In Favor*

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

April 2, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861.
CONSIDERATION OF POSSIBLE FIELD TRIP AND HEARING DATES
AGENDA ITEM NOS. 9, 10, 11 and 12(a) and 12(b)

At the October 29, 2008 public hearing regarding the above-mentioned Marina Del Rey projects, the Commission indicated its intent to schedule a field trip and a public hearing in the Marina to better understand the projects and to facilitate public input. Prior to that hearing and field trip, the applicant and County Counsel requested to have the item taken off calendar so that revisions could be made to the Draft Environmental Impact Report, to analyze potential impacts from nearby projects. The Draft Environmental Impact Report has been revised and will be ready for recirculation by the end of April.

Staff recommends that the field trip be conducted on a Saturday before the public hearing. The following have been confirmed as possible field trip and hearing dates:

- June 13th (Field Trip) and June 17th (Hearing)
- June 20th (Field Trip) and June 24th (Hearing)
- July 11th (Field Trip) and July 15th (Hearing)
- July 18th (Field Trip) and July 22nd (Hearing)
- July 25th (Field Trip) and July 29th (Hearing).

If you have any questions please contact Michael Tripp of my staff at (213) 974-4813 or by e-mail at mtripp@planning.lacounty.gov.

RECOMMENDED MOTION

I MOVE THAT THE REGIONAL PLANNING COMMISSION INDICATE ITS INTENT TO CONDUCT A FIELD TRIP TO VISIT THE PROJECT SITES ON SATURDAY, _____, 2009 AT _____A.M. AND HOLD A PUBLIC HEARING WEDNESDAY, _____, 2009 AT _____P.M. IN MARINA DEL REY.

SZD:MRT

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

July 30, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: Woodfin Suites Hotel/Neptune Marina Apartments Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861

A public hearing was heard by your commission on the above-mentioned projects (Project) on October 29, 2008. At the this hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the public. Unfortunately, due to time constraints, public testimony was not heard on Project Nos. R2006-03643 and R2006-03644.

Your commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the commission may hold a hearing in the community of Marina del Rey. Your Commission also instructed staff to arrange a field trip to all of the proposed project sites which would allow the Commission to have to better understand the Project. At the November 5, 2008 continued hearing, your commission chose November 22, 2008 told hold the community hearing and field trip.

Prior to the field trip and public hearing, the applicants and County Counsel determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts. Specifically, potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed projects needed to be addressed in the DEIR. The items were taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided some additional visual simulations and updated shade and shadow studies to assist in the analysis of the Project.

The RDEIR was recirculated for public input on June 11, 2009. A copy of this document was also provided to your commission on June 11, 2009. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR closed on July 27, 2009, and a new public hearing has been scheduled in the community of Marina del Rey on August 12, 2009 at 6:00 p.m. The field trip to the project sites has been scheduled for August 8, 2009 at 9:00 a.m.

At the October 29, 2008 public hearing, your commission directed staff to prepare a summary of the various concerns that were expressed by the public at the hearing and instructed the applicants to respond to the concerns raised by the opponents.

October 29, 2008 Public Hearing Summary

The following are comments and concerns that were raised by the public regarding the Project's DEIR and general development projects in Marina del Rey:

- The County is piecemealing development and needs to create a master plan for the Marina.
- The Marina is too densely developed and needs more open space and parks.
- The California Coastal Commission (CCC) has performed a periodic review of the Marina del Rey Local Coastal Program (LCP), and a comprehensive update of the plan should be done prior to the Regional Planning Commission approving any Marina projects.
- The CCC has requested that all future amendments to the LCP be batched together; therefore, individual projects with plan amendments should not be approved by the Planning Commission.
- The number of small boats slips in Marina del Rey will be reduced as a result of the current redevelopment projects.
- The projects do not provide adequate parking.
- The traffic studies in the DEIR are inadequate and antiquated.
- The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services.
- The shadow and wind studies in the DEIR are inadequate.
- The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays.
- The Marina should be dedicated to public recreation because this was its intended purpose.

Agenda Item 6 - Project No. R2006-03647-(4) - Parcel 10R

Coastal Development Permit to authorize demolition of all existing landside improvements and construction of a 400 unit apartment complex.

Conditional Use Permit for site grading, export of earth in excess of 100,000 cubic yards, and parking for boater related uses

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program to authorize the transfer of development units from an abutting Development Zone (Tahiti Development Zone) into the subject Development Zone (Marquesas Development Zone) and the averaging of the R-III and R-V residential densities on Parcel 10R; and a **Coastal Approval in Concept** for the proposed marina demolition activities and subsequent marina construction activities on the waterside portion of Parcel 10R.

The following are comments and concerns that were raised by the public regarding the proposed project on Parcel 10R:

- The proposed project will result in a reduction of boat slips.
- An amendment to the LCP is premature. The County needs to conduct a comprehensive review of the LCP prior to granting approval of any development permits in Marina del Rey.
- The proposed units will not be affordable to the current residents of Marina del Rey.

Agenda Item 7 - Project No. R2006-03652-(4) - Parcel FF

Coastal Development Permit to authorize demolition of all existing landside improvements and the construction of a new 126 unit apartment complex.

Conditional Use Permit for site grading and the export of earth from the site.

Variance for excess signage and a reduction of the required setback from the waterside promenade.

