FINAL ENVIRONMENTAL IMPACT REPORT

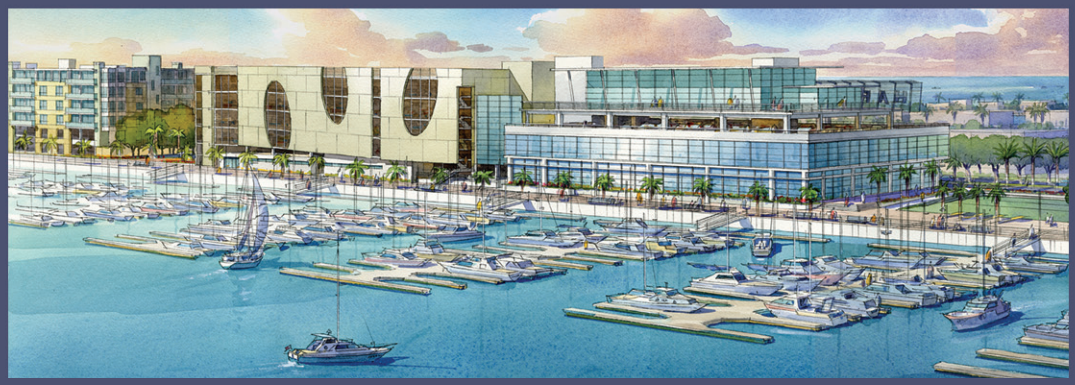
Marina del Rey

Oceana Retirement Facility & Holiday Harbor Courts

Marina del Rey Land Use Plan Parcels OT and 21

State Clearinghouse Number 2007021133

Volume I of II



Los Angeles County Project Numbers:

Parcel OT R2006-01510/RCDP200600002/RCUP200600115/RENV200600109/RPA200600109/RPKP200600009
Parcel 21 R2006-02726/RCDP200600003/RCUP200600223/RENV200600177/RPA200600010/RPKP200600015

Lead Agency:

Los Angeles County
Department of Regional Planning
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28328 Agoura Road
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April 2010

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for the
OCEANA RETIREMENT FACILITY AND
HOLIDAY HARBOR COURTS

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Parcel 21 Project No.
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RPA200600010/RPKP200600015

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1.0 INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared by the County of Los Angeles, as the Lead Agency under the California Environmental Quality Act (CEQA). The County will use this EIR in its consideration of requested approvals in connection with the proposed Marina del Rey Oceana Retirement Facility and Holiday Harbor Courts Project. The Final EIR consists of responses to comments received on the Draft EIR (provided in Section 2.0 of this document) and the Draft EIR as modified in Section 3.0 of this document. Section 4.0 provides a Mitigation Monitoring Program for all of the measures identified in the Final EIR.

1.1 CONTENTS AND ORGANIZATION OF THE EIR

The Final EIR consists of the following four chapters:

- **Section 1.0 Introduction.** This chapter describes the purpose of the Final EIR and the organization and contents of this document.
- **Section 2.0 Comments and Responses.** This section provides responses to each of the written comments received during the public comment period on the Draft EIR (September 3, 2009 to October 19, 2009) and testimony provided at the public hearings before the Regional Planning Commission on October 21, 2009 and December 16, 2009 regarding the proposed Oceana Retirement Facility and Holiday Harbor Courts projects. Responses are also provided for written comments received after the close of the public comment period.
- **Section 3.0 Draft EIR Revisions.** This chapter identifies revisions to the Draft EIR that represent minor changes or additions in response to some of the comments received on the Draft EIR and additional edits to provide clarification. Changes to the Draft EIR are shown in underline/ strikethrough format. These changes do not add significant new information that would affect the analysis or conclusions presented in the Draft EIR.
- **Section 4.0 Mitigation Monitoring Program.** The Mitigation Monitoring Program (MMP) is the document that is used by the enforcement and monitoring agencies responsible for the implementation of the proposed project's mitigation measures.

1.2 SUMMARY OF CHANGES TO THE PROJECT DESCRIPTION

As per the Regional Planning Commission's request at the public hearing on December 21, 2009, the proposed project was presented to the Design Control Board (DCB) for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21. Accordingly, following reconsideration, the revised project was granted conceptual approval by the DCB on February 17, 2010. It should be noted that the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix M in the Final EIR). Based on the February 17, 2010 DCB hearing, the total square footage of development has remain unchanged and overall design of the project is substantially similar to what was initially proposed; however, the following changes and enhancements have been incorporated and are reflected in the revised project plans provided in Section II of the FEIR:

<u>Parcel OT</u>

- Planting and landscaping along Washington Boulevard was expanded to further define the seating area in the retail plaza.

- Improvements were made along Admiralty Way consisting of: a) lower, more adrift planters, b) additional trees in the landscaped area, c) wider sidewalk along the drop off to six feet, and d) connection of the color of sidewalk paving crossing the drop off driveway.
- Security gates were added at the entrance of the senior facility, public and retail parking (on both levels).
- Fences were placed between adjacent parking uses to prevent movement between public and private parking areas: retail parking was separated from senior facility parking on the lower level; public parking was separated from senior facility parking on the upper level.

Parcel 21

- Promenade: a) modified hardscape to be more compatible with the existing promenade (on Parcel 20), b) addition of drinking water fountain, c) addition of shade structures over selected seating benches along with additional landscaping, and d) additional landscaping along the building.
- Community plaza: a) modified hardscape to be more compatible with design of the promenade, b) rearranged some of the seating to partially face each other.
- All the plans and renderings provided in the Draft EIR for both Parcel OT and 21 were updated and figures were added to the Final EIR to reflect the above changes.

In response to comments raised during the Regional Planning Commission hearings, the applicant commissioned a subsequent parking study of the Palm Court facility in Culver City. Based on the results of the study, a more conservative worst-case estimate of 0.484 parking spaces per unit was derived. The increased ratio resulted in a need for 55 spaces for the 114-unit active senior living accommodations instead of the 42 spaces previously planned. A detailed discussion of the changes is provided in Section IV.H. Traffic/Access and in the revised Traffic Analysis (Appendix G). In order to accommodate the additional spaces, the project design was revised to reduce the proposed 5,000 square feet of retail space to 3,500 square feet. There has been no net change to the square footage of the building. A corresponding change to the request to transfer retail space from the Palawan/Beach Development Zone has been made as well.

Subsequent to circulation of the Draft EIR, the Department of Beaches and Harbors reviewed the requested project approvals as described in the Draft EIR and identified the following corrections with regard to Parcel 21:

- Development of the proposed parking spaces on Parcel 21 does not require a transfer of parking from Parcel OT or a Local Coastal Plan (LCP) amendment. It requires a Parking Permit.
- Transfer of yacht club and marine commercial uses from Parcel 20 to Parcel 21 is within the same development zone and therefore, does not require a LCP amendment. This transfer requires a Coastal Development Permit.
- The enlargement of Parcel GR by 207 feet of frontage or 31,050 square feet with a corresponding reduction in Parcel 21 through a parcel lease termination is not part of the proposed Parcel 21 project. The County of Los Angeles will consider this map and text change as part of an aggregate LCP amendment process intended to address all of the currently proposed projects requiring LCP amendments in Marina del Rey (referred to by some as a "pipeline project LCP Amendment."

As such, the correct list of approvals required for the Parcel 21 project is:

- Conditional Use Permit (CUP), Coastal Development Permit (CDP), and Parking Permit.

2.0 RESPONSE TO COMMENTS

CEQA Guidelines Section 15088(a) states that "The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The Lead Agency shall respond to comments that were received during the noticed comment period." In accordance with these requirements, this chapter of the Final EIR provides responses to each of the written comments received during the public comment period on the Draft EIR (September 3, 2009 to October 19, 2009) and testimony provided at the public hearings before the Regional Planning Commission on October 21, 2009 and December 16, 2009 regarding the proposed Oceana Retirement Facility and Holiday Harbor Courts projects. Written comments received after the close of the public comment period were also responded to.

In some cases, comments were presented that do not relate to the EIR, or which do not relate to issues concerning CEQA. Where appropriate to give the reader context, responses to these comments have been offered on a voluntary basis by the County.

Responses to Written Comments

Each of the individual comment letters received were numbered. The comment letters are presented first followed by the responses to the comments included in the letter.

Responses to Public Hearing Testimony

During each of the Regional Planning Commission hearings, comments were received from the public during verbal testimony. The verbal comments received at the public hearings are presented followed by the responses provided in outlined boxes.

A. WRITTEN COMMENT LETTERS AND RESPONSES

1. **Carla Andrus**
   December 16, 2009
2. **David Barish, We Are Marina Del Rey**
   October 21, 2009
3. **David Barish, We Are Marina Del Rey**
   December 16, 2009
4. **Raylene Baron, Del Rey Colony Homeowners Association**
   October 18, 2009
5. **Shana Bonstin, City of Los Angeles**
   October 14, 2009
6. **Susan F. Chapman, Metropolitan Transportation Authority**
   September 21, 2009
7. **Daniel Gottlieb**
   October 21, 2009
8. **Daniel Gottlieb**
   December 16, 2009
9. **Gary Hildebrand, Watershed Management Division**
   October 6, 2009
10. **Nancy Vernon Marino**
    December 16, 2009
11. **Cynthia McClain-Hill, Strategic Counsel**
    October 20, 2009

12. **Joe Nahhas, The Boating Coalation**
December 10, 2009

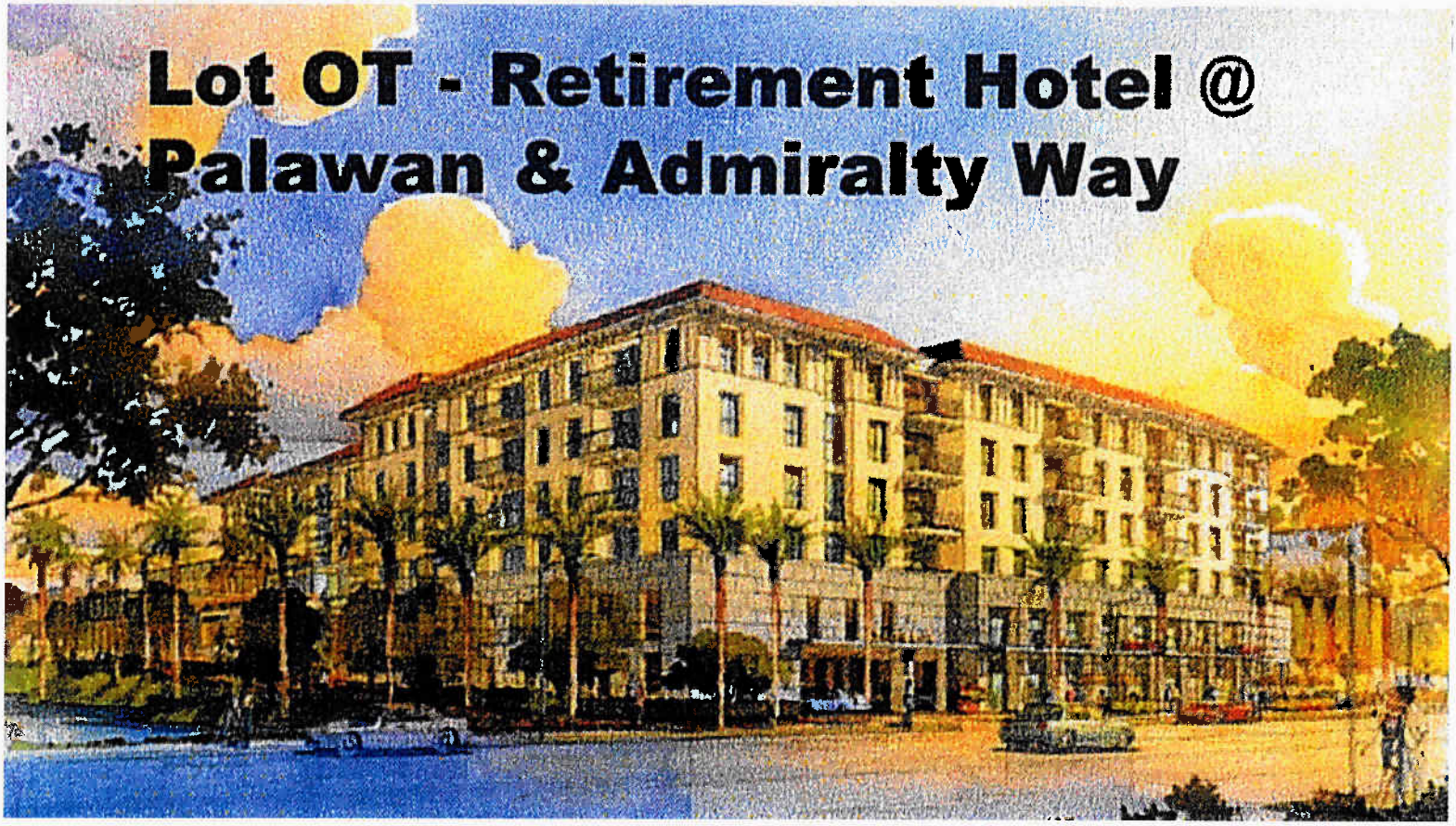
13. **John Rizzo, Marina Tenants Association**
December 14, 2009

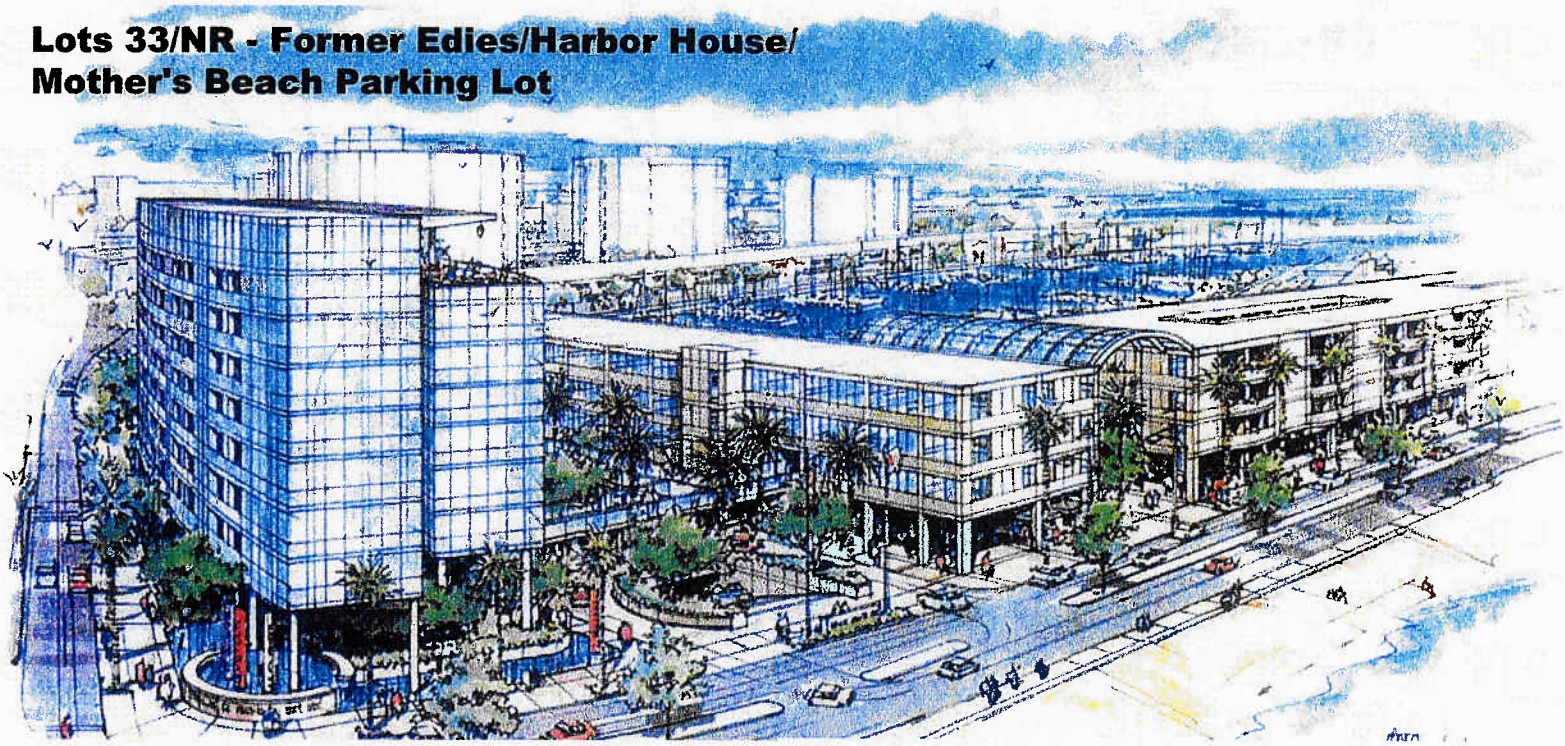
14. **David Singleton, Native American Heritage Commission**
September 15, 2009

15. **Alberto T. Valmidiano, Department of Toxic Substances Control**
October 12, 2009

16. **Julie Yom, Department of Park and Recreation**
October 19, 2009

MCC Adjacent Project Renderings





Response to Comment Letter No. 1

Carla Andrus

The figure entitled "MCC Adjacent Project Renderings" will be submitted to the County for consideration when making a decision on the project. However, it should be noted that this figure is not a part of the Draft EIR and does not refer to the adequacy of the CEQA analysis and no response is necessary.

We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

October 21, 2009

Commissioner Leslie G. Bellamy, Chair
Commissioner Wayne Rew, Vice Chair
Commissioner Esther L. Valadez
Commissioner Harold V. Helsley
Commissioner Pat Modugno
Regional Planning Commission
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Project R2006-01510 and Project R2006-02726 (together the "OT/21 Project") COMMENTS on the OT/21 Project and combined Draft Environmental Impact Report (DEIR) - : OPPOSE

Honorable Commissioners:

We ARE Marina del Rey ("WAM") strongly urges the Regional Planning Commission to continue the hearing on the projects listed above, including all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances and Parking permits based on the following issues and comments on the projects and the DEIR.

A) PREMATURE HEARING

The scheduled Regional Planning Commission hearing today is premature for two reasons.

1) Lack of DCB Conceptual Approval
Upon review of past records, agendas and meetings, We ARE Marina del Rey has determined that the Design Control Board ("DCB") has NOT conceptually approved the current project as described in the project materials and DEIR.

The August 18, 2005 DCB agenda included Item *5b: Consideration of a new building and severance of the westernmost portion of parcel for future use as public parking.* (Exhibit B)

On September 5, 2005, the DCB agenda included Item *3f: Approval of the record of the DCB's August 2005 action for conditioned approval of a new building that includes a yacht club, office space, parking and a public park.* (Exhibit C)

The project that was granted conceptual approval called for the western edge of parcel 21 to be bifurcated for future use as public parking to be owned/operated by Los Angeles County with the remaining eastern portion of Parcel 21 to be used for construction of a new building that would include a yacht club, office space, on site parking for its uses and an adjacent park.

The Department of Beaches and Harbors returned to the DCB on February 16, 2006 for the bifurcated parking portion of parcel 21, now dubbed Parcel 21 Phase II, calling for a public

parking structure of 4-levels and 235 spaces to accommodate relocated public parking from proposed projects on Parcels IR, OT and NR (See Exhibit A). The DCB had a problem with the parking structure being on the waterfront and with the issues of a shell game of public parking and that other proposed projects appeared to not have sufficient on-site parking for their own uses.

But more importantly, this Parcel 21 Phase II was continued 3 times to March 16, 2006, April 27, 2006 and then indefinitely. In other words, it never returned to the DCB.

The current project before the commission calls for a 5-story commercial/office building with some parking as well as a 6-story, 447-space private parking structure (only 94 spaces will be public which are being relocated from Parcel OT) and a further reduction of Parcel 21 land area for the expansion of parcel GR parking.

THIS project has NOT been reviewed OR conceptually approved by the DCB. Therefore we urge your Commission to continue these integrated projects until such time as the DCB can review this project.

2) Projects Hearing should not precede compound LCP Amendment

The above referenced projects are included in the bundle of the projects labeled by Los Angeles County Departments of Beaches and Harbors and Regional Planning as the "pipeline" projects (see Roadmap Letter Exhibit D). While WAM does not agree with roadmap approach which includes the bundling of project-driven LCP amendments into one overall compound amendment or the limited scope of the LCP amendment vis-à-vis a comprehensive LCP update as recommended by the Coastal Commission, the fact is, the Departments of Beaches and Harbors and Regional Planning are proceeding in this direction and the Board of Supervisors approved this direction on September 1, 2009.

Given this, we respectfully urge this commission to further continue the hearing on Project R2006-01510 and Project R2006-02726 until such time as both the Regional Planning Commission AND the California Coastal Commission have reviewed and taken action on the compound LCP Amendment that is currently being prepared by the Department of Regional Planning in conjunction with the Department of Beaches and Harbors. As stated last week by your Commission during the hearing for the Neptune Apartments and Woodfin Suites Hotels (project #s R2006-03647, R2006-03652, TR067861, R2006-03643 and R2006-03644), it is premature and out of order to hear these individual projects now prior to the drafting of compound LCP amendment that would allow these projects to proceed let alone prior to any action being taken on it by your Commission, the Board of Supervisors and the California Coastal Commission - all required steps that need to be completed before these projects can be ultimately approved.

Furthermore, in terms of ESHA, the DEIR's reliance on the environmental analysis of the Certified Marina del Rey LCP is flawed. This DEIR does not reflect the changes on the ground to the environment since the LCP was certified in 1996. The DEIR states on page IV.E - 3:

> *Additionally, in the certified 1996 Marina del Rey Land Use Plan (LCP), the California Coastal Commission found that there were no Environmentally Sensitive Habitat Areas (ESHAs) in the developed Marina del Rey proper. As such, no riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations were found to be present on either site.*

However, on January 9, 2008 (reaffirmed October 16, 2008), the California Coastal Commission determined parts of Marina del Rey contain ESHA, and therefore, recommended that County, as part of the overall LCP update amendment, add ESHA findings and provisions to the Marina del Rey LCP, in conformance with the Coastal Act and that County carry out a survey to determine if there are additional ESHA sites in Marina del Rey. We understand this survey to be under preparation but has not been completed at this time. Therefore, in relation to ESHA, this DEIR is substantially incomplete.

Furthermore, how can this Commission properly review these two projects relative to all the projects proposed by a range of developers and the Department of Beaches and Harbors given that the compound LCP amendment will include a Cumulative Impact Assessment and additional studies that are not complete?

How can this Commission properly review these projects given that the Department of Regional Planning has not completed its response to the Coastal Commission's Periodic LCP Review Recommendations that members of the public spent much time providing input.

And finally, moving forward with these projects now is a waste of taxpayer funds. When Los Angeles County states they cannot afford to carry out a comprehensive LCP update; that they cannot build a public park for its residents; and that they cannot fix a broken playground, how can this project proceed at this time with the risk that it will not be approvable. The Department of Beaches and Harbors spends hundreds of thousands of dollars a year of taxpayer money to pay for consultants that work on these projects and make presentations before your Commission.

Once again, we respectfully urge this commission to further continue the hearing on Project R2006-01510 and Project R2006-02726 until such time as the DCB has reviewed the current Parcel 21 project plans AND both the Regional Planning Commission AND the California Coastal Commission have reviewed and taken action on the compound LCP Amendment that is currently being prepared by the Department of Regional Planning.

2. PIECEMEALING CEQA/OVERALL MARINA WIDE EIR

WAM further believes that Los Angeles County including the Department of Beaches and Harbors and the Department of Regional Planning (together "the County") is piecemealing the redevelopment of Marina del Rey in violation of state law, including the California Coastal Act ("Coastal Act") and the California Environmental Quality Act ("CEQA"). County has admitted on the record and it is widely known, that County intends to redevelop Marina del Rey (the "Marina Redevelopment Project"). This "Marina Redevelopment Project" constitutes "a project" under CEQA. According to Public Resources Code § 21065, a project is defined as the whole of

an action, which has a potential for resulting in either a direct physical change in the environment.

The Marina Redevelopment Project consists of all the County's individual developments within Marina del Rey now making their way through the public approval process (Fisherman's Village, Mother's Beach, Western Marina residential complexes, etc) and including Projects R2006-01510 and R2006-02726. County is dividing "the Marina Redevelopment Project" into smaller redevelopment projects (e.g. the projects cited above) in order to reduce and hide the environmental impact of the "Marina Redevelopment Project." Therefore, County is piecemealing the "Marina Redevelopment Project," in violation of CEQA. California Supreme Court case law holds that the County cannot "hide" the redevelopment project from the public by breaking the Marina Redevelopment Project into little parts, and the County's behavior – actions and words - confirms there is "a Marina Redevelopment Project."

The California Coastal Commission stated during its Local Coastal Program (the "LCP") Periodic Review hearing on January 9, 2008, that County is piecemealing projects and that this is bad planning. They strongly recommended (said recommendation reaffirmed on October 16, 2008), that County should undertake a comprehensive LCP update amendment of anticipated future development that <u>includes</u> ALL pending project driven amendments, fulfillment of Asset Management strategies and other facilities identified through a community planning process. The intent behind this recommendation was:

> *"Well, I think it is apparent that if LCP amendments are pursued on an individual basis, project by project, that the cumulative impacts, and the coordinated efforts will be very difficult for the community, for the County, and for this Commission to understand."* - Commissioner Kinsey, LCP Review Hearing, January 9, 2008

An Environmental Impact Report should be prepared for the whole "Marina Redevelopment Project" should be County's highest obligation to determine the overall environmental impacts of all projects in the Marina. County argues that the LCP is the functional equivalent of an EIR per CEQA § 21080.5 because it is a certified program or at the very least a Master Plan, a position WAM does not share. However, instead of following the LCP for Marina del Rey, which County considers to be the functional equivalent of an EIR, County is implementing a slate of redevelopment projects <u>contained</u> in its *Marina del Rey Asset Management Strategy* ("AMS," April 15, 1997, which is not part of the Certified LCP). The projects, including R2006-01510 and Project R2006-02726 and the document itself are not in conformity or consistent with the Marina del Rey Certified LCP. Additionally, the AMS has not been reviewed or approved by the California Coastal Commission and has no regulatory or legal standing.

Public Resources Code § 21080.5 and CEQA Guideline also state that a "certified program" remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible. Therefore, even if the LCP were the functional equivalent of an EIR, County must still review the overall impacts of the "Marina Redevelopment Project."

Furthermore, the Roadmap approach adopted by Los Angeles County fails to carryout an overall Environmental Impact Report and instead opts for a cumulative impact assessment that may not be CEQA compliant and which may not involve full public participation as required under the California Coastal Act. The Roadmap approach also hides the "Marina Redevelopment Project" by compiling individual, project-driven LCP amendments into one overall LCP Amendment prior an overall project CEQA-compliant environmental review.

3. FURTHER CEQA VIOLATIONS

We ARE Marina del Rey also alleges that a range of actions and statements by the Los Angeles County Board of Supervisors, the Los Angeles County Department of Beaches and Harbors, the Los Angeles County Department of Regional Planning and the California Coastal Commission ("CCC"), taken as whole, have committed Los Angeles County to a definite course of action on Projects R2006-01510 and R2006-02726 in addition to other "pipeline" projects included in the Roadmap approach (Exhibit D), prior to conducting environmental reviews in accordance with the California Environmental Quality Act (CEQA). These commitments preclude from consideration, other feasible alternatives and/or mitigation measures prior to the environmental review of these projects.

This is indirect conflict with the courts that provided the following guiding general principle: "[b]efore conducting CEQA review, agencies must not 'take any action' that significantly furthers a project 'in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.'" Save Tara, ____ Cal. 4th ____ (citing Cal. Code Regs., tit. 14, §15004(b)(2)(B)).

As enunciated by the Supreme Court, in determining whether a conditional agreement such as the one in Save Tara is an approval under CEQA, "courts should look not only to the terms of the agreement but to the surrounding circumstances to determine whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures."

An agency's statements and unofficial actions, taken as a whole, can be the basis for finding that an agency has "committed to a definite course of action" and, therefore, "approved" a project. If environmental review has not preceded the agency's "commitment," then the agency has run afoul of CEQA.

The actions and statements that WAM references includes but is not limited to:

- The approval and of Lease options for Parcels 21 and OT by the Small Craft Harbor Commission (12/17/07 for Parcel OT and 3/12/08 for Parcel 21) and the Board of Supervisors (7/15/08 for both Parcels) that were conditional on future environmental reviews
- The adoption of the Marina del Rey Asset Management Strategy by the Board of Supervisors in 1997

- The adoption of the Roadmap Approach by the Departments of Beaches & Harbors, Regional Planning and the California Coastal Commission and its subsequent approval by the Board of Supervisors on September 1, 2009 (see comments below)
- Statements by the Regional Planning Commissioners at the October 14, 2009 hearing for the Neptune/Woodfin projects about the out of order process of the projects because the amendments need to be heard and approved first by their Commission and the California Coastal Commission
- Statements by Supervisor Yaroslavsky of his concerns that by the time Marina del Rey redevelopment projects reach the Board, they will be a done deal, as he experienced for The Shores development project.
- Statements by Director of Beaches and Harbors that 1) the developers have been negotiating for years in what he terms good faith based on entitlements allowed in the LCP and 2) the County has commitments and liabilities on the pipeline projects and need to move them through.

In reference to the Roadmap approach, WAM believes that approval of the motion on September 1, 2009 by the Los Angeles County Board of Supervisors to endorse the Roadmap approach and to create one project-driven LCP amendment is a violation of state law, including the Coastal Act and CEQA. The Roadmap approach includes the advancement of eight separate projects of which only two have undergone recent environmental reviews in accordance with CEQA rules (see Exhibit D, #7 and #8). CEQA reviews have not been conducted for the remaining six projects (Exhibit D, #s 1-6) which include Projects R2006-01510 and Project R2006-02726 on the agenda today.

For all eight projects, Los Angeles County has signed lease options with developers or negotiated lease terms conditioned on implementing future CEQA review processes. The single LCP amendment authorized to be prepared on September 1, 2009 calls for the packaging of individual, project-driven LCP amendments including those for Projects R2006-01510 and Project R2006-02726, into one compound LCP Amendment. As stated above, a CEQA review has not been conducted for six of these projects with project-driven LCP amendments.

Therefore, we believe these actions, taken as whole, commit Los Angeles County to a specific course of action and constitute discretionary project approvals prior to CEQA environmental reviews. These commitments preclude from consideration, other feasible alternatives and/or mitigation measures prior to the environmental review of these projects.

As stated above, this is indirect conflict with the courts that provided the following guiding general principle: "[b]efore conducting CEQA review, agencies must not 'take any action' that significantly furthers a project 'in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project.'" Save Tara, ____ Cal. 4th ____ (citing Cal. Code Regs., tit. 14, §15004(b)(2)(B)).

4. Conclusion

Based on the above comments, we once again urge your Commission to continue Project R2006-01510 and Project R2006-02726 until such time as the above issues are resolved and/or actions taken.

Together,
We ARE Marina del Rey

David Barish
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CC: Michael Tripp, Department of Regional Planning
Santos Kreimann, Department of Beaches & Harbors
Peter Douglas, Executive Director, California Coastal Commission
The Honorable Senator Oropeza, 28th Senate District

Exhibit A

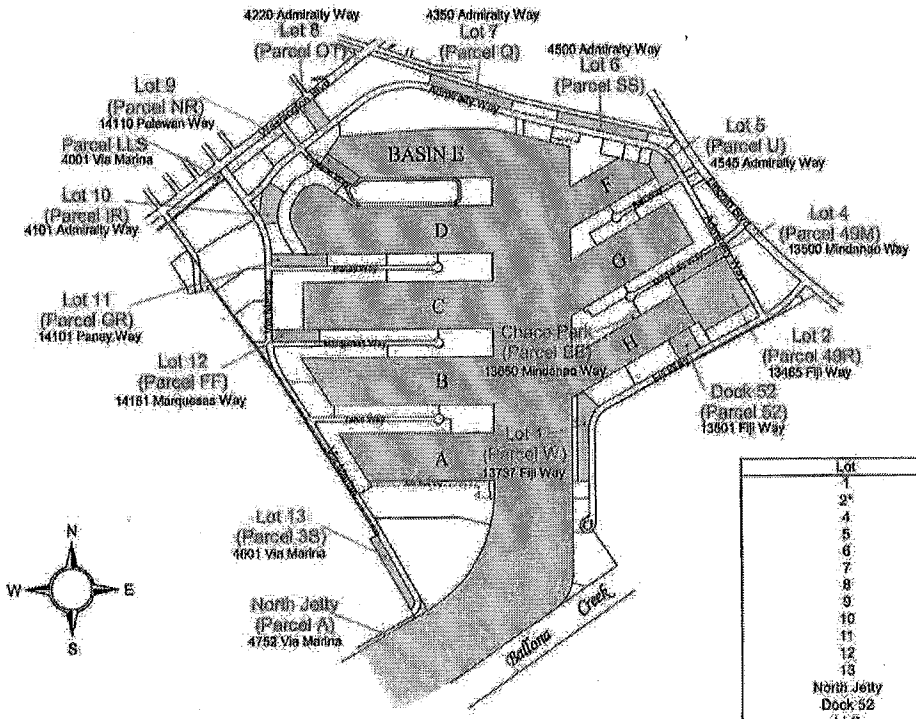
REPLACEMENT PARKING AT MARINA BEACH
3/9/06

Lot #	Project	Displaced Parking Spaces
9	Waterfront Mixed Use (Czuker)	44*
10	Marriott Residence Inn (Pacifica)	88**
12	Neptune Marina Apts. (Legacy)	103

	Total	235

* Final count to be determined; lessee has not completed analysis
** In the event road widening occurs

Diagram of Public Parking Lots in Marina del Rey



Lot	Spaces
1	439
2*	234*
4	152
5	222
6	111
7	120
8	183
9	187
10	209
11	263
12	206
13	138
North Jetty	60
Dock 52	236
LLS	8
Burton Chace Park	62
Total	2830

*Public launch ramp; all spaces are pull-through, allowing for both an auto and trailer in each space.

Exhibit B

F. Parcel 50 – Marina Waterside Shopping Center – California Pizza Kitchen - DCB #05-011
Approval of the record of the DCB's July 2005 action for conditioned approval of exterior renovations and replacement signs. Conditions include further review and approval of signage by the Department of Regional Planning, a return to the Board with detailed plans for the exterior lighting and consideration of limiting the quantity of yellow canvas on the patio side of the elevation.

G. Parcel 50 – Marina Waterside Shopping Center – Starbucks – DCB #05-012
Approval of the record of the DCB's July 2005 action for approval two signs.

H. Parcels 111/112 – Marina Harbor – The Villa – DCB #05-013
Approval of the record of the DCB's July 2005 action for conditioned approval of sign #6 as proposed; sign #7 as proposed; and temporary signs #1, 2 and 4 as proposed. The condition relates to the requirement that the permanent signs require review and approval by the Department of Regional Planning.

4. Old Business

A. Parcel 50 – Marina Waterside Shopping Center – California Pizza Kitchen - DCB #05-011-B
Consideration of modifications to exterior renovations and lighting.

B. Parcel 50 – Ralphs Market – #05-001-D
Consideration of a temporary banner for Ralphs Market.

C. Parcel 83/50 – Marina Waterside Shopping Center – DCB #05-010-B
Consideration of a landscape plan, including replacement of the Coral tree with an alternate tree and the loss of two parking spaces.

D. Parcel 77 - W.A.T.E.R. Program Storage at Dock 77 – DCB #05-006-D
Consideration of identification signage as part of the fence scrim.

E. Parcel 75 – Marina Professional Building – DCB #05-014
Reconsideration of four signs (three replacement and one new).

5. New Business

A. Parcel OT – Proposed Retirement Residence – DCB #05-015
Consideration of a 114 unit retirement residence project, 5,000 square feet of retail space and an "open to the public" landscaped area on the eastern edge of the site.

B. Parcel 21 – Holiday Harbor Courts - DCB #05-016
Consideration of a new building and severance of the westernmost portion of parcel for future use as public parking.

C. Parcel 103 – Oakwood Apartments – DCB #05-019
Consideration of a replacement sign.

Exhibit C

F. Parcel 21 – Holiday Harbor – DCB #05-016
Approval of the record of the DCB's August 2005 action for conditioned approval of a new building that includes a yacht club, office space, parking and a public park.

4. Old Business

A. Parcel 103 – Oakwood Apartments - DCB #05-019
Consideration of a replacement sign.

B. Parcels 111/112 – Marina Harbor – The Villa – DCB #05-013-B
Consideration of one wall banner, five pole flags (six months with a temporary flag and then with a permanent flag) and one leasing office sign.

5. New Business

A. Parcel 50 – Waterside Marina – DCB #05-021
Consideration of two center identification signs.

B. Parcel 50 – Various Tenants at Waterside Marina – DCB #05-022
Consideration of tenant signage for: Brighton Collectibles, Coldstone Creamery, White House/Black Market, Le Marmiton, Beyond Scents, Chipotle, M. Fredric and Fredric Man.

C. Parcel IR – Marina Beach Residence Inn – DCB #05-023
Consideration of an extended stay hotel containing 147 guest suites.

6. Staff Reports

A. Temporary Permits Issued by Department

B. Marina del Rey LCP Periodic Review (verbal report)

C. Ongoing Activities Report
- Board Actions on Items Relating to Marina del Rey
- Small Craft Harbor Commission Minutes
- Redevelopment Project Status Report
- Marina del Rey and Beach Special Events

7. Comments From The Public
Public comment within the purview of this Board. (Three minute time limit per speaker.)

8. Adjournment

Project Materials: All materials provided to the Design Control Board members are available (beginning the Saturday prior to the meeting) for public review at the following Marina del Rey locations: Marina del Rey Library, 4533 Admiralty Way, 310-821-3415; Department of Beaches and Harbors Administration Building, 13837 Fiji Way, 310-305-9503; MdR Visitors & Information Center, 4701 Admiralty Way, 310-305-9546; and Burton Chace Park Community Room, 13650 Mindanao Way, 310-305-9595.

Please Note: The Los Angeles County Board of Supervisors adopted Chapter 2.160 of the Los Angeles County Code (Ord. 93-0031 §2(part), 1993) relating to lobbyists. Any person who seeks support or endorsement from the Design Control Board on any official action must certify that they are familiar with the requirements of this ordinance. A copy of this ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.

Departmental Information: http://beaches.co.la.ca.us or http://labeaches.info

Si necesita asistencia para interpretar esta informacion llame a este numero 310-305-9547.

Exhibit D "Pipeline Projects"

1) Parcels 49/77 – a potential 161,000 square foot mixed use commercial development on the existing public parking, public boat launch ramp and dry storage lots.

2) Parcel IR – two 5-story building extended stay hotel on Mothers Beach parking lot.

3) Parcels 33/NR – mixed-use commercial, retail and residential on a public parking lot and the former Edies Diner/Harbor House lot.

4) Parcels 52/GG – Boat Central, 367 Vessel dry stack storage, building will extend 97' over water

5) Parcel OT – 114 unit senior retirement facility on public parking lot.

6) Parcel 21 - Holiday Harbor 5-story commercial/gym complex with 5 story parking structure on Panay Way. This project shares an EIR with parcel OT (#5 above) and thus shares a Coastal Development Approval process.

7) Parcel 9U – Woodfin 19-story hotel and timeshare. Two separate projects with a shared EIR combined into one for roadmap.

8) Parcel 10/FF – Neptune apartments and anchorage. Two separate projects with a shared EIR combined into one for roadmap.

Response to Comment Letter No. 2

David Barish, We Are Marina Del Rey

With respect to the comments regarding DCB Approval, on August 18, 2005 the DCB passed a motion unanimously to approve the proposed project in concept. The proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21 and as granted conceptual approval on February 17, 2010. The DCB again approved the project, and the DCB's specific comments will be summarized in the report prepared by County Planning staff for the Regional Planning Commission for consideration at its April 28, 2010 meeting. Following approval if that occurs, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix L of the Final EIR).

The proposed Holiday Harbor Courts development would provide new marine uses, a public park plaza and promenade, and a parking structure. The project would include marine commercial space and a yacht club on Parcel 21.

Several commenters questioned why this project is being heard at this time instead of awaiting the "pipeline projects" amendment that is contemplated for hearing later this year. There is no inconsistency with the approach of asking the Regional Planning Commission to hear the projects and their related entitlements at this time. This project began a legitimate amendment and Coastal Development Permit (CDP) process and is following the ordinary course of such an entitlement effort. In a separate agreement, the County of Los Angeles has consented to an aggregate amendment for all projects currently requiring a LCP amendment. However, this aggregate LCP amendment does not include the project-specific entitlements that are necessary to build the project. The County has combined Parcels OT and 21 in order to accurately describe the relationship of the parking relocation, the timing of construction, the gain of public parking land from an existing lease, and the addition of an important pedestrian pathway and landscaping connecting the Venice neighborhood with Marina del Rey. The CEQA review process for the project is quite distinct from piecemealing – which is the practice of separating projects into smaller pieces in order to diminish their environmental effect. The County has at all times in this EIR and in the pipeline projects LCP amendment endeavored to account for all projects which are reasonably foreseeable. Delaying action with respect to the Parcel OT and 21 projects until the aggregate LCP amendment for the pipeline projects is heard is not necessary, as this EIR independently considers all of the pipeline projects – as well as other related projects in the surrounding area. This was explained at the December 2009 Regional Planning Commission hearing. The reader is referred to Appendix K of the Final EIR for a transcript of the December 16, 2009 hearing testimony, which includes Andi Culbertson's response on behalf of the Department of Beaches and Harbors.

Regarding the review process and piecemealing, the Draft EIR includes a list of related projects based on information obtained from the Los Angeles County Regional Planning Department, the City of Los Angeles Department of Transportation, and from the Cities of Santa Monica and Culver City (refer to Table IV.H-10). The Draft EIR includes cumulative analyses for each environmental issue area based on the list of related projects. It should be noted that the project and related projects within Marina del Rey are subject to review by the Regional Planning Commission.

The environmental review process for the proposed project was initiated before the County's decision to prepare an aggregate analysis for all LCP amendment projects in the Marina del Rey area was announced. It is anticipated that the County's cumulative analysis will account for the proposed project as well as other area projects. However, the County's analysis will not supplant project-specific environmental

analysis (e.g., EIRs) and each individual project must undergo the environmental review process independent of the County's analysis, including the consideration of cumulative impacts. The subject EIR meets all CEQA requirements for the consideration of cumulative impacts without the aggregate amendment in any event.

With respect to the comments regarding ESHA, a recent site survey completed for the project determined that Parcel OT – an existing County parking lot - to be composed of an insignificant quantity and quality of wildlife habitat (see Appendix E of Draft EIR). It was also concluded that, similar to Parcel OT, vegetative ground cover present on the transfer portion of Parcel P is dominated by nonnative plant species and that any habitat areas would be excluded from the proposed transfer from Parcel P to Parcel OT. Although wildlife does utilize the Oxford Flood Control Basin, no significant habitat exists immediately adjacent to Parcel OT. Wildlife usage alone does not require that an area be characterized as ESHA.

We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

December 16, 2009

Commissioner Leslie G. Bellamy, Chair
Commissioner Wayne Rew, Vice Chair
Commissioner Esther L. Valadez
Commissioner Harold V. Helsley
Commissioner Pat Modugno
Regional Planning Commission
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

RECEIVED
DEC 16 2009
REGIONAL PLANNING COMMISSION

Re: Project R2006-01510 and Project R2006-02726 (together the "OT/21 Project") COMMENTS on the OT/21 Project and combined Draft Environmental Impact Report (DEIR) - : OPPOSE

Honorable Commissioners:

We ARE Marina del Rey ("WAM") strongly urges your Commission to continue the hearing on Project R2006-02726 (Parcel 21 Project) including all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances and Parking permits and disprove Project R2006-01510 (Parcel OT Project), including all applicable Plan Amendments, Coastal Development permits, Conditional Use permits, Variances and Parking permits based on the following issues and comments on the projects and the DEIR.

1. REJCECT/DISAPPROVE PROJECT R2006-01510

Project R2006-01510 proposes to build a 114-unit senior retirement facility based on a new land use category in the LCP of Active Seniors Accommodations to be described as:

> *a specialized facility for the housing of active persons over age 60 who may or may not be retired. Units shall contain no more than two bedrooms and shall not provide a kitchen. However, communal dining facilities shall be available on-site. Mixed use services provided on-site for residents may include, but are not limited to, one or more of the following: concierge, dry cleaners, laundry, hair and beauty salon, spa (excluding massage), recreation room, lounge, shuttle/limousine, travel, maid, linen, and other similar personal services. The accommodations may be rented or leased on a monthly or yearly basis. Accommodations may be rented, for no more than seven (7) days, to relatives or friends who are visiting residents of the facility. Units within an Active Seniors Accommodations facility are not considered residential uses for purposes of allocating dwelling units, assessing affordable housing requirements, or assessing transient occupancy taxes or fees.*

We ARE Marina del Rey believes the 114-unit senior retirement facility proposed on public parking lot OT (Project R2006-01510) and the corresponding LCP Amendment to create a new land use category for Active Seniors Accommodation should be disapproved because both the

type of facility proposed as well as the new land use category proposed are both discriminatory and in violation of California Government Code §65008 titled Planning and Zoning Law, which states in part:

> "(a) Any action pursuant to this title by any city, county, city and county, or other local governmental agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in this state because of any of the following reasons:
>
> "(1) The race, sex, color, religion, ethnicity, national origin, ancestry, lawful occupation, familial status, **disability, or age of the individual or group of individuals**. . . .(emphasis added)

Attorney General Opinion #04-704 dated 10/20/2004 includes the following statements and citations:

> In *Gibson By Gibson v. County of Riverside* (9th Cir. 1997) 132 F.3d 1311, the court reviewed the applicability of Government Code section 65008 to zoning ordinances adopted by the County of Riverside that limited certain residential areas of the county to senior citizens only. The court stated:
>
> ". . . The district court properly held that the plain language of § 65008(a) rendered the County's age-based zoning restrictions 'null and void.' Section 65008(a) is clear on its face and requires no assistance from any other source in interpreting its meaning. The County's argument that the section does not mean what it says is unpersuasive. . . ." (Id. at p. 1313.)

The question being opined on in Attorney General Opinion #04-704 was:

> In light of the prohibition against discrimination based upon age contained in the Planning and Zoning Law, may a city adopt a zoning ordinance or issue a conditional use permit that limits a specified parcel of land to use as a mobilehome park for senior citizens?

While this opinion discussed senior mobilehome parks, it found that the only reason such land use designation was not discriminatory was due to the existence of more specific state code that allowed senior mobilehome parks. Without such code, the senior mobilepark homes would have been deemed discriminatory. There are no more specific state code that would allow such senior facilities in Marina del Rey.

Additionally, this facility and this new land use category do not meet the requirements of California Civil Code §51.2 and thus are discriminatory in nature. §51.2 (a) reads:

> *Section 51 shall be construed to prohibit a business establishment from discriminating in the sale or rental of housing based upon age. Where accommodations are designed to meet the physical and social needs of senior*

> *citizens, a business establishment may establish and preserve that housing for senior citizens, pursuant to Section 51.3*

§51.3 reads in part:

> *(a) The Legislature finds and declares that this section is essential to establish and preserve specially designed accessible housing for senior citizens. There are senior citizens who need special living environments and services, and find that there is an inadequate supply of this type of housing in the state.*

It is clear from the above description and the project description contained in the DEIR, that this new land use category is for the "healthy, wealthy senior" with Limousines to take them to work (they may not be retired), to the doctor, to the restaurants, etc.

Here, public land is being converted to luxury senior living for seniors who do not have special physical needs as is intended by the legislature. Additionally, this project and new land use category DO NOT MEET THE NEEDS of senior housing in Los Angeles County and the State of California as established by the Legislature.

In fact, this new land use category claims to straddle the residential and hotel land use types, thereby avoiding any affordable housing component, which IS NEEDED and avoiding the payment of transient hotel tax.

2. <u>PREMATURE HEARING PROJECT R2006-02726</u>

The scheduled Regional Planning Commission hearing today is premature because it should not precede compound LCP Amendment. The above referenced projects are included in the bundle of the projects labeled by Los Angeles County Departments of Beaches and Harbors and Regional Planning as the "pipeline" projects (see Roadmap Letter Exhibit D). While WAM does not agree with roadmap approach which includes the bundling of project-driven LCP amendments into one overall compound amendment or the limited scope of the LCP amendment vis-à-vis a comprehensive LCP update as recommended by the Coastal Commission, the fact is, the Departments of Beaches and Harbors and Regional Planning are proceeding in this direction and the Board of Supervisors approved this direction on September 1, 2009.

Given this, we respectfully urge this commission to further continue the hearing on Project Project R2006-02726 until such time as both the Regional Planning Commission AND the California Coastal Commission have reviewed and taken action on the compound LCP Amendment that is currently being prepared by the Department of Regional Planning in conjunction with the Department of Beaches and Harbors.

As stated by your Commission on October 14, 2009 during the hearing for the Neptune Apartments and Woodfin Suites Hotels (project #s R2006-03647, R2006-03652, TR067861, R2006-03643 and R2006-03644), it is premature and out of order to hear these individual projects now <u>prior to</u> the drafting of compound LCP amendment that would allow these projects to proceed let alone prior to any action being taken on it by your Commission, the Board of

Supervisors and the California Coastal Commission - all required steps that need to be completed before these projects can be ultimately approved.

The Department of Regional Planning's response to this issue included in a letter dated December 3, 2009, Attachment II, #10 states that the Permit Streamlining Act and CEQA do not allow the Department of Regional Planning to place projects on hold once an application has been deemed complete.

However, the Permit Streamlining Act requires a project to be approved within 180 days after final certification of the EIR. The continuance of the EIR certification process in order to properly review and analyze cumulative impacts of the projects and proposed LCP amendments from these and other Pipeline projects would not affect the Permit Streamlining Act timeline.

Furthermore, how can this Commission properly review these projects given that the Department of Regional Planning has not completed its response to the Coastal Commission's Periodic LCP Review Recommendations that members of the public spent much time providing input.

And finally, moving forward with these projects now is a waste of taxpayer funds. When Los Angeles County states they cannot afford to carry out a comprehensive LCP update; that they cannot build a public park for its residents; and that they cannot fix a broken playground, how can this project proceed at this time with the risk that it will not be approvable. The Department of Beaches and Harbors spends hundreds of thousands of dollars a year of taxpayer money to pay for consultants that work on these projects and make presentations before your Commission.

Once again, we respectfully urge this commission to further continue the hearing on Project R2006-02726 until such time as both the Regional Planning Commission, the Board of Supervisors AND the California Coastal Commission have reviewed and taken action on the compound LCP Amendment that is currently being prepared by the Department of Regional Planning.

3. <u>PARKING REQUIREMENT FOR OT PROJECT</u>

The DEIR along with response to DEIR comments provided by the applicant and the Department of Regional Planning insist that .36 space per unit constitutes legally sufficient number of parking spaces for the 114-unit retirement facility. The .36 space per unit is based on "observations" of a similar facility in Culver City. However, the name of the facility has not been disclosed, no data has been supplied on how and when the "observations" were made.

It is far fetched to think that seniors over 60 who may or <u>may not be retired</u> will not have a need and/or desire to own a car(s). This facility will include 67 1-bedroom suites and 47 2-bedroom suites. Table 8(a) of Traffic study (pg 41-43) use the term congregate care for this project but it is not congregate care, it is a cross between residence and hotel, yet parking spaces offered are substantially lower. And what about guest parking?

In the comments letter from the applicant dated December 10, 2009, the Under Culver city standards are provided. We ARE Marina del Rey calculated the number of space that would be required for the 114-unit facility based on the Culver City standards as follows:

Senior housing (1 space/unit + 1 guest parking per 10 units) would require 114 + 11 guest spaces = **125 spaces**

Congregate care (1 space/ 2 units + 1 space for each 4 units for guests and staff) would require 57 + 28 guest/staff spaces = **85 spaces**

Residential care facility (1 space per 3 patient beds) would require 67 one-bedroom and 47 two bedrooms based on one bed per bedroom = 67 +94 beds = 161/3 = **54 spaces**

This project offers 41 spaces. In all cases, the required spaces fall short of all Culver City senior housing standards. It is clearly insufficient.

4. TRANSFER OF UNITS BETWEEN ZONES

The Marina del Rey LUP specifically states that development units may not be transferred between zones (Section C.8). The argument that precedence now exists because Parcel 20 was granted a transfer of development units for that specific parcel only as part of LCP Amendment 1-01 is also baseless. Instead of changing the LCP through amendment to allow transfer of development units, County has created the exception and is now making it the rule. This is another form of piecemeal development that obviates the planning law. When the LCP as written suits County, they quote the LCP. When it does not, they make exceptions to the rules without officially changing the rules.

Additionally, the Marina del Rey LCP does not allow the conversion of units to traffic trips for transfer from one type of development unit to another unless the transfer occurs within the same development zone and that zone is a Mixed Overlay Zone. For Project R2006-01510, 114 hotel units are being transferred into the Oxford Development Zone (not a mixed overlay zone) from the DZ 7, a transfer of dissimilar development units which are then converted to traffic trips.

5. PIECEMEALING CEQA/OVERALL MARINA WIDE EIR

Taken from page 4-5 of *CEQA RULES FOR AGENCY ACTIONS AFFECTING CLIMATE CHANGE by Barry H. Epstein, Paul S. Kibel and Sara N. Pasquinelli (copyright Fitzgerald Abbot & Beardsley LLP)*

> *CEQA requires a complete "project description" and does not permit piecemealing or segmentation of a larger integrated project into smaller discrete parts. The proper identification of all of the activities of a project (for purposes of the project description section of an EIR) will provide the basis for identifying those project activities that may result in environmental impacts (including but not limited to GHG emission increases or reductions). As a leading CEQA treatise explains: "The adequacy of an EIR's project description . . . is closely linked to the adequacy of its analysis of significant environmental effects. Failure to include a significant component of the project in the EIR project description often results in a failure to analyze the impacts of that*

component." Therefore, it is important to properly identify all of the aspects and components of a project.

WAM states once again that we believe that Los Angeles County including the Department of Beaches and Harbors and the Department of Regional Planning (together "the County") is piecemealing the redevelopment of Marina del Rey in violation of state law, including the California Coastal Act ("Coastal Act") and the California Environmental Quality Act ("CEQA"). County has admitted on the record and it is widely known, that County intends to redevelop Marina del Rey (the "Marina Redevelopment Project"). This "Marina Redevelopment Project" constitutes "a project" under CEQA. According to Public Resources Code § 21065, a project is defined as the whole of an action, which has a potential for resulting in either a direct physical change in the environment.

The Marina Redevelopment Project consists of all the County's individual developments within Marina del Rey now making their way through the public approval process (Fisherman's Village, Mother's Beach, Western Marina residential complexes, etc) and including Projects R2006-01510 and R2006-02726. County is dividing "the Marina Redevelopment Project" into smaller redevelopment projects (e.g. the projects cited above) in order to reduce and hide the environmental impact of the "Marina Redevelopment Project." Therefore, County is piecemealing the "Marina Redevelopment Project," in violation of CEQA. California Supreme Court case law holds that the County cannot "hide" the redevelopment project from the public by breaking the Marina Redevelopment Project into little parts, and the County's behavior – actions and words - confirms there is "a Marina Redevelopment Project."

An Environmental Impact Report prepared for the whole "Marina Redevelopment Project" should be County's highest obligation to determine the overall environmental impacts of all projects in the Marina.

Furthermore, the Roadmap approach adopted by Los Angeles County fails to carryout an overall Environmental Impact Report and instead opts for a cumulative impact assessment that may not be CEQA compliant and which may not involve full public participation as required under the California Coastal Act. The Roadmap approach also hides the "Marina Redevelopment Project" by compiling individual, project-driven LCP amendments into one overall LCP Amendment prior an overall project CEQA-compliant environmental review.

6. GREENHOUSE GAS EMISSIONS

The DEIR includes an analysis of potential greenhouse gas emissions for both projects during construction and post construction. However, the DEIR fails to analyze cumulative greenhouse gas emissions from all proposed projects in the Marina. This is another reason the piecemealing of the overall Marina del Rey redevelopment fails to properly analyze cumulative impacts including greenhouse gas emissions. Given the acreage of Marina del Rey is half water and half land, with most residential and commercial development alongside water, the cumulative impacts of greenhouse gas emissions and its effect on global warming and rising sea levels would be critical to any redevelopment in Marina del Rey.

7. TRAFFIC TRIPS FOR LIMOUSINE SERVICE

The DEIR for Project R2006-02726 and R2006-01510 fails to include traffic trips for the limousine service that will be shuttling up 150 residents around the clock on a daily basis.

How many limousines will be used daily? What size? How often? And at what times will they operate?

Where will the limousines park? Will their engines idle and what effects on pollution and air quality will this have.

What happens if more residents want cars than there are spaces?

8. TRAFFIC TRIPS MISCALCULATION

Page 730 of the DEIR Volume II, Table 14(c) applies an incorrect traffic trip rate to the incoming 114 hotel units. The rate used is 3.53 when it should have been .353. This results in an overstatement of surplus traffic trips in the Oxford Development Zone after transfer of

Oxford DZ Recalculated:

A. Allowable Phase II Development		0
B. Total Approved Trips		0
C. Remaining Allowable Phase II Trips		0
D. Development Transfers In		
Hotel units 114 x 0.353	40.24	
5000 sq ft retail	11.05	51.29 (the DEIR states 413.47)
E. Net Proposed Project Trips		
Retirement units 114x 0.17	19.38	
5000 sq ft retail	22.20	41.58

Surplus/(Deficit) DZ 6 Allowable Trips 9.71 (the DEIR states 371.89)

The problem here is the traffic trip generation rate of 0.17 used for the retirement facility is a congregate care facility rate (page 679 DEIR V II) from the Marina del Rey LCP. This facility is not congregate care. How accurate is the trip rate? Does it include trips from limousine service? An increase in the trip rate could potentially change the calculation above such that there would not be sufficient allowable trips for this project (barring the fact from # 4 above that transfer of development units between zones is not permitted).

CONCLUSION

Based on the above comments, we once again urge your Commission to continue Project R2006-02726 and until such time as the above issues are resolved and/or actions taken and DISSAPROVE Project R2006-01510.

Together,
We ARE Marina del Rey

David Barish
Co-Director
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CC: Michael Tripp, Department of Regional Planning
Santos Kreimann, Department of Beaches & Harbors
Peter Douglas, Executive Director, California Coastal Commission
The Honorable Senator Oropeza, 28th Senate District

Response to Comment Letter No. 3

David Barish, We Are Marina Del Rey

The comments in opposition to the proposed project are acknowledged and will be considered by the County when making a decision on the project.

1. With respect to discrimination comments, a few points should be noted. First, the cited Government Code section strictly applies to residential development (Gov. Code § 65008(f)) and this is not a residential development. Secondly, contrary to a discrimination claim based on age, the County's provision of this seniors housing accommodation actively attempts to accommodate a segment of the public that is not currently served in the area at this time. It is irrelevant whether the seniors so accommodated are of means or economically challenged. It is beyond dispute that the proposed highly amenitized facility accommodates the social, travel and maintenance needs of seniors. In any event, this is not an issue of adequacy with respect to the EIR.

2. With respect to the comments regarding the hearing and amendment processes, the project is proceeding through the environmental review process as established and presided over by the Regional Planning Commission. Regarding the cumulative impact analysis, the Draft EIR identifies a list of related projects that includes all reasonably foreseeable projects within the project vicinity. This list includes the "pipeline" projects identified in the October 21, 2009 letter from We ARE Marina del Rey. The related projects list is based on information obtained from the Los Angeles County Regional Planning Department, the City of Los Angeles Department of Transportation, and from the Cities of Santa Monica and Culver City (refer to Table IV.H-10). The Draft EIR includes cumulative analyses for each environmental issue area based on the list of related projects. The cumulative impact analysis fully complies with the requirements of CEQA, as set forth in CEQA Guidelines 15130.

   It should also be noted that the environmental review process for the proposed project was initiated before the County's decision to prepare a cumulative analysis for projects in the Marina del Rey area was announced. It is anticipated that the County's cumulative analysis will account for the proposed project as well as other area projects. However, the County's analysis will not supplant project-specific environmental analysis (e.g., EIRs) and each individual project must undergo the environmental review process independent of the County's analysis. The timing as to when projects are brought for review is beyond the purview of the Regional Planning Commission. The testifier is also referred to Appendix L of the Final EIR for a transcript of the hearing testimony, which includes Andi Culbertson's response on behalf of the Department of Beaches and Harbors to these concerns including the aggregating of LCP amendments and the review process for projects in Marina del Rey. More specifically, she states the aggregated LCP amendments are based on entitlement levels that the County already has secured in the 1996 LCP certification. The LCP amendment on Parcel OT is required because a portion of the existing entitlement capacity is being reallocated to this site. The Parcel OT site, therefore, is the subject of a land use change and a transfer of entitlement capacity that was already granted to Marina del Rey, and the five-year visioning process is to take place after the aggregate (pipeline project) LCP amendment is heard by the Coastal Commission.

3. With respect to the rate of proposed parking, due to the nature of the project being a service-oriented residential complex for seniors without a medical care component, neither hotel nor senior housing land use singularly describe the uses proposed. One of the key advantages of the Specific Plan approach is that it can narrowly tailor regulations to address special situations or uses. As such, a parking rate to reflect the proposed use was established based on a similar use (Culver City Palm

Court). Based on comments received during project public hearings, an updated set of parking occupancy counts was conducted by the traffic consultant at the Culver City Palm Court facility. Accordingly, a revised parking demand ratio has been increased to 0.484 spaces per unit, which would require the provision of 55 spaces. Thus, the project would provide the revised number of spaces to meet this parking demand. Relevant sections of the traffic study (See Appendix G) and the Final EIR (see Section V.H) have been updated to include this data.

4. With regard to the transfer of development units between zones, the commentor is correct in that the LCP does not allow the transfer of development potential between zones. However, the applicant has applied for an amendment to the LCP to allow the transfer of development capacity between zones. In addition to the transfer of development potential to the Oxford Development Zone, the entitlements requested for the Parcel OT project include placement of a Mixed Use Overlay.

5. With regard to comments relating to the commentor's desire for an overall marina wide EIR, and piecemealing, as discussed in response 2, above, the EIR includes a complete assessment of potential cumulative impacts associated with proposed project in combination with reasonably foreseeable development within Marina del Rey. The approach of assessing the project's individual impacts as well as its contribution to cumulative impacts is appropriate under CEQA. The proposed project is an individual development proposal that is not connected with other development proposals in the marina.

6. With respect to the comment regarding cumulative greenhouse gas emissions, as discussed in Section IV.L, Global Climate Change, of the Draft EIR, while not likely to be an individually substantial source of greenhouse gas emissions, the emissions from the proposed project would combine with emissions from throughout the Earth to cumulatively contribute to global climate change. It should be noted that the project, in mitigating for traffic and air quality impacts, has been designed to incorporate many of the mitigation measures to reduce greenhouse gas emissions recommended by the scientific community, and therefore, the project is considered to be consistent with the goals of AB 32 and other policies and plans associated with this global climate change. Additionally, the applicant has incorporated several measures into the project design that exceed minimum Title 24 energy conservation requirements. Also discussed in Section IV.L, Global Climate Change, the project is also required to and will comply with the Drought-Tolerant Landscaping and Green Building Ordinances.

   In their May 2009 paper, *The Impacts of Sea-Level Rise on the California Coast*, The Pacific Institute estimated that sea level would rise along the California Coast by 1.4 meters or 4.6 feet by the year 2100. According to BLUEWater Design Group, the mean tide level at Santa Monica is +2.8 MLLW. Based on a survey of the bulkhead on Parcel 21 by Fine Line Systems, the mean top of wall elevation is +9.7 MLLW, which is a difference of 6.9 MLLW. With an anticipated useful lifespan for the Parcel 21 building of roughly 50 to 75 years, there should be sufficient bulkhead freeboard to accommodate anticipated levels of sea level rise over the life of the project.

7. The traffic generation associated with the congregate-care facility component of Parcel OT has been determined based on the applicable trip generation rates provided in Appendix G (Transportation Improvement Program) of the Marina del Rey Local Implementation Program and in the Trip Generation (7th Edition, Institute of Transportation Engineers, 2003) manual. The PM peak hour trip rate specified in Appendix G of the Local Implementation Program is identical to the PM peak hour trip rate recommended in the Trip Generation manual. Therefore, all of the trip rates used for this land use conform to the rates provided in the Trip Generation manual. The Trip Generation manual describes the congregate-care facilities surveyed to develop its trip rates as follows:

Congregate care facilities are independent living developments that provide centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities.

Vehicle ownership levels were very low at congregate care facilities; the facilities' employees or services provided to the residents generated the majority of the trips to the sites.

Based on this description, the trip rates used to generate traffic for the congregate-care facility proposed for Parcel OT appear reasonable. As with the sites surveyed for the manual, the majority of trips to/from the proposed congregate care facility on Parcel OT are expected to be employee trips and trips related to the transportation services (limousine/shuttle) provided to the residents. All of these trips, as well as those for visitors, residents, deliveries, etc., are accounted for in the trip rates used.

8. With respect to the comments regarding Table 14(c), this table has been corrected in the revised traffic study (See Appendix G of the Final EIR); however, the correction does not change the content or conclusions of the traffic analysis provided in the Draft EIR. As discussed in Response 7 above, the trip generation rate for congregate care facilities in the ITE Trip Generation Manual was utilized in the traffic study. The ITE traffic generation rate accounts for all trips related to such facilities (i.e., residents, service-related, employees, visitors and deliveries).

Mr. Michael Tripp
Department of Regional Planning
Room 1362
320 West Temple Street
Los Angeles, CA 90012

October 18, 2009

Subject: Oceana Retirement Facility
Draft EIR for projects R2006-01510-(4) & R2006-02726-(4)

Dear Mr. Tripp:

The Board of Directors of the Del Rey Colony Homeowners Association wish to go on record in opposition to the retirement facility as proposed in the above referenced DEIR. Del Rey Colony is a gated community of 54 townhouses in the City of Los Angeles surrounding a private lagoon, fronting on Harbor Street from Wilson Ave. westerly for about 1,200 feet and extending southerly to the alley which parallels Washington Blvd. northerly by about 100 feet.

Located as we are, the proposed six story building on the south side of Washington Blvd. Extending from west of Wilson Ave. to east of that street will severely impact the visual quality and privacy now enjoyed by many of our owners. To make our position clear, we oppose only the impact of the height of the proposed building of sixty five feet above Washington Blvd., not the proposed facility as a whole.

From Lincoln Blvd. west to Clune Ave., a distance of two miles, an examination of both sides of Washington Blvd. discloses only one building of more than two stories: the International Hotel immediately adjacent to the proposed facility, which has a garage at street level and three stories above, somewhat set back from Washington Blvd.

Obviously the one story and two story buildings in this two mile stretch of Washington Blvd. and the bird sanctuary immediately adjacent to the proposed facility make the height of the proposed facility utterly incompatible with the small-scale residential and commercial land uses along this portion of Washington Blvd. The proposed six story building, if constructed, will most likely encourage other adjacent property to demand zoning changes to permit similar building heights in the city. In this manner a six story building at this location would tend to unravel existing zoning limitations in the city to the distinct disadvantage of the entire neighborhood.

The existing proposal is for a six story building adjacent to Washington Blvd. comprised of one level of parking at ground level, one level of parking above, and four levels of senior housing. If the developer is to provide two levels of parking they can be below ground, as has recently been accomplished at the adjacent corner of Admiralty and Palawan Way. Obviously other alternatives are available.

We therefore urge the Regional Planning Commission to reject the proposal now before it and to require the developer to amend its plan to be more compatible with the neighborhood by limiting the height of the building to no more than forty five feet above Washington Blvd.

Del Rey Colony Homeowners Association

By:Raylene Baron
Raylene Baron, President

cc: Councilman Bill Rosendahi

Response to Comment Letter No. 4

Raylene Baron, Del Rey Colony Homeowners Association

The comment in opposition to the proposed project is acknowledged and will be submitted to the County for consideration when making a decision on the project.

The comments address the proposed building height on Parcel OT, which has frontage along Washington Boulevard. Under current conditions, single-story and multi-story structures that border area roadways in the immediate project vicinity including the Marina International Hotel, which is 40 feet in height, are of sufficient height to block or confine views to nearby foreground public roadway locations and nearby buildings, such that the water surfaces of the Marina are not visible from public roadways.

The EIR analysis identifies a less than significant project impact as it would not be out of character with the visual surroundings, which include several low and high-rise structures on Admiralty Way including the Marina International Hotel (40 feet in height, but with a Local Coastal Program (LCP) allowable height of 225 feet), as well as the Marina City Club (three round, high-rise residential structures of varying heights ranging from 172 to 182 feet), Ritz Carlton Hotel (166 feet in height), New Admiralty Apartments (61 feet with a maximum height of 73 feet, and the Marriott Marina Beach (152 feet). While the proposed project building would be substantially taller than the residences across the street (north/northwest/northeast) of Washington Boulevard, the project design remains consistent with the "bowl concept" identified in the local plans. The current allowable height on Parcel OT for the parking designation is 90 feet. Therefore, while the proposed project would be greater in height than the neighboring hotel, existing Marina del Rey LCP policies for Parcel OT would allow for a taller structure than that represented by the proposed Oceana Retirement Facility. The project would be consistent with the height limitations on the Parcel OT project site, and compatible with the surrounding land uses and bowl concept.

Implementation of proposed project would contribute to the gradual alteration of the existing visual character of the Marina del Rey, as larger and taller structures (greater massing) are becoming more common in the community. As such, when viewed cumulatively, impacts to visual quality within the Marina del Rey community could be considered significant, given the intensification of development that is occurring. The County will take this impact into consideration when making a decision on the project.

Regarding the comment that the project would encourage adjacent development to request zone changes to allow for increased building height. It should be noted that projects within Marina del Rey that request discretionary approvals must undergo the environmental review and decision-making process. Decisions to this effect must be approved by the appropriate agencies (e.g., the County) and would be subject to input from the public whose comments will be considered by such agencies.

No feasible mitigation is identified to reduce the visual impacts associated with height and massing of proposed development on Parcel OT as any such measure would require the proposed project to considerably alter the approved conceptual design concept. It should be noted that these residual impacts have been conservatively identified as such, because the proposed project has received conceptual approval from the Marina del Rey Design Control Board and the Parcel 21 project has complied with and exceeded the view corridor requirement for the proposed height. The proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21 and as granted conceptual approval on February 17, 2010. Comments from the DCB will be summarized in a report prepared by County Planning staff and forwarded to the Regional Planning Commission for consideration at its April 28, 2010 meeting, when the proposed project is

scheduled to be heard. Following this hearing, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix M of the Final EIR).

With respect to the comment suggesting that the proposed project provide parking in two subterranean levels as opposed to one aboveground level and one subterranean level of parking, hazards associated with soil and groundwater conditions at Parcel OT would be increased if excavation activities were to occur at a depth sufficient to provide for two subterranean levels. Temporary excavations of up to 14 feet in depth to accommodate the one subterranean level proposed would bottom near or below the groundwater level, which requires project mitigation to include dewatering, if necessary. In terms of soil conditions, the potential for liquefaction, subsidence, and lateral spreading also requires project mitigation. Deeper excavations would require increased mitigation to offset these potential increased geotechnical hazards.

DEPARTMENT OF
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www.planning.lacity.org

OCT 15 2009

September 14, 2009

TO: Michael Tripp
County Los Angeles, Department of Regional Planning
Special Projects Section, Room 1362
320 West Temple Street
Los Angeles, CA 90012

FROM: Shana Bonstin, City Planner
Los Angeles Department of City Planning– Community Planning Bureau

SUBJECT: Proposed Developments in Marina Del Rey

The Los Angeles Department of City Planning recently reviewed several proposed developments for Marina Del Rey:

- Oceana Retirement Facility and Holiday Harbor Courts, which are currently undergoing the formal public review period for the Draft Environmental Impact Report.
- Boat Central
- Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort

We recognize that these projects will have an impact on the neighboring Venice community, and wish to ensure that quality, accessible public amenities are a part of the proposed developments, and that the extensive increase in development will provide benefit to Venice residents as well.

We acknowledge the inclusion of public amenities in several of the projects, including:

- Public park plaza and promenade at Holiday Harbor Courts
- Pedestrian promenade at Boat Central

- Restored public wetland and upland park project, waterfront pedestrian promenade, and public access to the ground floor uses of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort.

We appreciate these amenities, and want to ensure that residents of the surrounding communities are aware of them. Please ensure that final plans include designs that are pedestrian-friendly, easily publicly accessible, and well-advertised.

Response to Comment Letter No. 5

Shana Bonstin, City of Los Angeles

With respect to the Los Angeles Department of City Planning's comment on the public plaza and promenade proposed on Parcel 21, the project would direct public access to the waterfront (i.e. marina small craft water uses and Mother's Beach) as well as 5.5-foot wide sidewalk along the Panay Way Frontage. It should also be noted that the proposed development on Parcel OT would include an improved landscaped pedestrian access way between Admiralty Way and Washington Boulevard along the eastern boundary of the site and west of the lagoon. This would allow for better public access between the Venice community and Marina del Rey. This is an advantage to pedestrians, who now have to take a more circuitous route to travel between these two areas. With project implementation, open space in the Marina del Rey community would cumulatively increase and the proposed project would not adversely impact the supply of open space in the local area. It has not been determined that new additional exhibits or directional signs would be required as a result of the proposed project as the marina has necessary signs and outdoor exhibits and brochures to provide public awareness of the marinas access opportunities and coastal environment in place. With respect to the Los Angeles Department of City Planning's comments on other development projects in Marina del Rey, the provision of public amenities is beyond the purview of the proposed project. It is anticipated that the referenced projects would be subject to environmental review and the provision of such amenities would be addressed by the appropriate Lead Agency.

In addition, the proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21 and as granted conceptual approval on February 17, 2010. Comments from the DCB will be summarized in a report prepared by County Planning staff and forwarded to the Regional Planning Commission for consideration at its April 28, 2010 meeting, when the proposed project is scheduled to be heard. Following this hearing, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix M of the Final EIR).

Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952
213.922.2000 Tel
metro.net

Metro

September 21, 2009

Mr. Michael Tripp
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Tripp:

Los Angeles County Metropolitan Transportation Authority (Metro) is in receipt of the Draft EIR for the Oceana Retirement Facility & Holiday Harbor Courts Project. This letter conveys recommendations concerning issues that are germane to Metro's statutory responsibilities in relation to the proposed project.

The Traffic Impact Analysis prepared for the Draft EIR satisfies the traffic and transit requirements of the proposed project. However, the following issue should be addressed for the Final EIR:

Several transit corridors with Metro bus service could be impacted by the project. Metro Bus Operations Control Special Events Coordinator should be contacted at 213-922-4632 regarding construction activities that may impact Metro bus lines. Other Municipal Bus Service Operators may also be impacted and therefore should be included in construction outreach efforts.

Metro looks forward to reviewing the Final EIR. If you have any questions regarding this response, please call me at 213-922-6908 or by email at chapmans@metro.net. Please send the Final EIR to the following address:

Metro CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Susan Chapman

Sincerely,

Susan F. Chapman
Program Manager, Long Range Planning

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Response to Comment Letter No.6

Susan F. Chapman, Metropolitan Transportation Authority

With respect to Metro bus service during construction, the Applicant shall contact the Metro Bus Operations Control Special Event Coordinator as well as other municipal transit providers with bus lines that may be affected by project implementation. Mitigation Measure TA-1 addresses construction period impacts and requires the approval of Traffic Control Plans to minimize the impacts of construction-related traffic. It includes provisions that the Plans provide for coordination with public transit providers, such as, Metro Transit Authority (MTA) buses. It appears that MTA bus route 108 is the closest stop to the project. Mitigation Measure TA-1 has been revised in the Final EIR to provide the specific MTA contact information within the Traffic Control Plans to help ensure implementation as requested by the commenter.

#10 : 11

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OCT 21 2009

OXFORD RETENTION BASIN
FLOOD PROTECTION AND MULTIUSE ENHANCEMENT PROJECT

PLEASE PROVIDE YOUR INPUT

---------- PROJECT BOUNDARY

Response to Comment Letter No.7

Daniel Gottlieb

The figure including map of the Oxford Basin with handwritten comments as to the placement of parking will be submitted to the County for consideration when making a decision on the project. This figure is not a part of the Draft EIR and does not refer to the contents or adequacy of the Draft EIR.

7 : 8

Professor Emeritus Daniel H. Gottlieb
Mathematics Consultant,
3516 via Dolce
Marina del Rey
CA 90292
dhg7@mac.com
http://www.math.purdue.edu/~gottlieb/

Mathematics Consultant

Leslie Dutton
Full Disclosure Network
337 Washington Blvd.
Los Angeles, CA
Date 12/6/09
Re VERIFYING FELONY COUNT

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DEC 16 2009
REGIONAL PLANNING COMMISSION

Dear Leslie,

I have checked the document you gave me on estimating the number of felonies committed by the County's judiciary and County Supervisors and State's judiciary. I have found the arithmetic absolutely correct. The reasoning is a model of clarity. Every estimate and assumption is given clearly and fairly, so that anyone who disagrees with the procedure can make a quick objection, both in uncovering what he considers an error and in explaining where the disagreement is. In fact, I will send this study around to the County Departments as a template of what a fair and accurate accounting is. Every step of the account is complete with an explanation of the reasoning behind it and a mention of the assumptions made where necessary. The use of the information given in Ronald George's speech in estimating the state wide felonies is very clear and leads to a good approximation. The sources of the numbers are easily found from their clear citations. The last citation is a State study of the Court system. It actually gives the number of State Judges and Commissioners on page 140 in table 12a. The estimate of judges. Apparently the author never saw these figures. But the estimate agrees closely with the number of judges given by the table and is off by about 20% for the

FELONY REPORT

This correctly quotes the citation.

Wikipedia reports that there are presently 431 judges in LA County, and 140 Commissioners.

This agrees with Wikipedia and almost agrees with Table 12b in the Judicial Council's report linked below. 572 instead of 571

571 LA Judges / Commissioners receiving payments

x 12 Payments per year

6,852

This assumes that the number of judges/commisioners remained constant. In fact the judges state-wide increased by 50 from 2007 to 2008, though they were not funded.

x 22 Number of years (since early 1988)

150,744

x 6 Number of persons involved per payment (1 recipient, 5 supervisors authorizing each)

904,464

What do these crimes consist of? I will give definitions in the CONCLUSION below.

x 3 Number of crimes per payment (bribery, misappropriation of funds, obstruction of justice

At the level of approximation in this report, the assumption of constant amount of judges per year seems reasonable.

2,713,392 Almost . THREE . MILLION . FELONIES .

... just in LA County.

The analysis here is superb.

At his State of the Judiciary speech in September 2009, Ronald George mentioned that there are "more than 1600" California judges who've agreed to the one-day-per-month salary waiver (and they had about a 98% sign-up rate on that) during the budget "crisis". Therefore, there are approx. 1,632 judges in California.

In fact it may be more **accurate** than the **precise** figure of 1,614.0 given in table 12a on page 140, (computer page 156/159), in the link below. More accurate because the Judicial report uses an undisclosed method of counting partial judges which is why there is a a point zero at the end of 1,

If the same ratio of judges to commissioners in LA County applies across the state (33%), we have a total of about 528 commissioners in the state.

Now we must subtract the judges and commissioners in San Francisco County, Mendocino County, and Yolo County who've never received any payments. The 2009 Court Statistics Report (pg 42) states that there are a total of 92 judges and commissioners in those counties. (70 judges and commissioners

This citation means the linked one below. It is on computer page 58/159

reported for San Francisco County seems awfully low.) http://www.courtinfo.ca.gov/reference/documents/csr2009.pdf

Yes, this seems suspicious, even more so since the number of judges is 5 less then is reported in table 12a on page 140, computer page 156/159

Back to the math:

1,632	Estimated total number of California judges
+ 528	Commissioners
2,160	
- 92	San Fran / Mendocino / Yolo Counties' judges and commissioners
2,068	
x 12	Payments per year
24,816	
x 22	Number of years (since early 1988)
545.952	
x 6	Number of persons involved per payment

(1 recipient, 5 supervisors authorizing each)

Assumption: Each County has 5 Supervisors. I Know LA does.

3,275,712

x 3 Number of crimes per payment (bribery, misappropriation of funds, obstruction of justice

9,827,136 Almost . TEN . MILLION . FELONIES .

What ever innaccuracies occured by incorrect assumptions or incorrect data do not signifantly change the gross conclusion. So what if there are only 9 million felonies.

Actually, according to the methodology, the count should be including these people.

The count also does not include all the judges who received payments and have since retired or passed away, or the county supervisors who approved those payments.

We also have to wonder if the following, who've refused to help in any way, are aiding and abetting the payment scheme:

CA Fair Political Practices Commission
CA Commission on Judicial Performance

END OF REPORT

CONCLUSIONS

In order to complete my analysis of the FELONY REPORT document, I append these comments from an attorney about the crimes of misappropriation, obstruction of Justice, and bribery. --- DHG

After reviewing the data of the estimated number of felonies that have occurred in connection with the illegal payments to the Judges, one can make the conclusion that in Los Angeles County alone, it would appear that the Judges have looted the treasury . It appears that every time a judge accepted and cashed an illegal paycheck they misappropriated public funds. And complicit in that act is anyone who participated as a co-principal by authorizing and approving misappropriation of public funds.

HERE ARE THE BLACK'S LAW DICTIONARY DEFINITIONS:

MISAPPROPRIATION:

Is the unauthorized, improper, or unlawful use of funds or other property for any purpose other than that for which intended.

OBSTRUCTION OF JUSTICE:

Obstructing justice, impeding or obstructing those who seek justice in a court, or impede those who have duties or powers of administering justice therein. The act by which one or more persons attempt to prevent, or do prevent, the execution of lawful process. The term applies also to obstructing the administration of justice in any way, as by hindering witnesses from appearing, assaulting a process server, influencing jurors, obstructing court orders or criminal investigations of any act, conduct, or directing agency pertaining to pending proceedings "intended to prey on human frailty, and to deflect and deter the court from the performance of its duty, and drive it into a compromise with its own unfettered judgment, by placing it, through the medium of knowingly false assertion, in wrong position before a public which has little opportunity to investigate the facts and ascertain the truth" regardless of results, "clearly

10/27/2009 Covering letter 7 & 8

Attachment 3, Nov. 24, 2009 / Travis Cullen

Testifier Dr. Gottlieb

Construction Phase Hauling: I searched on 4,446 cubic yards and it has many different positions. It comes up four times and one time we're told that the 4,446 cubic yards is the sum of something from Parcel OT and from Parcel 21; whereas the original thing has it as just coming from Parcel 21, something like that...4,446 cubic yards of waste involves, I think, the Parcel 21. And the 7,768 cubic yards of soil is mentioned for the -- as the export of soil from Parcel OT. Now, OT is only going to have 74 loads, while the other one -- 21 -- is going to have 647 loads. But the obvious thing to do is to divide the number of cubic yards by the number of truckloads and find out what the value of the truck is. There's nowhere in the Volume I of the DEIR, which says how big these trucks are, what their noise volume is, what their traffic thing is.

As stated on page III-32 of the Draft EIR, demolition activities associated with redevelopment of Parcels OT and 21 would result in the hauling of 4,446 cubic yards (c.y.) of waste (246 c.y. for Parcel OT and 4,200 c.y. for Parcel 21). Grading activities for Parcels OT and 21 would result in exporting 7,768 c.y. of soil (6,500 c.y. for Parcel OT and 1,268 c.y. for Parcel 21). This information is internally consistent and references to the 4,446 c.y. estimate be found on pages IV.B-9 and IV.D-12 of the Draft EIR. The project (i.e., Parcel OT and 21 combined), is expected to generate 4,446 c.y. of waste and would require 74 loads; during grading 7,768 c.y. of soil export are expected and would require 647 loads. Generally, dirt weighs approximately 2,600 to 3,000 lbs. per c.y. and debris weighs approximately 250 to 500 lbs. per c.y. The actual weight varies depending on the water content of the soil and the type of debris being hauled; however, the weights described are generally accepted in the trucking industry. Soils would be hauled by a bottom dump truck that will hold approximately 11 to 12 c.y and debris would be hauled by an end dump truck that holds approximately 60 c.y. The typical street weight limit including the truck is 80,000 lbs and the trucks weigh about 30,000 lbs leaving about 50,000 lbs for debris or soil. Typically a full load of dirt is between 28,000 and 33,000 lbs depending on water content in the soil.

As discussed on page IV.B-10 of the Noise section in the Draft EIR, Assuming a 35 mile per hour (mph) travel speed, the above number of trucks would provide the following noise signature at 50 feet from the roadway centerline: 49.7 dB CNEL during demolition and 54.7 dB CNEL during grading. The maximum potential project impact attributed to truck hauling activity noise during demolition and construction is +0.3 dB CNEL. This is less than the significance threshold of +3 dB CNEL. The Draft EIR concluded that truck haul noise during both the 15 days of grading activities and seven days of demolition activity would therefore be less than significant. Construction of the project would require the designation of construction vehicle and haul routes and construction period management of roadways, sidewalks, and public transportation routes. The Draft EIR determined that the proposed project would result in potentially significant, but temporary, construction traffic impacts that would be reduced to a less-than-significant level through the implementation of Mitigation Measure TA-1. With respect to truck size, in is anticipated that standard sized heavy-duty diesel haul trucks would be used during construction.

Notes on 4,446 cubic yards OT and 21.

The explanation given in the response to my testimony is very interesting. The respondents pointed out that they were using a nonstandard organization of data, based on types of waste material instead of location of the material. This tends to hide important fact such as haul route impacts, which by the way are not mentioned in the DEIR at all. The third sentence gives a lot of irrelevant page numbers in the DEIR, and sets up the fact the rest of the paragraph, starting with "Generally ..." , discusses the types of trucks used to transport the different forms of material. These sentences are not to be found in the DEIR, and as 'mitigation' there are no references to this material at all. This distinction between transporting soil and debris is not to be found in the Shores EIR or in the Woodfin EIR. Based on my observation that the accuracy of EIRs is rapidly decreasing since the disbarment and jailing of the MSCII's lawyer, Richard Fine, I would say that the OT & 21 EIR is the one which is lying, although from my point of view I would rather prove that it is the Shores EIR which is lying.

Professor Dan Gottlieb, Mathematics.

Covering letter October 27, 2009
Attachment 3, 11/24/2009 Travis Cullen

7 & 8

Notes on 4,446 cubic yards OT and 21.

The explanation given in the response to my testimony is very interesting. The respondents pointed out that they were using a nonstandard organization of data, based on types of waste material instead of location of the material. This tends to hide important fact such as haul route impacts, which by the way are not mentioned in the DEIR at all. The third sentence gives a lot of irrelevant page numbers in the DEIR, and sets up the fact the rest of the paragraph, starting with "Generally ..." , discusses the types of trucks used to transport the different forms of material. These sentences are not to be found in the DEIR, and as 'mitigation' there are no references to this material at all. This distinction between transporting soil and debris is not to be found in the Shores EIR or in the Woodfin EIR. Based on my observation that the accuracy of EIRs is rapidly decreasing since the disbarment and jailing of the MSCII's lawyer, Richard Fine, I would say that the OT & 21 EIR is the one which is lying, although from my point of view I would rather prove that it is the Shores EIR which is lying.

Professor Dan Gottlieb, Mathematics.

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Response to Comment Letter No.8

Daniel Gottlieb

The comment letter regarding "Verifying Felony Count" is not relevant to the EIR or environmental considerations and requires no further response.

The commenter also submitted comments on a draft response to his testimony at the October 21, 2009 hearing. He asserts that, "the respondents pointed out that they were using nonstandard organization of data, based on types of waste material instead of the location of the material instead of the location of the material. This tends to hide important fact[s] such as haul route impacts, which by the way are not mentioned in the DEIR at all." In response to this assertion, the EIR preparers did not point out the use of "nonstandard organization of data." The response (see October 21, 2009 hearing) simply identifies the two types of materials that would be hauled from each project during construction and the quantities generated. The response explains the methodology used to arrive at the number of truckloads of exported material. The DEIR assesses the impacts of the exportation of this material in the following locations:

- Air Quality – Page IV.D-12 states that project is expected to generate 4,446 c.y. of demolition waste with approximately 74 truck trips over a period of seven days for both parcels. Additionally, 7,760 c.y. of soil are to be hauled over a period of 15 days with approximately 647 truck trips.
- Noise – Page IV.B-9 cites the following figures: 4,446 cubic yards of waste, 74 loads = approximately 148 truck trips over 7 days = 21 trucks trips per day during demolition and 7,768 cubic yards of soil, 647 loads = approximately 1,294 truck trips over 15 days = 86 truck trips per day during grading.
- Traffic – Mitigation Measure TA-1 requires that Traffic Control Plans for both Parcel OT and Parcel 21, including haul routes for construction-related vehicles, be submitted to the County of Los Angeles Department of Beaches and Harbors and the County of Los Angeles Department of Public Works Traffic and Lighting Division for review and approval. The implementation of Mitigation Measure TA-1 would ensure that potential haul route impacts would be less than significant.

The discussion in response to the October 21, 2009 hearing supporting the truckloads calculation has been added to the FEIR (see section IV.D, Air Quality, page 12) along with a reference for this information.

The comment with respect to the Draft EIR's correctness or consistency with the information provided in other environmental analyses for other projects is beyond the scope of the responses to public comments on this Draft EIR.