Amendments to the Marina del Rey Local Coastal Program: transfer development units from abutting and nearby Development Zones (Tahiti and Bora Bora Developments Zones) into the

subject Marquesas Development Zone; to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; 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 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 densities of the proposed R-III and R-V residential categories on Parcel FF.

The following are comments and concerns that were raised by the public regarding Parcel FF:

- The proposed project is inconsistent with the policies of the LCP.
- The DEIR mischaracterized the current status of the Parcel FF parking lot. The lot appeared underutilized because it was used as a construction staging area and because the parking rate is too high.
- The Variance for the promenade setback should not be granted.
- The CCC is opposed to the conversion of public parking lots and open space lots to private uses.
- Parcel FF is not underutilized during major holidays and events such as Independence Day and the Christmas Boat Parade.
- The signage variance is unnecessary because the Marina is a small place and large signs will seem out of place.
- The public needs more parking in Marina del Rey.
- New residential projects should not be approved because local schools are at maximum capacity.

Agenda Item 8 - Project No. TR067861 – Parcel 9U North

Coastal Development Permit to authorize construction of a hotel with 288 rooms and with associated grading of approximately 44,000 cubic yards, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a designated landfill.

Conditional Use Permit for the construction of a new parking structure for the hotel, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel facility, and for the construction and maintenance of an emergency rooftop heliport.

Variance for the reduction of the required setback from the pedestrian promenade.

Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

Vesting Tentative Tract Map to authorize a condominium subdivision for 136 timeshare units.

The following are comments and concerns that were raised by the public regarding the proposed project on Parcel 9U:

- Parcel 9U should be turned into a public park.
- The existing wetland on Parcel 9U should be considered an Environmentally Sensitive Habitat Area (ESHA).
- The proposed timeshare units should require an amendment to the LCP.
- The LCP should prohibit fractional ownership, such as timeshare units, because it inhibits public access to the Marina del Rey.
- The proposed hotel is out of character with the surrounding residential neighborhood.
- More expensive hotel rooms are not needed in the Marina. Developing this parcel with a hotel will diminish opportunities for development of low cost recreation facilities.
- A better visualization of the proposed view corridor is needed to assess the potential visual impacts of the project.
- The height of the proposed hotel will cause wind issues for boaters.
- The hotel will cause shading of nearby residential areas.
- The proposed heliport will create noise intrusion in the Marina.

One member signed up to speak on this project that was unable to due to time constraints.

Agenda Items 9a and 9b - Project Nos. R2006-03643 and R2006-03644 – Parcel 9U south and the adjacent basin

Coastal Development Permit to authorize construction and maintenance of a public wetland and upland park

Coastal Approval in Concept to authorize construction of public anchorage with approximately 2,923 square feet of dock area and approximately 542 linear feet of public-serving boat docking space.

Due to time constraints, the Regional Planning Commission was unable to take testimony on these projects. Staff has included a list of the speakers who registered to speak on these projects. (Attachment No. 5)

The following attached documents include additional correspondence received by staff since the October 29, 2009 public hearing.

1. Previously submitted RPC Packages (Staff reports, Draft Findings, and Conditions, and letters received from other departments and the public)
2. Letters received from other departments regarding the Recirculated Draft Environmental Impact Report (RDEIR).
3. Letters received from the public regarding the RDEIR.
4. Correspondence from the applicant's consultant regarding the utilization of Parking Lot FF.
5. List of speakers at the October 29, 2008 hearing who registered to speak on Project Nos. R2006-03643 and R2006-03644, but due to time constraints were unable to testify.
6. Documents submitted by the public at the October 29, 2008 hearing.

Agenda Item 6- Project No. R2006-03647 – Neptune Marina Apartments on Parcel 10R

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

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 Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013-(4) (for removal of the proposed pedestrian promenade setback requirement) subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors. With respect to the variance request for signage in excess of what is permitted by the code, the applicant must provide more detailed evidence why a greater proportion of signage is necessary.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600013-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600008-(4), Conditional Use Permit No. 200600289-(4) and Variance No. 200600013.

Agenda Item 7 - Project No. R2006-03652 – Neptune Marina Apartments on Parcel FF

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

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 Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) (for removal of the proposed pedestrian promenade setback requirement), subject to the attached conditions. Staff also recommends that the Regional Planning Commission prepare a resolution recommending approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors. With respect to the variance request for signage in excess of what is permitted by the code, the applicant must provide more detailed evidence why a greater proportion of signage is necessary.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare a resolution recommending the approval of Plan Amendment No. 200600014-(4) to the Board of Supervisors and prepare findings and conditions of approval for Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014.

Agenda Item 8 - Project No. TR067861 – Woodfin Suites Hotel and Timeshare Resort

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

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 Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012-(4), and Vesting Tentative Tract Map No. 067861.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020, Variance No. 200600012 and Vesting Tentative Tract Map No. 067861.

Agenda Items 9a and 9b - Project Nos. R2006-03643 and R2006-03644

STAFF EVALUATION

Please see the attached staff report for a detailed evaluation.

STAFF RECOMMENDATION

Approval

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 Coastal Development Permit No. 200600006-(4), and Coastal Approval in Concept 200602191.

SUGGESTED MOTIONS

I move that the public hearing be continued to a date certain and that Regional Planning Commission instruct staff to prepare the Final Environmental Impact Report and prepare findings and conditions of approval for Coastal Development Permit No. 200600006-(4) and Coastal Approval in Concept 200602191.

If you need further information, please call Mr. Michael Tripp of my staff at (213) 974-4813 or mtripp@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.