October 6, 2009

TO: Dennis Hunter
Land Development Division

Attention Toan Duong

FROM: Gary Hildebrand
Watershed Management Division

OCEANA RETIREMENT FACILITY (PARCEL OT) – PROJECT NO. R2006-01510
HOLIDAY HARBOR COURTS (PARCEL 21) – PROJECT NO. R2006-02726

As requested, we have reviewed the Draft Environmental Impact Report, and have the following comments to offer:

- The County of Los Angeles is planning to enhance Parcel P and envisions a separate public walking path that would encircle the Oxford Retention Basin. We recommend continued coordination between the Department of Public Works, the Department of Beaches and Harbors, and the developer to establish a setback and negotiate other project details.

- Table IV K-2 – Land Use Consistency describes a proposed pedestrian and bicycle access way between Admiralty Way and Washington Boulevard. Given the space constraints, we do not believe it is feasible to include a separate bicycle path between the proposed building and the Oxford Retention Basin. We believe our proposal for a walking path is consistent with the goals of the Marina's Local Coastal Plan. Programs Development and Traffic and Lighting Divisions should be consulted on this matter.

- We have no comment on the Holiday Harbor Courts project.

If you have any questions, please call Greg Jaquez at Extension 5923.

GAJ:lm
P:\wmpub\Secretarial\2009 Documents\Memos\After 3_20_09\Parcels OT & 21 DEIR.doc\C09512

cc: Programs Development
Traffic and Lighting

Response to Comment Letter No. 9

Gary Hildebrand, Watershed Management Division

With respect to continued coordination between the Applicant, the Los Angeles County Department of Public Works, and the County Department of Beaches and Harbors, the project design and implementation requires approval from both County Departments. Additionally, the Department of Beaches and Harbors serves as co-applicant for the proposed Project. As such, coordination between all parties has been occurring and would continue to occur throughout the environmental review process.

The project is revised to limit the accessway between Admiralty Way and Washington Boulevard to pedestrian uses and, thus, no bicycle access would be provided as part of the proposed development. The EIR will be revised to reflect this.

We ARE Marina del Rey P.O. Box 9096, Marina del Rey, CA 90295

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DEC 16 2009
REGIONAL PLANNING COMMISSION

December 16, 2009

Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner
Regional Planning Commission
320 West Temple Street, 13th Floor
Los Angeles, California 90012

Subject: Oceana Retirement Facility and Holiday Harbor Courts
Project Nos. R2006-01510, R2006-02726 (Item Nos. 7 and 8)

Honorable Commissioners:

The applicant has not demonstrated what, if any, benefit is to be derived from the referenced projects by anyone other than the proposed lessee, and we therefore recommend denial of the applications. At a minimum, we strongly urge you to withhold any approval pending review by the California Coastal Commission (CCC) of the comprehensive Local Coastal Plan (LCP) amendment that would be needed to bring the LCP into compliance with this project (sic), including the cumulative impacts of all anticipated redevelopment that is part of the CCC review process.

Proposed Land Use Category is Arbitrary

The applicant started this process with one proposal, but has switched mid-stream to a different one altogether. The project that appears before you today did not, as the applicant asserts, receive conceptual approval by the Design Control Board in 2005. The project that was approved (conditionally) was, as its name still suggests, a retirement hotel, i.e., an assisted living facility, for which there is a proven need in Los Angeles County along with a track record of reduced parking needs. The mutation into the current "Active Seniors Accommodation" is purely arbitrary, and appears to be nothing more than a contrivance to retain all of the development advantages of the former designation while exploiting other advantages and/or exemptions from various restrictions at whim.

Most notably, the retirement hotel designation enabled far greater density in the building than would otherwise have been possible because of the fractional parking requirement; the new land use category suggests that residents could forego the convenience of a car altogether—but there is no requirement that they do so, nor any restriction on residents keeping a car on site.

Furthermore, the proposed land use category remains sufficiently ill-defined to result in an avoidance by the lessee-applicant of both higher development costs and ongoing operational cost if the project is approved and built. It will bypass both the affordable housing component and

the low cost hotel room/hostel component, and the County will not be permitted to collect the "bed tax" surcharge on hotel or hotel-type operations.

We would like clarification of why the hotel obligations do not apply, since it appears that hotel development "credits" would be transferred from another zone (another LCP tabu) in order to facilitate this project being built in this zone—which, like the overall County redevelopment "plan," is an ill-considered mish-mash of unrelated uses. It is also unclear whether the transient or permanent resident market is targeted for this project, and how these groups will be segregated in the project to protect the security of the permanent residents.

Clarification of the actual purpose and benefits of this land use category are needed.

Proposed Land Use Category is Discriminatory

This project does not comply with California Civil Code 51.2/51.3 prohibiting age discrimination. Furthermore, Government Code Section 65008 states:

> *(a) Any action pursuant to this title by any city, county, city and county, or other local governmental agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in this state because of any of the following reasons:*
>
> *(1) The race, sex, color, religion, ethnicity, national origin, ancestry, lawful occupation, familial status, disability, or age of the individual or group of individuals.*

The "Active Senior Accommodation" proposed is not compliant with California code. It is essentially a luxury housing category that will exclude younger people and families with children. Active seniors, especially those who are still active in their careers (as anticipated by this zoning) can live anywhere, especially those who can afford to pay market rates for top-of-the-line luxuries like 24-hour limousine service. In fact, many Marina residential buildings, especially the new or newly redeveloped ones, offer concierge services for their residents, and I am sure limousines are available through them at market rates, too.

The County has no business being in the luxury housing market, particularly on land that has been bought and paid for by the people of Los Angeles County for recreational use, and which is obviously better utilized as an enhancement to the Oxford Basin revitalization project to restore flood control capacity while preserving the wildlife habitat that will make the ancillary use as a passive park a success (and provide the needed parking for visitors to it). Its ideal location and economic potential as a Park & Ride and Venice Beach overflow parking lot has been neglected for years. ~~That~~ This potential can be realized quickly and inexpensively.

Other Issues:

The residents will not only be active, but may still be engaged in business and other careers. It is highly unlikely that the Oceana will have 114 limousines on call for the convenience of

residents, and therefore the likely occupants of the "public" parking spaces will be residents' cars and those of their guests, thus inhibiting public access to those parking accommodations.

My testimony at your October 21, 2009 hearing, that the Parcel OT parking lot was not underutilitzed but, rather, was under-served by recreation, was not addressed at all by staff in your requested follow-up. The response entailed information about public parking capacity and parking space replacement elsewhere, but did not address the recreational underutilization of this (or any other) Marina del Rey parcel, nor did it address the potential benefits and value of Parcel OT as a Park & Ride facility and overflow parking for Venice Beach, which are clearly intended uses per the LCP.

Summary

The County has distorted the argument for seniors with special needs. The needs of the County and the State are for housing for seniors with special needs, not for seniors with "luxury" needs. Please reject this project, and direct staff to pursue the better potential of this parcel for parking & Oxford Lagoon enhancements.

Together,
We ARE Marina del Rey

Nancy Vernon Marino

Nancy Vernon Marino
Co-Director

Response to Comment Letter No. 10

Nancy Vernon Marino

The comment in opposition to the proposed project is acknowledged and will be considered by the County when making a decision on the project.

With regard to the claims that the proposed land use category is arbitrary and discriminatory, please see the response to Comment letter No.3.

Accommodations for senior citizens are encouraged as part of Marina del Rey Phase II development and, consistent with that intent, the project is requesting that Parcel OT be re-zoned with a new Active Seniors Accommodations designation. With respect to the proposed land uses, due to the nature of the project including service-oriented accommodations for seniors without a medical care component, neither hotel or senior housing land use singularly describe the uses proposed.

Regarding the commenter's concern about the amount of parking provided for the proposed active seniors accommodations, this component is unique since it would provide transportation services to residents via limousines that would dramatically reduce the need to own and park a vehicle. With respect to the rate of proposed parking, due to the nature of the project being a service-oriented residential complex for seniors without a medical care component, neither hotel or senior housing land use singularly describe the uses proposed. As such, a parking rate to reflect the proposed use was established based on a similar use (Culver City Palm Court). Based on comments received during project public hearings, an updated set of parking occupancy counts was conducted by the traffic consultant at the Culver City Palm Court facility. Accordingly, a revised parking demand ratio has been increased to 0.484 spaces per unit, which would require the provision of 55 spaces. Thus, the project would provide the revised number of spaces to meet this parking demand. Relevant sections of the traffic study and Final EIR have been updated to include this data (See Section IV.H and Appendix G of the Final EIR).

Regarding alternatives, the proposed project responds to the County Department of Beaches and Harbors' Request for Proposals (RFP) for development of hotel/motel, restaurant, retail, and/or other uses on Parcel OT, as well as several other lots. The Draft EIR considered a reasonable range of feasible alternatives to the project including a "No Project" alternative, under which no development would occur and Parcel OT would remain a parking lot. However, the No Project alternative would not respond to the RFP nor fulfill the project's basic objectives. The testifier is also referred to Appendix L of the Final EIR for a transcript of the hearing testimony, which includes Andi Culbertson's response on behalf of the Department of Beaches and Harbors, whereby she states that park and ride facilities have been considered; however, the County does not have jurisdiction over the public transportation use in Marina Del Rey and, further, Parcel OT is not a desirable site for park and ride facilities as there are other areas that are more desirable from the viewpoint of MTA and Culver City Bus.

In response to the testifier's comment regarding recreation, the existing Parcel OT consists of a paved parking lot and does not provide recreational uses. The project proposes a landscaped passageway adjacent to the Oxford Basin, which would provide opportunities for residents and the general public for walking and passive recreation (such as bird watching). Benches would also be provided. The plaza and 28-foot wide promenade on Parcel 21 would offer views of the Marina and would serve a recreational function by allowing the public direct access to the waterfront; specifically Marina small craft harbor uses and Mother's Beach. Presently, this area does not facilitate recreational activities. Additionally, as noted in Section IV.M of the Draft EIR, several parks and recreation opportunities exist in the vicinity of the project, including Burton Chace Park, Yvonne B. Burke Park, Edgington Park, Glen Alla Park, and the

Culver West Park. Other recreational activities in the area also include the Aubrey E. Austin View Piers, Venice Pier, North Jetty Beach and Promenade, the Oakwood Recreation Center on California Street and the Penmar Golf Course on Rose Avenue. The marina itself, as well as promenades throughout the area and Mother's Beach, are recreational amenities providing water recreation to both residents and the public.

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October 20, 2009

VIA FACSIMILE AND HAND DELIVERY

Michael Tripp, Principal Planning Assistant
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Re: Oceana Retirement Facility/Holiday Harbor Courts Project
Los Angeles County Projects R2006-01510-(4)/R2006-02726 –(4)

Dear Mr. Tripp

We are writing on behalf of our client, FantaSea Yachts and Yacht Club, to provide comments on the Draft Environmental Impact Report for the Oceana Retirement Facility ("the Project") with respect to the replacement parking associated with the retirement residence component of the Project.

FantaSea Yachts is celebrating its 30th year as a small family owned and operated enterprise (encompassing three generations) providing 20,000 visitors from throughout the County and beyond with high quality, affordable access to yachting in Marina del Rey. The company also takes particular pride in its ability to provide stable long term employment. More than half of its employees have been part of the FantaSea family for over a decade. The continued success of FantaSea's charter yacht business relies heavily on the visiting public - its customers - having convenient parking access adjacent to the launch area during peak operations, which consists primarily of week nights and weekends.

FantaSea does not have parking facilities of its own. The County and the California Coastal Commission established FantaSea's right to use public parking facilities adjacent to its operations in 1995 pursuant to a conditional use permit which protected the public's access to convenient parking when visiting the marina and FantaSea Yachts. In addition, the County inserted a term in its lease requiring the developer of the subject property to make parking facilities available to FantaSea. These parking facilities have been used continuously without interruption for the last 13 years. Specifically, FantaSea's customers have

used Lot OT as the primary parking lot facilitating their ability to easily access and enjoy the visitor-serving, coastal dependent uses offered by FantaSea.

Lot OT currently has 183 parking spaces that the public, including FantaSea customers, have used over the years. The Project as proposed would develop Lot OT into a 114-unit retirement hotel with full service amenities along with 5000 square feet of retail space. With respect to parking, 92 spaces on-site at Lot OT are to be retained and an additional 94 spaces would be relocated to Parcel 21 on Panay Way. In addition to the 92 on-site spaces, the developer will provide 42 parking spaces for the 114 residential units and another 20 spaces for retail customers for a total of 154 parking spaces on-site and 94 relocated to Parcel 21.

We understand that the foregoing represents the Project developer's effort to ensure sufficient parking and access for Marina del Rey visitors including FantaSea customers. However, it must be noted that as a practical matter it is unlikely that the 42 on-site spaces allocated for the residential portion of the Project will be adequate for the parking needs of the residents. As previously noted the plan calls for 114 residential units. Almost half of these units have two bedrooms and could house two or more occupants per unit, many of whom will have cars and will require parking. In addition, there will be guests, visitors and family members requiring daytime, weekend and overnight parking. Roughly calculated, the 42 spaces account for about 1 parking space for every 4 people using or residing at the property. Accordingly, our client is concerned that the lack of adequate parking for the residential component, unless properly conditioned and enforced, may have an adverse impact on the availability of parking for visitors seeking to take advantage of the opportunity provided by FantaSea Yachts to recreate in the marina.

We appreciate that the County has historically manifested its support and worked to facilitate FantaSea's ability to operate its coastal dependant visitor serving business as part of the Marina del Rey community. More specifically, FantaSea and the hundreds of thousand of visitors that have passed through its doors have benefited from the County's creativity and other efforts to balance the myriad of competing interests in the Marina in a manner that produces maximum benefit to property owners, leaseholders and the public at large. Our client also acknowledges and fully appreciates the current efforts to address the parking concerns that have been identified above.

Thank you for your consideration.

Yours truly,
Strategic Counsel PLC

Cynthia McClain-Hill

1284.2

Response to Comment Letter No. 11

Cynthia McClain-Hill, Strategic Counsel

With respect to the comments on the provision of adequate parking for use by the public, the project's residents, patrons, and visitors, as well as for FantaSea Yachts and Yacht Club, the proposed project would replace all of the parking spaces that would be removed with project development. The project would provide 92 spaces on Parcel OT, which would be clearly marked with appropriate signage for easy access by the public, and 94 public spaces on Parcel 21, which is located to the south of Parcel OT on Panay Way. It should be noted that, in addition to the use of these spaces for Mother's Beach and special events, the FantaSea Yachts and Yacht Club retains a Coastal Development Permit for the non-exclusive right to use up to 92 public parking spaces on Parcel OT after 6:00 pm and on weekends and holidays. The parking requirement for the proposed project is based on the rates from the Los Angeles County parking code. For Parcel OT, the project would provide 14 spaces for the retail use, or two spaces above the code requirement.

Regarding the commenter's concern about the amount of parking provided for the proposed active seniors accommodations, this component is unique since it would provide transportation services to residents via limousines that would dramatically reduce the need to own and park a vehicle. Since no rates are set in the parking code for active seniors accommodations that provide this type of transportation service, the parking rate of 0.36 spaces per unit that was initially used in the parking analysis for the proposed project was based on parking observations at a similar retirement facility site (Culver City Palm Court). Based on comments received during project public hearings, an updated set of parking occupancy counts was conducted by the traffic consultant at the Culver City Palm Court facility. Accordingly, a revised parking demand ratio has been increased to 0.484 spaces per unit, which would require the provision of 55 spaces. The project would provide the revised number of spaces to meet this parking demand. Relevant sections of the traffic study and Final EIR have been updated to include this data (See Appendix G and Section IV.H of the Final EIR).

However, perhaps the most important aspect of the public parking accommodation on site is that it is segregated from facility parking. Specifically, it is separately gated, separately signed, and a fee is imposed. While it is always possible that a member of the facility will actually pay on a daily basis to park in the public parking area, this has not been a frequent condition at the County public parking lots. The public may also park in the parking lot during times that FantaSea may wish to use it, and that is one of the unfortunate inconveniences to a use which does not have parking of its own.

7 & 8

The Boating Coalition
PO Box 11131
Marina del Rey, CA 90295

RECEIVED
DEC 16 2009
REGIONAL PLANNING COMMISSION

December 16, 2009

Leslie G. Bellamy, Chair
Regional Planning Commission
320 West Temple Street
Los Angeles, California 90012

RE: Items 7 & 8 - Project No. R2006-01510-(4) and Project No. R2006-02726-(4)

Dear Chairman Bellamy and Commissioners,

The Boating Coalition asks for your support while contemplating the development of the parcels OT and 21 after careful consideration of the facts:

1. There would be a drastic loss of recreational boating opportunities in the harbor, a substantial loss of boater-dedicated parking, and a significant downsizing of a valuable public resource purchased with public funds.

2. The hearing of these projects is prior to its approval or denial by the Design Control Board for the landside and the California Coastal Commission for the waterside. This is a subversion of the public process.

3. These projects are inconsistent with the Marina del Rey Local Coastal Plan and the California Coastal Act *section § 30213* whereas **lower cost recreational facilities shall be protected.**

4. These projects are inconsistent with the MdR LCP and the California Coastal Act *section § 30224* whereas **increased recreational boating shall be encouraged.**

5. These projects are inconsistent with the MdR LCP and the California Coastal Act *section § 30234* whereas **facilities serving the commercial fishing and recreational boating industries shall be protected and where feasible, upgraded.**

6. There are **numerous potential CEQA violations**. The staff report did not provide accurate information and the project description, as viewed by members of the public on the website, was misleading. Furthermore, the piecemeal development by Los Angeles County in the MdR harbor initiated an action by the

Coastal Commission in January 2008 in its LCP Periodic Review. The Department of Regional Planning cannot hide parts of a development project – a portion of the projects in MdR is not being looked at as a whole.

The harbor in Marina del Rey has already endured a significant loss of affordable recreational boating opportunities. Coastal Commissioner Patrick Kruer recently alluded to the loss of affordable slips in the Dana Point Harbor Revitalization Plan hearing in October 2009. He reported that the proposed loss in Dana Point was not nearly as significant as in other harbors. With the exception of the Channel Islands Harbor, The Boating Coalition has not found a harbor in Southern California where affordable recreational boating has been more impacted by commercial and residential development than in Marina del Rey.

The continued decimation of small slips in the Marina del Rey should warrant an enhancement to the Holiday Harbor Marina (a marina dedicated to small, affordable boats). The vast majority of the small boat owners that are being "pushed" (Coastal Commissioner Kram's sentiment – Oct.'09) out of the slips need other means to access the water. Simultaneously removing affordable wet slips and diminishing the use of the public parking severely undermines the spirit of the Coastal Zone Management Act, the California Coastal Act, and equal rights as prescribed under the U.S. Constitution. The underlying principle in funding these public harbors was to ensure that all citizens have an equal opportunity and choice of participation in the recreational activities they provide.

While the Regional Planning Commission has continually allowed more commercial and residential developments in the harbors of California, the boating interests have been compromised. The departments of Beaches & Harbors and Regional Planning are less interested in adhering to the Coastal Act than finding ways to "end around" the public process. **Sections § 30213, § 30224, and § 30234 clearly indicate the intended use and the promotion of recreational boating in the harbors.**

The consistent loss of valuable public resources in Marina del Rey in Los Angeles County must be halted and reversed as stated in the Coastal Act: *recreational boating facilities shall be encouraged*.

The Boating Coalition urges you to **DENY** the permits and further provide honorable stewardship that enhances public access to the coastal regions of California.

Sincerely,

Jon Nahhas, President
The Boating Coalition

Response to Comment Letter No. 12

Joe Nahhas, The Boating Coalition

1. With respect to recreational boating opportunities, the proposed project does not involve changes to any of the existing boating facilities. Each lot would continue to provide access to the marina and all boating facilities and Parcel 21 would provide boater restrooms and showers and other boater facilities.

The proposed project would require the transfer of the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21. The proposed project would not include the reduction of boat slips or associated boater-dedicated parking spaces. Separate from the Holiday Harbor Courts Parcel 21 project, the lessee of Parcel 21 is required to rehabilitate and upgrade existing dock/slip facilities at this parcel in order to comply with their Option to Amend Lease Agreement dated July 15, 2008 and to continue safe use by boaters. The reconstruction of Holiday Harbor will be separately considered by the Coastal Commission, as it lies within the Commission's original jurisdiction area. It is the oldest marina in Marina del Rey (constructed in 1964). The modifications proposed would significantly reduce the number of boat slips that can be physically accommodated at the site, but this is not for the purpose of eliminating or "pushing out" small boaters. The combination of implementation of Department of Boating and Waterways Guidelines, ADA (Americans with Disabilities Act) requirements, elimination of "buddy" slips which cannot be fully used due to their width, and market demand all contribute to the reduction in slips. The lessee sought a permit from the Coastal Commission for the required and proposed modifications to the existing boat slips at this parcel but withdrew it in October 2009. The County has since elected to submit a Master CDP for all the marinas in Marina del Rey, and this reconstruction will be included.

The potential modifications to boat slips at this parcel are not part of the currently proposed project; they would occur irrespective of whether or not the proposed project is approved. Parking for all boat slips currently at Parcel 21 is provided at this parcel and at Parcel 20 Phase II. The proposed project includes parking for up to 94 boat slips at Parcel 21. However, if no reduction of Holiday Harbor slips occurs there will still be adequate parking between Parcel 21 and Parcel 20 at the ratio required by Title 22. Currently there are 149 boat slips associated with Parcel 20 and 187 boat slips associated with Parcel 21. The proposed 447 space Parcel 21 parking structure would include 112 parking spaces (assuming a 0.75 parking ratio) allocated to the 149 boat slips on Parcel 20, and 71 parking spaces allocated to 94 of the 187 Parcel 21 boat slips. The 70 parking spaces required per code for the remaining 93 boat slips on Parcel 21 would be provided via the 81 space surface parking lot that would be constructed on Parcel 20, Phase II. Therefore, recreational boating opportunities and boater dedicated parking would not be reduced as a result of the proposed project.

During the construction term, boaters will be offered valet service to Holiday Harbor from their temporary parking, as was done when the Capri Apartments were constructed adjacent to Dolphin Marina.

In addition, separate from the proposed project, through a partial lease termination, Parcel 21 would be reduced by 207 feet, or 31,050 s.f., with a corresponding increase in the area of Parcel GR for additional public parking at Mothers Beach.

2. The statement regarding failure to obtain DCB approval is inaccurate. On August 18, 2005 the DCB passed a motion unanimously to approve the proposed project in concept. Subsequent to the December 16, 2009 public hearing the proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21 and as granted

conceptual approval on February 17, 2010. Comments from the DCB will be summarized in a report prepared by County Planning staff and forwarded to the Regional Planning Commission for consideration at its April 28, 2010 meeting, when the proposed project is scheduled to be heard. Following this hearing, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix L of the Final EIR).

3. Section 30213 of the Coastal Act states "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred." The existing Parcel OT consists of a paved parking lot and does not provide recreational uses, therefore there is nothing to protect in the way of recreation. Moreover, the County is expanding Chace Park and establishing a wetland park at Parcel 9, both of which are no cost recreational facilities. Finally, the project proposes a landscaped passageway adjacent to the Oxford Basin, which would provide opportunities for residents and the general public for walking and passive recreation (such as bird watching), and provide an important connection between Venice are and Marina del Rey. Benches would also be provided. The plaza and 28-foot wide promenade on Parcel 21 would offer views of the Marina and would serve a recreational function by allowing the public direct access to the waterfront; specifically Marina small craft harbor uses and Mother's Beach.

4. The two sites that are the subject of this EIR do not have the capability to enhance recreational boating except as noted above – by inclusion of boater parking and the yacht club on Parcel 21. Parcel 21 would also provide boater restrooms and showers.

5. As stated above, the proposed project does not involve changes to any of the existing boating facilities. Each lot would continue to provide access to the marina and all boating facilities. Parcel 21 would provide boater restrooms and showers as well as a plaza and 28-foot wide promenade, which serve a recreational function by allowing the public direct access to the waterfront; specifically Marina small craft harbor uses and Mother's Beach. Additionally, the project would not reduce existing commercial fishing harbor space or interfere with such activities.

6. The commentor does not provide sufficient detail for a thorough response on the claims regarding the staff report and website so no further response can be made. As to the piecemealing comment, please see the response to the same issue in Comment Letter 2.

The comment in opposition to the proposed project is acknowledged and will be considered by the County when making a decision on the project.

MARINA TENANTS ASSOCIATION
4015 VIA MARINA B309
MARINA del REY, CA. 90292
TEL/FAX 310 581-1928

7 & 8

RECEIVED
DEC 16 2009
REGIONAL PLANNING COMMISSION

Date 12/14/2009

To: Michael Tripp
Regional planning

From: John Rizzo
President Marina Tenants Association.

Please send this cover sheet with the enclosed material to each

Commissioner for Wednesday's 12/16/2009 item on Marina del Rey.

It explains why the project should be at controlled prices not market value prices.

Thank You

John Rizzo

FILE COPY

RECEIVED

APPENDIX 3

COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012

JOHN H. LARSON, COUNTY COUNSEL

April 18, 1980

WORKING COPY

(213) 974-1821

Mr. Jack W. Salyers, Foreman
1979-80 Grand Jury
County of Los Angeles
13-303 Criminal Courts Building
Los Angeles, California 90012

Re: Department of Small Craft Harbors

Dear Mr. Salyers:

You have requested our opinion on various legal questions that have arisen in the course of a review of the operations of the Department of Small Craft Harbors by your contract auditor Arthur Young and Company. Specifically, you inquire:

1. Can the leases currently in operation in the Marina be modified, with the consent of both parties, to change the percentage rentals at periods other than the renegotiation date?

2. Can the areas defined in the lease be redefined with the consent of both parties; e.g., can a leasehold with anchorage and nonanchorage uses be split into two or more leases, each with only one defined use?

3. Is the County obligated to enforce the controlled price provision (Section 16) of the standard master lease?

4(a) Can the County sell its interest in all or any portion of the underlying land or leaseholds (i.e. the reversion) at the Marina to a private investor(s)?

4(b) If the interest could be sold, would the use of the funds generated by such a sale be limited in any way?

5. If an interest in all or any portion of the underlying land or lease (i.e. the reversion) at the Marina is sold to a private investor(s), can provisions in the transfer limit the subsequent use of the property to uses defined by the County?

6. Does the term "fair and reasonable cost" as used in the standard master lease mean fair market value, which is assumed to equate price where supply would equal demand?

Our opinions are as follows:

1. and 2. The Board of Supervisors has the power to amend its harbor leases as proposed with the concurrence of the lessees who are parties thereto.

3. Price control must be exercised.

4(a) The Board of Supervisors does not have the power to sell its reversionary interests in the Marina to a private investor(s) in the absence of enabling legislation amending the State Revenue Bond Act authorizing the Board to divest itself of title to land suitable for revenue producing use acquired for a revenue bond project. Assuming the absence of statutory authority can be cured, there would still remain the serious question of whether a sale of these future interests could be legally justified on grounds that the property is not required for public use.

4(b) Any funds derived from the disposition of such interests must be deposited to the revenue fund for the Marina Del Rey that has been established in the County Treasury until such time as the bonded indebtedness of the project has been retired. Thereafter, the funds from the sale must be used for the acquisition of or addition to land, structures, improvements and equipment, except (1) roads, (2) flood control projects, or (3) utilities (other than airport, sewage, sanitation and water supply facilities) to be used in conducting the governmental functions of the County.

5. A transfer of an interest in real property can be restricted in the manner proposed.

6. Although fair and reasonable cost as used in the harbor leases could have the meaning you suggest, it has never been accorded such a restricted meaning by the Harbor Department. As interpreted by the department in its policy statement number twenty-seven, a fair and reasonable cost is that cost which is ascertainable when one considers such factors as the range of costs for like goods, services, and facilities; quality of the product being offered; the expense associated with the efficient production thereof; the vagaries of the market place within which the offer is being made; and the presence of governmental economic controls. This procedure translates into an administrative construction that equates fair and reasonable cost with a cost that ranges from cost that is competitive when goods, services and facilities are in plentiful supply to a cost that is restrained when goods, services and facilities are in short supply. Considering the generality of the terms used, the synonymity of the context with terms such as just, equitable, bargain and moderate, the obvious tie to consumer protection, and the broad spectrum of prices that must be controlled, we cannot say the administrative construction thus given is clearly erroneous or unauthorized.

ANALYSIS

For purposes of convenience we have analyzed your inquiries within the context of the following topics: contract modifications; enforcement of price control; disposition of real property; appropriation of funds; fee simple defeasible; and contract interpretation.

1. Contract Modification.

The power of the County to contract is set forth in section 23004 of the Government Code. The power to modify a previously executed contract is inherent in the power to create contractual relationships. Civil Code section 1698. Main Street and Agricultural Park Railroad Company v. Los Angeles Traction Company (1900) 195 Cal. 743. Hochstein v. Berghauser (1899) 123 Cal. 681, 686. The only limitation upon the exercise of this power is that the proposed contractual modifications be supported either by an adequate consideration

or in the absence thereof a public purpose. Government Code section 23007. Winkleman v. City of Tiburon (1973) 32 Cal.3d 834. County of Alameda v. Carleson (1971) 5 Cal.3d 730. The determination of what constitutes an adequate consideration and or a public purpose is primarily a matter of legislative judgment and discretion, which in the absence of an abuse thereof is not subject to judicial review. City of Los Angeles v. Superior Court (1959) 51 Cal.2d 423. County of Alameda v. Janssen (1940) 16 Cal.2d 276.

The proposed modifications would appear to be supported by good consideration as that term is defined by Civil Code section 1605. In the first case consideration to the County would be the promise of the lessee to renegotiate the rental at a time other than contractually required; whereas, in the second case, it would be the detriment incurred by the lessee through the relinquishment of rights of user in a defined parcel of land and substitution in place thereof two contracts describing separate leaseholds with single primary uses for each leasehold estate. However, as previously noted, "(t)he adequacy of the consideration which involves the comparative values of the promises of the parties, is a matter which, in the absence of abuse of discretion, rest in the judgment and discretion of the city council (in our case the Board of Supervisors)." City of Los Angeles v. Superior Court, supra, 51 Cal.2d 423, 432.

2. Enforcement of Price Control.

The origin of the price control provision is to be found in the judicially created doctrine of public purpose. This doctrine which declares that the sovereign power of the state shall not be used to serve a private purpose has been used to invalidate public projects leased for private operation, whenever the circumstances of the transaction revealed a lack of control by government over the management and operation thereof by the private operator. The applicability of this doctrine has resulted in the invalidation of land grants to the private sector (California Academy of Sciences v. City and County of San Francisco (1895) 107 Cal. 334; Law Societa Italiana Di Mutua Beneficia v. City and County of San Francisco (1900) 131 Cal. 169); contracts for construction of public structures by the

private sector (Egan v. City and County of San Francisco (1913) 165 Cal. 576); and leases of public property to the private sector (City and County of San Francisco v. Ross (1955) 44 Cal.2d 52; Shizas v. Detroit (Michigan 1952) 52 N.W.2d 589; San Vicente Nursery School v. County of Los Angeles (1956) 147 Cal.App.2d 79; Opinion to the Governor (Rhode Island 1950) 70 A. 2d 17).

Among the circumstances that are considered significant in the determination of whether requisite control had been retained by government is the existence of the right to control prices for the services and goods that are to be provided to the public by the private sector in its use of land acquired by the government through the exercise of the power of eminent domain. Egan v. City and County of San Francisco, supra, 165 Cal. 576; City and County of San Francisco v. Ross, supra, 44 Cal. 2d 52. When such a control is absent, the transaction between government and the private operator has been invalidated on grounds that there has been an unlawful delegation of government control over public lands to the private sector, the existence of which is incompatible with the doctrine that governmental power shall be exercised for public rather than a private purpose.

Although it might be argued that a public purpose is being served if, as a matter of fact, people fill the Marina at whatever prices the lessees charge, the legal requirement implicit in the doctrine is that there be actual control exercised, which in the case of price control means that the public body take action, rather than leave the establishment of prices entirely to the discretion of private individuals operating on public property. For as was observed in the case of Egan v. City and County of San Francisco, supra, 165 Cal. 576, 583, "(t)he public use of public property cannot, under any provisions of charter or statute to which our attention has been directed, co-exist with private management and control of such property." Additionally, the argument has been expressly rejected by the State Supreme Court in the course of its review of the proposed combination off street parking and shopping structure to be built by private individuals on public land in downtown San Francisco. "The argument is made that parking at any reasonable rate is serving a public need in metropolitan San Francisco. If public use is to be given

such a broad meaning, it would appear that all off-street parking facilities in San Francisco, regardless of ownership and primary purpose of operation, would be serving a public use. The Constitution does not contemplate that the exercise of the power of eminent domain shall secure to private activities the means to carry on a private business whose primary objective and purpose is private gain and not public need." City and County of San Francisco v. Ross, supra, 44 Cal.2d 52, 59.

The case of Larson v. City of Redondo Beach (1972) 27 Cal.App.3d 332, is inapposite to the conclusion we have expressed herein. The case holds that a municipality is not specially enjoined by law to set rates for entrepreneurs doing business within a public small craft harbor, inasmuch as the harbor is a municipal affair and the powers exercised thereover by the city in the management and control thereof are discretionary in nature. The holding is thus only relevant with respect to a duty to set rates. Rate setting is distinguishable from price control in that in the former the public body actually sets the price, whereas in the latter case the public body merely approves or disapproves the price set by the private individual operating on public property. Accordingly, the absence of a duty to set rates should not be construed as the equivalent of an absence of a duty to control prices, especially given the origin of the price control provision to be the judicially created doctrine of public purpose.

3. Disposition of Real Property.

Ordinarily, the Board of Supervisors can sell property that is surplus or excess, and the general authority of Government Code section 25363 is adequate for that purpose. However, when considering the disposition of property within the Marina, statutes of general applicability to county powers and duties must yield to the statutes of specific applicability to a county revenue bond project that are set forth in Chapter 14, commencing with Section 26301, Part 2, Division 2, Title 3, of the Government Code. It is a rule of statutory construction that "(a) specific provision relating to a particular subject will govern in respect to that subject, as against a general

provision, although the latter, standing alone would be broad enough to include the subject to which the more particular provision relates." Rose v. State of California (1942) 19 Cal.2d 713, 724.

Accordingly, we note the following relevant language from the more specific enactments. "Title to all property acquired under this chapter and the revenue and income therefrom shall be in the name of the county. The title to such property and the revenue and income therefrom . . . . pledged to the payments of and interest of any bonds issued hereunder is subject to the trusts created by this chapter in favor of the bond-holders. . . . The management, operation and control of all improvements acquired, constructed or completed by the board under this chapter shall be fixed in the board and the powers, rights, functions and duties of the board with respect thereto shall not be impaired or interfered with." Government Code section 26307. "If the board of supervisors determines that any lands within the project are not suitable for revenue-producing use but can be used for public beaches, parks or other facilities for general public non-revenue producing use, it may adopt a resolution setting aside specific lands for such use. If the board of supervisors determines that the revenues of the project will be impaired by setting aside any such lands, provision shall be made for monthly payments into the revenue fund of an amount not less than the amount of such impairment, but not to exceed the fair rental value of the land." Government Code section 26309.

The section that requires title to all property to be in the name of the County and for the Board to exercise management, operation and control over all improvements constructed thereon and without impairment or interference therewith, raises a fair implication that title shall remain in the County. The provision does not make any sense, if we say the County can acquire land for a public small craft harbor, finance construction of improvements and facilities thereon through the sale of revenue bonds and/or long-term ground leases, and then turn around and sell the land because the property is no longer required for a public use. It should go without saying that the County would get title when it acquired the property, so the specificity of the provision seems, at least to our minds, to indicate that title shall remain in the County. Legislative recognition of this requirement is further

evident from the quoted amendatory language to section 26309 that made an exception for non-revenue producing land to be devoted to beach, park or general public non-revenue producing use.

The Board's lack of power to sell its reversionary interests in the Marina could, of course, be corrected by the enactment of enabling legislation. However, the legislation would have to be carefully drafted to avoid an unconstitutional impairment of bond indenture. United States Trust Company of New York v. New Jersey (1977) 431 U.S. 1, 97 S.Ct. 1505. Accordingly, any such statute would have to confer power to sell lands within the project suitable for revenue producing use, limit the exercise to lands no longer required for the public use for which the project was created and for the revenue to meet the payments provided for in the bond indenture pursuant to which revenue bonds were issued, and provide for appropriation of the proceeds of sale in accordance with said bond indenture.

However, even assuming the enactment of such an enabling statute, there would still remain the serious question of how the Board can justify the sale of a future interest in land that does not vest until the second decade of the twenty-first century on grounds the property is not required for a public use. Clearly, such a finding would have to take into consideration future as well as immediate public needs for land and facilities for a small craft harbor. Having already justified the land acquisition on the basis of the need of the County for park and recreational land, as well as the current development thereon as necessary to the full, complete and convenient public use of a small craft harbor, and confronted with a state coastal plan policy that calls for the accommodation of public demand for increased boating facilities within existing harbors, the Board must necessarily focus upon the future and foresee therein the reason why these lands will no longer be required for a public use. Whether or not such a prediction can be made is of course beyond the purview of this opinion. Predicting the immediate future is, at best, difficult. Forecasting the need for public land forty years hence might well be impossible. At any rate, the issue is sufficiently uncertain to probably assure an opponent of the Board's action to a right of judicial review within the context

of a mandamus action challenging the decision as an abuse of discretion on grounds that the remoteness of the future interest being sold all but makes it impossible to determine the public need therefor, ascertain the market value thereof, and encourage competitive bidding in the interest being sold beyond the existing leaseholders.

4. Appropriation of Funds.

Funds derived from the sale of harbor lands will of course be encumbered by the covenants of the Revenue Bond Resolution, until such time as all bonded indebtedness is retired. Bond Resolution section 516. Thereafter, Government Code section 25523 provides "(t)he funds derived from the sale shall be used for capital outlay." Although the term "capital outlay" is not currently defined by statute, the budgeting practices of the Chief Administrative Officer have defined the term as "expenditures which result in acquisition of or addition to fixed assets." Our office has approved of this administrative construction by letter of September 27, 1979 to the Chief Administrative Officer regarding the use of funds from excess real property sales. Thus, the funds from the sale of surplus County-owned real property within the harbor would have to be used for acquisition of or addition to land, structures, improvements and equipment except roads, flood control projects or utilities (other than airport, sewage, sanitation, and water supply facilities) to be used in conducting the governmental functions of the County.

5. Fee Simple Defeasible.

In transferring its real estate interest in the harbor to private parties, the Board could limit the subsequent use of the property to uses defined by the Board through transfer of a fee simple defeasible which "is an estate which has been granted either subject to a condition subsequent giving the grantor the right to terminate the fee, or subject to a limitation whereby the occurrence of a specific event will automatically terminate the estate (a 'determinable' fee)." Miller and Starr, Current Law of California Real Estate, Volume 2, Estates, section 621, page 817.

6. Contract Interpretation.

The term "fair and reasonable cost", as used in the price control section of the harbor leases is undefined in the contract, and as far as we know by any judicial decisions involving the proper construction to be given thereto by the public officials responsible for enforcement thereof.

This absence of definition is not fatal to enforcement, however, if one remembers that section sixteen of the harbor leases is nothing more than a statement of decisional and constitutional law. It is a statement of decisional law to the extent it provides for approval or disapproval of prices based upon a consideration of fair and reasonable cost to the public users of the harbor, and a statement of constitutional law to the extent that it provides for approval or disapproval of prices based upon fair and reasonable return upon private investment within the harbor. Under these circumstances we believe it is appropriate to apply by analogy the statutory rule of construction to the effect that the contemporaneous administrative construction of an enactment by those charged with its enforcement and interpretation is entitled to great weight and is not generally to be departed therefrom unless clearly erroneous or unauthorized. Louis Stores, Inc. v. Department of Alcoholic Beverage Control (1962) 57 Cal.2d 749; Mesasi v. Jacobson (1961) 55 Cal.2d 303; City of Los Angeles v. Rancho Homes, Inc. (1953) 40 Cal.2d 764.

Thus, it is within the content of policy statement number twenty-seven, as amended by Board action of March 4, 1980, synopsis 97, the procedure for controlling prices within the Marina Del Rey, that a substantive meaning for fair reasonable cost is to be found. In this regard we note the following language of policy statement number twenty-seven. "The great majority of facilities and services offered at Marina Del Rey are in plentiful supply in the Los Angeles metropolitan area and their prices are subject to fair competitive business practice. Department policy, therefore, provides for intensive review of prices of facilities and services which are (a) not in plentiful supply in the area, or (b) when frequent or substantial price increases are effected. A cursory review for facilities and services in plentiful supply is made as required. (Par.) If an intensive review of prices is required, sufficient data will be compiled to answer the following questions: 1. Are new

prices charged by lessee within the range of prices for like facilities and services in the comparable areas? 2. What is the quality and/or quantity of Marina Del Rey facilities or services? 3. What business cost items are affected by inflationary trends as differentiated from fixed cost items? .... (Par.) Since our determinations must be based on an evaluation of several factors rather than a set formula, our considerations may vary from case to case depending upon the specific circumstances involved. However, general factor considerations will be based upon the following order of priority: 1. Analysis of prices in comparable areas for like facilities and services. (A compilation will be maintained of prices for like facilities and services in comparable areas.) 2. Evaluation of leasehold facilities and services. (Quantity and quality of services of Marina Del Rey leaseholds will be considered in evaluating price increases.) 3. Evaluation of inflationary trends. (Costs will be reviewed against appropriate governmental indices to evaluate inflationary factors.) .... 4. Analysis of mandatory or voluntary governmental rent or price control ceilings when facilities and services are in short supply."

The meaning to be abstracted from these paragraphs is that "fair and reasonable cost" is something other than the equivalent of fair market value. It translates more properly into a cost not given to extremes which shall be economic to the producer, competitive to the consumer, and cognizant of the presence of governmental economic controls.

The administrative interpretation thus given is consistent with the commonly accepted meaning of the terms being construed. The terms "fair and reasonable" are not words of art and accordingly are to be understood in their ordinary and proper sense. Civil Code section 1644. The term "fair" is synonymous with words such as just, equitable, impartial, unbiased, dispassionate, uncolored, objective. "Fair", "implies a disposition in a person or group to achieve a fitting and right balance of claims or considerations that are free from undue favoritism even to one's self." Webster's New International Dictionary (3d edition 1971) page 815. The term "reasonable" means not extreme; not excessive; not expensive.

The administrative construction is also authorized for the reasons heretofore discussed under the topic of enforcement of price control.

In summary, the term "fair and reasonable cost" as used in the harbor leases must necessarily be construed in accordance with the meaning adopted therefor by the Harbor Department as said administrative construction is both reasonable and authorized.

We trust our response to your questions and analysis thereon will be sufficient to meet the needs of your contract auditors in their report on operations of the Department of Small Craft Harbors. Should either they or the Grand Jury need further clarification on the matters discussed herein or additional legal analysis with respect to contract administration and/or harbor operations within the Marina Del Rey, please advise, as we are more than willing to respond thereto either through appearance before the Grand Jury or further legal opinion.

Very truly yours,

JOHN H. LARSON
County Counsel

By Robert W. Rodolf
Robert W. Rodolf
Principal Deputy
County Counsel

APPROVED AND RELEASED:

John H. Larson
JOHN H. LARSON
County Counsel

RWR:mg

Response to Comment Letter No.13

John Rizzo, Marina Tenants Association

With respect to price control, this issue is beyond the scope of the CEQA environmental review process. However, the comment letter will be considered by the County when making a decision on the project.

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

RECEIVED
SEP 17 2009

September 15, 2009

Mr. Michael Tripp, Project Planner
LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING
320 West Temple Street
Los Angeles, CA 90012

Re: SCH#2007021133; CEQA Notice of Completion; draft Environmental Impat Report (DEIR) for the **Oceana Retirement Facility and Holiday Harbor Court Project**; located in the Marina Del Rey/ Ballona Creek Area; Los Angeles County, California

Dear Mr. Tripp:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources.. The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural resources **were not identified** within one-half mile of the APEs.. However, there are Native American cultural resources in close proximity to the APE. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental study.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11..

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list ,should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]*et se)*, and NAGPRA (25 U.S.C. 3001-3013), as appropriate..

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Native American Contact
Los Angeles County
September 15, 2009

Charles Cooke
12835 Santiago Road
Acton , CA 93510
661) 733-1812 - cell
uscol@intox.net

Chumash
Fernandeno
Tataviam
Kitanemuk

Gabrielino Tongva Nation
Sam Dunlap, Tribal Secretary
P.O. Box 86908
Los Angeles , CA 90086
samdunlap@earthlink.net
(909) 262-9351 - cell

Gabrielino Tongva

LA City/County Native American Indian Comm
Ron Andrade, Director
1175 West 6th Street, Rm. 403
Los Angeles , CA 90020
213) 351-5324
213) 386-3995 FAX

Gabrielino Tongva Indians of California Tribal Council
Robert Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-925-7989 - fax

Gabrielino Tongva

Ti'At Society
Cindi Alvitre
6515 E. Seaside Walk, #C
Long Beach , CA 90803
calvitre@yahoo.com
714) 504-2468 Cell

Gabrielino

Gabrielino-Tongva Tribe
Bernie Acuna
501 Santa Monica Blvd, # 500
Santa Monica , CA 90401
(310) 587-2203
(310) 428-7720 - cell
(310) 587-2281

Gabrielino

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
,
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693
San Gabriel , CA 91778
626) 286-1262 -FAX
626) 286-1632
626) 286-1758 - Home
626) 286-1262 Fax

Gabrielino Tongva

his list is current only as of the date of this document.
istribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and afety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. nd federal NEPA (42 USC 4321-43351), NHPA Sections 106, 4(f) (16 USC 470(f) and NAGPRA (25 USC 3001-3013)

his list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed CH#2007021133: CEQA Notice of Completion: draft Environmental Impact Report (DEIR) for the Oceana Retirement

Response to Comment Letter No. 14

Dave Singleton, Native American Heritage Commission

The comment that no Native American Cultural resources were indentified on or within one-half mile of the project sites is acknowledged. As discussed in section IV.F, Cultural Resources, of the Draft EIR, while no prehistoric or historic resources have been recorded within one-half mile of the property, the identification of the historic Venice Landfill as being located near both Parcel OT and Parcel 21 and recent investigations in nearby Ballona Creek resulting in the discovery of hundreds of native American burials and numerous prehistoric features indicates a sensitivity of the project area for prehistoric and historic archaeological resources. As the potential exists for such resources to be uncovered during grading and excavation activities for the proposed developments, prior to mitigation, the proposed project may result in a significant impact to prehistoric and historic archaeological resources. Implementation of Mitigation Measures CUL-1 through CUL-6 identified in the Draft EIR would reduce these impacts to less than significant. With respect to consultation with the NAHC, the Applicant will conduct such consultation in accordance with applicable guidelines.

Mitigation Measure CUL-1 has been revised to include a provision that the archaeological monitor must be accompanied by a Native American Monitor to be selected from the Native American Heritage Commission approved list.

Section IV. F, Cultural Resources, has been revised to include a reference to Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5 to address accidentally discovered resources. Mitigation Measure CUL-4 was similarly revised. Compliance with CEQA is achieved within in the EIR's reference to Sections15064.5 et seq. of CEQA Guidelines. At this time, since know known resources occur within the Area of Potential Effect (APE), avoidance per Section 15370 of CEQA is not applicable; however, would be implemented as necessary should significant resources be uncovered during construction.

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maziar Movassaghi
Acting Director
9211 Oakdale Avenue
Chatsworth, California 91311

Arnold Schwarzenegger
Governor

OCT 14 2009

October 12, 2009

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

NOTICE OF COMPLETION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS, SCH NO. 2007021133

Dear Mr. Tripp:

The Department of Toxic Substances Control (DTSC) has received your Notice of Completion of draft Environmental Impact Report (EIR) for the project mentioned above.

Based on the review of the document, DTSC comments are as follows:

1. The draft EIR states the Project site (Site) has been identified as part of the former landfill area for the community of Venice and the development of the original Marina del Rey facilities. The draft EIR also states that the soil toxicity investigation conducted by Enviropro, Inc. at the Site show several soil samples had detectable levels of metals, volatile organic compounds, pesticides, and petroleum based compounds. The draft EIR should include the name of regulatory agency that provided oversight during the soil toxicity investigation. DTSC recommends additional environmental site investigation at the Site to evaluate whether conditions at the Site pose a threat to human health or the environment.

2. All environmental investigation and/or remediation should be conducted under a Work Plan which is approved by a regulatory agency who has jurisdiction to oversee hazardous waste cleanups. Proper investigation and remedial actions should be conducted at the Site prior to its development.

3. If during construction of the project, soil contamination is suspected, construction in the area should stop, and appropriate health and safety procedures should be implemented. If it is determined that contaminated soils exist, the draft EIR should identify how any required investigation and/or remediation will be conducted, and which government agency will provide regulatory oversight.

DTSC provides guidance for Preliminary Endangerment Assessment preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP please visit DTSC's web site at www.dtsc.ca.gov. If you would like to meet and discuss this matter further, please contact me at (818) 717-6550.

Sincerely,

Alberto T. Valmidiano
Project Manager
Brownfields and Environmental Restoration Program – Chatsworth Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Office of Planning and Environmental Analysis
CEQA Tracking Center
Department of Toxic Substances Control
1001 "1" Street, P.O. Box 806
Sacramento, California 95812-0806

Response to Comment Letter No. 15

Alberto T. Valmidiano, Department of Toxic Substances Control

With respect to regulatory oversight, Los Angeles County owns of the subject property. The County did not report of any known contamination. They reported that the site constitutes a building debris fill. The work was not performed under regulatory agency oversight since there was no such request or a known reason for such a request. The work was a due diligence initiated by the Applicant.

Enviropro, Inc. has performed all relevant tests for potential pollutants in soil. As discussed in section IV.J, Environmental Safety, of the Draft EIR, the analytical results show that several samples had detectable levels of certain metals, volatile organic compounds, pesticides, and petroleum-based compounds considered as regulated contaminants, and the primary contaminants of concern included elevated levels of lead and copper. This result indicates that some of the soils would be classified as hazardous, if excavated. The implementation of Mitigation Measures ES-1 and ES-2 (see below) would reduce impacts to a les-than-significant level. As such, it was determined that further investigation is not necessary. The mitigation measures below also address the DTSC's comments.

ES-1: The applicant shall adhere to all applicable County, State, and Federal guidelines regarding the handling, excavation, disposal, and/or remediation of soils classified as hazardous waste, which may include, but not be limited to, the development and implementation of a Soil Management Work Plan (SMWP) for the project, as well as correspondence with the Regional Water Quality Control Board (RWQCB) and Department of Toxic Substances Control (DTSC) to determine the level of any necessary remediation efforts.

ES-2: In the event that previously unidentified waste or debris is discovered during construction/grading activities, and the waste or debris is believed to involve hazardous waste or materials, the contractor shall: immediately stop work in the vicinity of the suspected contaminant; remove workers and the public from the area; notify the resident inspector; secure the area as directed by the resident inspector; and notify the County of Los Angeles Hazardous Waste/Materials Coordinator and the Fire Department. Work in the affected area shall cease until the proper approval is granted by the appropriate governmental oversight agency and a work plan is implemented, if necessary.

It should be noted that lead is not volatile and the site will be almost completely covered by a building. Therefore, no future residents or workers will be in contact or exposed to lead regardless of its concentration. The site will also have a methane mitigation system consisting of membrane and ventilation system. Therefore, the trace volatiles (that are below residential PRGs) will not be able to penetrate the structure.

COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"
Russ Guiney, Director

October 19, 2009 Sent via e-mail: mtripp@planning.lacounty.gov

TO: Michael Tripp
Department of Regional Planning
Special Projects Section

FROM: Julie Yom JY
Department of Parks and Recreation
Environmental Section

SUBJECT: **DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)**
Project No's: R2006-01510 and R2006-02726
Oceana Retirements Facility and Holiday Harbor Courts
Marina Del Rey Parcels OT and 21
State Clearinghouse No. 2007021133

The Department of Parks and Recreation has reviewed the Draft EIR for the above project for potential impacts on the facilities under the jurisdiction of the Department. We have determined that the proposed project will not affect facilities under the jurisdiction of this Department.

Thank you for the opportunity to comment. If we may be of further assistance, please contact me at (213) 351-5128 or jyom@parks.lacounty.gov.

cc: Parks and Recreation (Norma E. Garcia, Larry Hensley, Joan Rupert)

Response to Comment Letter No. 16

Julie Yom, Department of Park and Recreation

The comment that the proposed project would not affect Los Angeles County parks and recreational facilities is acknowledged. As this comment does not address the adequacy of the Draft EIR, no further response is necessary.

B. PUBLIC HEARING TESTIMONY AND RESPONSES

Los Angeles County Regional Planning Commission Hearing

October 21, 2009

Testifier Ruth Galanter

My name is Ruth Galanter. I've been dealing with the issue of senior's housing in the West L.A. and Marina and Venice area for 30-something years now. First, as a community activist, later as a member of the Coastal Commission, and subsequently as the City Counsel representative for the area surrounding Marina del Rey. The issues that come up on every project are very similar. We're dealing in an area of valuable land and everybody wants more than it is possible to fit on the land. So there is obviously a demand for open space. There's a demand for parking, for recreational parking. But there is, as you know, a serious housing shortage. And it is particularly true on the Westside because we have so many work places, mainly in -- at the airport and in the city of Santa Monica, and not nearly enough housing. I have also had the opportunity, while remodeling my own house, to live in the Marina across Panay Way from the second parcel. And I had the opportunity to talk to many seniors -- active seniors living in the building I was in and nearby. And I want to speak strongly in support of both of these projects because I believe that this is an opportunity to provide recreational access to people who do not need to drive to the beach. If they are living in the Marina, they will walk as did many of the residents in my building. They will walk to the restaurants. They will walk to the beach. They will walk to the coffee shop. They will walk to the bank. Many of them were living there because their adult children, seeking a place for the widowed mom and dad, wanted a place near where the adult children lived. Clearly, the market is there. The dilemma for you as for any planning body considering these things over the last 40 years and well into the future, is how to balance the various needs. I feel very strongly that housing for --

The comments in support of the proposed projects are noted and will be considered by the County in the decision-making process. The comments of the witness underscore that all housing segments need to be provided for, and that proximity to the beach and other amenities in Marina del Rey is especially key with respect to seniors, who may not be as mobile as other members of the community. Furthermore, the pedestrian accessway facilitated by the development of Parcel OT allows an exchange of visitors between Marina del Rey and Venice, allowing even more persons to easily enjoy the water areas.

Testifier Dr. Gottlieb

So, now I only have three minutes. Okay. Well, the first thing I'll mention is 4,446 cubic yards of waste. 4,446 cubic yards of waste involves, I think, the Parcel 21. And the 7,768 cubic yards of soil is mentioned for the -- as the export of soil from Parcel OT. Now, OT is only going to have 74 loads, while the other one -- is going to have 647 loads. But the obvious thing to do is to divide the number of cubic yards by the number of truckloads and find out what the value of the truck is. And if you do that, you find that the --153 that the Parcel OT has -- or maybe it's 21 --has 61.75 cubic yards per truck of waste and 12 --the other one has 12 cubic yards per truck of soil. Now, I don't have as much experience as you, but from my experience of the shores opposite us -- the Marina Strand Colony Two, they only have-- they're only -- they're transporting 20 cubic yards, and a project up the street was transforming 35 cubic yards. There's nowhere in the Volume I of the DEIR, which says how big these trucks are, what their noise volume is, what their traffic thing is. Not only that, but the number 4,000 -- I searched on 4,446 cubic yards and it has many different positions. It comes up four times and one time we're told that the 4,446 cubic yards is the sum of something from Parcel OT and from Parcel 21; whereas the original thing has it as just coming from Parcel 21, something like that. But these are serious mistakes, which will propagate throughout the whole EIR, and I hope you follow Eisenhower's advice -- the principles that

make this country great. The values are honesty, and integrity. And if -- if these developers have the privileges that overwhelm that, if they're not being careful about honesty and integrity, then I think it's a -- a blow for us in these crucial times. Thank you.

As stated on page III-32 of the Draft EIR, demolition activities associated with redevelopment of Parcels OT and 21 would result in the hauling of 4,446 cubic yards (c.y.) of waste (246 c.y. for Parcel OT and 4,200 c.y. for Parcel 21). Grading activities for Parcels OT and 21 would result in exporting 7,768 c.y. of soil (6,500 c.y. for Parcel OT and 1,268 c.y. for Parcel 21). This information is internally consistent and references to the 4,446 c.y. estimate be found on pages IV.B-9 and IV.D-12 of the Draft EIR. The project (i.e., Parcel OT and 21 combined), is expected to generate 4,446 c.y. of waste and would require 74 loads; during grading 7,768 c.y. of soil export are expected and would require 647 loads. Soils would be hauled by a bottom dump truck that will hold approximately 12 c.y and debris would be hauled by an end dump truck that holds approximately 60 c.y. The typical street weight limit including the truck is 80,000 lbs and the trucks weigh about 30,000 lbs leaving about 50,000 lbs for debris or soil. Typically a full load of dirt is between 28,000 and 33,000 lbs depending on water content in the soil. The above discussion in response to the truckloads calculation has been added to the FEIR (see section IV.D, Air Quality, page 12) along with a reference for this information. The testifier is also referred to Appendix L of the Final EIR for a transcript of the December 16, 2009 hearing testimony, which includes Andi Culbertson's response to this concern whereby she confirms the validity of the information set forth in the Draft EIR.

As discussed on page IV.B-10 of the Noise section in the Draft EIR, Assuming a 35 mile per hour (mph) travel speed, the above number of trucks would provide the following noise signature at 50 feet from the roadway centerline: 49.7 dB CNEL during demolition and 54.7 dB CNEL during grading. The maximum potential project impact attributed to truck hauling activity noise during demolition and construction is +0.3 dB CNEL. This is less than the significance threshold of +3 dB CNEL. The Draft EIR concluded that truck haul noise during both the 15 days of grading activities and seven days of demolition activity would therefore be less than significant. Construction of the project would require the designation of construction vehicle and haul routes and construction period management of roadways, sidewalks, and public transportation routes. The Draft EIR determined that the proposed project would result in potentially significant, but temporary, construction traffic impacts that would be reduced to a less-than-significant level through the implementation of Mitigation Measure TA-1. With respect to truck size, it is anticipated that standard sized heavy-duty diesel haul trucks would be used during construction.

Testifier John Rizzo

John Rizzo, president of the Marina Tenants Association. I've been active in the Marina for 35 years and attending meetings for 35 years. I'd like to talk about this particular piece of -- of (inaudible) that I've given you all. But first of all, I'd want to say about Ruth Galanter's thing that we need housing. Yes, we do need housing desperately. We got 100,000 people in the streets. Regional Planning send -- sends me a letter and says, what do you think about housing? What do you mean? They're -- I'm -- I'm in Venice. They're laying in my yard; I'm cleaning up after them -- which I'm glad to do. I'm for St. Joseph's. I went down there and they tried to -- the neighbors tried to throw St. Joseph's out, and I pleaded for them. I'm for the poor. I'm for people that need it. But people that can afford this kind of thing that they want to put can live anywhere. They can live anywhere. We need affordable housing, and today, we need affordable housing more than ever. People are -- are -- they're coming down in wages, they're losing their jobs. We need affordable --and it's public land. It's supposed to be affordable. There's a price control. It says that that the lessee is to receive a fair return on their investment. They're getting market value in violation of the lease. Not only that. Not only that – the County can get its money. You cut the -- you cut the rents in half and you double the percentage rental. You go from 10 1/2 to 21 percent, and you get the same money. If you want more money, you go to 25 percent. It's just a game they're playing to turn

over public land to private individuals and get kickbacks and campaign contributions -- which they get a lot. And the public makes nothing, as I talked to you the last time. I'm not going to go into that again because my time is getting short -- how the County doesn't really get anything out of the Marina, and that's a fact. It's all a wash. I have paid close attention to this public lot. I've gone before the Department of Beaches and Harbor numerous times this summer. I've made it a real effort because it is empty. And the reason it's empty is that for some reason when they come down Washington they don't know that it's a public lot. And I've been on them to change the signage -- just like the lady here, Mrs. Valadez said about this thing. You got to be careful. They play games. They don't want people to park there or they would make it so that people see it. At that -- five blocks away is the beach. That lot on -- on peak days is totally full, and the beach is empty because it goes all the way down to the rocks. It's underutilized. The neighbors don't want a bike path through there, and they don't want that lot expanded. We could use this lot for over peak days. But -- but the Department of Beaches and Harbor, of course, doesn't want to use it because they want -- they're a lessee to build on it. So I've talked to them and talked to them. So what do they do? They turn the sign around. If they put a big sign that said beach parking, 7, 5, 6 – 8 dollars, it would fill up. There is no parking on it. Underutilized? There's no parking on it. Except for a few occasions. And why? Because the Beaches and Harbors doesn't want the parking, and I've gone over this time and again this summer. We have cars parked coming down Washington, coming down Venice -- because I walk that way coming from work -- and there's nowhere for them to park. There's nowhere for them to park. And I've talked to people, and nobody's interested in where the public can park. All they're really interested -- how many commercial buildings can we put in the Marina? That time is over. You're dealing with an old model, and the old model has collapsed our country, by the way. And it's turned over everything to the rich, and it was supposed to trick down. Well guess what? We're not trickling down anything, and we're in the worst depression. And you're continuing on with this old model. We need affordable housing. We need recreation, and we need that lot. If you look on this map, you've got one parking lot in the middle of -- it used to be Admiralty Park, now it's Burke Park, because I made a big stink about them taking her name off because she was too honest. And they changed it to Admiralty Park, and now they've changed it to Burke Park again. We've got one little -- we've got a parking lot right in the middle. Well, what are old people -- how are they going to walk all through here? Yeah, young people like the fact that we've got all this big area, but older folks, they --where're they going to park? Oh yeah, we're going to provide this parking in this building. Don't worry about it. Yeah, this same lessee has been problem child from Day One on his -- on his affordable housing. It was like a nightmare to get him to put it in. He's had other problems. He has those big regatta things. He had HUD housing. It was in The Times; he never did it. Once, he wanted to go to the Coastal -- he was in a coastal zone -- he wanted to do a building -- a project. He tore the mountain down without getting a -- the top of it without getting a permit. Why not? And then you pay the fine. Hey, you're way ahead of the game. `These lessees can't be trusted. You have-- and -- and -- what we need in that project is to keep it the way it is. I know. It -- it's not funny though, really, if you're impacted by it. It's funny if you -- if you talk about it. You know, like the Mob -- they always talk about the Mob, but if the Mob's got a gun to your head or if they're bribing all the politicians, it's not funny. Believe me. And so what I'm saying is this. Is that we need that parking lot for public parking for the beach, for that 14 million dollar park we're making. We need it for them. And we need a -- a – a mandate to make that parking lot as it's supposed to be. Not some kind of a thing there so -- so we don't use it so we can get this other thing in.

In response to the testifier's comment regarding affordable housing, as discussed in section IV.K, Land Use, the proposed project does not include an affordable housing component. It would provide accommodations for active seniors on Parcel OT, which is encouraged as part of Marina del Rey Phase II development. This facility would not represent a typical residential land use, as individual units would not have kitchens (e.g., no stoves would be included or allowed in units); trips generated by the proposed land uses would be reduced as compared to a multi-family residential project of the same size, and the facility would provide on-site dining services and other amenities for the residents. The project is requesting that

Parcel OT be re-zoned with a new Active Seniors Accommodations designation; with approval, dwelling units in this zone would not be considered residential uses for purposes of assessing affordable housing requirements.

In response to the testifier's comment regarding parking, the parking analysis in the Draft EIR concluded that the project would not reduce area parking capacity as it would replace all of the parking spaces that would be removed with project development. The project would provide 92 spaces on Parcel OT, which would be clearly marked with appropriate signage for easy access by the public, and 94 public spaces on Parcel 21, which is located to the south of Parcel OT on Panay Way. The relocation of 94 spaces to Parcel 21 is expected to provide safer and more convenient parking for Mother's Beach, as visitors will no longer have to cross two public streets, as is currently the case with the public parking on Parcel OT.

Regarding the Oxford Basin, this project is primarily an ongoing flood protection effort led by the County's Department of Public Works, which may involve water quality enhancement and habitat restoration. Thus, passive recreation (i.e., pedestrian trails, viewing areas) may be provided; however, active recreation is not anticipated at the basin.

Testifier John Nahas

Good morning, Chairman Bellamy. Good morning, Commissioners. My name is John Nahas. I am with the boating coalition, and I am a resident in Playa del Rey. This change in designation of the land use of our public resources for wealthy seniors is inappropriate. Our public lands are for all of our citizens, and this project that is being proposed is not public friendly. Are your workers here – our staff members should be able to be part of this Marina. How -- excuse me -- Commissioner Helsley, our kids that we used to teach should be part of this Marina. This wealthy -- the project for this hotel, the wealthy, is inappropriate use for this land. While there may have been an affordable component proposed in this hotel, the Harbors and Rivers Act, Public Law 780, House Bill 389, were very specific about how this Marina was created. For everyone at fair and reasonable prices. You didn't hear that from the applicant. The Coastal Commission was very clear on what they asked for parking lots, and what could be designated for parking lots. It's very clear in the Local Coastal Program that you were supposed to oversee. Parking lots can only be turned into what? They can only be turned into parks. Not senior citizen centers, not buildings, massive buildings. What is the reason for open space? Why is open space so crucial to our Coastal Zone? You heard from Staff about the major development of Oxford Basin. I don't have a laser pointer here, but Oxford Basin is being developed. It is going to be an asset for Los Angeles County. Not only for birders, but all these different science -- you know what? I'll just point to the top there. You see lagoon. This is going to be the -- the destination for a lot of our science students, for a lot of our people that are interested in just coming out and enjoying the environment, going to the lagoon. But they haven't put any parking in. The public was told and given this opportunity that OT would be for the lagoon – for the new, redeveloped lagoon. They're telling you about -- what Staff has said is that they're going to -- they're going to fence off the lagoon, but they're going to have a lot of these new participants in this area. Where's the parking for them? In Los Angeles -- are they just supposed to walk from East LA? Or South LA? I don't think so. The parking lot is currently being utilized by Fantasy Yachts. Fantasy Yachts has serviced our citizens in Los Angeles County for weddings, graduations, and other distinguished ceremonies for many years. Our public has access to the water by the use of this parking lot and the use of Fantasy Yachts. There is very limited parking in the old Edie's Diner -- it's now called Panificio. Organic Panificio, and we need that parking lot to stay for the public area, for the public arena. This is the start of the demise of the control -- the Design Control Board that Commissioner Alvarez has -- has alluded to. I really appreciate your attention to detail, Commissioner Alvarez, because this is really what was the -- I'm sorry -- Valadez. This is really what the crux of -- of what is happening here. The Design Control Board said, wait a minute? What's going on with all this

parking? We're losing parking here. You're saying that we're somehow going to retain parking. Where? The numbers – and if you looked at the minutes, they were very upset. They had been told lies, and they said, no more. No more, Stan Wizneski. No more. You cannot tell us and we're not -- we're going to find out what's going on in the parking. If you would please, just do some further investigation with Design Control Board. Beaches and Harbors has committed – and you obviously have seen this. From their website: Parcel OT will be a 114 senior care facility. We saw your County counsel interrupt this meeting and go off and speak with the Department of Beaches and Harbor director. We don't want to keep on seeing that happen. These deals that are being made, these obligations that are being made in front of you is inappropriate. Going on -- and I know I'm running over my time here. I want to just speak about some of the questions. The parking is being manipulated. Commissioner Helsley, you -- you definitely hit it on the head. Walling off on the Marina. The destruction of open space is continuing this walling off. We hope that you don't allow it. The DCB had major concerns. Please look more into that. The developer is -- and what you don't hear -- what you haven't heard today? The developer is proposing a reduction in boat slips in Parcel 21. They're not telling you that today -- 50 percent reduction. The loss of 95 boat slips, and more importantly, a reduction of 140 boater-dedicated parking spaces going down to 75 boater-dedicated parking spaces. They're not saying that. And then lastly -- this is the cart before the horse. Commissioner Rew hit this on the head. You have people that are going -- this should be going as an LCP amendment to the Coastal Commission and then back to this Planning Commission, not vice versa. You cannot make these decisions when you don't even know that the law can be changed. Thank you for your time.

In response to the testifier's comment regarding affordable housing, as discussed in section IV.K, Land Use, the proposed project does not include an affordable housing component. It would provide accommodations for active seniors on Parcel OT, which is encouraged as part of Marina del Rey Phase II development. This facility would not represent a typical residential land use, as individual units would not have kitchens (e.g., no stoves would be included or allowed in units); trips generated by the proposed land uses would be reduced as compared to a multi-family residential project of the same size, and the facility would provide on-site dining services and other amenities for the residents. The project is requesting that Parcel OT be re-zoned with a new Active Seniors Accommodations designation; with approval, dwelling units in this zone would not be considered residential uses for purposes of assessing affordable housing requirements.

In response to the testifier's comment regarding land use, though the Land Use Plan (LUP) of the Local Coastal Program contemplated the potential conversion of Parcel OT to residential uses and states that it was underutilized throughout most of the year. The testifier is correct in that the LUP states that no designated public parking areas, including Parcel OT, shall be converted to uses other than public parking or public park purposes. Therefore the proposed project requires an amendment to the LCP. The testifier is also referred to Appendix L of the Final EIR for a transcript of the December 16, 2009 hearing testimony, which includes Andi Culbertson's response to this concern whereby she addresses the conversion of land uses under the LCP.

In response to the testifier's comment regarding parking, the parking analysis in the Draft EIR concluded that the project would not reduce area parking capacity as it would replace all of the parking spaces that would be removed with project development. The project would provide 92 spaces on Parcel OT, which would be clearly marked with appropriate signage for easy access by the public, and 94 public spaces on Parcel 21, which is located to the south of Parcel OT on Panay Way. The relocation of 94 spaces to Parcel 21 is expected to provide safer and more convenient parking for Mother's Beach, as visitors will no longer have to cross two public streets, as is currently the case with the public parking on Parcel OT.

In response to the testifier's comment regarding FantaSea Yachts and Yacht Club parking, the proposed project would replace all of the parking spaces that would be removed with project development, including parking associated with FantaSea Yachts and Yacht Club. It should be noted that, in addition to the use of these spaces for Mother's Beach and special events, the FantaSea Yachts and Yacht Club retains a Coastal Development Permit for the non-exclusive right to use up to 92 public parking spaces on Parcel OT after 6:00 pm and on weekends and holidays. See also Response to Comment Letter No. 9.

In response to the testifier's comment regarding access, the chain link fence that currently surrounds the Oxford Retention Basin area would remain in place with project development. The project would not preclude existing access through the construction of walls. As discussed in section IV.K, Land Use, the proposed project would adjust Parcel OT boundary to include 19,755 s.f. of Parcel P, which is designated open space in the LCP. The proposed building would encroach approximately 30 to 35 feet (or 9,397 s.f.) into what is currently Parcel P, leaving approximately 20 to 25 feet for a pathway and transitional landscaping compatible with the future enhancement of Oxford Basin. Currently, the surface parking lot on Parcel OT encroaches approximately 21 feet into Parcel P (an area of 6,665 s.f.); therefore, the proposed building on Parcel OT would encroach into Parcel P by an additional nine to 14 feet and 2,732 s.f. The Department of Beaches and Harbors intends to offset the reduction of open space on Parcel P via the planned expansion of Burton W. Chace Park.

In response to the testifier's comment regarding boater parking, please see the response to this issue presented for Comment Letter 12.

With respect to the comments regarding DCB Approval, on August 18, 2005 the DCB passed a motion unanimously to approve the proposed project in concept. The project is proceeding through the environmental review process as established and presided over by the Regional Planning Commission. The proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21 and as granted conceptual approval on February 17, 2010. Comments from the DCB will be summarized in a report prepared by County Planning staff and forwarded to the Regional Planning Commission for consideration at its April 28, 2010 meeting, when the proposed project is scheduled to be heard. Following this hearing, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix M of the Final EIR).

See also Response to Comment Letter No. 2.

With respect to the comment stating that the project should be going as an LCP amendment to the Coastal Commission and then back to this Planning Commission, the project is progressing through the environmental review process as established and presided over by the Regional Planning Commission. Additionally, the testifier is referred to Appendix L of the Final EIR for a transcript of the December 16, 2009 hearing testimony, which includes Andi Culbertson's further response to this concern.

Testifier David Barish "We are Marina del Rey"

Good afternoon, honorable Commissioners. I just want to say -- my name is David Barish, co-director of "We Are Marina del Rey." I have submitted a detailed comments letter for your review and for the record that covers a range of issues and concerns. We are asking your Commission today to continue these projects until certain feature actions are taken, which I will focus on below. But in general, we have before us today, the same issues we dealt with at last week's hearing within (inaudible) Neptune. An out of order process. LCP amendments by exception. Public land grab for private development. The piecemealing of the County's overall Marina del Rey redevelopment project. Premature and discretionary

approvals. And as far as I know, there is no RFP submitted for OT. I will expand more on the out of order process and why these projects must be continued today to an uncertain future date. The scheduled Planning Commission hearing today is premature for two reasons. First, the Design Control Board has not reviewed nor conceptually approved the current project as it is before you today.

On August 18, 2005, the DCB agenda was they considered a new building on a severance of the westernmost portion of Parcel 21 for future use as public parking. That was what was approved. And it was confirmed in next month's meeting, when it said, "Approval of the Record of the DCB's August 2005 action for conditional approval of a new building that includes a yacht club, office space, parking, and a public park. The project that was granted conceptual approval was the remaining eastern portion of Parcel to be used for construction of a new building, including yacht club, office space, outside parking for its users, and an adjacent park. The Department of Beaches and Harbors went back to the DCB in February to consider the public parking on the western portion of Parcel 21. That was continued, and it has been continued indefinitely -- it has not gone back. This project as it sits before you has not been reviewed or conceptually approved by the DCB, and I urge you to continue this -- these projects that are integrated together until the DCB sees it and approves it. Furthermore, the second reason why we need to continue these -- these projects, is because these projects are part of the bundle of projects, labeled by the L.A. County Department of Beaches and Harbors and Regional Planning as pipeline projects; okay? It is premature and out of order to hear these individual projects now prior to the drafting of a compound LCD amendment that would allow these projects to proceed, let alone prior to any action being taken on it -- by your Commission, by the Board of Supervisors, by the California Coastal Commission -- all required steps that need to be completed before these projects can ultimately be approved. And furthermore, in terms of just the piecemealing, you haven't seen the projects that are going to be -- two additional projects that are proposed for Mother's Beach that are in between these projects. Parcel IR and Mother's Beach, a two-building structure, a hotel, and the Zuker project on Parcel 33 NR, which has not come through yet. Those are major changes all surrounding this area that are not being looked at in a -- in a cumulative fashion by your Commission. The second thing -- the other thing is that during the LCP amendment there will be a cumulative impact assessment that is being prepared. I don't know what -- what's going to be in it, but they're preparing it. Why are we hearing these projects now before that's done -- before that impact assessment comes before this Commission. It is out of order, and if you proceed today to a final EIR, you are violating CEQA, Coastal Act, and your own rules. And the final thing I wanted to say – a small thing, but one of the other public comments speakers today -- Steve Cordova, neglected to tell you that he is actually a part of (inaudible) Yacht Club, which actually is a -- their club is being moved to Parcel 21 from 20, so they are actually have an interest in this project, but they didn't say that. I think that's important to hear. Thank you.

With respect to the question regarding an RFP, the County Department of Beaches and Harbors set forth a Request for Proposals (RFP) in June 2000 for development of hotel/motel, restaurant, retail, and/or other uses on Parcel OT as well as several other lots.

Regarding the review process and piecemealing, the Draft EIR includes a list of related projects based on information obtained from the Los Angeles County Regional Planning Department, the City of Los Angeles Department of Transportation, and from the Cities of Santa Monica and Culver City (refer to Table IV.H-10). The related projects identified include the hotel development proposed on Parcel IR (related project #14) and mixed-use development proposed on Parcel 33/NR (related project #20). The Draft EIR includes cumulative analyses for each environmental issue area based on the list of related projects and, as such, the project's relationship and any potential impacts related to development on Parcels IR and 33/NR were considered in forming cumulative impact conclusions. It should be noted that the project and related projects within Marina del Rey are subject to review by the Regional Planning Commission.

The Draft EIR includes cumulative analyses for each of the analyzed impact areas. The list of related projects for these analyses is based on information obtained from the Los Angeles County Regional Planning Department, the City of Los Angeles Department of Transportation, and from the Cities of Santa Monica and Culver City. It should be noted that the environmental review process for the proposed project was initiated before the County's decision to prepare a cumulative analysis for projects in the Marina del Rey area was announced. It is anticipated that the County's cumulative analysis will account for the proposed project as well as other area projects. However, the County's analysis will not supplant project-specific environmental analysis (e.g., EIRs) and each individual project must undergo the environmental review process independent of the County's analysis. Additionally, the testifier is referred to Appendix L of the Final EIR for a transcript of the December 16, 2009 hearing testimony, which includes Andi Culbertson's further response to this concern.

With respect to the comments regarding DCB Approval, on August 18, 2005 the DCB passed a motion unanimously to approve the proposed project in concept. The project is proceeding through the environmental review process as established and presided over by the Regional Planning Commission. The proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21 and as granted conceptual approval on February 17, 2010. Comments from the DCB will be summarized in a report prepared by County Planning staff and forwarded to the Regional Planning Commission for consideration at its April 28, 2010 meeting, when the proposed project is scheduled to be heard. Following this hearing, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix M of the Final EIR).

The project would not reduce public parking within the Marina. In addition, separate from the proposed project, through a partial lease termination, Parcel 21 would be reduced by 207 feet, or 31,050 s.f., with a corresponding increase in the area of Parcel GR. The Los Angeles County Department of Beaches and Harbors is considering expanding the number of existing surface parking spaces provided on Parcel GR to include surface parking on the proposed area of expansion.

See also Response to Comment Letter No. 2.

Testifier Carla Andrus

Good afternoon, Commissioners. In regard to Parcel OT, senior – I guess we haven't figure it out -- residential hotel, whatever -- some creative idea. Anyway -- oh, my name is Carla Andrus, sorry. Goldrich & Kest's reputation with seniors in the Marina should preclude him from any consideration of this ill-advised project. I will remind you of Parcel 20, the Capri, which I know we were in front of you on that in 2005. I -- I hope you remember it. I certainly remember it. Senior citizens interested in ten units of affordable housing promised as a condition of Goldrich & Kest's permit to build the 99-unit Capri. They were denied those apartments for two years. They had to fight for two years, while Goldrich & Kest tried to back out of the deal they made for the density bonus and other considerations gotten. Two years later when the seniors moved in -- we won the battle -- they had to fight over the overcharges in rent. That's not the most egregious of his violations, and he has many of them. Let me just tell you, I went down to Regional Planning and these are violations on Parcel 18 about parking and age restrictions -- several of them. But the worst, I think, is Parcel 18, but not the violations so much as just the parking and the age restriction, but the whole deal. The deal was real interesting. It started off as senior citizens board and care, age 62 and over, 75 units, per occupants per unit, meals provided by The Chart House, no less, and nurse on site. It was a real service to the senior citizens that needed special services -- special needs, which is why we provide affordable housing. It was changed by Goldrich & Kest to 60 units, market rate -- not even 50 percent affordable as required in the law -- one occupant per unit, no special services, no nurse, no meals. This project doesn't even qualify for the density bonus he received or the parking considerations -- 30 spaces for 60 units -- and to this day, there's no doubt that he's in violation of that parking permit, because these are active senior citizens that moved in there, 55 and over. Goldrich & Kest is unworthy for stealing board and care, of which the Development Zone called for. It's a Development Zone, and it was called for congregate care -- 75 units. Nowhere, absolutely nowhere. And so for taking from the weakest among us, the sick and elderly, and instead Goldrich &Kest is envisioning counting profits from the best market he could tap into -- well-established, active senior citizens, 55 and over. That's how he promoted the Monte Carlo before it even opened. But you recall, it was supposed to be for 62 and over, so therefore, more violations. Alternatives for this site, and I think that's very serious. We -- we can't even allow considering Goldrich & Kest for this project. There were no consequences, by the way -- not even a slap on the wrist. He got no consequences. The seniors paid plenty. Alternatives for this site should have been considered: A park-and-ride -- I mean parking. It should be parking. It's close to the beach. You should be able to park there and walk down to the beach or cycle down to the beach from there. You have a bicycle rental there. You have a park-and-ride so that people can get on a shuttle, leave their cars there, and go off to the beach and start relieving the traffic in Venice. And it would honor our LCP, which is a unique idea, with additional open space, the parking that we need, we could -- if there's a little extra space, throw in a few picnic tables so that we can enjoy that atmosphere, along with the Oxford Flood Basin and its expensive renovation. As for Parcel 21, you shouldn't consider it -- it shouldn't be considered until the condition for Parcel 20 is fulfilled. Parcel 20 is where the yacht club was going to go. The remainder of 20 was to be marine commercial. The yacht club was anticipated for that, but the yacht club has agreed to move on top of the four-level parking structure. That's their choice. But that does not redesignate marine commercial. It's supposed to be marine commercial; that was one of the conditions. That was the only other condition that he was able to build this 99 units. So that's been displaced by the Department of Beaches and Harbors administrative building, the last we heard. You can check the status report for the project status report. Parcel 21 eliminates parking for boaters, and takes the modest restroom facilities, which are stand-alone buildings and tucks them into the parking structure, and this violates the certified LCP. The LCP does discuss this issue about restrooms and putting them -- okay. I'll -- I'll wrap it up with this. 21 shouldn't be considered until Waterside is considered. 21 Waterside wants to eliminate boater parking and small slips regardless of the Coastal Commission's recommendations. These projects exemplify this out-of-order, broken, abusive process that

serves no one well, not even the developers. And I have this to submit, but I'll have to make copies. Can I mail them to you? Thank you.

Regarding alternatives, the proposed project responds to the County Department of Beaches and Harbors' Request for Proposals (RFP) for development of hotel/motel, restaurant, retail, and/or other uses on Parcel OT, as well as several other lots. The Draft EIR considered a reasonable range of feasible alternatives to the project including a "No Project" alternative, under which no development would occur and Parcel OT would remain a parking lot. However, the No Project alternative would not respond to the RFP nor fulfill the project's basic objectives. The testifier is referred to Andi Culbertson's testimony on behalf of the Department of Beaches and Harbors with respect to the consideration of a park and ride alternative, whereby she states that park and ride facilities have been considered; however, the County does not have jurisdiction over the public transportation use in Marina Del Rey and, further, Parcel OT is not a desirable site for park and ride facilities as there are other areas that are more desirable from the viewpoint of MTA and Culver City Bus (see Appendix L of the Final EIR).

With respect to the LCP, the Land Use Plan (LUP) contemplated the potential conversion of Parcel OT to residential uses and states that it was under-utilized throughout most of the year. However, as discussed in section IV.K, Land Use, of the Draft EIR, the project will require an amendment to the LCP.

In terms of outdoor amenities adjacent to the Oxford Basin, the project proposes a landscaped passageway, which would provide opportunities for residents and the general public for walking and passive recreation (such as bird watching). Benches would also be provided.

Regarding Parcel 21, the proposed project would require the transfer of the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21. The proposed project would not include the reduction of boat slips or associated boater-dedicated parking spaces.

Separate from the Holiday Harbor Courts Parcel 21 project, the lessee of Parcel 21 is required to rehabilitate and upgrade existing dock/slip facilities at this parcel in order to comply with their Option to Amend Lease Agreement dated July 15, 2008. These modifications would reduce the number of boat slips that can be physically accommodated at the site from 187 to 145. In addition, the lessee has proposed to convert some of the smaller slips into large slips in response to market demand. This would further reduce the number of slips to 94. The lessee will request approval from the Coastal Commission for the required and proposed modifications to the existing boat slips at this parcel. The potential modifications to boat slips at this parcel are not part of the currently proposed project; they would occur irrespective of whether or not the proposed project is approved. Parking for boat slips at Parcel 21 is currently provided at this parcel and at Parcel 20 Phase II. The proposed project includes parking for up to 94 boat slips at Parcel 21; parking for any additional boat slips would be provided at Parcel 20 Phase II.

The project would not reduce public parking within the Marina. In addition, separate from the proposed project, through a partial lease termination, Parcel 21 would be reduced by 207 feet, or 31,050 s.f., with a corresponding increase in the area of Parcel GR. The Los Angeles County Department of Beaches and Harbors is considering expanding the number of existing surface parking spaces provided on Parcel GR to include surface parking on the proposed area of expansion.

Testifier Nancy Vernon-Marino "We are Marina del Rey"

Good afternoon, honorable. My name is Nancy Vernon-Marino, and I'm co-director of "We Are Marina del Rey." First of all, I would like to point out that the applicant, MDR Oceana LLC, is not, as the Staff report asserts, a lessee on Parcel OT. It has a lease/option for the Parcel, which is contingent upon obtaining amendments to the LCP that would allow this proposed project to go forward. It is illegal under present law. The Parcel is zoned for public use, specifically a park or parking only. The applicant does not possess either the leasehold interest or any entitlement to build on this parcel. I'd like to address the Active Seniors Accommodation Land Use Category. That's just a crock. I'm sorry, I don't know a better word for it. In the 1980s, there was a lawsuit about discrimination against families with children in apartment buildings. That lawsuit originated in Marina del Rey because they wanted to keep families out. There are no services for these families. There are no schools, childcare, the things that you want for families are not supported in Marina del Rey. That all relies on the surrounding communities. Hospitals -- all of these really essential services, and we are to provide the recreation for the whole region, and that's not happening here. The DCB did not approve a project for market-rate housing, which is what is anticipated here. There is no shortage of luxury housing, as Mr. Rizzo pointed out, but it's not the business of Los Angeles County to be in the luxury housing market -- or to be in the luxury housing business. The DCB approved these with, I believe, it's something over 40 parking spaces. I looked and I tried to find how many parking spaces are provided for residents, but it's well under the 114 units. You are going to have a serious parking shortage. They say they follow County Code, but it followed County Code based on being a congregate care-type facility for the old and the infirm. But I have to ask you, basically, get down to the bottom of all this. Why is the applicant putting the old people -- infirm or active or whatever level of physical capability -- between the two major highways and the parking structure on the prime waterfront land? It makes no sense. The DCB wondered about that as well. They also asked the County to revisit approvals of five projects, which did not, as they had been assured, have the required parking on site, and they asked the County to please consider scaling back or finding new locations for these projects. OT was one of those ones that was included in that request. Nothing ever became of that except the motion, which eventually succeeded, to undermine the authority of the DCB. I do invite you to drive out to the Marina and deliberately go park in Lot OT. Because first you have to find where the entrance is, and it is not accessible from most directions. If you go in Palawan, you can't get there. You can go across traffic and cut through the alley, but you have to find it. It's in the alley. I'll give you a hint. It's in the alley next to the Marina International Hotel. This may have a lot to do with why the parking lot is so underutilized, but that, too, is an inaccurate term. The parking lot is underserved by recreation, and we finally have a project moving forward to put some recreation there, and you're taking it away. Well, you're not -- I hope you won't. But what I hope you will do today is direct Staff to correct all of the errors of commission and omission in this report, to give accurate data, and an honest accounting of what this project is and what it does. And thank you very much for your time.

With respect to the proposed land uses, the County Department of Beaches and Harbors set forth a Request for Proposals (RFP) in June 2000 for development of hotel/motel, restaurant, retail, and/or other uses on Parcel OT as well as several other lots. Due to the nature of the project being a service-oriented residential complex for seniors without a medical care component, neither hotel or senior housing land use singularly describe the uses proposed. Planners often create new land use categories to respond to changing market circumstances and changing ways people live.

In response to the comments regarding design approval, the proposed project received conceptual approval from the DCB, on August 18, 2005. The DCB approval does not address housing affordability as its primary function is to ensure that projects meet the specifications and minimum standards for architectural treatment and construction. The proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on

Parcel 21 and was granted conceptual approval on February 17, 2010. Comments from the DCB will be summarized in a report prepared by County Planning staff and forwarded to the Regional Planning Commission for consideration at its April 28, 2010 meeting, when the proposed project is scheduled to be heard. Following this hearing, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix M of the Final EIR).

Regarding the commenter's concern about the amount of parking provided for the proposed active seniors accommodations, this component is unique since it would provide transportation services to residents via limousines that would dramatically reduce the need to own and park a vehicle. With respect to the rate of proposed parking, due to the nature of the project being a service-oriented residential complex for seniors without a medical care component, neither hotel or senior housing land use singularly describe the uses proposed. As such, a parking rate to reflect the proposed use was established based on a similar use (Culver City Palm Court). Based on comments received during project public hearings, an updated set of parking occupancy counts was conducted by the traffic consultant at the Culver City Palm Court facility. Accordingly, a revised parking demand ratio has been increased to 0.484 spaces per unit, which would require the provision of 55 spaces. Thus, the project would provide the revised number of spaces to meet this parking demand. Relevant sections of the traffic study and Final EIR have been updated to include this data (See Appendix G and Section IV.H of the Final EIR).

Further, the parking analysis in the Draft EIR concluded that the project would not reduce area parking capacity as it would replace all of the parking spaces that would be removed with project development. The project would provide 92 spaces on Parcel OT, which would be clearly marked with appropriate signage for easy access by the public, and 94 public spaces on Parcel 21, which is located to the south of Parcel OT on Panay Way. The relocation of 94 spaces to Parcel 21 is expected to provide safer and more convenient parking for Mother's Beach, as visitors will no longer have to cross two public streets, as is currently the case with the public parking on Parcel OT.

With respect to the commenter's remarks about the current low use of Parcel OT's parking, signage and access does not appear to play a major role in its limited use. The County-initiated Right Sizing Parking Study shows that even when there is high demand at other parking lots, Parcel OT is not generally used except at peak periods such as 4th of July. While the access to the parking lot is not separate from the Marina del Rey International Hotel for safety and traffic conflict reasons, the parking lot itself is signed and very visible from Via Marina. Observers have noticed that with respect to Washington Boulevard, many visitors just park on the street, where the parking is free. Therefore, it appears that visitors to Marina del Rey simply do not find this parking lot attractive. If they must pay a fee, they tend to choose to park closer to their destination.

Testifier Mr. Larry Koch

My name is Larry Koch, and I'm a resident of Marina del Rey and Playa del Rey. I have a sailboat in the Marina, and I have had that for many, many years. I'm in favor of this project in that I believe it is responsible redevelopment of the land. A lot of projects that we have seen in the Marina where the density is so overwhelming, I'm not in favor of those kinds of projects. But this, I believe, to be a good use of the land. There is substantial parking that nobody has mentioned on the Palawan side of Mother's Beach. Mothers Beach users can use that parking, they can use the existing public parking off Panay Way, and they'll be able to use the enlarged parking lot that Mr. Gardner is planning to build. There is no reason that a responsible driver cannot park his car and walk that distance. Crossing Admiralty Way is not a good idea. Cars come around that bend by the three towers, and unless somebody has hit the crosswalk button, they're coming around there at -- usually at 40 miles an hour or more. And I'm sure that

you probably know the County makes a lot of money on the speeding tickets that are issued on Admiralty Way. This, I believe to be a responsible redevelopment of the area. There will be ample parking on Panay Way for the commercial building. There will be ample parking between Washington and Admiralty in the vicinity of the senior care facility. I'd also like to address the fact that --I don't know how long you all have sat on this board, but you'll notice the same group of people come to every one of these meetings in opposition of any project, large or small, regardless of its type, size -- they just do not want anything, anything redeveloped in Marina del Rey. That is not responsible planning. These buildings are old; they're falling apart. They need redoing. The new Jamaica Bay Inn that is currently being refurbished is also, in my mind, a very responsible redevelopment. The buildings do not come right out to the property line like other new developments; they're leaving open space around the buildings. And yet, these folks, the same folks that are here today against this project, are against that project. They're against any project in Marina del Rey, and I would think, in your minds, that that should be unacceptable. Responsibly redevelopment these public lands. Make them attractive, functional, and cost efficient. Thank you.

The comment in support of the proposed project is noted and will be considered by the County in the decision-making process.

Los Angeles County Regional Planning Commission Hearing

December 16, 2009

Testifier John Rizzo

John Rizzo, President of the Marina Tenants Association.

The people about 50 years ago voted, county, to have a small craft recreational project. Then they got government money -- federal, state, and local money -- and built the marina. The land and water presently is worth, I've estimated, about six billion dollars. And there is always (indiscernible) that has a price control provision in it, and I've given you the county counsel's opinion. I gave it to Mr. Tripp, and he says each of you have a copy of that.

Did you receive that copy that I provided? I has about seven or eight sheets of paper on price control in the marina. Did the commission receive it?

All right. And they asked – they gave it to the grand jury, and the grand jury asked a bunch of questions: Must price control be done in Marina Del Rey? And the answer was: Yes, it must be done. And then it explains why.

And if you don't control the price, you'll have essentially given away publicly and to private individuals. The only thing that really makes it accessible to the public is price control. And if you read that, it has the case law and it explains the why. So what you have done on this project is given away public land to a private individual and the reasoning being that he's going to generate revenue for the County, but he's only going to generate what the land is worth, maximum, because that's all he can do. The land is worth so much.

They get eight percent as a fair return on the land, and so they -- and that's all controlled by the County. They raise their percentage rental or they lower the percentage rental. They could cut the rents in the marina in half and double the percentage rental and still get the same amount of money.

The newspapers have written time and time again that they're not getting even what they're supposed to be getting, let alone getting money out of the marina that they claim they're getting. And I'm sure we all saw that documentation.

This land -- it's all about turning over this prime piece of land in Marina Del Rey to this individual illegally by not controlling the prices.

The marina was made for brown people. It was made for white people. It was made for all groups of people. And the only thing that gives that protection is to control the prices, not for rich people who can afford this kind of living. They can do that anywhere. Anywhere.

Right down the street they have an empty --they've just built it -- all these condominiums that they want to sell. It's on the canals right now and they're just opening it. They could have built there and put them up. It's right next to one of his HUD projects. So they could have built there on private land for private people.

You just don't go into a recreational project, first of all, and start putting senior citizen housing. It's not to be put -- it doesn't even make sense to put it. I mean, we need recreation just as we need the senior citizen stuff; but when we need the housing, we need it affordable. We don't need high-end stuff. We have 100,000 people in the streets. We need stuff for them.

It just doesn't make sense and it's not legal to do what they're doing. I know you've spent a lot of time reading the material and trying to do the best you can. I know it's a political problem with the Board of Supervisors, the way they want to do it. But I don't know what else to say. I mean, it's not legal. You saw the evidence it's not legal. It doesn't make sense to be using recreational land for this kind of thing and -- Thank you.

With respect to price control, this issue is beyond the scope of the CEQA environmental review process. However, the comment letter will be considered by the County when making a decision on the project.

In response to the testifier's comment regarding the project's location, as discussed in Section V, Alternatives, of the Draft EIR, alternative locations should be considered where any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. The project applicant is limited in selecting alternative sites based on the lack of availability of vacant land, as well as the current ownership and leases that are held on properties in Marina del Rey. As described in Section III, Project Description, the County of Los Angeles is the landowner in Marina del Rey, and individual developers hold leases to the properties. The parcels readily available to the applicant are Parcels OT and 21. Therefore, alternative sites were not further explored.

Accommodations for senior citizens are encouraged as part of Marina del Rey Phase II development and, consistent with that intent, the project is requesting that Parcel OT be re-zoned with a new Active Seniors Accommodations designation. In response to the testifier's comment regarding recreation, the existing Parcel OT consists of a paved parking lot and does not provide recreational uses. The project proposes a landscaped passageway adjacent to the Oxford Basin, which would provide opportunities for residents and the general public for walking and passive recreation (such as bird watching). Benches would also be provided. The plaza and 28-foot wide promenade on Parcel 21 would offer views of the Marina and would serve a recreational function by allowing the public direct access to the waterfront; specifically Marina small craft harbor uses and Mother's Beach. Presently, this area does not facilitate recreational activities. Additionally, as noted in Section IV.M of the Draft EIR, several parks and recreation opportunities exist in the vicinity of the project, including Burton Chace Park, Admiralty Park, Edgington

Park, Glen Alla Park, and the Culver West Park. Other recreational activities in the area also include the Aubrey E. Austin View Piers, Venice Pier, North Jetty Beach and Promenade, the Oakwood Recreation Center on California Street and the Penmar Golf Course on Rose Avenue. The marina itself, as well as promenades throughout the area and Mother's Beach, are recreational amenities providing water recreation to both residents and the public.

In response to the testifier's comment regarding affordable housing, as discussed in Section IV.K, Land Use, the proposed project does not include an affordable housing component. It would provide accommodations for active seniors on Parcel OT, which is encouraged as part of Marina del Rey Phase II development. The project is requesting that Parcel OT be re-zoned with a new Active Seniors Accommodations designation; with approval, dwelling units in this zone would not be considered residential uses for purposes of assessing affordable housing requirements.

Testifier Carla Andrus

All this significant impact for a select few is just totally unreasonable. And again, I want to remind you that the reputation of G&K in the marina at any rate is -- along with the Department of Beaches and Harbors -- is very unworthy of asking for these amendments, okay? And I told you I would bring you the violations, and I have done that. I thought we would be seeing you in February, so I don't have everything here. But I have enough here that you will be able to see, and without question, that there was board and care that was supposed to be on Parcel 18. Well, we fell far short of that promise and it turned into active senior citizens 62 and over. There are several violations in regard to that project, and the parking still to this day is in violation. And the Department of Beaches and Harbors knows that. They're the ones who are supposed to be regulating this, and yet they're the co-applicant for this project and to ask for this type of amendment, the amendment for active senior accommodations. What priority is that? Residential is the lowest priority. This is a hotel residential. This is even lower priority, as it only serves a select group of seniors.

And then to ask for a transfer of development potential when Parcel 18, the Monte Carlo -- they got a land amendment. Here it is. They got a land amendment. It's in their application. They got -- they asked for 75 units of development units for board and care. And that's what -- the Monte Carlo is still riding on that. In all fairness, those units need to be taken away from the Monte Carlo as they are not board and care units. They need to be put back into the development zone, which is Panay Way, for -- put those back and let the Department of Beaches and Harbors and Goldrich & Kest figure out where they're going to get the allocated units that should be rightfully administratively corrected. Administratively corrected, what would really happen is Parcel 18 -- the permit would be pulled, period. And that's what should happen.

But that's not what we're talking about today. We're talking about letting this developer and the Department of Beaches and Harbors come up with a whole new category. And then they also want development zones from another place. I can't believe the arrogance that they would be asking for such a thing for such a reason and no alternative ideas at all. All of the things that we've been hearing for the last, it seems, like two hours now were things that should have been brought in front of the design control board; but that process was cut short and intentionally so, because when the design control board looked at this, they were asking questions like why are you having a retirement hotel on OT parcel.

With respect to impacts, the Draft EIR found no impact would occur in several issue areas and that the majority of impacts would be less than significant (with and without mitigation). Based on the analysis provided in Section VI of the Draft EIR, significant unavoidable impacts would occur with respect to

Noise (outdoor on parcel OT), Visual Qualities (height and massing on Parcel 21 and cumulative impact Parcels OT 21), and Traffic (cumulative impacts).

Accommodations for senior citizens are encouraged as part of Marina del Rey Phase II development and, consistent with that intent, the project is requesting that Parcel OT be re-zoned with a new Active Seniors Accommodations designation. With respect to the proposed land uses, due to the nature of the project including service-oriented accommodations for seniors without a medical care component, neither hotel or senior housing land use singularly describe the uses proposed. With respect to the Local Coastal Plan (LCP), the Land Use Plan (LUP) contemplated the potential conversion of Parcel OT to residential uses. However, as discussed in Section IV.K, Land Use, of the Draft EIR, the project will require an amendment to the LCP. The testifier is referred to Andi Culbertson's testimony on behalf of the Department of Beaches and Harbors with respect to the conversion of land uses and transfer of development potential (see Appendix L in the Final EIR).

The Draft EIR considered a reasonable range of feasible alternatives to the project including a "No Project" alternative, under which no development would occur and Parcel OT would remain a parking lot. The Draft EIR also indentified and analyzed five alternatives in addition to the No Project alternative (see Section V, Alternatives). The selection of these alternatives was based on CEQA Guidelines and the project's significant impacts as identified in Section IV of the Draft EIR.

The proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21 and as granted conceptual approval on February 17, 2010. Comments from the DCB will be summarized in a report prepared by County Planning staff and forwarded to the Regional Planning Commission for consideration at its April 28, 2010 meeting, when the proposed project is scheduled to be heard. Following this hearing, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix M in the Final EIR).

Testifier Dr. Gottlieb

My name is Daniel Gottlieb and I'm a mathematician. We've met before. I gave you two different documents, most of you. And one of them is a statistical report that I did in behest of a news organization, and they wanted to check out the statistics. And it was done so clearly. The conclusion is very flamboyant, so you may not agree with it, which is all to the good, because if you read this, the way the statistics was done, it was very clear and it's very different from what we see in the statistics coming for trip generations and graphic and all these other things.

So I gave it to you so hopefully that you could compare, when you start reading stuff that doesn't quite make sense, what a good honest approach is. I also want to respond to the response that was made to my testimony, which is the other thing that I gave you. And the testimony involved the movement of dirt and debris. And I said it wasn't consistent with what we know from the shores and from the Woodfin projects. And it looked quite different.

And so they gave an explanation, which – it was two paragraphs. The first paragraph is most germane, and it starts out with lots of references, and they actually made a distinction between soil and debris, which I don't know exactly is right or wrong. Whatever it is, it contradicts what these other EIRs are doing. So somebody's wrong. And this wrong, then -- if you read carefully their response, you see that there's lots of annotations, lots of things. Well, all I did was copy, copy -- look for 4,446 cubic feet. And I could go through the EIR and find stuff.

So they went and found places I looked at and gave their citations, but then they suddenly -- for the rest of the paragraph, they suddenly start talking about dump trucks and give all kinds of detailed information with absolutely no reference. Nothing. There's nothing in the EIR that corresponds to this. So somebody just wrote stuff down, possibly wrong. And if it's not wrong, then the previous projects that have gone through are misleading. So somebody's wrong. As a mathematician, I know, when I'm looking at a contradiction, something is wrong. You're getting expert testimony there.

Also, I'd like to note, when you're looking at these documents, that it's incredible to me that almost anytime a percentage is used in some sort of argument, it's wrong. They don't -- the percentage -- you have a number on the top, number that you divide by, and the percentage is just sort of a way to inculcate that into common speech. They don't tell you what's divided or they use misleading headers in their tables.

This is especially clear in -- when they're dealing with the same project and the -- whether or not they should be shrinking the amount of slips.

The discussion in response the testifier's testimony at the October 21, 2009 hearing supporting the truckloads calculation has been added to the FEIR (see section IV.D-12, Air Quality) along with a reference for this information. The comment with respect to the Draft EIR's correctness or consistency with the information provided in other environmental analyses for other projects is beyond the scope of the responses to public comments on this Draft EIR.

Testifier David Barish

First, I'd like to make two comments about responding to Ms. Culbertson's statements from earlier this morning. She said that we'll be doing a five-year visioning program, a visioning program in five years, that will look at public parking in Marina Del Rey in perpetuity; but yet, by then, this commission will be asked to approve projects that will convert eight public parking lots all throughout the marina to private use. So what's going to happen when we get there and we realize we need public parking back because we decided to finally add a recreation that should have been there in the first place? The question is really about underserved recreation versus overutilized parking.

Next, she mentioned that as she walked the site OT yesterday, she got to walk to Mother's Beach and it was very convenient for the seniors to be able to do that; but yet in the EIR, it says it's very inconvenient for the public to walk from that lot to Mother's Beach to use it. So which is it? So that, to me, sounds like it's discrimination against the local class citizens who use Mother's Beach for public recreation.

Now, moving on, this project -- it's really --I find it hard to believe this commission feels there is a need to have a permanent and docked cruise ship on public land in Marina Del Rey for high-end luxury seniors that is for people 60 and over -- it's not 65, not sixty- -- 60 and over who may or may not be retired. That's a very discriminatory land use category, which is detailed in my comments letter to you.

But moving on to the parking requirement, we discussed this in detail. In the response package that was provided by Regional Planning, they provided the zoning -- the Culver City standards for parking. I've applied the three different categories to this project.

And when you look at it, if it was called senior housing, they would need 125 spaces all up. If it was congregate care in Culver City, they would need 85 spaces. If it was a residential care facility, which it certainly is not, they would need 55 spaces. In all cases it's well under the number of spaces required.

But they say it's because of the limos are going to take them everywhere, which gets me to – begs me to question, which is not answered in this EIR – is there's nothing about traffic trips in the EIR for these limousines. They'll be shuttling up to 150 residents at peak, 90 percent occupancy, according to the EIR, on a daily basis. How many limousines will be used, what size, how often, at what times will they operate, where will the limousines park, will their engines idle, and what effects on pollution, air quality, will they have? And what happens if more residents want cars than there are spaces?

I think there's a serious problem with the parking here, and also, going to the trip calculations, the net proposed project trips for this (indiscernible) are -- .17 is the congregate care facility category. I'm not sure if this is a correct number to be using for traffic trips, and I think that needs to be further supported and detailed.

And finally, just on Parcel 21, I would like clarification from the staff on what parking structure was approved by the DCB back on August 18th, 2005. Was it a public or private structure? Was it four stories or six stories and where was it located? Because I don't find the details and the minutes provide us an accurate answer.

And I'm under the impression that what is before you was not approved by the DCB. I could be wrong, but there is not enough detail to answer that. I would really like that, because if it has not been seen by the DCB, it is a requirement that it has to be reviewed by them first before coming here. It has to be. That's a law that nobody can get around. So I'd like that clarification before we move on today.

Thank you for your time.

The testifier misstates the visioning program remarks. The Board of Supervisors has approved a motion to begin the LCP map and text amendment process to collectively address the pipeline projects, which involve four and not eight public parking lots. The Board provided that following the LCP amendment for the pipeline projects it would undertake a visioning program for Marina del Rey. The visioning program and the pipeline projects amendment are separate undertakings.

As per Andi Culbertson's testimony on behalf of the Department of Beaches and Harbors, in terms of the inconvenience of walking, the beach parking is intended for beach visitors as opposed to local pedestrians; thus, Parcel OT is generally not the most convenient location for beach parking in the area (see Appendix L in the Final EIR), even though it is also true that seniors living at Parcel OT will not have a difficult time reaching Mother's Beach. There is a difference between parking for a beach-goer, who may be carrying beach paraphernalia (chairs, towels, umbrellas, picnic baskets, etc.) and a senior who is strolling to the beach or nearby restaurants for a visit.
With regard to the comment on discriminatory land use, please see the response to Comment Letter No. 3.

The Draft EIR includes an analysis of cumulative impacts, which addresses the availability of public parking should the project and all of the related projects be constructed concurrently (refer to page IV.H-46). As stated therein, according to the Draft Right-Sizing Parking study prepared for the Los Angeles County Department of Beaches and Harbors, there are a total of 2,498 public parking spaces available throughout the Marina, including a total of 1,917 public parking spaces provided on parcels other than the project and the related project list. Public parking lots included within the project and related projects list include Parcels OT (Lot 8), NR (Lot 9), IR (Lot 10) and FF (Lot 12), which all occur within the Mother's Beach Activity Area with the exception of Parcel FF. There are a total of 581 public parking spaces provided within Parcels OT, IR and NR, and 201 spaces provided within Parcel FF.

Assuming that all of the public parking spaces within the Mother's Beach Activity Area (worst case assumption as parking utilization is documented by activity area, not by parcel) and Parcel FF were not available at the same time, a total of 850 underutilized public parking spaces would be still be available in other public parking lots throughout the Marina. This is an excess of 269 underutilized public parking spaces not including the number of underutilized public parking spaces within Parcel GR (Lot 11). Therefore, the project would contribute incrementally to cumulative construction parking impacts; however, even under a worse case scenario assuming concurrent temporary loss of public parking on the project sites and the related projects, excess underutilized parking would be available.

With respect to the rate of proposed parking, due to the nature of the project being a service-oriented residential complex for seniors without a medical care component, neither hotel or senior housing land use singularly describe the uses proposed. As such, a parking rate to reflect the proposed use was established based on a similar use (Culver City Palm Court). Based on comments received during project public hearings, an updated set of parking occupancy counts was conducted by the traffic consultant at the Culver City Palm Court facility. Accordingly, a revised parking demand ratio has been increased to 0.484 spaces per unit, which would require the provision of 55 spaces. Thus, the project has been revised to provide the revised number of spaces to meet this parking demand. Relevant sections of the traffic study have been updated to include this data (See Appendix G).

The traffic generation associated with the active seniors facility component of Parcel OT has been determined based on the trip generation rates for congregate care facilities provided in Appendix G (Transportation Improvement Program) of the Marina del Rey Local Implementation Program and in the Trip Generation (7th Edition, Institute of Transportation Engineers, 2003) manual. In fact, the PM peak hour trip rate specified in Appendix G of the Local Implementation Program is identical to the PM peak hour trip rate recommended in the Trip Generation manual. Therefore, all of the trip rates used for this land use conform to the rates provided in the Trip Generation manual. The Trip Generation manual describes the congregate-care facilities surveyed to develop its trip rates as follows:

Congregate care facilities are independent living developments that provide centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities.

Vehicle ownership levels were very low at congregate care facilities; the facilities' employees or services provided to the residents generated the majority of the trips to the sites.

Based on this description, the trip rates used to generate traffic for the congregate-care facility proposed for Parcel OT appear reasonable. As with the sites surveyed for the manual, the majority of trips to/from the proposed congregate care facility on Parcel OT are expected to be employee trips and trips related to the transportation services (limousine/shuttle) provided to the residents. All of these trips, as well as those for visitors, residents, deliveries, etc., are accounted for in the trip rates used.

In response to the testifier's comment regarding recreation, the existing Parcel OT consists of a paved parking lot located across the street from existing Marina recreational uses. The project proposes a landscaped passageway adjacent to the Oxford Basin, which would provide opportunities for residents and the general public for walking and passive recreation (such as bird watching). Benches would also be provided. The plaza and 28-foot wide promenade on Parcel 21 would offer views of the Marina and would serve a recreational function by allowing the public direct access to the waterfront; specifically Marina small craft harbor uses and Mother's Beach. Presently, this area does not facilitate recreational activities. Additionally, as noted in Section IV.M of the Draft EIR, several parks and recreation opportunities exist in the vicinity of the project, including Burton Chace Park, Admiralty Park, Edgington Park, Glen Alla Park, and the Culver West Park. Other recreational activities in the area also include the

Aubrey E. Austin View Piers, Venice Pier, North Jetty Beach and Promenade, the Oakwood Recreation Center on California Street and the Penmar Golf Course on Rose Avenue. The marina itself, as well as promenades throughout the area and Mother's Beach, are recreational amenities providing water recreation to both residents and the public. Section IV.M of the Draft EIR includes an analysis of potential recreation impacts that could be associated with the proposed project.

The project is proceeding through the environmental review process as established and presided over by the Regional Planning Commission. With respect to the comments regarding DCB Approval, on August 18, 2005 the DCB passed a motion unanimously to approve the proposed project in concept. The proposed project was presented to the DCB for reconsideration of the public amenity improvements on Parcel OT and the promenade improvements on Parcel 21 and as granted conceptual approval on February 17, 2010. Comments from the DCB will be summarized in a report prepared by County Planning staff and forwarded to the Regional Planning Commission for consideration at its April 28, 2010 meeting, when the proposed project is scheduled to be heard. Following this hearing, the project will return to the DCB for final post entitlement design approval as conditioned in the DCB's August 18, 2005 conceptual approval of the project (see Appendix M in the Final EIR).

Testifier Nancy Vernon-Marino

Good afternoon, Honorable Commissioners. My name is Nancy Vernon Marino. That's M-a-r-i-n-o. And I am also with We ARE Marina Del Rey. Before I begin my comments, I would like to say that I am still waiting for a response to my testimony of October 21st, which had to do with the underserved-by-recreation aspect of this parcel and whether or not a park and ride had been looked at, overflow for Venice Beach parking, as required by the LCP, had ever been pursued by the County.

The response that is in the staff report says only that the parking was replaced elsewhere. It did not speak to the recreational opportunities and development or lack thereof by the County. So I would like you to ask staff to address that issue and specifically on the underserved-by-recreation aspect.

It became clear from the rebuttals and your questions and the responses earlier that this project is nothing more than an attempt to codify age discrimination. Ironically, it was a Marina Del Rey court case in the early '80s that banned the practice to begin with.

The zoning may be for Marina Del Rey only. If it is such a public benefit, if it is needed, why is this not being proposed for a countywide amendment? Why just Marina Del Rey? I think that's discrimination. It unfairly puts a burden on us to satisfy elitist demands, and I don't think that's right. It's not fair to the people of Los Angeles County.

What is the public benefit of this project? The lessee applicant did not answer this question satisfactorily, in my opinion. It's not a residence; so they're not providing affordable housing. It's not a hotel; so they're not providing the affordable accommodations or a hostel component in the development, and they're avoiding paying the bed tax. That's going to be less revenues for the county. It's not -- it's a lesser return than almost any other use on this land might be. If it was residences, you would have more benefit. If it was a hotel, you would have more benefit, yet they're using hotel credits to develop it; so why not a hotel. It's not congregate care. There's no skilled care staff requirements. There's more limited services. It doesn't really know what it wants to be when it grows up or goes up if it goes up. I hope it doesn't.

You said it yourselves several times during the commentary: high end. The County really does not belong in the luxury housing market. And please recall it is the County who is the landlord here: you, me, all of us. And we bought and paid for it for recreation, and now you're trying to take a public use-only

park or parking restricted and give it away to one of the lowest and even lower than low, because it doesn't even exist in county code anywhere, zoning uses. It defies reason and logic. And I would just like to end with one question that I think you really need to ask and get a thorough answer, which is who decides what an active senior is: the renter or the landlord.

Thank you.

In response to the testifier's comment regarding recreation, Parcel OT is designated in the Marina del Rey Local Coastal Program as parking and its current use is a parking lot. The provision of 94 parking spaces at Parcel 21 rather than Parcel OT will provide the public with parking spaces closer to recreation opportunities in the Marina. The project proposes a landscaped passageway adjacent to the Oxford Basin, which would provide opportunities for residents and the general public for walking and passive recreation (such as bird watching). Benches would also be provided. This promenade also provides an important linkage between Marina del Rey and neighboring communities. The plaza and 28-foot wide promenade on Parcel 21 would offer views of the Marina and would serve a recreational function by allowing the public direct access to the waterfront; specifically Marina small craft harbor uses and Mother's Beach. Additionally, as noted in Section IV.M of the Draft EIR, several parks and recreation opportunities exist in the vicinity of the project, including Burton Chace Park, Admiralty Park, Edgington Park, Glen Alla Park, and the Culver West Park. Other recreational activities in the area also include the Aubrey E. Austin View Piers, Venice Pier, North Jetty Beach and Promenade, the Oakwood Recreation Center on California Street and the Penmar Golf Course on Rose Avenue. The marina itself, as well as promenades throughout the area and Mother's Beach, are recreational amenities providing water recreation to both residents and the public. Section IV.M of the Draft EIR includes an analysis of potential recreation impacts that would be associated with the proposed project.

Due to the nature of the project being service-oriented accommodations for seniors without a medical care component, neither hotel or senior housing singularly describe the uses proposed. The testifier is referred to Andi Culbertson's testimony on behalf of the Department of Beaches and Harbors with respect to the conversion of land uses and transfer of development potential as well as the consideration of a park and ride alternative, whereby she states that park and ride facilities have been considered; however, the County does not have jurisdiction over the public transportation use in Marina Del Rey and, further, Parcel OT is not a desirable site for park and ride facilities as there are other areas that are more desirable from the viewpoint of MTA and Culver City Bus (see Appendix L in the Final EIR).

With respect to the discriminatory land use comment, please see the response to Comment Letter 3.

The proposed project would provide public recreational amenities as described earlier in this response.

Testifier Lynn Shapiro

Good morning, Commissioners. I'm Lynn Shapiro, a resident of Marina Del Rey.

A luxurious passive senior housing development will generate traffic despite its limited parking. Service trucks, some employees, and visitors will be in and out all day and all along Admiralty Way. I visited a beloved friend in a facility like this. There were lunch and dinner guests daily and children, adult children, picking up parents to take them out.

If that project sat alone near the intersection of Admiralty and Palawan Way, we might be able to absorb its traffic or at least put up with it. It does not sit alone. Please look at the illustrations that I gave you.

It is duplicitous to consider this project by itself without the enormous shopping mall which you will be asked to approve later. It is directly across Admiralty Way from this senior citizen OT parcel. That project, the second one on the visual I provided, will consist of four or more buildings on Parcel 33, which the former Edie's Diner and Harbor House occupied. The parking will be underground, myriad of shops, restaurants, a market, offices, and possibly residences will bring steady streams of traffic to this intersection. The traffic lines will extend beyond the Marina City Club in one direction and onto Via Marina in the other.

It is absurd to grant permits to these projects one at a time or even two at a time, especially if the projects to be approved are not contiguous. Unless you study all of the projects and the effects that they will have upon this community during construction and later, how can you grant permits wisely?

Santa Monica has taken the time to develop a new 20-year master plan. Why is this not being done for Marina Del Rey? It is folly to impose these new projects, one or two at a time, on a 14-year-old coastal plan, amending it at will to suit a developer, a supervisor, supervisor's appointee. These developments will affect the whole community. There will be killer traffic jams on Admiralty by and from Palawan Way. How can you consider OT without considering 33?

And by the way, while the seniors 60 and older are being chauffeured by van and the rest of us are sitting in traffic, what of those who come to boat and cycle? On weekends they will sit in traffic and have far less convenient access to their boats because their parking lots have been co-opted. With a six-story parking structure, they will need to carry supplies to their boats on Parcel 21.

Those who cycle will be endangered as they try to get to the designated bike paths on the east side of Marina Del Rey through all the traffic; Marina Del Rey, mandated and developed for recreation, the recreation of the hard-working people of Los Angeles County, their small boats and bicycles, not for wealthy seniors and limos and commercial centers at the water's edge.
Thank you very much for your attention.

With respect to the comment regarding traffic generation, a full traffic analysis was conducted for this project (See Appendix G of the Draft EIR). The traffic generation associated with the congregate-care facility component of Parcel OT was based on the applicable trip generation rates provided in Appendix G (Transportation Improvement Program) of the Marina del Rey Local Implementation Program and in the Trip Generation (7th Edition, Institute of Transportation Engineers, 2003) manual.

The commenter apparently is referring to related project no. 24, which is one of the over 40 related projects which was considered in the traffic study. To be conservative, an ambient growth factor (based on projected total trip generation increases in the area) was added to the existing volumes, related project traffic and project generated trips. Therefore, the traffic study analysis conservatively took into account the sources of potential traffic increases for the area. Table 12 in the Traffic Study (Appendix G of the EIR) shows the future conditions, considering all cumulative development, at each study intersection. In order to address significant impacts, a set of roadway improvements (mitigation measures) is recommended. Table 15 in the Traffic Study conservatively shows the anticipated conditions if these measures are implemented. As this table shows, the recommended mitigation measures would improve the conditions at the intersection of Admiralty Way and Via Marina to Level of Service (LOS) A during both the AM and PM peak hours. The County-selected study locations were signalized intersections in the study area since other locations, such as driveways, do not form capacity constraints in this type of area and roadway network.

With respect to project generated trips, in order to reduce the need for project residents to drive, people traveling to and from the project site will be encouraged to ride in project-provided transport vehicles (e.g., limousines). Further, the potential project traffic impacts would be reduced to a less than significant level with the implementation of identified mitigation measures. Refer to Section IV.H, Traffic/Access, for a detailed analysis.

As stated above, potential project traffic impacts would be reduced to a less than significant level with the implementation of identified mitigation measures and, thus, would not significantly impact vehicular operation on roadways, including that of bicycles. In addition, a Class I bicycle path is provided through the Marina, as are Class II bicycle lanes through the study area on Washington Boulevard. These facilities separate cyclists from motor vehicles. Therefore, the project is not anticipated to significantly impact bicycling.

With respect to the comments regarding project approval processes, the project is proceeding through the environmental review process as established and presided over by the Regional Planning Commission. The Draft EIR includes a list of related projects based on information obtained from the Los Angeles County Regional Planning Department, the City of Los Angeles Department of Transportation, and from the Cities of Santa Monica and Culver City (refer to Table IV.H-10) and includes cumulative analyses for each environmental issue area based on the list of related projects. It should also be noted that the environmental review process for the proposed project was initiated before the County's decision to prepare a cumulative analysis for projects in the Marina del Rey area was announced. It is anticipated that the County's cumulative analysis will account for the proposed project as well as other area projects. However, the County's analysis will not supplant project-specific environmental analysis (e.g., EIRs) and each individual project must undergo the environmental review process independent of the County's analysis.

Testifier Larry Koch

Good morning, Commissioners. I'm Larry Koch. I'm a resident of Marina Del Rey, have been since '92. I've seen a lot of development in the marina. I think this is a good one. I want you to know that not everybody in Marina Del Rey is against this development, as you've heard here today and at other meetings. This is a good responsible development of an underutilized piece of land.

Goldrich & Kest's reputation has been maligned here today. I'd like to point out that they are my landlord. They are the landlord of an organization I belong to in Marina Del Rey. They're also the landlord of one of their naysayers that spoke here this morning. That person has been a thorn in Goldrich & Kest's side for many, many years, and yet they are still her landlord. I find that interesting.

We talk about the elite and why is public land being used for the elite. It should be no surprise anything on the west side of this county is for the elite. Any housing in and around Marina Del Rey is more expensive than anywhere else in Los Angeles County. They're not building any more beach. It's quite simple. If you want cheap housing, move east. There's lots of open land, lots of cheap housing. If you can't afford it, my heart goes out to you.

Those of us who can afford to live on the west side choose to do so because of the lifestyle we have here. We love the beach. We love the water. We love the marina. We love boating. And we should not be chastised because we can afford it.

Those people who will choose to live in this facility, once it's approved, are fortunate in that they can afford to live there. They could probably live on Wilshire Boulevard, too, on the west side in some very

exclusive senior housing. I'm sure you're all aware of that whole row of multi-story apartment buildings. This is a small facility for a select small group who choose to live here. Nobody's being forced to live here. It's a nice opportunity for those who can afford it, and I think it should move forward.

Thank you very much.

The comment in support of the proposed project is noted and will be considered by the County in the decision-making process.

Testifier John Nahhas

Good morning, Chairman Bellamy, Commissioners, and Santa. That's what my students used to call Mr. Helmsley. My name is John Nahhas. I'm with the boating coalition.

You heard only 89 spaces were used in Parking Lot OT during Fourth of July. What you didn't hear is that people were driving around for a half an hour to try to find parking on the streets of Venice and walking to the marina to avoid the parking fees.

You heard that parking was never planned in Marina Del Rey, and this is simply an absurd statement. While the planning process may have improved over the years, please don't believe there was a void of qualified planners and engineers that thoroughly looked at the placement of these lots.

In fact, the Coastal Commission recently heard about the parking concerns near the beach in Venice and the controversial overnight parking ordinance that you may have heard. You heard that this needs to be developed because of the changing needs of our aging population.

I am also concerned about the needs of our aging population, but luxury dwellings with the use of limousines on our public lands for all of our citizens is inappropriate. We should be encouraging the use of our public lands for all of our citizens, not just the wealthy. Mr. Rew, you are the -- one of your statements was where are the grandchildren going to park. They, too, may have limousines and drivers. While county counsel does not consider these dwellings -- these particular places dwellings and therefore are not subject to the Mello Act, this needs to be seriously challenged by you.

An important analysis that was prepared by the Department of Beaches and Harbors and further illustrates the intent of the marina of how this luxury living facility is not an appropriate land use was placed on a laptop and quite unfortunately broke. And no hard copies could be found or reviewed by the public.

The sole proponent of this project today will not identify himself as a yacht club member. Truly, there are strange things happening in what Mr. Hafetz has asserted to this commission in his extensive research that this is the crown jewel of water use for the citizens of Los Angeles County. I'm not going to continue to dispute the facts with you regarding this project.

There are two major problems here despite the distortion of the details. The first big issue is that the public process needs to be upheld, and it is your obligation -- in fact, your duty as commissioners representing all of the citizens from your respective districts -- to ensure that the process is in order.

Commissioner Rew's comments again regarding these projects in Marina Del Rey are germane. The Department of Beaches and Harbors continues to subvert the public process and upend the order of which these permits are being heard. Options -- in fact, commitments -- have been signed by the Department of Beaches and Harbors which help exacerbate the situation and are a cause of the urgency to expedite and

taint the regulatory process. Beaches and Harbors and county counsel had to halt the deliberations of this Planning Commission in order to go to private quarters, a further indication that something is wrong.

What you didn't hear from Ms. Culbertson is that the Coastal Commission staff has stated they do not want to see any more residential in Marina Del Rey. In fact, the Coastal Commission was poised to deny the applicant's waterside project in November because of the huge slip reductions which they had been made clear they were not going to accept. The director purported that they withdrew the application because they felt that the entire commission needed to hear the project, as some commissioners were going to leave early that day.

The second biggest issue here is the continued morphing of the intent of the marina. Mr. Modugno got it part right. While it may have been the supervisors that initiated the morphing and while the cloud of Bruce McClennan's allegations of improper interference in the planning process looms, it is this commission's authority to undo the wrong and should not be left up to the supervisors favoring each other's district improvements.

The public deserves your scrutiny here and your adherence to a general planning of the parcels in Marina Del Rey. Happy holidays. And, Santa, please bring me a fair and appropriate use of public lands.

The EIR includes an analysis of existing public parking supply and demand in the marina and the project's impacts on public parking supply (see Section IV.H, Traffic/Access).

The Mello Act applies to residential dwelling units. The proposed project does not have units meeting this definition, as they do not have kitchens. Therefore, there is no Mello Act application.

The project is proceeding through the environmental review process as established and presided over by the Regional Planning Commission. It will also undergo review by the Coastal Commission at which point, their concerns will be addressed.

Accommodations for senior citizen are encouraged as part of Marina del Rey Phase II development and, consistent with that intent, the project is requesting that Parcel OT be re-zoned with a new Active Seniors Accommodations designation. With respect to the proposed land uses, the Land Use Plan (LUP) contemplated the potential conversion of Parcel OT to residential uses. However, as discussed in Section IV.K, Land Use, of the Draft EIR, the project will require an amendment to the LCP. The testifier is also referred to Andi Culbertson's testimony on behalf of the Department of Beaches and Harbors with respect to the conversion of land uses (see Appendix L of the Final EIR).

3.0 REVISIONS TO THE DRAFT EIR

Revisions to the Draft EIR have been made to reflect the project description revisions and revised discussions in the impacts analyses in response to public comments on the Draft EIR. Changes to the DEIR sections are indicated in underline/strikeout format. The following provides three sections of the Draft EIR presented in their entirety (Section III Project Description, Section IV.K Land Use, and IV.H Traffic) as well as individual pages from other Draft EIR sections as follows:

I. Executive Summary
III. Project Description
D. Air Quality
F. Cultural Resources
H. Traffic/Access
I. Utilities (Water Supply)
K. Land Use
L. Global Climate Change

I. EXECUTIVE SUMMARY

A. INTRODUCTION

This Environmental Impact Report (EIR) has been prepared by the County of Los Angeles to evaluate potential environmental impacts resulting from the proposed Oceana Retirement Facility and Holiday Harbor Courts Project (the proposed project), located on separate parcels in Marina del Rey. One EIR has been prepared for both projects to take account of cumulative effects. Holiday-Panay Way Marina, L.P. and MDR Oceana, LLC (applicant) are proposing active seniors accommodations and commercial development of Parcels OT and 21 contained within the Marina del Rey (Marina) Land Use Plan (LUP), which is a component of the Los Angeles County Local Coastal Program (LCP). The fully certified LCP consists of the LUP and the Specific Plan acting as the Implementing Program of the LUP. Additionally, Los Angeles County (County) is the landowner of both Parcels, and the County Department of Beaches and Harbors serves as co-applicant on this and all projects on County-owned land within the Marina. Holiday-Panay Way Marina, L.P. and MDR Oceana, LLC are lessees of the sites. This project requires an amendment to the Local Coastal Program for 1) the creation of a new land use category in the LCP, 2) re-designation of the Parcel OT land use category, 3) the transfer of development potential between LCP Development Zones, 4) an adjustment to the lease parcel boundary between Parcels OT and P to add to Parcel OT, and 5) re-designation of the land use category on the portion of Parcel P added to Parcel OT. This project also requires ~~modifications to LCP Amendment No. 1-01 for 1)~~ a Parking Permit ~~the transfer of parking spaces from Parcel OT to~~ Parcel 21~~, 2)~~ and a Coastal Development Permit for the transfer of the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21~~, and 3) the enlargement of Parcel GR with a corresponding reduction in size of Parcel 21~~.

MDR Oceana, LLC proposes the Oceana Retirement Facility for a 2.08-acre site consisting of Parcel OT and a portion of Parcel P[1] (19,755 square feet (s.f.)), located on Admiralty Way in the Oxford Development Zone (DZ #6) of the Marina del Rey LUP. The proposed Oceana Retirement Facility would include a 114-unit active seniors accommodations facility, which would house an estimated population of 145 residents (assuming a 90 percent occupancy at any given time).[2] The facility takes advantage of frontage on both Washington Boulevard and Admiralty Way, and would include ~~5,000~~3,500 s.f. of retail space along Washington Boulevard that would be open to the general public. The active seniors facility would include lounges, card rooms, a chapel, administration and reception offices, a dining room, library, arts and crafts room, laundry facilities, a trash and mail room, a kitchen, and a beauty salon that would serve residents and their guests. On-site parking would include private stalls to serve the retirement facility residents, their guests, and employees of the facility, as well as 92 stalls for the general public. A total of 94 of the LCP permitted 186 public parking spaces on OT would be transferred to Parcel 21.

Holiday-Panay Way Marina, L.P. proposes the Holiday Harbor Courts commercial development for Parcel 21, which is a 2.55-acre site on Panay Way in the Panay Development Zone (DZ #4) of the Marina del Rey LUP. The proposed Holiday Harbor Courts project would replace existing on-site uses with new marine commercial uses, a public park plaza and promenade, and on-site public parking. It would also provide a 5.5-foot wide sidewalk along the project's Panay Way frontage~~, as well as include a partial lease termination that would reduce the area of Parcel 21 by 31,050 s.f., with a corresponding increase in the area of Parcel GR, located adjacent to and west of Parcel 21~~.

[1] Hereafter, unless otherwise noted, the Oceana Retirement Facility project site is simply referred to as Parcel OT.
[2] Occupancy assumptions are based upon developer's experience at multiple other facilities of this type. If occupancy were at 100 percent, the resident population would be 161.

Parcel 21

The proposed four-level Holiday Harbor Courts development would demolish the existing structures and replace existing uses with new marine uses, a public park plaza and promenade, and a six-level parking structure, which would be partially subterranean. Uses approved for Parcel 20 (Phase II)[3] (in the Panay DZ #4) but not built, including marine commercial space and a yacht club, would also be transferred to Parcel 21 (also in the Panay DZ #4), as would 94 parking spaces from Parcel OT. The proposed project would reduce the existing health club floor area by 6,000 s.f. (from 16,000 to 10,000 s.f.), with the remaining floor area planned for additional marine commercial uses. The proposed project would consist of a total of 29,348 square feet. With the transfer of land uses from Parcel 20, the development on Parcel 21 would result in zero s.f. of net new leasable area within the Panay DZ #4 of the Marina del Rey LUP. An estimated 447 parking spaces would be provided on Parcel 21 after the transfers are made from Parcels OT and 20. The proposed project would also include a 5.5-foot wide sidewalk along the Panay Way frontage, which does not currently exist. ~~In addition, Parcel 21 would be reduced by 207 feet, or 31,050 s.f., through a partial lease termination, which would represent an increase in the area of Parcel GR, which lies adjacent and west of Parcel 21.~~

The first floor of the Holiday Harbor Courts building would contain the new health club and a portion of the replacement uses of LUP Parcel 21 (retail and marine commercial uses). The second floor would contain the remainder of the replacement uses of LUP Parcel 21 (retail and marine commercial uses), the transfer of marine commercial uses from LUP Parcel 20, and 6,000 s.f. of new marine commercial uses. The third floor is devoted to parking, and the fourth floor would contain the yacht club. The yacht club has a high, vaulted ceiling that is roughly equivalent to two levels of parking. The final level consists of the roof of the yacht club and adjacent parking. Parking on Parcel 21 would provide parking that is adjacent to the Marina, closer in proximity to Mother's Beach than the parking currently provided by the lot on Parcel OT, would not require street crossing to access Mother's Beach, and would provide covered parking, as envisioned by the proposed site plan.

The proposed project received conceptual approval from the Marina Design Control Board on April 18, 2005, which found the project to meet the requirements of the LUP (refer to Appendix A). The building would be the same height as the adjacent apartments. Its design utilizes a nautical theme with curved and circular elements and hues of blue and green. Building materials include the use of aluminum (as does the apartment building next door) and blue-green glass. Portions of the facade would be designed with floor to ceiling glass, allowing for views from the building onto the adjacent plaza and waterfront. The structure is designed with a recessed ground floor and terraced upper floor. The attached parking structure consists of angular walls and curved openings punched on the facade, and it is designed in such a way as to allow for pedestrian views of the water through the parking structure at the ground level.

C. SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table I-1, below, summarizes the proposed project's environmental impacts and the measures identified to mitigate these impacts. The table also notes the significance of impacts before and after mitigation is implemented. As stated above, in some cases mitigation measures are also recommended for impacts that are considered less than significant, in order to further reduce such impacts, or to further assure the proper

[3] Parcel 20 is located adjacent to and east of Parcel 21, and Phase I was developed with apartment uses in May 2005. Although Phase II uses were approved, they were not constructed. These original Phase II uses are proposed to be relocated to Parcel 21 as part of this project. Under a separate proposal and application, Parcel 20, Phase II (also referred to as Parcel 19), is proposed to be developed with a Department of Beaches and Harbors office. Although Parcel 20, Phase I, is not a related project to the proposed project, Parcel 20, Phase II, is a related project (refer to Table IV.H-10 in Section IV.H, Traffic/Access).

implementation of local, State, or Federal standards, codes, or regulations. The proposed project would result in significant unavoidable adverse impacts (significant impacts that cannot be reduced to a less than significant level with implementation of mitigation measures) related to 1) noise at the balconies included on the Parcel OT active seniors accommodations that exceeds the standard for outdoor usable space, 2) a project- and cumulative-level visual quality impact associated with increased building height and massing at Parcel 21 along Panay Way and overall Marina del Rey development intensification, respectively, and 3) the proposed project's incremental contribution to cumulative traffic congestion at five of the 14 traffic study intersections.

D. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

A number of issues regarding the proposed project were raised by public agencies in response to the NOP and through the Screencheck Draft EIR review process. These issues include environmental safety, geotechnical hazards, water quality, land use, traffic/access, utilities (water supply), water quality, cultural resources, air quality, and public services. These issues have therefore been addressed in this EIR in Sections IV.A through IV.M. The following issues have been identified as areas of controversy through the public review period on the Initial Study/Notice of Preparation disclosure by the Lead Agency:

- Creation of new land use category
- Re-designation of the land use category on Parcel OT to Active Senior Accommodations
- Amendment of the lease parcel boundary between Parcel OT and P
- Re-designation of the portion of Parcel P added to Parcel OT from Open Space to Active Senior Accommodations
- Transfer of development potential between development zones
- Height of the proposed building on Parcel OT
- Proximity of the Parcel OT project to the Oxford Basin
- ~~Transfer of public parking from Parcel OT to Parcel 21~~
- Up-sizing and relocation of the Los Angeles County Department of Public Works water main on Parcel OT
- Cumulative Construction Traffic and Parking Impacts
- ~~Partial lease termination from Parcel 21 to Parcel GR~~
- Transfer of yacht club and marine commercial uses from Parcel 20 Phase II to Parcel 21

Cumulative Biota Impacts Several related projects are proposed for development within the general study area (Marina del Rey, Los Angeles County, and the City of Los Angeles). These projects are generally similar or larger in scope compared to the proposed project. They represent a mix of residential, commercial, office, and hotel/motel projects, with some open space and associated recreational land uses. As Marina del Rey and the immediate areas are largely urbanized, the proposed project's contribution to the cumulative condition after proper implementation of the mitigation measure specified above is not cumulatively considerable. Therefore, the proposed project would result in a less than significant cumulative impact on biota.	Less Than Significant	No mitigation required		Less Than Significant
Cultural Resources				
Prehistoric and Historic Archaeological Resources While no prehistoric or historic resources have been recorded within one-half mile of the property, the identification of the historic Venice Landfill as being located near both Parcel OT and Parcel 21 and recent investigations in nearby Ballona Creek resulting in the discovery of hundreds of native American burials and numerous prehistoric features indicates a sensitivity of the project area for prehistoric and historic archaeological resources. As the potential exists for such resources to be uncovered during grading and excavation activities for the proposed developments, prior to mitigation, the proposed project may result in a significant impact to prehistoric and historic archaeological resources.	Significant	**CUL-1**	During the removal of asphalt paving and subsequent grading of the sites, the sites shall be monitored by a qualified archaeological monitor. The archaeological monitor shall also be accompanied by a Native American Monitor to be selected from the Native American Heritage Commission approved list for this area. Should evidence of any prehistoric or historic resources be uncovered, including Native American resources, the archeologist must be notified and work in the find area shall cease until the monitor arrives. The State Historic Preservation Office and Los Angeles County Department of Regional Planning shall also be notified if such resources are uncovered. The archeological monitor shall have the authority to halt any activities adversely impacting potentially significant archeological resources, while the find is evaluated in accordance with CEQA criteria for significance.	Less Than Significant

		CUL-2 Should evidence of any prehistoric or historic archaeological resources be uncovered, a Phase II evaluation must be conducted in accordance with Section 15064.5(f) of the CEQA Guidelines. **CUL-3** Following §30116(d) of the Coastal Act, any cultural resource found in the portion of the LCP study area planned for development shall be collected and maintained at the Los Angeles County Museum of Natural History or other appropriate location as otherwise provided by State law. **CUL-4** Should human remains be discovered during the removal of asphalt paving and subsequent grading of the sites, the County Coroner shall be contacted and permitted access to the site for preliminary identification of the remains. Preservation and disposition of the remains shall be conducted in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the remains are found to be of Native American origin, the Native American Heritage Commission must be notified and permitted to identify the Most Likely Descendant (MLD), and, in consultation with the proponent and archaeological monitor, determine the appropriate disposition of the remains, as stated in Section 15064.5(d) of the CEQA Guidelines.

Traffic/Access				
Construction Period Impacts Construction of the proposed project on Parcels OT and 21, as well as the upsized sewer and water main projects, would require the designation of construction vehicle and haul routes and construction period management of roadways, sidewalks, and public transportation routes. During the construction period, parking on the subject parcels would become temporarily unavailable. Public parking on these parcels would be diverted to underutilized public parking lots within the Marina as identified by the Draft Right-Sizing Parking Study. Construction and tenant parking during construction would be provided by the Applicant via a valet system, with the spaces being provided on Parcel 76 for the Parcel OT project and Parcel 18 for the Parcel 21 project, which are both under lease to the Applicant. Although the proposed project would result in the temporary loss of both public and private parking on the sites during the construction period, the proposed provision for private parking and the availability of underutilized public parking throughout the Marina is anticipated to accommodate the parking demand. Therefore construction period impacts to parking supply would be less than significant.	Significant	**TA-1**	Traffic Control Plans for both Parcel OT and Parcel 21 shall be submitted to the County of Los Angeles Department of Beaches and Harbors and the County of Los Angeles Department of Public Works Traffic and Lighting Division for review and approval. The Traffic Control Plans shall designate haul routes for construction-related vehicles, the location of access to the construction site, and staging and parking areas for workers and equipment. The Plans shall also specify the permitted hours of construction, methods of safeguarding traffic flow, methods of re-routing or detouring traffic if necessary, and the placement/utilization of traffic control devices (including signs, flashing arrows, traffic cones and delineators, barricades, flaggers, temporary modifications to existing signals and signal timing, etc.), as necessary. Further, the Plans shall address the provision of signage for alternative pedestrian and bicycle access routes where affected, coordination with emergency service providers, and coordination with pubic transit providers (such as the MTA, LADOT Commuter Express, and Culver City Bus). The Plans shall include the MTA telephone number (213-922-4632) of the Metro Bus Operations Control Special Events Coordinator that the contractor shall contact for construction coordination outreach efforts.	Less Than Significant

E. SUMMARY OF ALTERNATIVES

The potential impacts of two alternatives were evaluated and compared to the proposed project impacts, and the environmentally superior alternative was identified as well. A brief summary is provided as follows:

1. Alternative 1: No Project Alternative – Buildout Under Existing Marina del Rey LCP

Within the existing Marina, development of some kind has occurred on all leasehold parcels. This development cycle is generally referred to as Phase I development. Recycling, intensification, or conversion of these initial uses on leased parcels is referred to as Phase II development. Phase II development is encouraged and permitted, subject to the individual leaseholders demonstrating consistency with the policies of the Marina del Rey LCP, which includes priority consideration for development of boating and visitor-serving facilities. Neither Parcel OT nor Parcel 21 has undergone development under Phase II of the Marina del Rey LCP. As described further below for each parcel, the No Project Alternative assumes the continuation of existing conditions at these sites, although renovation/redevelopment of existing facilities may occur.

Parcel OT

This alternative assumes that the Active Seniors Accommodations Land Use Category would not be added to the LCP; Parcel OT would not be re-designated as an Active Seniors Accommodations Facility parcel; and the requested transfer of development potential to Parcel OT, including 114 hotel rooms and ~~5,000~~3,500 square feet (s.f.) of retail space, from the Admiralty Development Zone (DZ) #7 and the Palawan/Beach DZ #5, respectively, to the Oxford DZ #6, does not occur. As Parcel OT currently exists as a surface parking lot (186 spaces) and is designated for parking in the Marina del Rey LCP, it would likely remain as such a use, albeit redeveloped pursuant to the conditions of Phase II development of the Marina del Rey LCP. As specified in the Marina del Rey LCP, parcels in the LCP area designated for parking carry a height limitation of 90 feet. Therefore, should development of the proposed project not occur, Parcel OT may potentially remain designated for parking but could be redeveloped into a parking structure that is 90 feet in height (taller than the proposed retirement facility).

Parcel 21

Without the transfer of development potential from Parcel 20, Phase II (also referred to as Parcel 19), or the transfer of parking from Parcel OT, it is also reasonable to assume that the existing uses on Parcel 21 would remain although they may be renovated or redeveloped. It is also assumed that expansion of existing development levels at the site would not occur under this alternative. The site would contain the same amount of square footage of marine commercial (3,132 s.f.), retail (2,916 s.f.), and health club (16,000 s.f.) uses, as well as the same amount of parking (226 spaces) as it does currently. However, if the development potential from Parcel 20, Phase II, is not transferred to Parcel 21, this leaves 2,300 s.f. of marine commercial and 5,000 s.f. of yacht club uses originally approved for Parcel 20 Phase II/Parcel 19 in the Panay DZ #4 to be developed. As one of the current Marina del Rey redevelopment projects includes the development of an administrative building on Parcel 20 Phase II/Parcel 19 for the L.A. County Department of Beaches and Harbors (DCB Project Table, March 8, 2007), this remaining development potential would be transferred elsewhere (to another parcel in the Panay DZ #4 or to another DZ), if an alternate site is not selected for the County's administrative building.

necessary for development of Alternative 3 would result in similar impacts as the proposed project to biota (disturbance of birds nesting in trees on-site) and cultural resources (disturbance of resources during grading or excavation). Further, this alternative would place development in a seismically active region of Southern California and expose people to the associated geotechnical hazard; albeit fewer people due to the types of land uses proposed with this alternative as compared to the project, and it would still necessitate grading for subterranean parking. Additional environmental effects of Alternative 3 that would vary from the proposed project namely involve land use and the transfer of development potential in Marina del Rey. While the proposed land uses of this alternative are consistent with the Parcel zoning, the proposed park would replace a parking lot on Parcel OT that is utilized for visitors of Mother's Beach as well as return several land uses from Parcel 21 to the Marina del Rey "bank" of development potential. It is expected that all such uses would be replaced elsewhere in Marina del Rey.

Alternative 4: Reduced Height Alternative

This alternative would include development of a 50-unit retirement facility, retail uses, and parking on Parcel OT and marine commercial uses and parking on Parcel 21.

Parcel OT

With this alternative, the transfer of development potential from the Admiralty DZ #7 and Palawan/Beach DZ #5 to the Oxford DZ #6 would still be necessary, and the site would be developed with a retirement facility of 50 units, ~~5,000~~3,500 s.f. of retail space, and parking. The height of the retirement facility would reach a maximum height of 47 feet and seven inches on Admiralty Way and 55 feet on Washington Boulevard (as measured from the streets to the highest point of the rooftop).

Parcel 21

The proposed development on Parcel 21 under this alternative would remain the same as that proposed with the project. The proposed four-level Holiday Harbor Courts development would replace existing uses with new marine uses, a public park plaza and promenade, and a six-level parking structure, which would be partially subterranean. The development on Parcel 21 would replace the existing 16,000 s.f. of health club, 2,916 s.f. of retail, and 3,132 s.f. of marine commercial on Parcel 21. An additional 2,300 s.f. of marine commercial and 5,000 s.f. of yacht club uses would be transferred to Parcel 21 from Parcel 20 Phase II/Parcel 19. Replacement parking for the existing 226 parking spaces on Parcel 21 and parking for the additional marine commercial and yacht club uses (112 spaces), as well as 94 spaces from Parcel OT, would be located on-site (432 total spaces).

Environmental Evaluation

The retirement facility proposed for Parcel OT under this alternative is expected to be approximately 20 feet shorter in height than the structure of the proposed project, but structurally and aesthetically similar, and no changes would occur to the development on Parcel 21 with this alternative. Therefore, it can be assumed that Alternative 4 would result in similar impacts associated with geotechnical hazards, water quality, air quality, biota, cultural resources, utilities, and environmental safety as the proposed project. The demolition, grading, and operational activities necessary for development of the proposed project would also be required with Alternative 4, but the construction period may occur over a shorter duration due to the reduced height of the Parcel OT project. However, the environmental effects of Alternative 4 that would vary from the proposed project involve visual, traffic, and global climate change impacts associated with development of Parcel OT as a smaller retirement facility than that of the proposed project.

Alternative 5: No Lease Parcel Boundary Adjustment Alternative

This alternative would include development of a 114-unit retirement facility, retail uses, and parking within the existing limits of Parcel OT and marine commercial uses and parking on Parcel 21.

Parcel OT

With this alternative, the transfer of development potential from the Admiralty DZ #7 and Palawan/Beach DZ #5 to the Oxford DZ #6 would still be necessary, and the site would be developed with a retirement facility of 114 units, ~~5,000~~3,500 s.f. of retail space, and parking. However, as compared to the proposed project, the footprint of the project would be located within the existing limits of Parcel OT, and the height of the retirement facility would reach a maximum of approximately 88 feet on Admiralty Way and 95 feet on Washington Boulevard (as measured from the streets to the highest point of the rooftop).

Parcel 21

The proposed development on Parcel 21 under this alternative would remain the same as that proposed with the project. The proposed four-level Holiday Harbor Courts development would replace existing uses with new marine uses, a public park plaza and promenade, and a six-level parking structure, which would be partially subterranean. The development on Parcel 21 would replace the existing 16,000 s.f. of health club, 2,916 s.f. of retail, and 3,132 s.f. of marine commercial on Parcel 21. An additional 2,300 s.f. of marine commercial and 5,000 s.f. of yacht club uses would be transferred to Parcel 21 from Parcel 20 Phase II/Parcel 19. Replacement parking for the existing 226 parking spaces on Parcel 21 and parking for the additional marine commercial and yacht club uses (112 spaces), as well as 94 spaces from Parcel OT, would be located on-site (432 total spaces).

Environmental Evaluation

The retirement facility proposed for Parcel OT under this alternative is expected to be approximately 20 feet taller in height than the structure of the proposed project, but structurally and aesthetically similar, and no changes would occur to the development on Parcel 21 with this alternative. Therefore, it can be assumed that Alternative 5 would result in similar impacts associated with geotechnical hazards, water quality, air quality, biota, cultural resources, utilities, and environmental safety as the proposed project. The demolition, grading, and operational activities necessary for development of the proposed project would also be required with Alternative 5; however, construction may occur over a longer duration due to the increased height of the structure. However, the environmental effects of Alternative 5 that would vary from the proposed project involve utilities, as well as visual and land use impacts associated with development of Parcel OT as a taller retirement facility than that of the proposed project.

Alternative 6: No Retail Use on Parcel OT Alternative

This alternative would include development of a 114-unit retirement facility and parking on Parcel OT and marine commercial uses and parking on Parcel 21. No retail spaces would be provided on Parcel OT.

Parcel OT

With this alternative, the transfer of development potential from the Admiralty DZ #7 and Palawan/Beach DZ #5 to the Oxford DZ #6 would still be necessary, and the site would be developed with a retirement facility and parking. No retail space would be provided on this Parcel, and the ~~5,000~~3,500 s.f. of space would be allocated to additional amenities for residents of the project.

Parcel 21

The proposed development on Parcel 21 under this alternative would remain the same as that proposed with the project. The proposed four-level Holiday Harbor Courts development would replace existing uses with new marine uses, a public park plaza and promenade, and a six-level parking structure, which would be partially subterranean. The development on Parcel 21 would replace the existing 16,000 s.f. of health club, 2,916 s.f. of retail, and 3,132 s.f. of marine commercial on Parcel 21. An additional 2,300 s.f. of marine commercial and 5,000 s.f. of yacht club uses would be transferred to Parcel 21 from Parcel 20 Phase II/Parcel 19. Replacement parking for the existing 226 parking spaces on Parcel 21 and parking for the additional marine commercial and yacht club uses (112 spaces), as well as 94 spaces from Parcel OT, would be located on-site (432 total spaces).

Environmental Evaluation

The developments included in this alternative on Parcel OT and Parcel 21 would be similar to the proposed project; however, the Parcel OT project would not include ~~5,000~~3,500 s.f. of retail space. The 3,500~~5,000~~ s.f. of space would instead be dedicated to providing additional space for amenities for the project's residents. Therefore, it can be assumed that Alternative 6 would result in similar impacts associated with geotechnical hazards, water quality, air quality, biota, cultural resources, utilities, and environmental safety as the proposed project. The demolition, grading, and construction and operational activities necessary for development of the proposed project would also be required with Alternative 6. However, the environmental effects of Alternative 6 that would vary from the proposed project involve land use, traffic, and global climate change impacts associated with development of Parcel OT with no retail component.

4. Environmentally Superior Alternative

Based on the alternatives analysis, an environmentally superior alternative must be designated among the alternatives. According to CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives.

The No Project Alternative is the Environmentally Superior Alternative since it would avoid the project's significant impacts. Other than the No Project Alternative, the Environmentally Superior Alternative is Alternative 3 (Alternative Land Use – Public Park on Parcel OT and Boat Storage on Parcel 21). As shown in the above analysis of this alternative, implementation of this alternative would 1) result in similar significant impacts as the proposed project associated with construction period biota and cultural resources impacts, 2) result in fewer air quality, traffic/access, global climate change, and utilities impacts, 3) avoid the significant and unavoidable noise impact of the proposed project, and 4) be more consistent with the planned uses set forth in the Marina del Rey LCP than the proposed project in the short-term. However, this alternative may also result in a similar visual qualities impact as the proposed project on Parcel 21, and it would also potentially defer a range of environmental effects to other future developments by returning development potential to the available "bank" of development potential in the Marina del Rey LCP area.

III. PROJECT DESCRIPTION

A. PROJECT OVERVIEW

Holiday-Panay Way Marina, L.P. and MDR Oceana, LLC (applicants) are proposing active seniors accommodations facility and commercial development of Parcels OT including a portion of Parcel P[4] and 21 contained within the Marina del Rey (Marina) Land Use Plan (LUP), which is a component of the Los Angeles County Local Coastal Program (LCP). The fully certified LCP consists of the LUP and the Specific Plan acting as the Implementing Program of the LUP. Additionally, Los Angeles County (County) is the landowner of the affected Parcels, and the County Department of Beaches and Harbors serves as co-applicant on this and all projects on County-owned land within the Marina. Holiday-Panay Way Marina, L.P. and MDR Oceana, LLC are lessees of the sites.

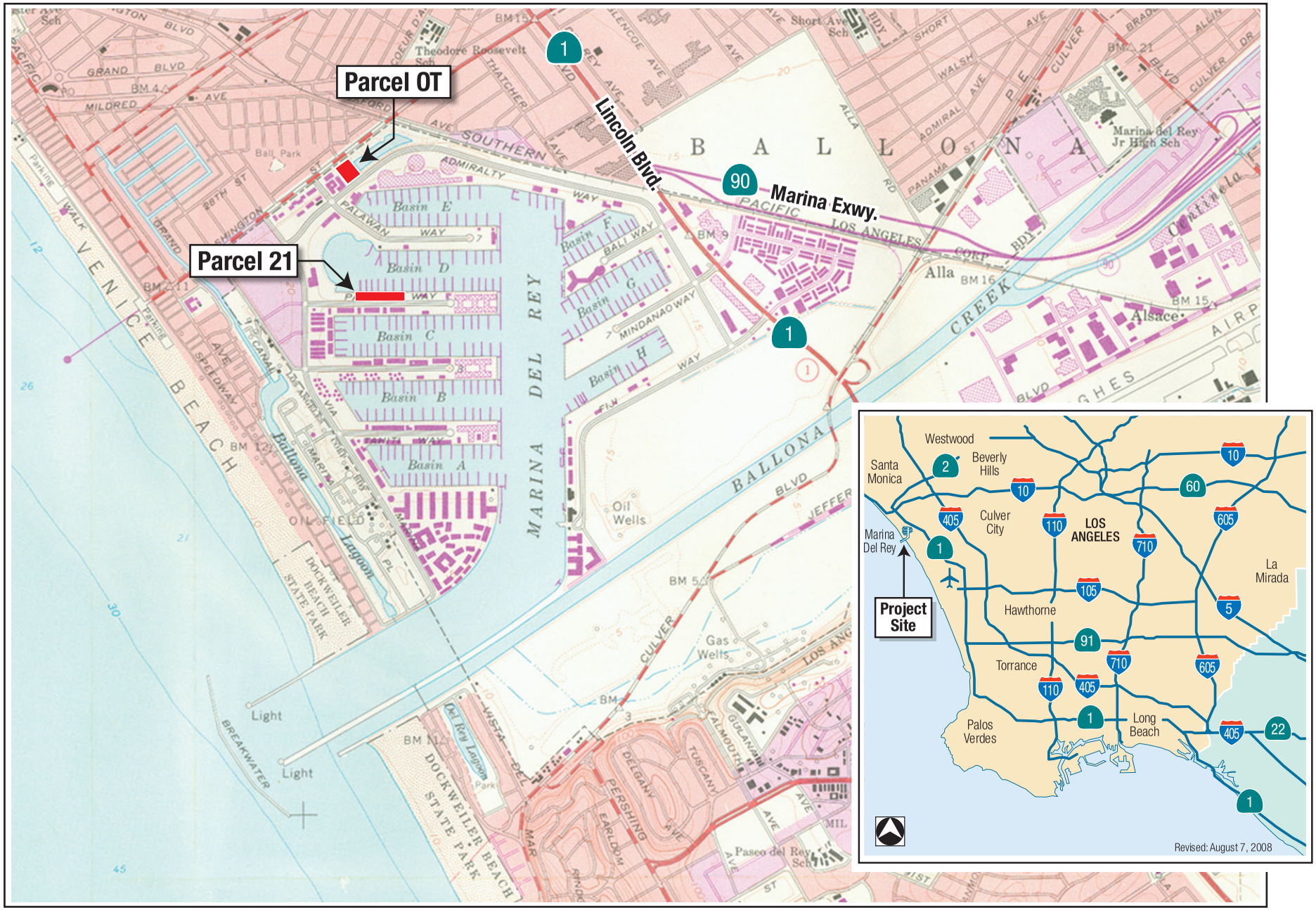
MDR Oceana, LLC proposes the Oceana Retirement Facility for a 2.08-acre site consisting of Parcel OT and a portion of Parcel P (19,755 square feet (s.f.)), located on Admiralty Way in the Oxford Development Zone (DZ #6) of the Marina del Rey LUP. The Oceana Retirement Facility would include a 114-unit active seniors accommodations facility, which would house an estimated population of 145 residents (assuming a 90 percent occupancy at any given time).[5] The units would be rented on a monthly or annual basis. The facility would also include ~~5,000~~3,500 s.f. of retail spaces along Washington Boulevard that would be open to the general public, as well as private lounges, card rooms, a chapel, administration and reception offices, a dining room, library, arts and crafts room, laundry facilities, a trash and mail room, kitchen, and a beauty salon that would serve patrons and their guests. On-site parking would include private stalls to serve the retirement facility residents, guests, and employees, as well as 92 public stalls to serve the general public. A total of 94 of the LCP permitted 186 public parking spaces on OT will be ~~transferred to~~developed on Parcel 21. Refer to the parking discussion, below, for additional details.

Holiday-Panay Way Marina, L.P. proposes the Holiday Harbor Courts commercial development for Parcel 21, which is a 2.55-acre site on Panay Way, approximately 2.5 miles (driving distance) from Parcel OT. Parcel 21 is included within the Panay Development Zone (DZ #4) of the Marina del Rey LUP. The proposed Holiday Harbor Courts project would replace existing on-site uses with new marine commercial uses, a public park plaza and promenade, and on-site parking. It would also provide a 5.5-foot wide sidewalk along the project's Panay Way frontage~~, as well as include a partial lease termination that would reduce the area of Parcel 21 by 31,050 s.f., with a corresponding increase in the area of Parcel GR, located adjacent to and west of Parcel 21~~.

1. Project Location

The proposed project is located within the unincorporated County community of Marina del Rey, with the surrounding region including the Pacific Ocean and portions of the City of Los Angeles to the west, the community of Venice to the north, Playa del Rey and the Los Angeles International Airport (LAX) to the south, and the terminus of State Highway 90 (Marina Expressway) at Lincoln Boulevard (State Highway 1) to the east (refer to **Figure III-1** and **Figure III-2**). Both developments are located on the United States Geological Survey (USGS) 7.5 minute Venice Topographic Quadrangle; however, the specific areas on which Parcels OT, P and 21 are sited were not covered by the Public Land Survey System (PLSS). Rather, they are identified as being part of the Spanish/Mexican Land Grant System, specifically

[4] Hereafter, unless otherwise noted, the Oceana Retirement Facility project site is simply referred to as Parcel OT.
[5] Occupancy assumptions are based upon developer's experience at multiple other facilities of this type. If occupancy were at 100 percent, the resident population would be 161.



Source: Venice, California, U.S.G.S. 7.5 Minute Topographic Quadrangle

OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

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Project Location

FEET 0 1,000 2,000

FIGURE III-1

Aerial Source: I.K. Curtis Services, Inc., September 2005.

Revised: August 5, 2008

OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

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Surrounding Land Use

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FIGURE III-2

Rancho Ballona. As depicted on the Venice Topographic Quadrangle, the location of Parcel OT is 33° 59' 5" north latitude and 118° 27' 20" west longitude, and the location of Parcel 21 is 33° 58' 45" north latitude and 118° 27' 15" west longitude. Parcels OT and P are also denoted as Assessor's Parcel Number (APN) 4224-006-900 at 4445 Admiralty Way, and Parcel 21 is APN 4224-003-901 at 14025 Panay Way.

2. Environmental Setting

The Oceana Retirement Facility project site (Parcel OT and 19,755 s.f. of Parcel P) is approximately 90,442 s.f. (2.08 acres) in size, with dimensions of approximately 260 feet wide along Admiralty Way and 355 feet deep traversing from Washington Boulevard to Admiralty Way. Parcel OT is currently used as a County-operated paid public parking lot, with 183 parking spaces.[6] Some of these spaces and a maintenance driveway currently encroach 6,665 s.f. into Parcel P. The FantaSea Yachts and Yacht Club retains a Coastal Development Permit (A-5-MDR-95-189) and non-exclusive right to use up to 92 of the parking spaces after 6:00 pm, and on weekends and holidays. Most of the site is predominantly paved and relatively flat, and is bordered with perimeter landscaping containing shrubs and trees (mostly non-native vegetation), including Fig (*Ficus* sp.), Indian hawthorn (*Rhaphiolepis indica*), and Natal plum (*Carissa macrocarpa*). Along Washington Boulevard, the fig trees have grown to such an extent that the public sidewalk has become fractured and uneven. The site is bordered on the west by the Marina International Hotel, with a driveway separating the two uses; on the south by Admiralty Way and residential, hotel and restaurant uses; on the north by Washington Boulevard and single family homes north of Washington Boulevard; and on the east by the Oxford Lagoon (also known as the Oxford Retention Basin or Oxford Lagoon, on the remainder of Parcel P), as depicted in Figure III-2. Hereafter, unless otherwise noted, the Oceana Retirement Facility project site is simply referred to as Parcel OT.

The Holiday Harbor Courts project site, Parcel 21, is located on the Panay Way mole road atop a quay. The Holiday Harbor Courts site measures approximately 741 feet in width along the frontage of Panay Way and approximately 150 feet in depth from Panay Way to the water. The Parcel is currently developed with two commercial structures and a paved parking area that serves the commercial structures and also provides parking for boaters using the adjacent docks. One structure consists of a health club and the other is comprised of retail and marine commercial uses. The site also contains some sparse landscaping and a pedestrian walkway along the water's edge. A six-story apartment building is adjacent to and east of Parcel 21, with an improved promenade along the water's edge adjacent to the apartment building.[7] Other uses adjacent to Parcel 21 include apartments and a restaurant with parking to the south, as well as restaurants and retail to the west (refer to Figure III-2). Marina docks and slips (designated Marina Basin D in the LUP) are located immediately to the north of the site.

[6] According to the Draft Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California, prepared by Raju Associates, Inc. (March 2009), based on the field inventory surveys performed by the Los Angeles County Department of Beaches and Harbors, the number of public parking spaces available on Parcel OT is 183. This is different from the number of spaces noted in the Marina del Rey Land Use Plan (LUP), which is 186 spaces, due to restriping of the lot after publication of the LUP to accommodate handicapped spaces. This EIR analysis conservatively uses the 186 space estimate in order to provide for a greater number of replacement parking spaces under the proposed project.

[7] Approved with Local Coastal Program Amendment No. 1-01, January 7, 2002.

3. Project Characteristics

Proposed Land Uses and Design Characteristics

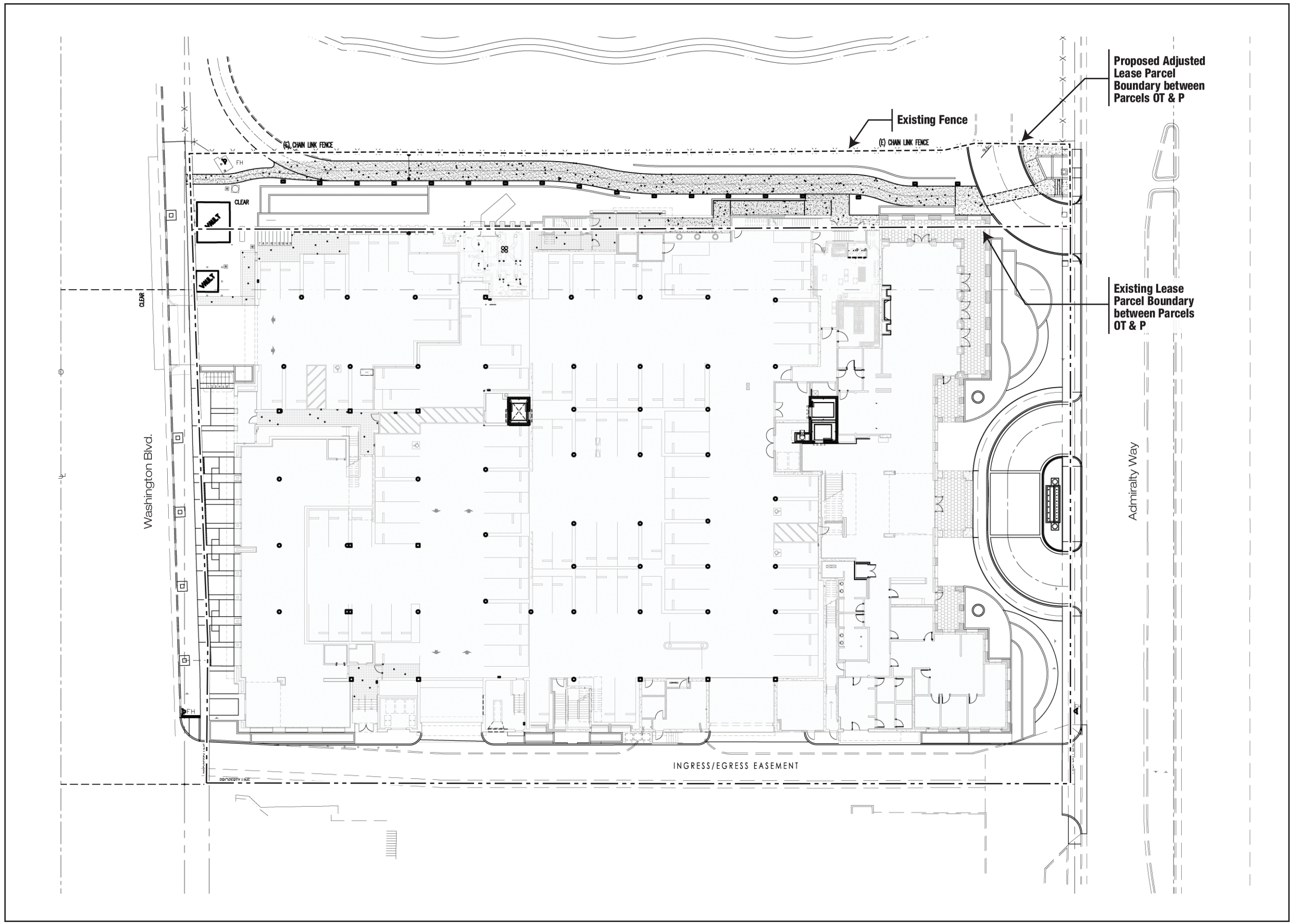
Parcel OT

The proposed Oceana Retirement Facility development would replace an existing 183-space parking lot with a 114-unit active seniors accommodations facility and ancillary facilities, retail space, and on-site parking. Parcel OT currently provides parking for visitors of the Marina, particularly those visiting Mother's Beach, even though it is located across the street (Admiralty Way) from these amenities. ~~The project proposed would transfer 94 of the LCP permitted 186 public parking spaces on Parcel OT to~~ The LCP permits 186 public parking spaces on Parcel OT. Under the proposed project, 94 of the 186 parking spaces would be developed on Parcel 21, which would provide parking that is adjacent to the Marina, closer in proximity to Mother's Beach, would not require street crossing to access Mother's Beach, and would provide covered parking, as envisioned by the proposed site plan. The remaining 92 LCP permitted public parking spaces would be provided at Parcel OT as part of the proposed project for use by the public and FantaSea Yachts and Yacht Club. (Additional parking for the project uses would also be provided as described further below in the parking discussion, below.) In addition, the proposed project would replace an underutilized parking surface parking lot[8] with a mixed-use active seniors accommodations facility, helping to meet the growing demand for housing for the retired population, a growing demographic in Los Angeles County. The project would provide retired residents with increased access to the Marina coastal resources. Such development would require an LCP Amendment to both the LUP and the Implementing Program (the Specific Plan) to create an Active Seniors Accommodations Land Use Category in the LCP and re-designate Parcel OT as an Active Seniors Accommodations parcel. A transfer of approved development potential between Development Zones (hotel units from the Admiralty DZ #7 and retail space from the Palawan/Beach DZ #5 to the Oxford DZ #6, where Parcel OT is located). The project would be subject to a new set of development standards similar in character to the current Residential V designation of the LUP. The LCP Amendment also includes an adjustment to the lease parcel boundary between Parcel OT and Parcel P, which would also necessitate adjustments to the corresponding LCP maps.

The proposed site plan for Parcel OT is displayed in **Figure III-3a. Figures III-3b, 3c, 3d, and 3e** depict the various floors of the active seniors accommodations, including the parking structure. As the proposed development on Parcel OT is an active seniors accommodations facility, the structures have been designed with consideration given to senior citizens, providing easier access to indoor and outdoor uses. A cross-section and elevations are also provided in **Figures III-3f**, ~~and~~ **III-4a and III-4b**, respectively, to depict the development. Figure III-3f demonstrates the relationship between the different levels of the facility, and Figure III-4 shows the facility viewed from Admiralty Way looking north and from Washington Boulevard looking south. The floor area assigned to each use is provided below in **Table III-1**.

The proposed project has already received conceptual approval from the Marina Design Control Board, which found the project to meet the design requirements of the LUP. **Figure III-5** provides a view of the project, as it would appear from Admiralty Way. The building height would be approximately 67 feet and seven inches on Admiralty Way and approximately 75 feet on Washington Boulevard, measured from the streets to the rooftop (which is nine feet and ten inches). The architects of the Oceana Retirement

[8] The Marina del Rey LUP "contemplates the potential conversion of three parking lots to other uses," including Parcel OT. The LUP states that Parcel OT "is underutilized most of the year" and that "lot OT is fully used only during peak events" (LUP, Page 2-5).



Source: GMPA Architects, Feb. 2010.

Revised: Feb 26, 2010

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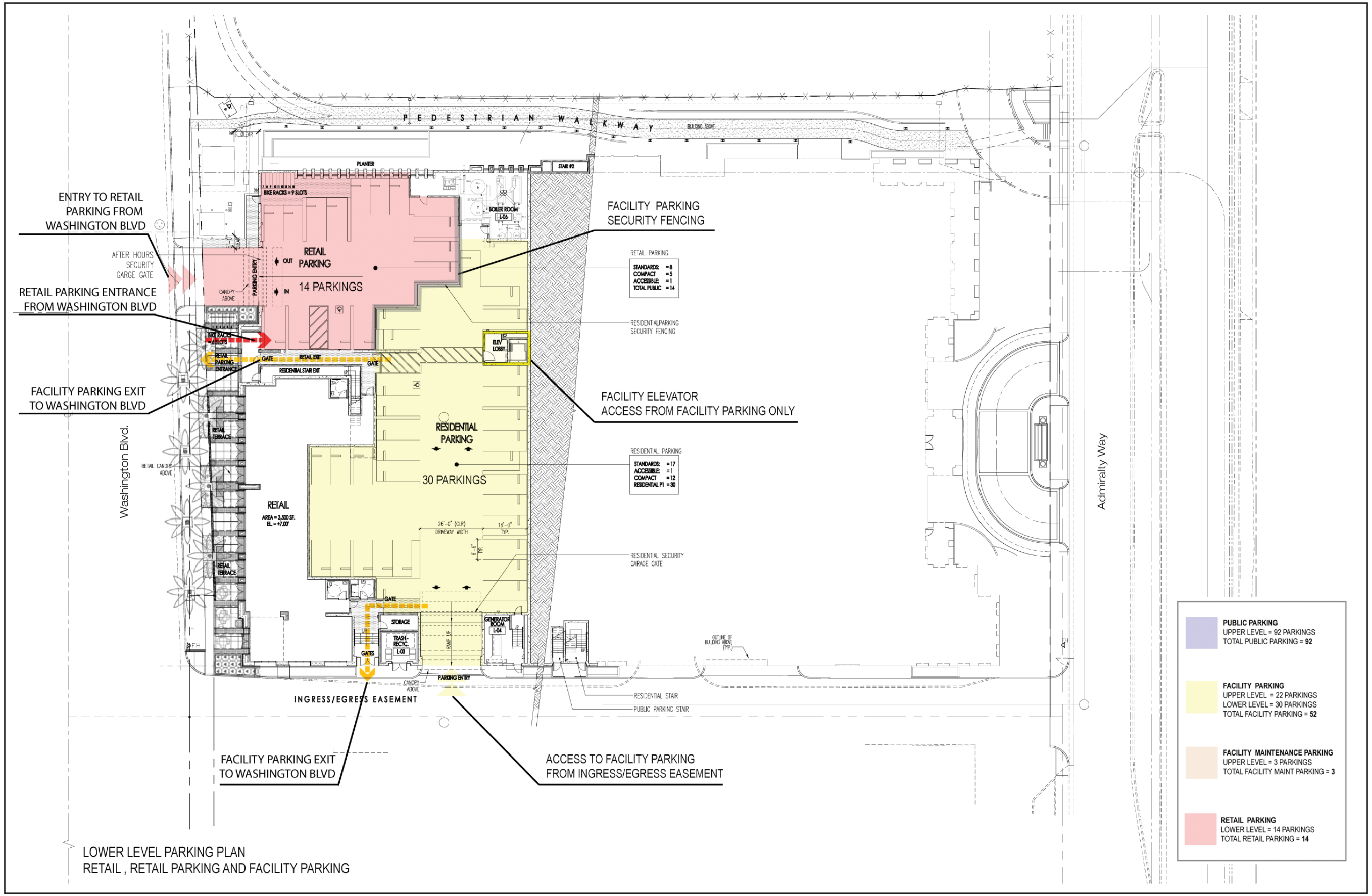
Oceana Retirement Facility – Site Plan

FEET 0 20 40

FIGURE III-3a



LOWER LEVEL PARKING PLAN
RETAIL , RETAIL PARKING AND FACILITY PARKING

Source: GMPA Architects, Feb. 2010.

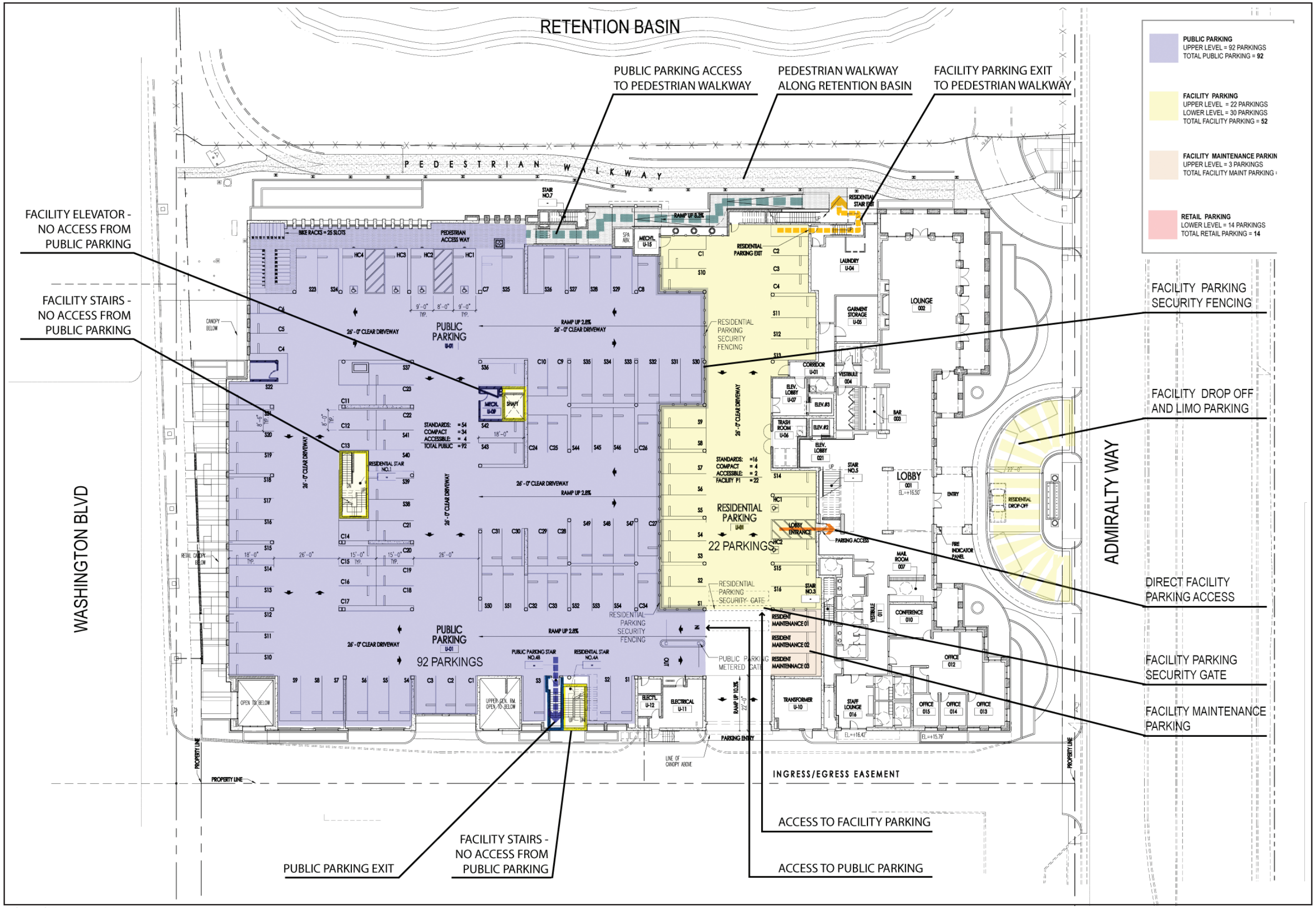
Revised: Feb. 26, 2010

ENVICOM CORPORATION

Oceana Retirement Facility – Lower Garage Floor Plan

FEET 0 20 40

FIGURE III-3b



Source: GMPA Architects, Feb. 2010.

Revised: Feb. 26, 2010

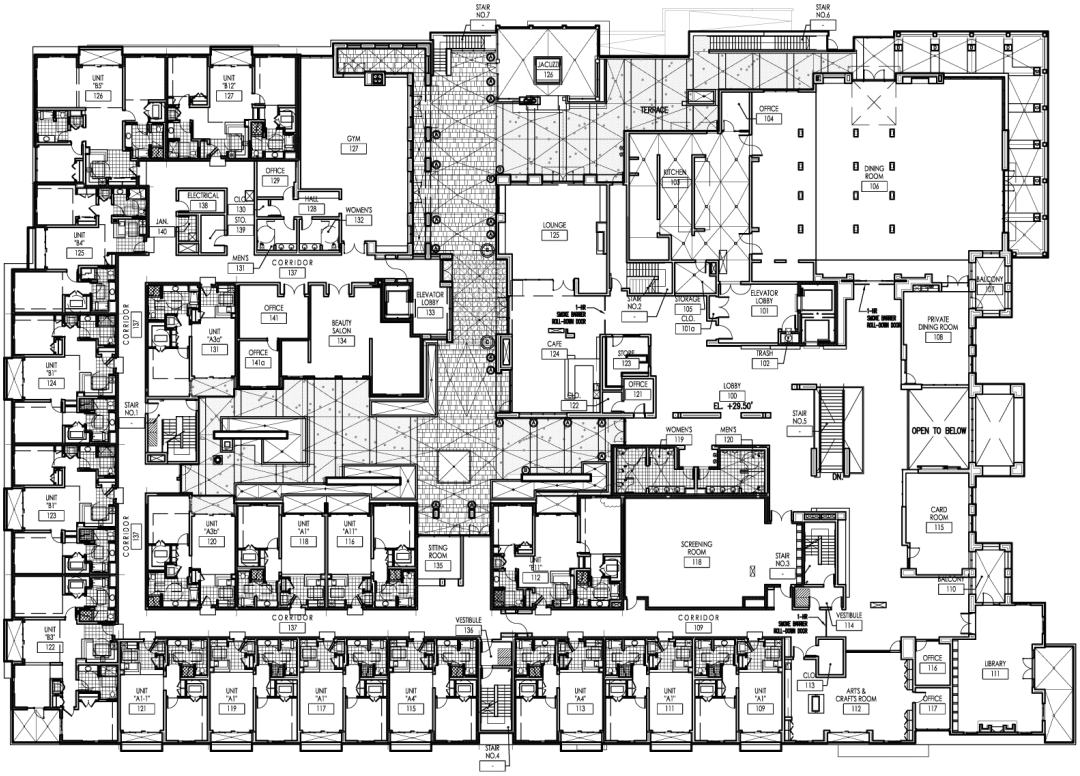
OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

ENVICOM CORPORATION

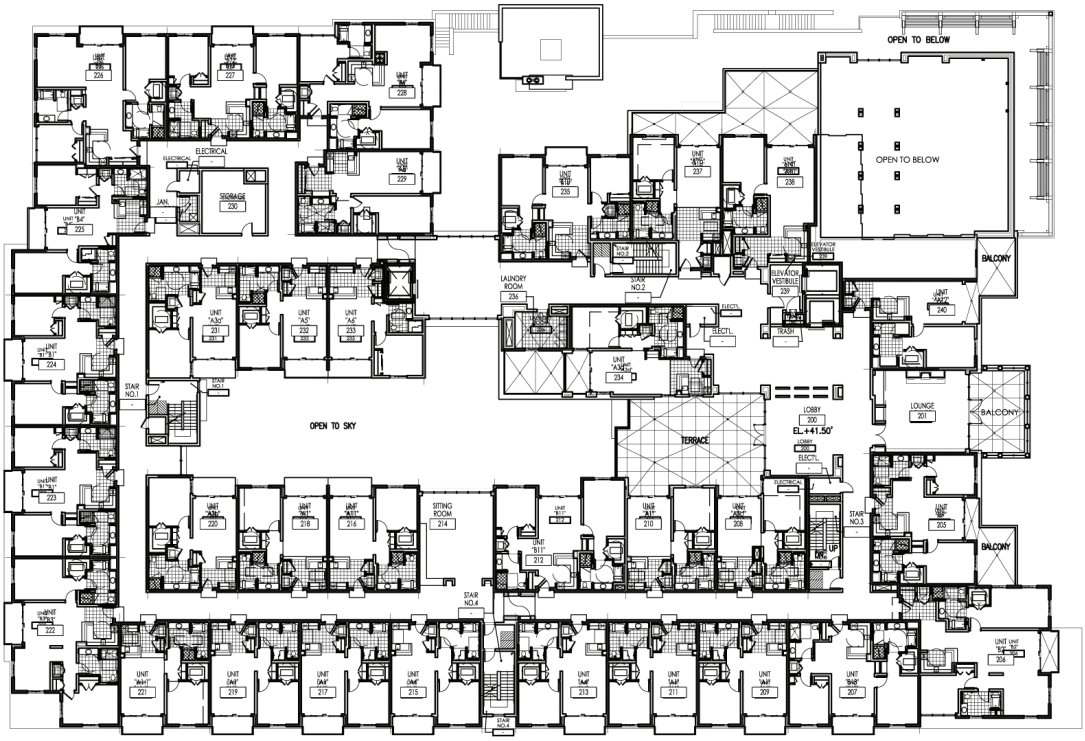
Oceana Retirement Facility – Upper Garage Floor Plan

FEET 0 20 40

FIGURE III-3c



First Floor



Second Floor

Source: GMPA Architects, Feb. 2010.

Revised: Feb. 26, 2010

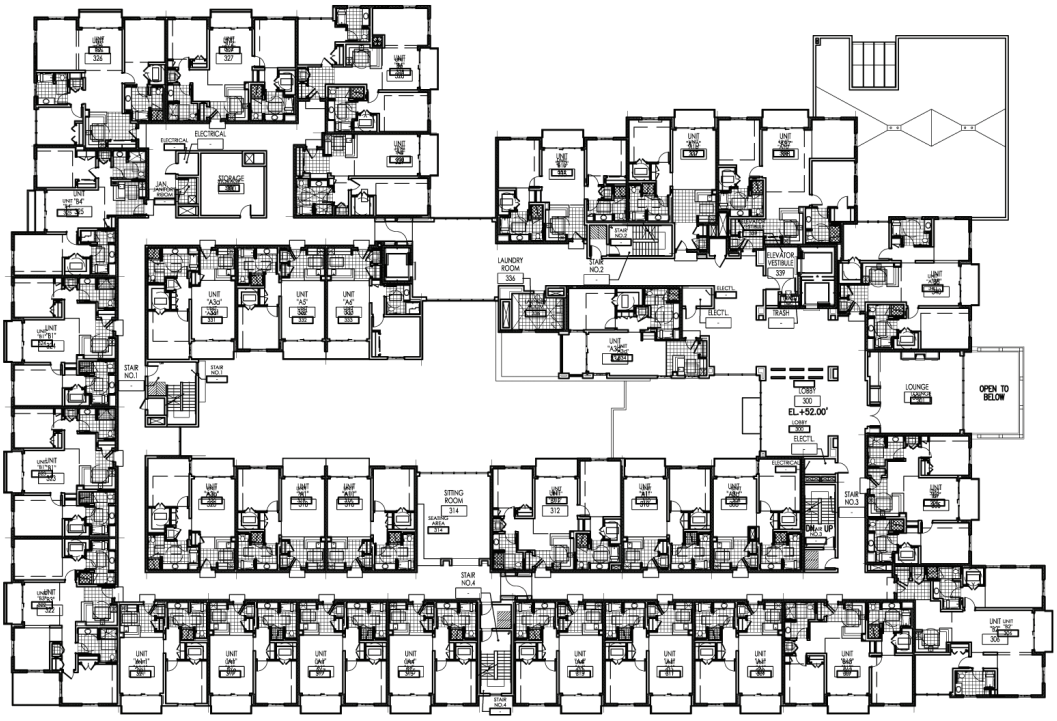
OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

ENVICOM CORPORATION

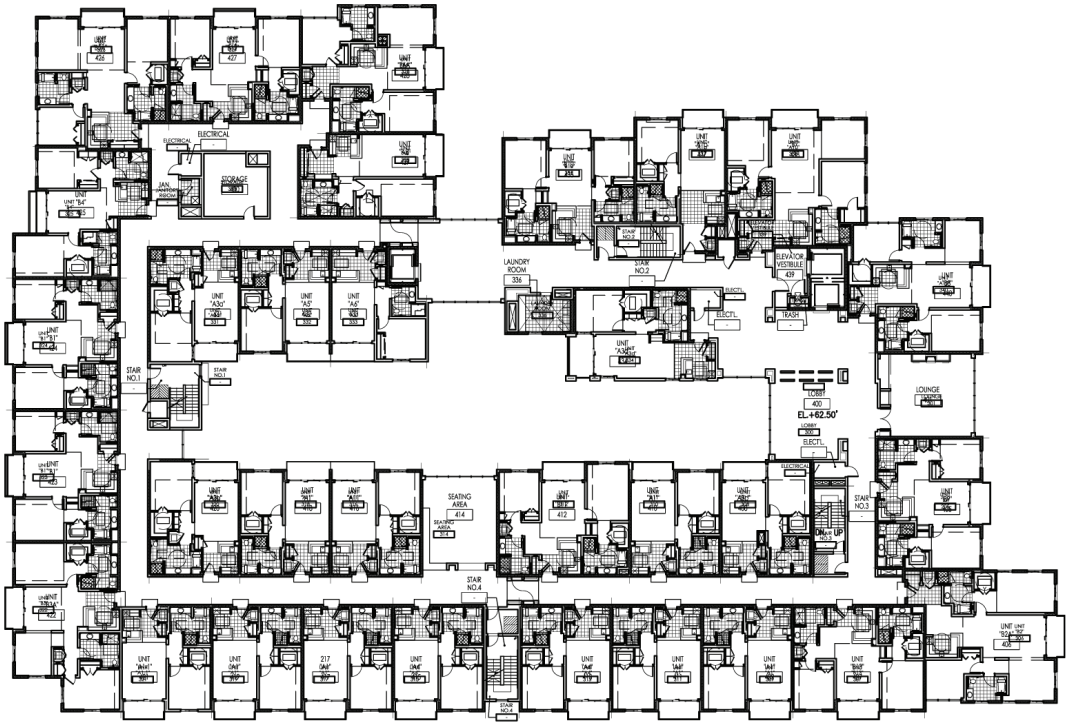
Oceana Retirement Facility – First and Second Floor Plans

FEET 0 20 60

FIGURE III-3d



Third Floor



Fourth Floor

Source: GMPA Architects, Feb. 2010.

Revised: Feb. 26, 2010

OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

ENVICOM CORPORATION

Oceana Retirement Facility – Third and Fourth Floor Plans

FEET 0 20 60

FIGURE III-3e

Source: GMPA Architects, Feb. 26, 2010.

Revised: Feb. 26, 2010

ENVICOM CORPORATION

Oceana Retirement Facility – Building Cross-Section

FEET 0 15 30

FIGURE III-3f

East Elevation

West Elevation

Source: GMPA Architects, Feb. 2010.

Revised: Feb. 26, 2010

ENVICOM CORPORATION

Oceana Retirement Facility – Elevations

FEET 0 15 30

FIGURE III-4a

North Elevation

South Elevation

Revised: Feb. 26, 2010

Source: GMPA Architects, Feb. 2010.

ENVICOM CORPORATION

Oceana Retirement Facility – Elevations

FEET 0 15 30

FIGURE III-4b

Source: GMP Architects, March 2006

Revised: August 5, 2008

Oceana Retirement Facility – Rendering

FIGURE III-5

Facility describe the architectural design of the building as an updated classical style. The building design is reminiscent of older building styles (e.g., materials), but it is updated with contemporary forms.

The building would include a stone-like base, ornamental railings and tile roofing, coupled with metal-framed glass walls and projecting metal canopies, which are designed to enhance the architectural character within contemporary forms. Some of the materials that are to be incorporated into the building design include red mission tiles on the roof, a neutral (light champagne) color on the free standing frames, railings, canopies and balconies, and a light silver color (anodic clear) on the window frames. Concrete pavers are to be used on the terraces and inner courtyard in colors described by the architects as olive green, oak creek blend and pewter. The building was also designed to open up to its surroundings. The structure is stepped back at the second and third floors along Admiralty Way and the lagoon, creating large private, stepped terraces, allowing for outdoor sitting, dining and recreation. Balconies are also provided for other exterior rooms.

Operating Characteristics of the Proposed Parcel OT Development

The Oceana Retirement Facility would aim to serve active seniors who do not require medical assistance, are capable of taking care of their own daily physical needs, and desire the benefits of a service oriented retirement environment. This proposed development would be age restricted for active seniors of age 60 and up. The proposed development on Parcel OT would not be an assisted living facility nor would it be a senior apartment building. It would not be licensed and no medication would be disbursed to the residents.

As stated above, the units would be approximately 750 square feet in size for the one bedroom units and approximately 1,050 square feet in size for the two bedroom units. The rooms would be equipped with a microwave oven and a small refrigerator and also furnished; however residents may bring their own furniture if they desire.

Table III-1
Proposed Oceana Retirement Facility Uses

Use (Category)	Net Area (s.f.)	Floor Level
Resident Suites		
11 One Bedroom Suites (at approx. 700 s.f. each)	15,739	First Floor
7 Two Bedroom Suites (at approx. 1,050 s.f. each)		First Floor
20 One Bedroom Suites (at approx. 700 s.f. each)	28,131	Second Floor
12 Two Bedroom Suites (at approx. 1,050 s.f. each)		Second Floor
18 One Bedroom Suites (at approx. 700 s.f. each)	28,746	Third Floor
14 Two Bedroom Suites (at approx. 1,050 s.f. each)		Third Floor
18 One Bedroom Suites (at approx. 700 s.f. each)	28,746	Fourth Floor
14 Two Bedroom Suites (at approx. 1,050 s.f. each)		Fourth Floor
Private Amenities for Residents		
Lobby Lounge & Bar	2,713	Upper Garage Floor
Lobby, Administration Offices, Mailroom, Bathrooms & Staff Lounge w/ Services	6,033	Upper Garage Floor
Building Services, Laundry, Trash & Utilities	1,712	Upper Garage Floor
Lobby & Residential Services	1,418	First Floor
Dining Room	4,114	First Floor

Use (Category)	Net Area (s.f.)	Floor Level
Private Dining	563	First Floor
Kitchen	1,586	First Floor
Residential Store	119	First Floor
Lounge One	918	First Floor
Café	665	First Floor
Gym	1,634	First Floor
Beauty Salon	623	First Floor
Screening Room	1,418	First Floor
Library	862	First Floor
Residential Business Center	568	First Floor
Arts & Crafts Room	884	First Floor
Offices	950	First Floor
Card Room	239	First Floor
Lobby Lounge	562	Second to Fourth Floors
Lounge	601	Second to Fourth Floors
Seating Area	506	Second to Fourth Floors
Common Floor Area Storage & Utilities	5,518	Upper Garage to Fourth Floor
Private and Public Parking		
Parking – P1 Level	43,468~~16,073~~	Upper Garage Floor
Parking – P2 Level	17,573~~43,468~~	Lower Garage Floor
Public Uses		
Retail Space	~~5,000~~3,500	Lower Garage Floor
Net Floor Area	***200,109***	
Gross Floor Area (includes 57,261 s.f. of circulation etc.)	***257,370***	
Source: GMPA Architects. March 2010~~July 2009~~.		

The services provided to the Oceana Retirement Facility senior citizens would include food service in the main dining room and other areas located through out the building; shuttle and limousine service to restaurants, doctors appointments and other area attractions. Entertainment and on-going activities and outings would be planned by and administered by the facility staff. There would also be a full service commercial kitchen. The dining operation would be the same as any private restaurant serving breakfast, lunch, dinner, and snacks throughout the day and evening. There would also be a smaller private dining room for private parties and family meals. As shown in Table III-1, the facility would also contain a library, theatre room, game room, spa, snack areas on each floor, computer room, and other amenities (including laundry, room service, and linen). There would be an outdoor plaza with seating and water features that may be used by the guests for private family functions as well as an entertainment area for facility functions administered by the operating staff.

The services provided for the guests account for approximately 70 to 75 percent of the monthly fee charged to the residents, with the remaining percentage covering the cost of the real estate. Month-to-month leases would be required by the residents and there would be no purchase equity required.

Parcel 21

The proposed four-level Holiday Harbor Courts development would replace existing uses with new marine commercial uses, a public park plaza and promenade, and a six-level parking structure, which would be partially subterranean. Uses approved for Parcel 20 (Phase II) but not built, including marine commercial space and a yacht club, would also be transferred to Parcel 21, as would 94 parking spaces from Parcel OT. The proposed project would reduce the existing health club floor area by 6,000 s.f. (from 16,000 to 10,000 s.f.), with the remaining floor area planned for additional marine commercial uses. With the transfer of land uses from Parcel 20, the development on Parcel 21 would result in zero s.f. of net new leasable area within the Panay DZ #4 of the Marina del Rey LUP. ~~Additionally, Parcel 21 would be reduced by 207 feet of frontage, or 31,050 square feet, through a partial lease termination. The partial lease parcel termination would increase the area of Parcel GR that could be used in the future to add additional parking under a separate project.~~ The following tables describe the land use allocations on Parcels 20 and 21 as they exist today and as proposed by the project. **Table III-2** illustrates the existing square footage on-site. Although approved development on Parcel 20 is not a part of this project, it is included on the table to demonstrate the transfer (donor) uses and locations. All existing development on Parcel 21 would be demolished and replaced with the development identified in **Table III-3**.

Table III-2
Existing Development

Existing Project Land Use	Net Leasable Commercial Area by Site (s.f.)		
	LUP Parcel 20	**LUP Parcel 21**	**Total Existing**
Health Club	0	16,000	16,000
Retail (Ship Store)	0	2,916	2,916
Marine Commercial	0	0	0
Marine Commercial[1]	0	3,132	3,132
Marine Commercial[2]	2,300	0	2,300
Yacht Club[3]	5,000	0	5,000
Total Net Leasable Area (s.f.)	***7,300***	***22,048***	***29,348***

[1] Existing Tenants: California Sailing Academy, Golden West Yachts, Club Natique, and South Sea Publishing.
[2] Uses to be transferred from Parcel 20 to Parcel 21.
[3] Uses to be transferred from Parcel 20 to Parcel 21.

Table III-3
Net New Proposed Development for Parcel 21

Proposed Project Land Use	Total Net Leasable Area (s.f.)		Net New Leasable Area (s.f.)
	Existing	***Proposed***	
Health Club	16,000	10,000	(-) 6,000
Retail (Ship Store)	2,916	2,916	0
Marine Commercial	0	6,000	6,000
Marine Commercial[1]	3,132	3,132	0
Marine Commercial[2]	2,300	2,300	0
Yacht Club[3]	5,000	5,000	0
Subtotal	***29,348***	***29,348***	***0***
Total	**29,348**	**29,348**	***0***

[1] Existing Tenants: California Sailing Academy, Golden West Yachts, Club Natique, and South Sea Publishing.
[2] Includes transferred uses from Parcel 20 to Parcel 21.

The proposed site plan for Parcel 21 is displayed in **Figure III-6a.** The Promenade, 0.5, 1, and 1.2 levels are depicted in **Figure III-6b**. The first level of the Holiday Harbor Courts building would contain the health club and a portion of the replacement uses of LUP Parcel 21 (retail and marine commercial uses). The remaining levels (partially subterranean level; and levels 1.5, 2, 2.5, 3, 3.5, 4, 4.5, 5, ~~and~~ 5.5 and roof levels) and a building cross-section are depicted in **Figures III-6c** through **III-6i~~h~~**. The second level would contain the remainder of the replacement uses of LUP Parcel 21 (retail and marine commercial uses), the transfer of marine commercial uses from LUP Parcel 20, and 6,000 s.f. of new marine commercial uses. The third level is devoted to parking, and the fourth level would contain the yacht club. The yacht club has a high, vaulted ceiling that is roughly equivalent to two levels of parking. The final level consists of the roof of the yacht club and adjacent parking. **Figure III-7** depicts the project exterior as viewed from the west, east, south and north.

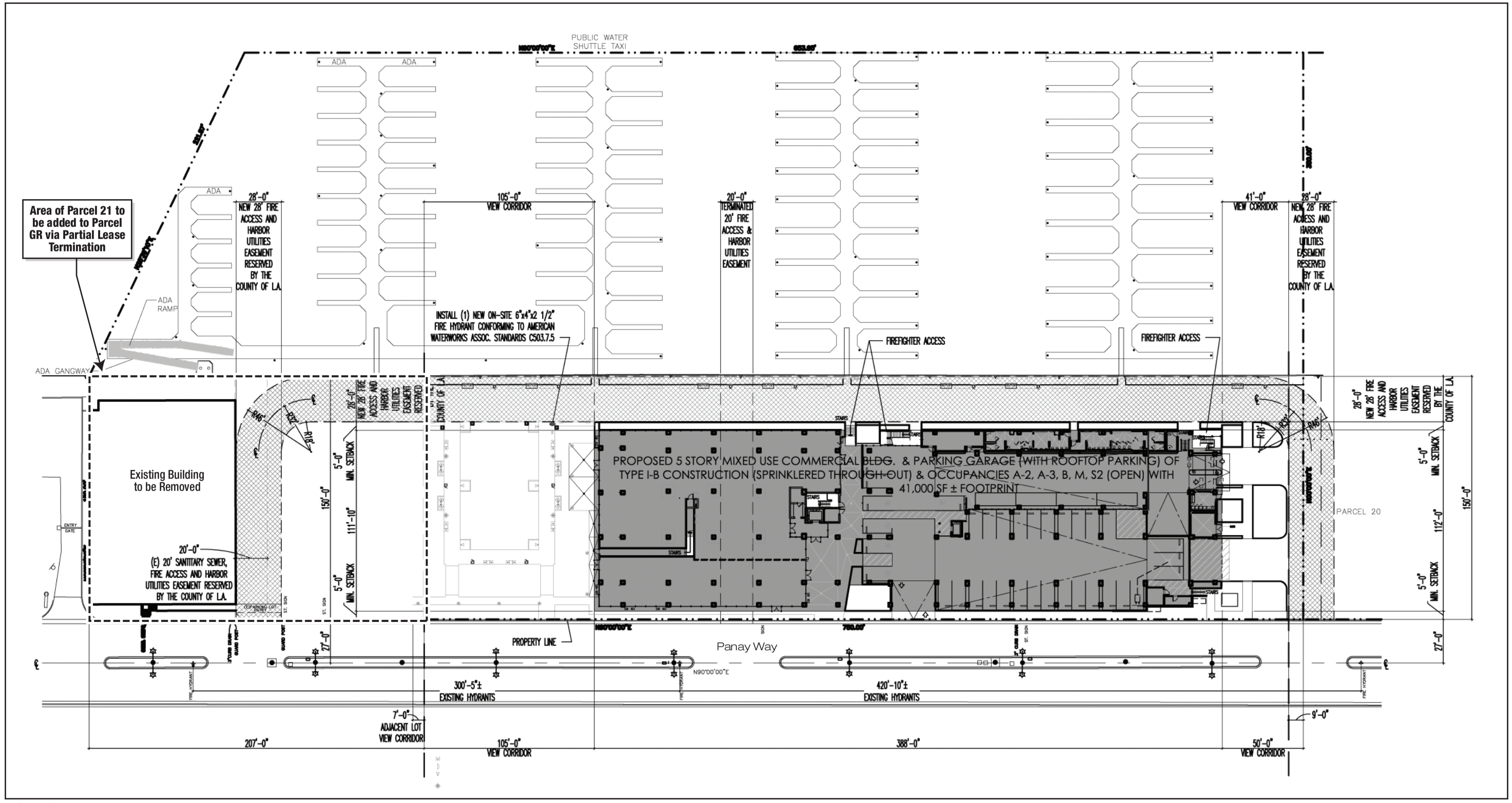
The proposed project has received conceptual approval from the Marina Design Control Board, which found the project to meet the design requirements of the LUP. **Figure III-8** depicts the project in context with its surroundings, as viewed from the northwest. The building would be the same height as the adjacent apartments. Its design utilizes a nautical theme with curved and circular elements and hues of blue and green. Building materials include the use of aluminum (as does the apartment building next door) and blue-green glass. Portions of the facade would be designed with floor to ceiling glass, allowing for views from the building onto the adjacent plaza and waterfront. The structure is designed with a recessed ground floor and terraced upper floor. The attached parking structure consists of angular walls and curved openings punched on the facade, and it is designed in such a way as to allow for pedestrian views of the water through the parking structure at the ground level.

Project Amenities, Open Space, and Landscaping

Parcel OT

The commercial retail space in the building, as well as individual auxiliary rooms (arts and crafts, lounges, card rooms, chapel, etc.), would provide amenities for the retirement facility residents. Also, the surrounding Marina area provides additional amenities, including the Marina itself (boating, walking along promenades and other walkways, etc.), shopping, a health club, beach, and restaurants. Many of these amenities are within walking distance of the project.

The project would include an improved, landscaped pedestrian access way between Admiralty Way and Washington Boulevard, along the adjusted eastern boundary of the Parcel OT, just west of the existing Oxford Basin. This linear passageway would be accomplished by moving the parcel boundary between Parcel P and Parcel OT through an adjustment to the lease parcel boundary to include a 55-foot strip of Parcel P (the Parcel of the LCP containing the Oxford Retention Basin), as shown in Figure III-3a. The adjustment would be effectuated by the Department of Beaches and Harbors through revised legal descriptions for each of the two Parcels. The proposed project would adjust the Parcel OT boundary to include 19,755 s.f. of Parcel P, which is designated open space in the LCP. The proposed building would encroach approximately 30 to 35 feet (or 9,397 s.f.) into what is currently Parcel P, leaving approximately 20 to 25 feet for a pathway and transitional landscaping compatible with the future enhancement of Oxford Basin. Currently, the surface parking lot on Parcel OT encroaches approximately 21 feet into Parcel P (an area of 6,665 s.f.); therefore, the proposed building on Parcel OT would encroach into Parcel P by an additional nine to 14 feet and 2,732 s.f. The Department of Beaches and Harbors intends to propose offsetting the reduction of open space on Parcel P via the planned expansion of Burton W. Chace Park. According to the Burton W. Chace Park Master Plan (Los Angeles County Department of Beaches and Harbors, June 11, 2009), the existing Burton W. Chace Park on Mindanao Way is 7.8 acres in size, but the Master Plan project would increase its size to 15 acres. Therefore, notwithstanding the project's



Source: GMPA Architects, Feb. 2010.

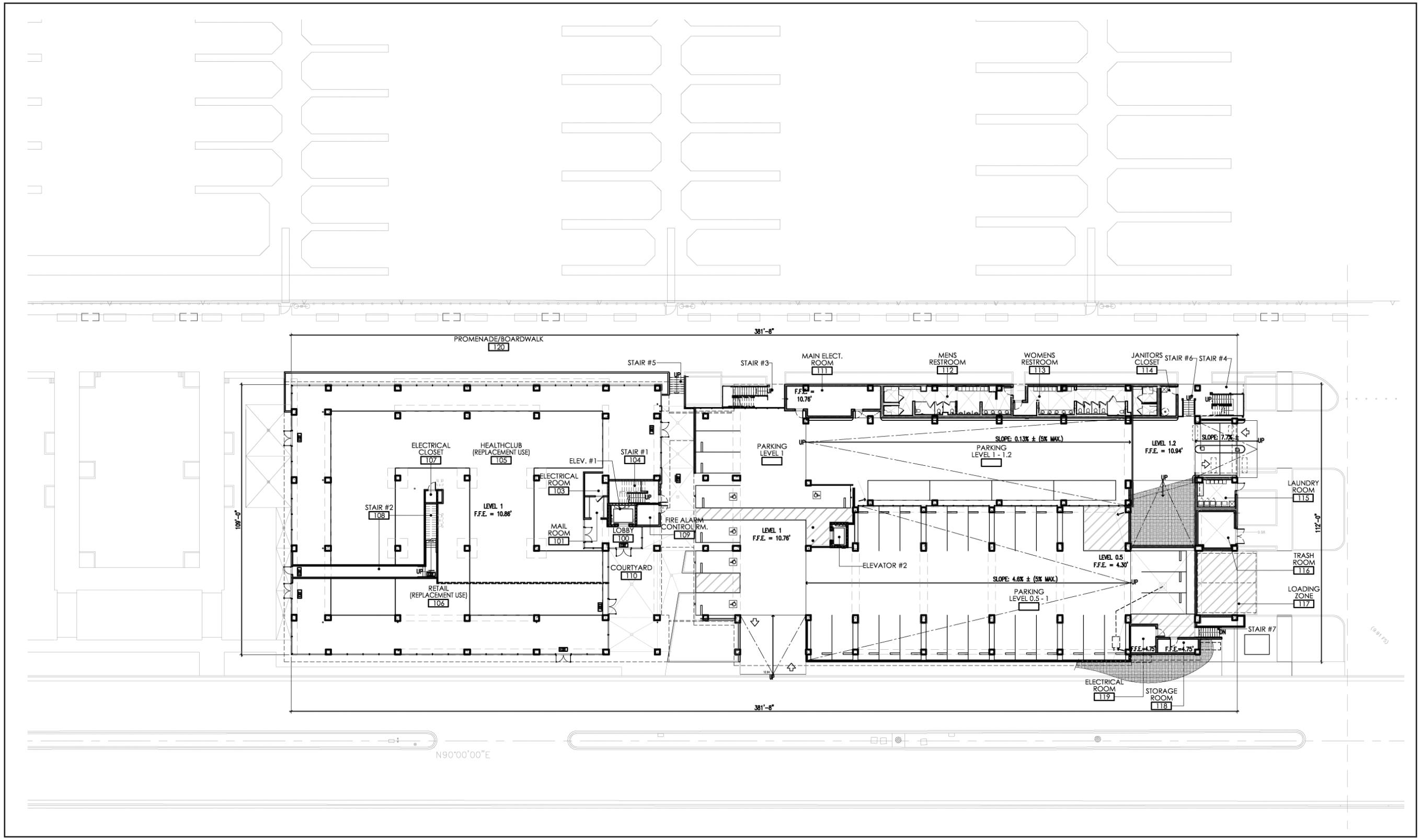
Revised: Mar. 2, 2010

ENVICOM CORPORATION

Holiday Harbor Courts – Site Plan

FEET 0 30 60

FIGURE III-6a



Source: GMPA Architects, Feb. 2010.

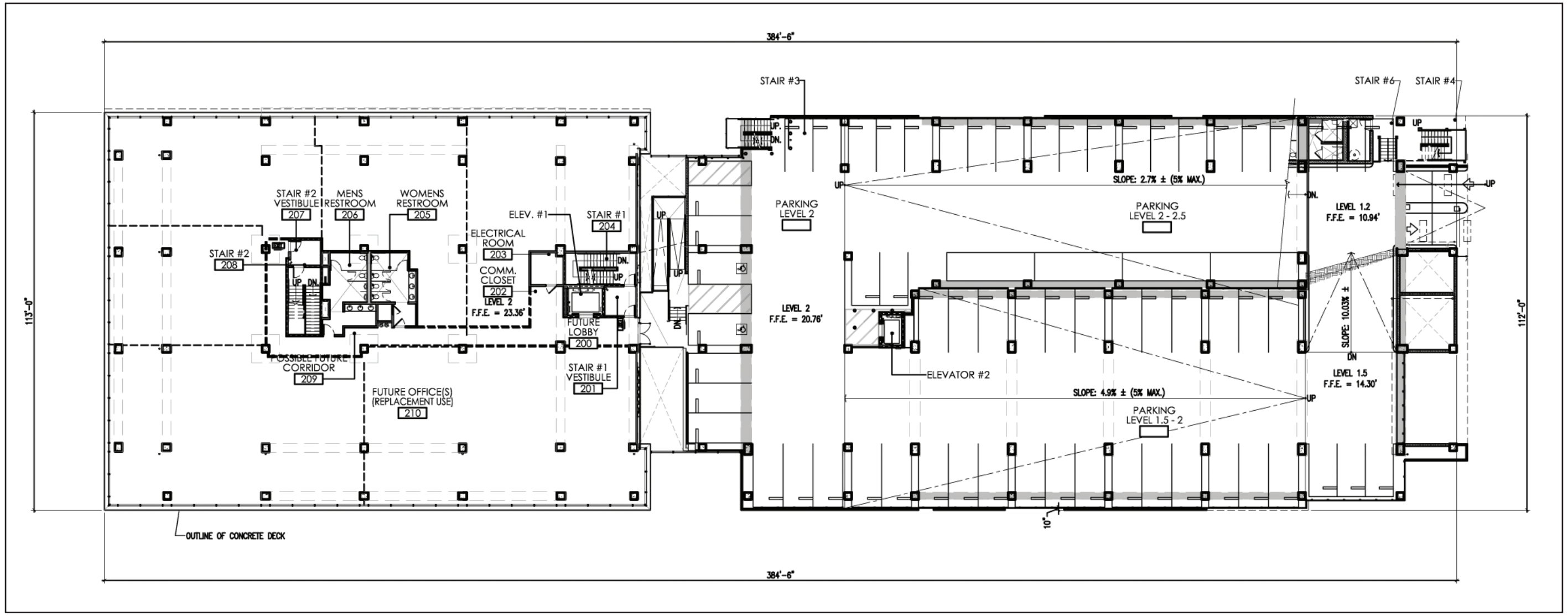
Revised: Feb. 2010

ENVICOM CORPORATION

Holiday Harbor Courts – Level Promenade 0.5, 1, and 1.2 Floor Plan

FEET 0 17 35

FIGURE III-6b



Source: GMPA Architects, Feb. 2010.

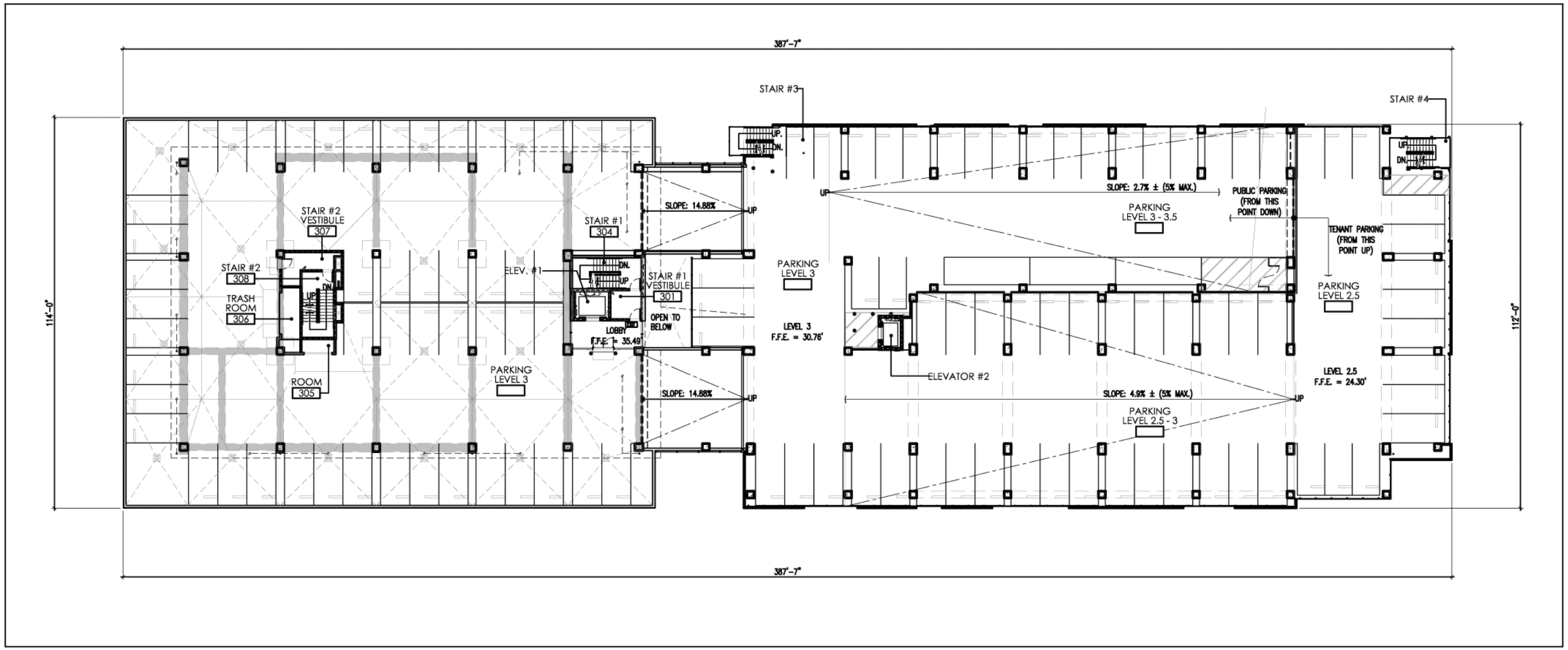
Revised: Feb. 2010

ENVICOM CORPORATION

Holiday Harbor Courts – Level 1.5 and 2 Floor Plan

FEET 0 15 30

FIGURE III-6c



Source: GMPA Architects, Feb. 2010.

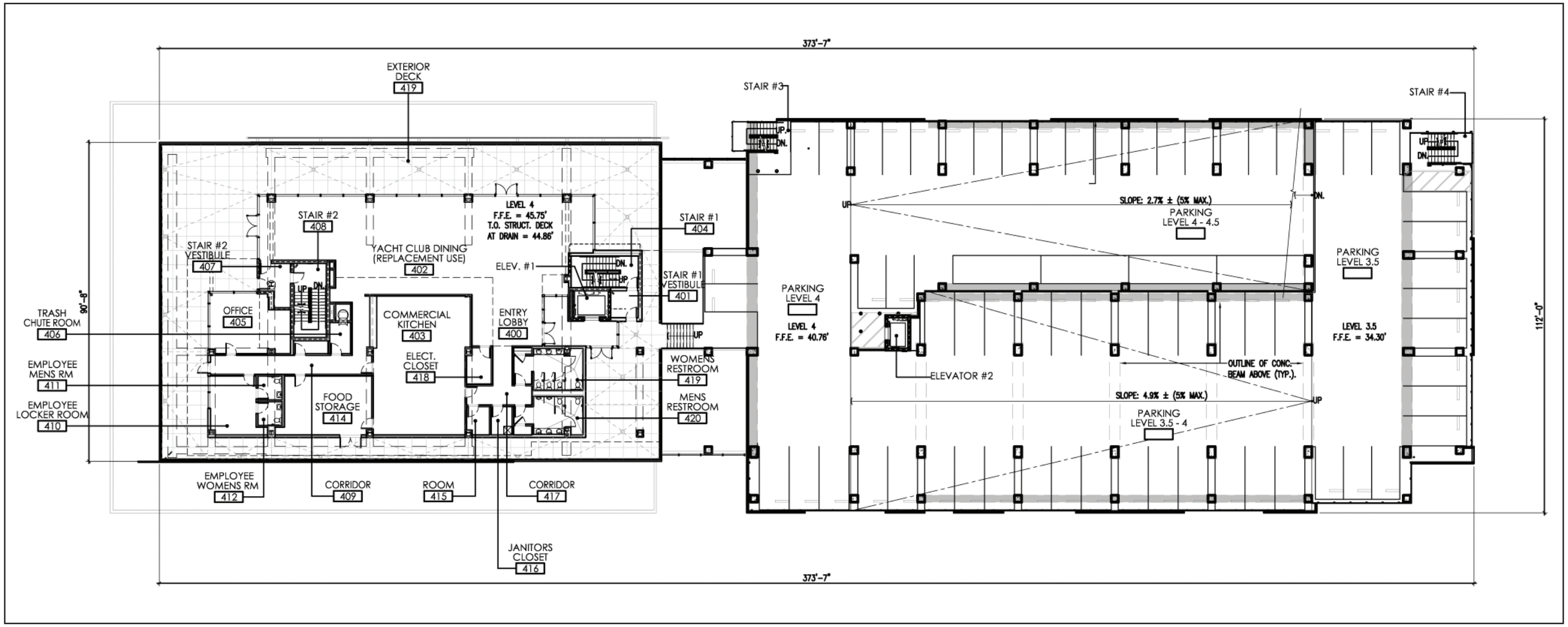
Revised: Feb. 2010

ENVICOM CORPORATION

Holiday Harbor Courts – Level 2.5 and 3 Floor Plan

FEET 0 15 30

FIGURE III-6d



Source: GMPA Architects, Feb. 2010.

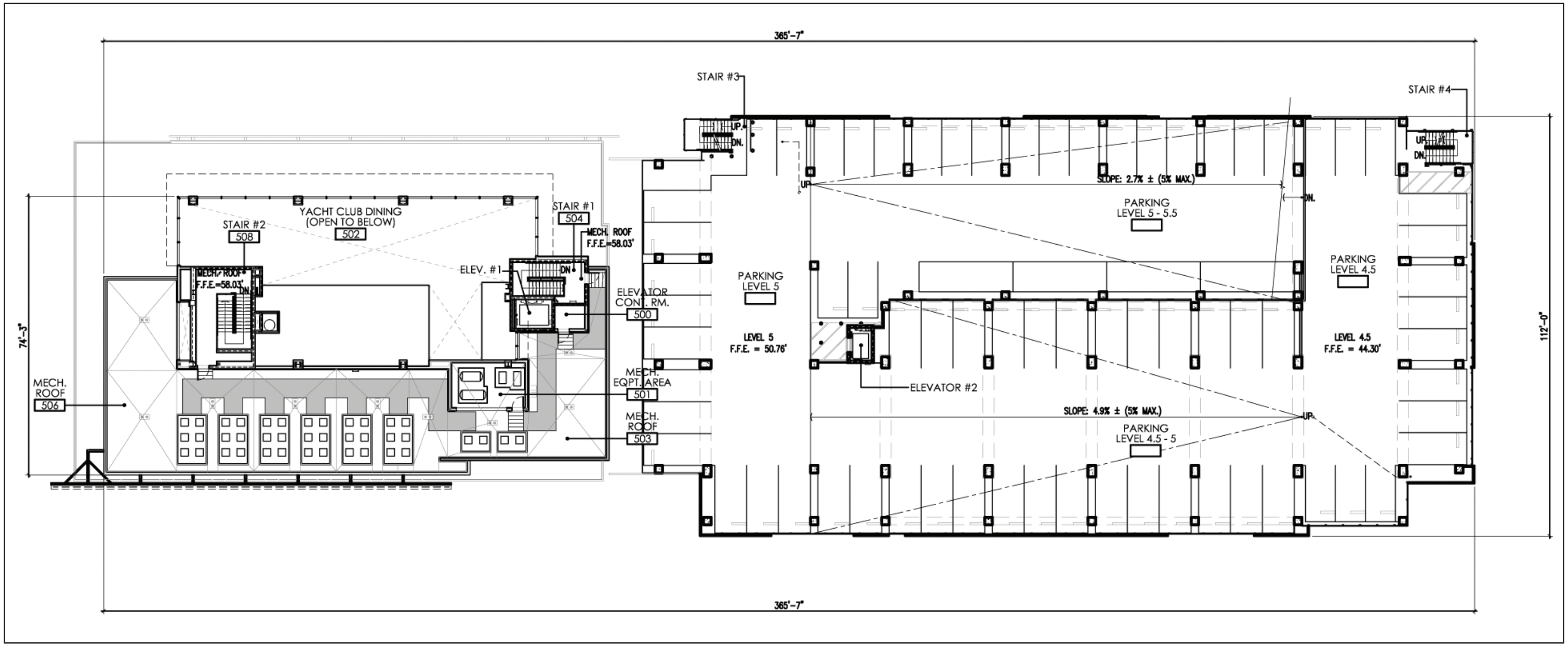
Revised: Feb. 2010

ENVICOM CORPORATION

Holiday Harbor Courts – Level 3.5 and 4 Floor Plan

FEET 0 15 30

FIGURE III-6e



Source: GMPA Architects, Feb. 2010.

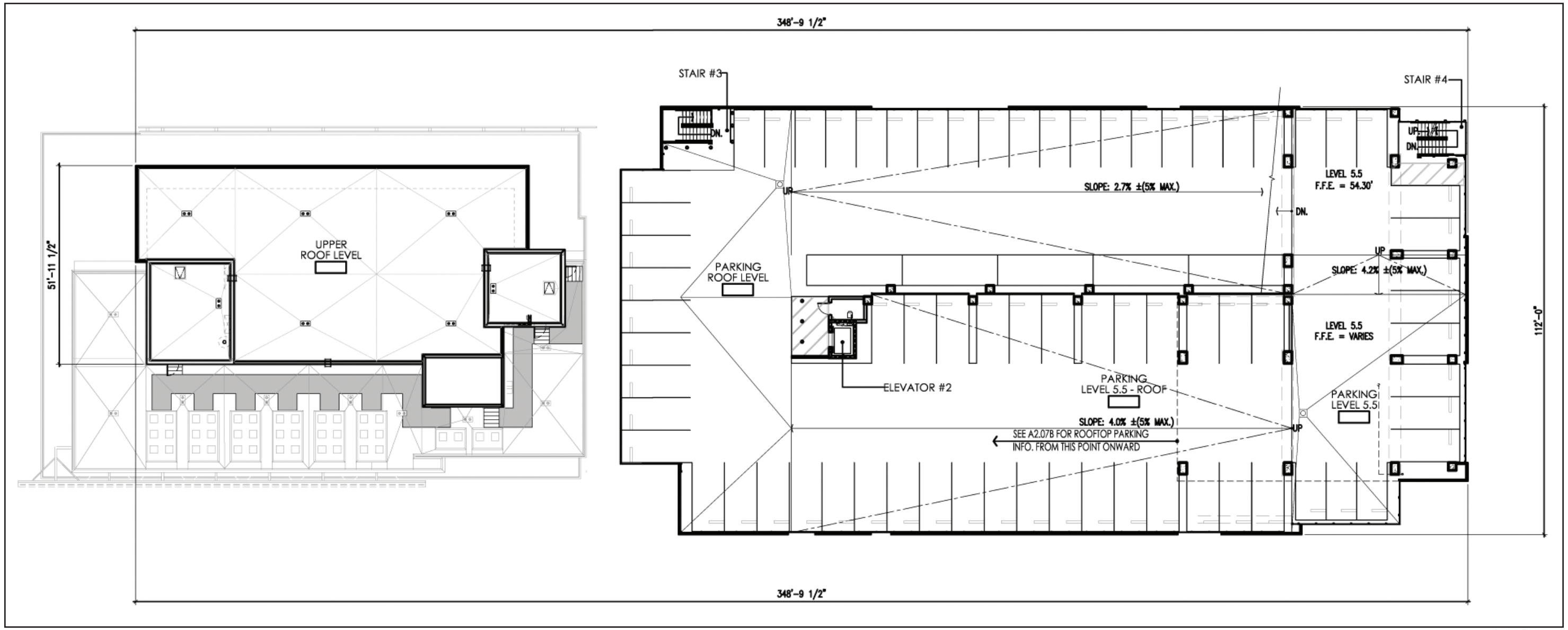
Revised: Feb. 2010

ENVICOM CORPORATION

Holiday Harbor Courts – Level 4.5 and 5 Parking and Level 5 Floor Plan

FEET 0 15 30

FIGURE III-6f



Source: GMPA Architects, Feb. 2010.

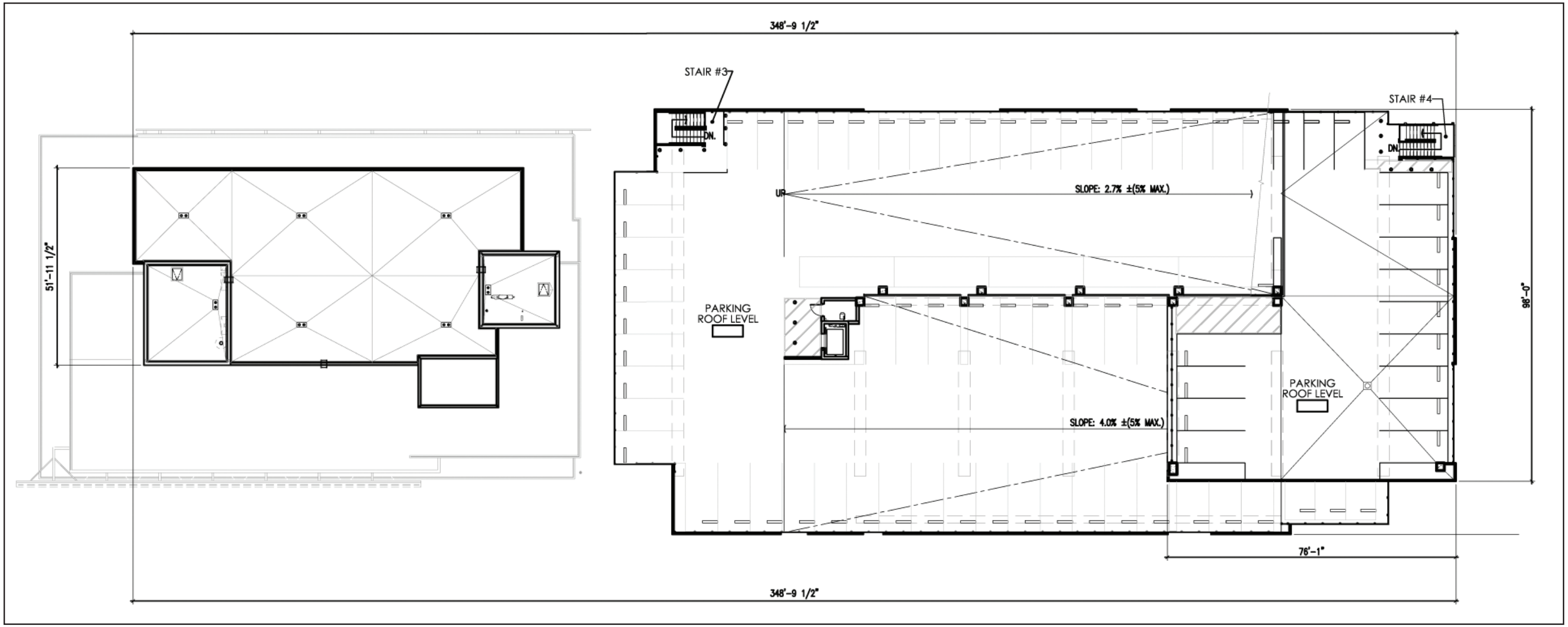
Revised: Feb. 2010

ENVICOM CORPORATION

Holiday Harbor Courts – Level 5.5 Parking and Upper Roof Plan

FEET 0 15 30

FIGURE III-6g



Source: GMPA Architects, Feb. 2010.

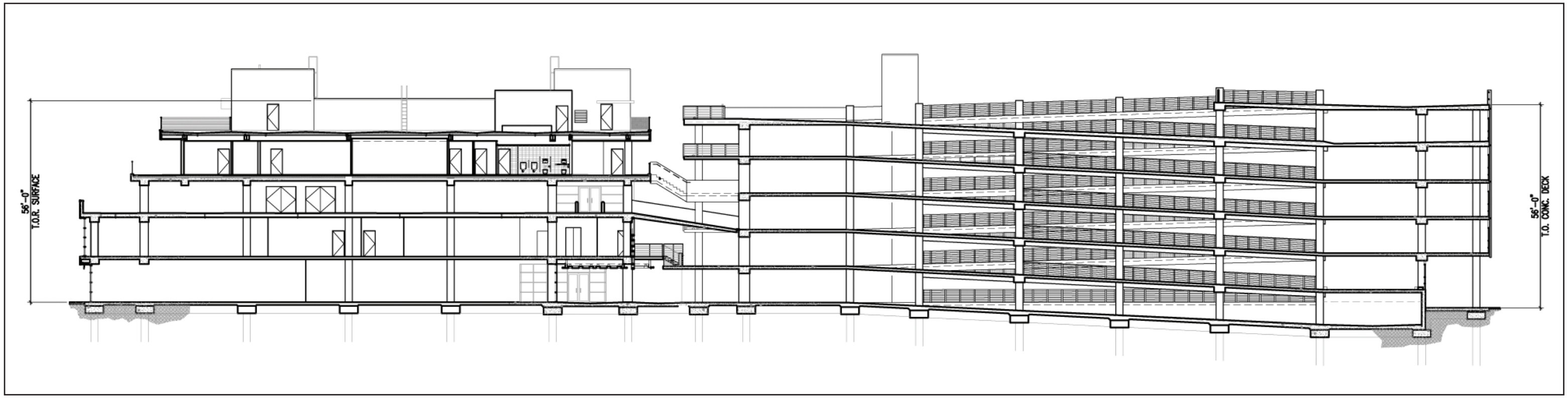
Revised: Feb. 2010

ENVICOM CORPORATION

Holiday Harbor Courts – Roof Level Parking

FEET 0 15 30

FIGURE III-6h



Source: GMPA Architects, Feb. 2010.

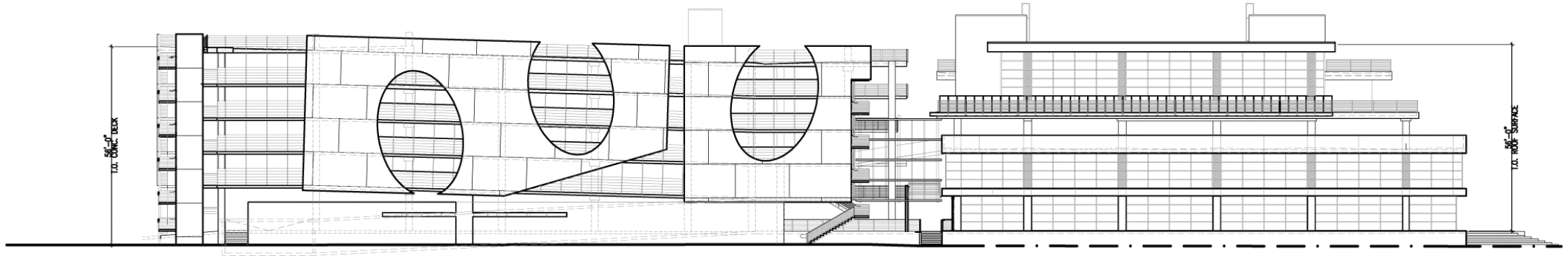
Revised: Feb. 2010

ENVICOM CORPORATION

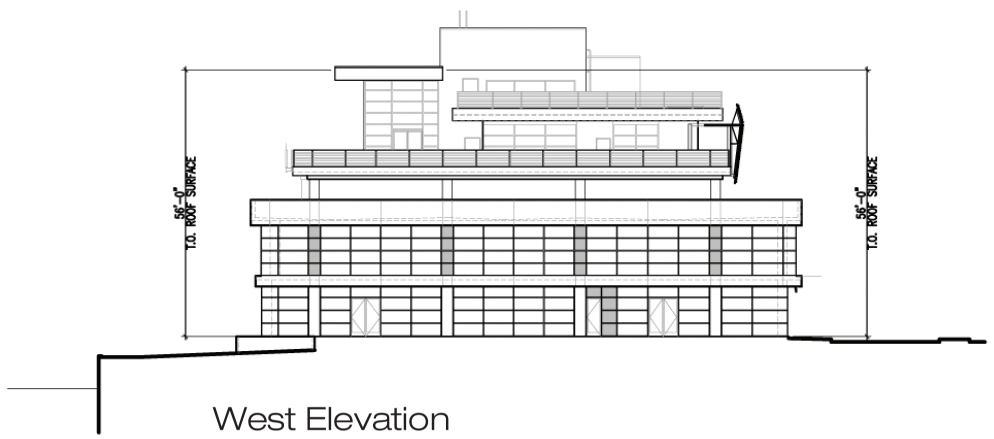
Holiday Harbor Courts – Building Cross-Section

FEET 0 15 30

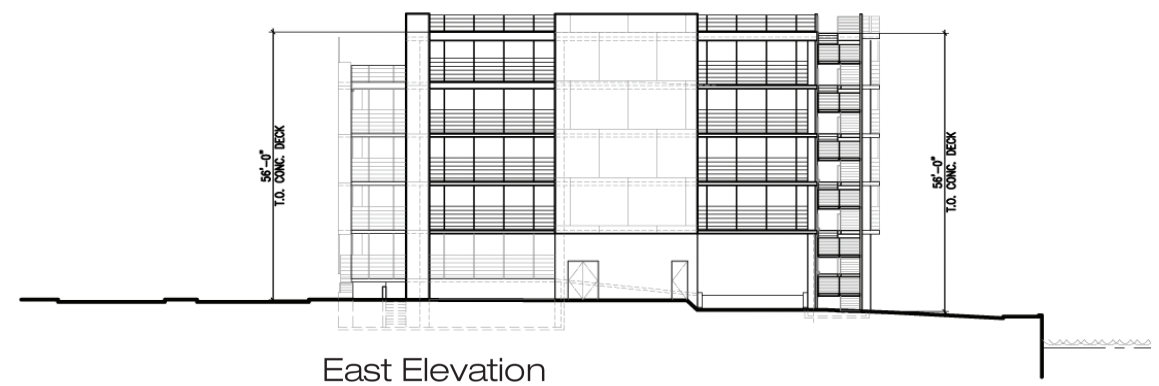
FIGURE III-6i



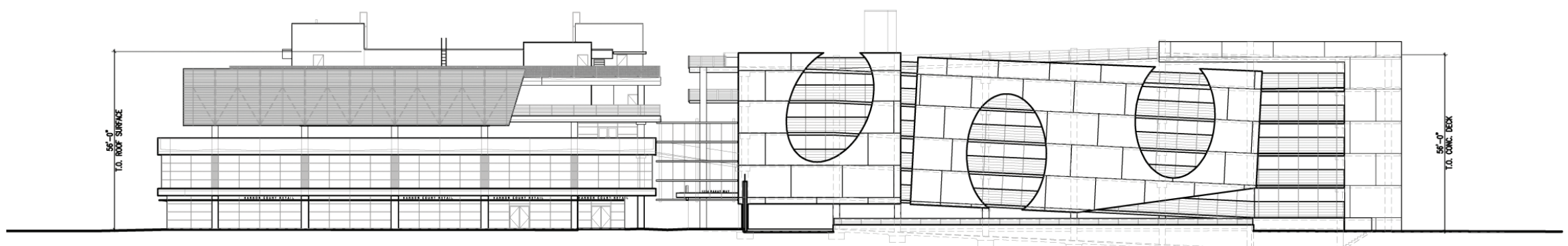
North Elevation



West Elevation



East Elevation



South Elevation

Source: GMPA Architects, Feb. 2010.

Revised: Feb. 2010

Holiday Harbor Courts – Elevations

FEET 0 20 40

FIGURE III-7

Source: GMP Architects, March 2006

Revised: August 5, 2008

ENVICOM CORPORATION

Holiday Harbor Courts – Rendering

FIGURE III-8

encroachment into Parcel P, open space in the Marina del Rey community would cumulatively increase under Phase II development. The proposed passageway would provide improved access for those currently traversing the limited access-way now, as well as the residents at the proposed facility. These features would provide an improved open space and recreational buffer, which would also allow for improved public viewing access to the lagoon. County access via a new driveway entrance would be provided on the southeast corner of the project site, for maintenance use to service on-site and adjacent utilities, including the retention basin/lagoon.

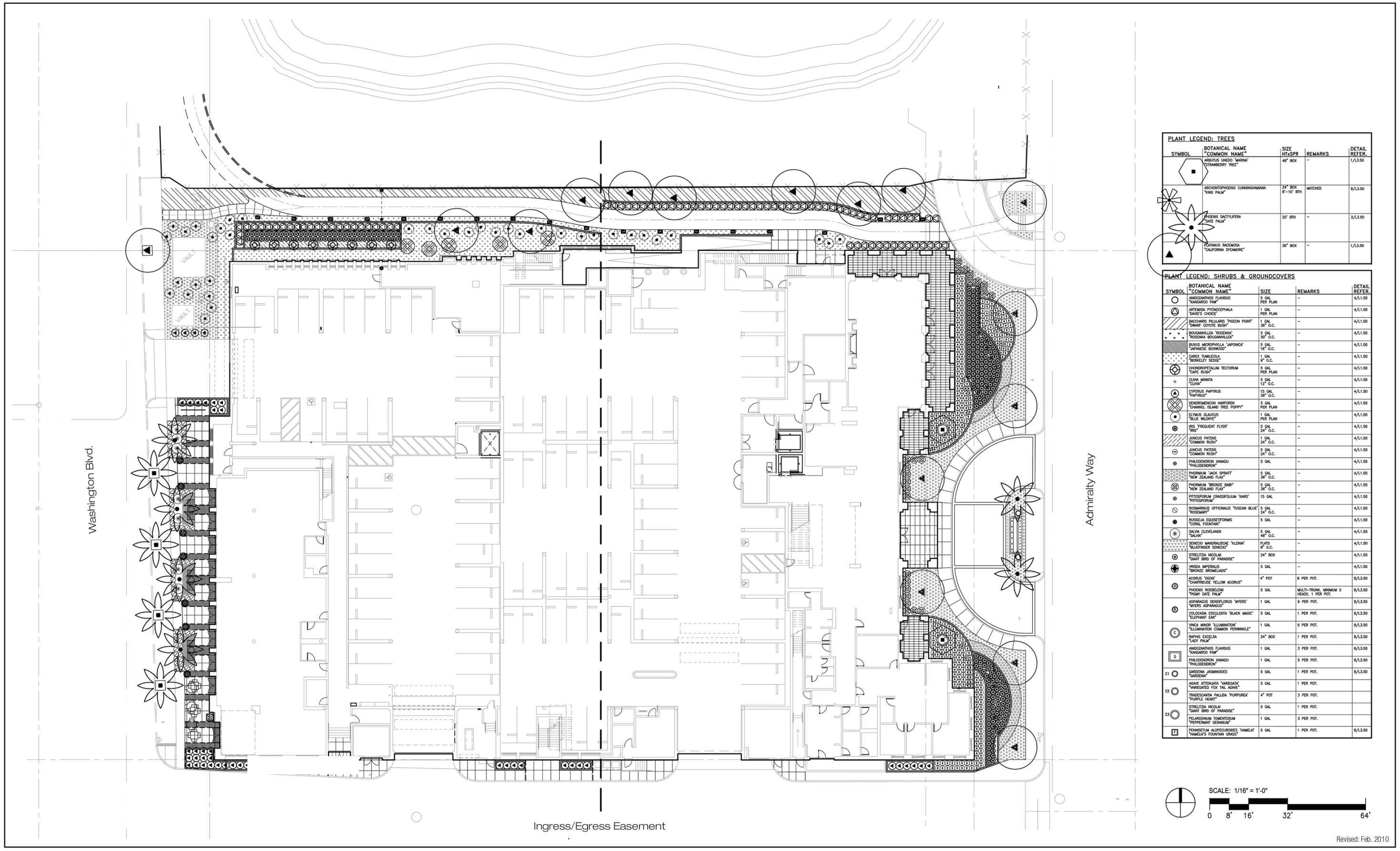
The active seniors accommodations would include one internal courtyard in the middle of the floor plan on Level 1 for use by the retirees and their guests. The dining room would have two terraces; one would be a small private terrace and the second would be a large terrace that wraps around the dining room and connects to another large terrace off the lounge. There would also be an additional private terrace that wraps around the arts and crafts room, library, and computer room. The final terrace on Level 1 would be located next to the library, across from the women's restrooms and the stairwell. Other recreation on this level would include an outdoor spa and an indoor gym, a screening room, and a cafe. All suites would have their own private balcony. An additional community terrace would be located off the second floor lounge.

The entrance of the facility would be framed by date palms (*Phoenix dactylifera*), and a small fountain would be located at the vehicular drop off area. The landscape plan (shown in **Figure III-9**) extends into the linear passageway between the active seniors accommodations and the existing retention basin/lagoon connecting Admiralty Way to Washington Boulevard, and would include trees and shrubs, a path approximately 20 feet wide by 350 feet long, and benches. The planting palette is divided into three zones; lower slope, middle slope and upper slope. Each zone would include both native and drought tolerant trees, shrubs and ground cover. The landscape area along the pathway is a combination of fan palms and flowering plum trees. The Washington Boulevard frontage is intended to be open for retail uses with fan palms as the street trees **(Figure III-10)**. The additional landscaping would center primarily on the perimeter of the building and would include the planting of 1,900 blue finger *(Senecio mandraliscae),* 5,600 sedge (*Carex* Spp.), 21 pink flowering plum trees (*Prunus blireiana*), and 17 New Zealand Christmas trees (*Metero sideros excelsus*), among many others species (number counts provided here are approximations).

Parcel 21

A park plaza **(Figure III-11)** and improved promenade **(Figure III-12)** would also be developed as a part of the proposed project. The park plaza would be located west of the health club and would extend the existing promenade located on Parcel 20 (Phase I), which was included in LCP Amendment No. 1-01 (January 7, 2002), east of Parcel 21.[9] The visitors of the neighborhood park plaza and promenade would have a direct view of the Marina. The park plaza would include an open lawn area, terraced seating, shade structures, trees, a drinking water fountain, and a pedestrian path between the street and the promenade. A gravel-filled dry well is proposed below the lawn area to retain and recharge storm water run-off from the site. The plaza and 28-foot wide promenade would offer views of the Marina and would serve a recreational function by allowing the public direct access to the waterfront; specifically Marina small craft harbor uses and Mother's Beach. The promenade would incorporate a variety of different shaped and colored pavers with colors such as charcoal, antique brown, terra cotta and buff, which are intended to visually compliment the existing promenade on neighboring Parcel 20. The promenade would also include benches, some of which would be covered by shade structures, for pedestrians as well

[9] Parcel 20 (Phase I) consisted of a 99 unit apartment building with 50 -two bedroom units and 49 one bedroom units and structured parking for 200 cars.



PLANT LEGEND: TREES

SYMBOL	BOTANICAL NAME "COMMON NAME"	SIZE HTxSPR	REMARKS	DETAIL REFER.
	ARBUTUS UNEDO 'MARINA' "STRAWBERRY TREE"	48" BOX	–	1/L3.50
	ARCHONTOPHOENIX CUNNINGHAMIANA "KING PALM"	24" BOX 8'–10" BTH	MATCHED	9/L3.50
	PHOENIX DACTYLIFERA "DATE PALM"	20' BTH	–	3/L3.50
	PLATANUS RACEMOSA "CALIFORNIA SYCAMORE"	36" BOX	–	1/L3.50

PLANT LEGEND: SHRUBS & GROUNDCOVERS

SYMBOL	BOTANICAL NAME "COMMON NAME"	SIZE	REMARKS	DETAIL REFER.
	ANIGOZANTHOS FLAVIDUS "KANGAROO PAW"	5 GAL PER PLAN	–	4/L1.50
	ARTEMISIA PYCNOCEPHALA "DAVID'S CHOICE"	1 GAL PER PLAN	–	4/L1.50
	BACCHARIS PILULARIS "PIGEON POINT" "DWARF COYOTE BUSH"	1 GAL 36" O.C.	–	4/L1.50
	BOUGAINVILLEA 'ROSENKA' "ROSENKA BOUGAINVILLEA"	5 GAL 30" O.C.	–	4/L1.50
	BUXUS MICROPHYLLA "JAPONICA" "JAPANESE BOXWOOD"	5 GAL 18" O.C.	–	4/L1.50
	CAREX TUMULICOLA "BERKELEY SEDGE"	1 GAL 9" O.C.	–	4/L1.50
	CHONDROPETALUM TECTORUM "CAPE RUSH"	5 GAL PER PLAN	–	4/L1.50
	CLIVIA MINIATA "CLIVIA"	5 GAL 12" O.C.	–	4/L1.50
	CYPERUS PAPYRUS "PAPYRUS"	15 GAL 36" O.C.	–	4/L1.50
	DENDROMECON HARFORDII "CHANNEL ISLAND TREE POPPY"	5 GAL PER PLAN	–	4/L1.50
	ELYMUS GLAUCUS "BLUE WILDRYE"	1 GAL PER PLAN	–	4/L1.50
	IRIS 'FREQUENT FLYER' "IRIS"	5 GAL 24" O.C.	–	4/L1.50
	JUNCUS PATENS "COMMON RUSH"	1 GAL 24" O.C.	–	4/L1.50
	JUNCUS PATENS "COMMON RUSH"	5 GAL 24" O.C.	–	4/L1.50
	PHILODENDRON XANADU "PHILODENDRON"	5 GAL	–	4/L1.50
	PHORMIUM 'JACK SPRATT' "NEW ZEALAND FLAX"	5 GAL 36" O.C.	–	4/L1.50
	PHORMIUM "BRONZE BABY" "NEW ZEALAND FLAX"	5 GAL 36" O.C.	–	4/L1.50
	PITTOSPORUM CRASSIFOLIUM 'KARO' "PITTOSPORUM"	15 GAL	–	4/L1.50
	ROSMARINUS OFFICINALIS "TUSCAN BLUE" "ROSEMARY"	5 GAL 24" O.C.	–	4/L1.50
	RUSSELIA EQUISETIFORMIS "CORAL FOUNTAIN"	5 GAL	–	4/L1.50
	SALVIA CLEVELANDII "SALVIA"	5 GAL 48" O.C.	–	4/L1.50
	SENECIO MANDRALISCAE 'KLEINIA' "BLUEFINGER SENECIO"	FLATS 8" O.C.	–	4/L1.50
	STRELITZIA NICOLAI "GIANT BIRD OF PARADISE"	24" BOX	–	4/L1.50
	VRIESIA IMPERIALIS "BRONZE BROMELIADS"	5 GAL	–	4/L1.50
A	ACORUS 'OGON' "CHARTREUSE YELLOW ACORUS"	4" POT	8 PER POT.	8/L3.50
B	PHOENIX ROEBELENII "PIGMY DATE PALM"	5 GAL	MULTI-TRUNK MINIMUM 2 HEADS. 1 PER POT.	8/L3.50
	ASPARAGUS DENSIFLORUS 'MYERS' "MYERS ASPARAGUS"	1 GAL	9 PER POT.	8/L3.50
D	COLOCASIA ESCULENTA 'BLACK MAGIC' "ELEPHANT EAR"	5 GAL	1 PER POT.	8/L3.50
C	VINCA MINOR 'ILLUMINATION' "ILLUMINATION COMMON PERIWINKLE"	1 GAL	6 PER POT.	8/L3.50
	RAPHIS EXCELSA "LADY PALM"	24" BOX	1 PER POT.	8/L3.50
D	ANIGOZANTHOS FLAVIDUS "KANGAROO PAW"	1 GAL	3 PER POT.	8/L3.50
	PHILODENDRON XANADU "PHILODENDRON"	1 GAL	5 PER POT.	8/L3.50
E1	GARDENIA JASMINOIDES "GARDENIA"	5 GAL	1 PER POT.	8/L3.50
E2	AGAVE ATTENUATA 'VARIEGATA' "VARIEGATED FOX TAIL AGAVE"	5 GAL	1 PER POT.	
	TRADESCANTIA PALLIDA 'PURPUREA' "PURPLE HEART"	4" POT	3 PER POT.	
E3	STRELITZIA NICOLAI "GIANT BIRD OF PARADISE"	5 GAL	1 PER POT.	
	PELARGONIUM TOMENTOSUM "PEPPERMINT GERANIUM"	1 GAL	3 PER POT.	
F	PENNISETUM ALOPECUROIDES 'HAMELN' "HAMELN'S FOUNTAIN GRASS"	5 GAL	1 PER POT.	8/L3.50

Source: GMPA Architects, Feb. 2010.

Oceana Retirement Facility – Landscape Plan

Source: GMP Architects, Feb. 2010.

Revised: Feb. 2010

Oceana Retirement Facility – Illustrative View of the Retail Front Along Washington Blvd.

Source: GMP Architects, Feb. 2010.

Revised: Feb. 2010

Holiday Harbor Courts – Illustrative View of the Park

Source: GMP Architects, Feb. 2010.

Revised: Feb. 2010

Holiday Harbor Courts – Illustrative View of the Promenade

as lighting and shrubs. The promenade is also designed to serve as a fire lane, to satisfy Los Angeles County Fire Department requirements. In addition, the project's frontage along Panay Way would include a 5.5-foot wide sidewalk, which is not currently present.

The landscape plan (shown in **Figure III-13~~0~~**) for Parcel 21 would conform with and compliment the existing landscaping on Parcel 20 (Phase I). The landscaping would consist of palm trees, perennial plants, and accent paving around the building entry. Other species to be used in the plant palette include big blue lily turf (*Liriope muscari*), bird of paradise (*Strelitzia reginae*), and New Zealand flax (*Phormium tenax*, or "Maori Maiden").

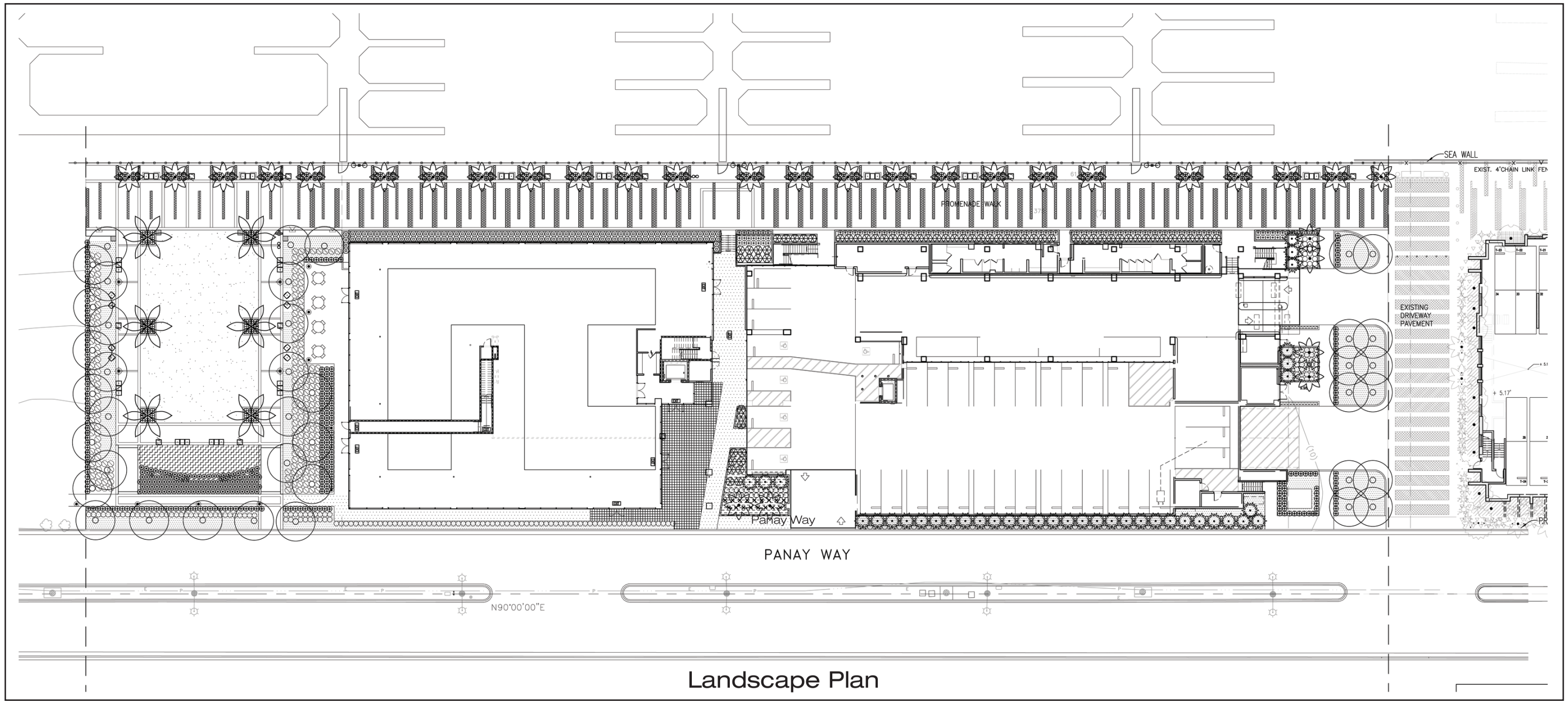
The project has been designed within the combined height and view corridor provisions of the LUP. The plan includes an allowable height limit of 45 feet with a view corridor requirement of 20 percent of a project's total water frontage (LUP, page I-9). However, LUP policy allows for an increase in building height of 1.5 feet for every corresponding one percent view corridor increase. The project building height is approximately 56 feet (measured from grade to the rooftop), with a maximum height of approximately 59 feet to the top of the parapet. This height is in like kind to other adjacent properties on Panay Way.

The marine commercial building's height of 56 feet requires a view corridor equal to 27.33 percent of the frontage, which amounts to a required 146 feet of view corridor. A total of 146 feet (or greater) for the view corridor would be accommodated in the design. The view corridors on the project site would facilitate public views of the shoreline, providing views of the water, the harbor's docks and slips, and Mother's Beach. The plaza would form the primary view corridor for the Holiday Harbor Courts site, at 105 feet in width. Two additional view corridors are provided. One is on the ground floor level between the parking structure and the commercial building, at 27.2 feet in width, and the other is east of the parking structure and is 50 feet in width.

Parking

Parcel OT

Of the 186 public parking spaces permitted in the LCP for Parcel OT, 94 spaces would be relocated to Parcel 21 as part of the Holiday Harbor Courts development, to be located to the south of Parcel OT on Panay Way. The Oceana Retirement Facility would provide parking for its proposed uses, in accordance with the County Code, as well as retain 92 of the existing on-site public parking spaces. As shown in **Table III-4**, with implementation of the proposed project, 92 spaces would be allocated to public parking, 55~~43~~ spaces would be designated spaces for the active seniors accommodations (including three for maintenance vehicles), ~~22~~ 14 spaces would be allocated for retail uses, and 94 spaces would be ~~transferred to~~ developed on Parcel 21. ~~This transfer~~ The placement of public parking spaces to Parcel 21 responds to the Los Angeles County Department of Beaches and Harbors' Draft Right-Sizing Parking for the Public Parking Lots in Marina del Rey, California (prepared by Raju Associates, Inc., March 2009), which found that for most of the year (more than 300 days any year), the public parking lots located in the Mother's Beach Activity Area (including Parcel OT) are underutilized. Parking lot 8 on Parcel OT, lot 9 on Parcel NR, lot 10 on Parcel IR and lot 11 on Parcel GR serve this activity area with a total of 843 spaces. However, the study determined that the recommended minimum public parking supply for this activity area is only 400 spaces. The Los Angeles County Department of Beaches and Harbors' currently proposed Parking Plan would meet this minimum amount, as well as provide for an additional 117 spaces in this activity area. The transfer proposed with development of the Oceana Retirement Facility and Holiday Harbor Courts project is in accordance with these findings, by moving underutilized public parking spaces from Parcel OT to Parcel 21, where covered parking would be adjacent to the Marina and closer in proximity to Mother's Beach.



Source: GMPA Architects, Feb. 2010.

Revised: Feb. 2010

PLANT LEGEND: SHRUBS & GROUNDCOVERS

SYMBOL	ABBREV	BOTANICAL NAME "COMMON NAME"	SIZE & SPACING	REMARKS	DETAIL REFER.
	ACO GRA	ACORUS GRAMINEUS "OGON" "ACORUS"	1 GAL. 10" O.C.		8 & 9 /L3.20
×	AEO ARB	AEONIUM ARBOREUM "ZWARZKOP" "LARGE PURPLE AEONIUM"	15 GAL.		7 /L3.20
⊕	ANI FLA	ANIGOZANTHOS FLAVIDUS "PINK" "KANGAROO PAW"	15 GAL.		8 & 9 /L3.20
⊛	ASP MEY	ASPARAGUS DENSIFLORUS "MEYERS" "FOX TAIL ASPARAGUS"	15 GAL.		5, 8 & 9 /L3.20
	CAR TUM	CAREX DIVULSA "BERKELEY SEDGE"	1 GAL. 8" O.C.		
⊙	CHO TEC	CHONDROPETALUM TECTORUM "CAPE RUSH"	5 GAL.		
	CYP PAP	CYPERUS PAPYRUS "PAPYRUS"	15 GAL.		5, 8 & 9 /L3.20
	FES OVI	FESTUCA OVINA "GLAUCA" "BLUE FESCUE"	1 GAL. 8" O.C.		8 & 9 /L3.20
⊛	IRI SPP	IRIS SPP "IRIS"	1 GAL. 24" O.C.		
⊘	LEY CON	LEYMUS CONDENSATUS "CANYON PRINCE" "CANYON PRINCE WILD RYE"	15 GAL.		8 & 9 /L3.20
⊕	LIG JAP	LIGUSTRUM JAPONICUM "TEXANUM" "WAX LEAF PRIVET"	15 GAL.		5, 8 & 9 /L3.20
	TURF	TURF "MARATHON II"	SOD	PACIFIC SOD	8 & 9 L3.20
○	PHO TEN	PHORMIUM TENAX "DUSKY CHIEF" "HYBRID NEW ZEALAND FLAX"	15 GAL.		5, 8 & 9 L3.20
	SEN MAN	SENECIO MANDRALISCAE "SCENECIO"	1 GAL. @ 10" O.C.		8 & 9 /L3.20

PLANT LEGEND: TREES

SYMBOL	ABBREV	BOTANICAL NAME "COMMON NAME"	SIZE HTxSPR	REMARKS	DETAIL REFER.
	PHO DAC	PHOENIX DACTYLIFERA "MEDJOOL" "MEDJOOL DATE PALM"	20" BTH		4 /L3.20
	WAS ROB	WASHINGTONIA ROBUSTA "MEXICAN FAN PALM"	20" BTH	X X X	6 /L3.20
	OLE EUR	OLEA EUROPAEA "SWAN HILL" "SWAN HILL FRUITLESS OLIVE"	48" BOX MULTI	X X X	1 /L3.20
	STR NIC	STRELITZIA NICHOLAI "GIANT BIRD OF PARADISE"	48" BOX	X X X	5 /L3.20

SCALE: 1/16"=1'-0"

0 8 16 32 64

OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

ENVICOM CORPORATION

Holiday Harbor Courts – Landscape Plan

FIGURE III-13

Table III-4
Proposed Parking for Parcel OT and Parking ~~Transfers~~ Relocated to Parcel 21

Use	Existing LCP Permitted Parking on Parcel OT	Proposed Parking	
		Parcel OT	Parcel 21
Public Parking	186	92	94
Active Seniors Accommodations		~~43~~55	
Retail		~~22~~14	
Relocated/~~Transferred~~ Public Parking			94
Total	***186***	**161~~157~~**	**94**

The general public would access on-site upper level parking from the driveway located on the westerly side of the structure (the side adjacent to the Marina International Hotel), closest to Admiralty Way on the southerly side of Parcel OT (see Figure III-3b). This driveway would have two separate designated gated areas; one for public parking and one for residents of the retirement facility. The second driveway located on the westerly side of the structure, closest to Washington Boulevard, would be reserved for residents of the retirement facility and patrons of the on-site retail spaces, as would the access from Washington Boulevard along the site's northerly side (see Figure III-3a). These entries would lead to both the upper and lower parking levels. General public and building use parking spaces will be designated with signage. As depicted in Figures III-3b and III-3c, security gates would be located at the entrance of the senior facility, public and retail parking (on both levels) and fences would be placed between adjacent parking uses to prevent movement between public and private parking areas: retail parking would be separated from senior facility parking on the lower level; public parking would be separated from senior facility parking on the upper level.

Parcel 21

Parking for the proposed Holiday Harbor Courts development would be provided in a six-level, partially subterranean, parking structure that is attached to the structure housing the yacht club and marine commercial uses. The parking structure would serve visitors to the Holiday Harbor Courts as well as provide for general public parking (for example, to serve visitors to Mother's Beach). This design allows for direct access to the commercial structure, in addition to close access to the Marina slips and Mother's Beach. As discussed above, Parcel 21 would include ~~transferred~~ relocated public parking ~~from the proposed development~~ currently provided currently provided on Parcel OT, as well as from Parcel 20. As shown in **Table III-5** below, an estimated 447 parking spaces would be provided by the proposed project ~~after the transfers made from Parcels OT and 20~~.

Table III-5
Parcel 21 Proposed Parking and Parking Replacement

Type of Parking	Amount
Replacement for on-site Parcel 21 uses	43
Yacht Club/ Marine Commercial (replacement from Parcel 20, Phase II)	112
New Uses	15
Replacement for Boater Parking	183
Replacement from Parcel OT	94
Total	**447**

Tenant parking for Parcel 21 would be accessed from a driveway located on the easterly side of the proposed structure (see Figure III-6c), while general public parking would be accessed from a driveway on the southerly portion of the structure (Figure III-6b). General public parking would be located on-site on Levels 0.5, 1, 1.2, 1.5, and 2, while tenant parking would be provided on Levels 1.5, 2, 2.5, 3. 3.5, 4, 4.5, 5, 5.5 and the roof level. Tenant parking would serve both employees and patrons of on-site uses. General public and tenant parking spaces would be designated with signage, and a security gate would also separate tenant and public parking on Levels 1.5 and 2, as shown on Figure III-6c (gridline 13).

Demolition of Existing Development, On-site Grading, and Construction

Demolition activities associated with redevelopment of Parcels OT and 21 would result in the hauling of 4,446 cubic (c.y.) yards of waste (246 c.y. for Parcel OT and 4,200 c.y. for Parcel 21), which is expected to be transported from the sites and hauled to the Community Recycling and Resource Recovery Center (operated by the Crown Disposal Company and located at 9147 De Garmo Avenue in Sun Valley) or to a landfill. The hauling of demolition waste is expected to occur over seven days. Grading activities for Parcels OT and 21 would result in exporting 7,768 c.y. of soil (6,500 c.y. for Parcel OT and 1,268 c.y. for Parcel 21). The hauling of soils is expected to occur over 15 days. For both phases, it is assumed that trucks would move between the sites and the Marina Expressway, using the major roadways of Admiralty Way, Washington Boulevard, and Lincoln Boulevard (refer to Table IV.B-8 in Section IV.B for further detail). Development of the proposed project is expected to begin in 2012, with construction of the Oceana Retirement Facility on Parcel OT estimated to occur over two years, while construction of the Holiday Harbor Courts project is estimated to occur over 18 months.

4. Scope of the EIR Analysis

As determined in the Initial Study prepared for the proposed project by the Los Angeles County Department of Regional Planning in accordance with CEQA, this EIR includes the analysis of the following potential environmental effects in Section IV, Environmental Setting, Impacts, and Mitigation Measures:

- Geotechnical Hazards;
- Noise;
- Water Quality;
- Air Quality;
- Biota;
- Cultural Resources;
- Visual Qualities;
- Traffic/Access;
- Utilities (Water Supply);
- Environmental Safety;
- Land Use; and
- Global Climate Change.

Additionally, Section IV.H includes a discussion of those environmental issues that were found to not warrant EIR analysis and were scoped out of the EIR by the Los Angeles County Department of Regional Planning Initial Study for the project.

5. Project Objectives

Parcel OT

- Construct active seniors accommodations to address the increasing needs, locally and Statewide, for retirement and senior facilities.
- Provide mixed-uses (related commercial and other active seniors accommodations-supporting uses) on-site to serve the residents and reduce the need for travel.
- Locate the project in the general vicinity of additionally supporting commercial uses (including restaurants, shopping and service needs) and proximate to major transportation corridors that provide easy access.
- Locate the facility in the Marina where passive and active marina-related opportunities are available to the retirees for recreational pursuit.
- Provide an improved, landscaped pathway with benches for passive recreation between Admiralty Way and Washington Boulevard, on the eastern boundary of the project site.
- Develop a facility that meets the criteria set forth in the Marina Del Rey Land Use Plan regarding height limits, parking and other design features, as well as to meet the criteria of the Los Angeles County Green Building Ordinance.
- Provide for right size public parking and co-locate said parking in an effective manner.

Parcel 21

- Construct a harbor-related and Marina adjacent multi-use building with an attached parking structure in order to update and add facilities to accommodate a yacht club, health center, transferred uses from LUP Parcel 20, Phase II, and a promenade.
- Construct a project that meets the requirements of the Los Angeles County Green Building Ordinance, as well as the Marina del Rey Land Use Plan requirements for height, view corridors, parking, and design features.
- Provide public and private recreational opportunities, including improved boater restrooms and showers and other boater facilities.
- Locate a project in the general vicinity of residents and marine users, who would utilize the new or updated facilities, and proximate to major transportation corridors that provide access to coastal uses.
- Provide improved marine/coastal access by constructing a promenade and view corridors on-site, including the plaza.
- Preserve public parking in Marina del Rey in a more appropriate location for the demand ~~(including transferring parking spaces from LUP Parcel OT to LUP Parcel 21)~~ and improve parking access to the Mother's Beach Activity Area, per the findings of the Los Angeles County Department of Beaches and Harbors Right-Sizing Parking Study.[10]

6. Project Approvals and Intended Uses of the EIR

The California Environmental Quality Act (CEQA) requires the preparation of an EIR when there is substantial evidence that a project may have a significant effect on the environment. The purpose of the EIR is to provide decision makers, public agencies, and the general public with an objective and

[10] Raju Associates, Inc. for the Los Angeles County Department of Beaches and Harbors. Draft Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California. March 2009.

informational document that fully discloses the potential environmental impacts of the proposed project. The EIR for the Oceana Retirement Facility and Holiday Harbor Courts Project is a Project EIR, which examines the environmental impacts of a specific development project. According to the CEQA Guidelines, Section 15162, a Project EIR focuses on the changes that would occur in the environment as a result of the proposed development project. Each phase of the proposed project, including planning, construction, and operation, is examined in the Project EIR.

This EIR will be used by the County of Los Angeles, as the lead agency under CEQA, in making decisions with regard to approval of the project. The information in this EIR may also be used by other agencies, including, but not limited to, those identified below, in deciding whether to grant permits or approvals necessary to construct or operate the proposed project.

- State
  - California Coastal Commission
  - Regional Water Quality Control Board, Los Angeles Region
  - County
    - Los Angeles County Department of Beaches & Harbors
    - LA County Department of Regional Planning
    - Marina del Rey Design Control Board
    - LA County Department of Public Works
    - LA County Waterworks District No. 29
    - Sanitation Districts of LA County
    - LA County Fire Department
    - Local Water/ Utilities Companies

The proposed project has already received conceptual approval from the Marina Design Control Board, and the individual parcels are currently anticipated to require discretionary permits and approvals, including, but not limited to, those identified below.

Parcel OT

- LCP Amendment to:
  1. Create a new land use category in the LCP of Active Seniors Accommodations to be described as: a specialized facility for the housing of active persons over age 60 who may or may not be retired. Units shall contain no more than two bedrooms and shall not provide a kitchen. However, communal dining facilities shall be available on-site. Mixed use services provided on-site for residents may include, but are not limited to, one or more of the following: concierge, dry cleaners, laundry, hair and beauty salon, spa (excluding massage), recreation room, lounge, shuttle/limousine, travel, maid, linen, and other similar personal services. The accommodations may be rented or leased on a monthly or yearly basis. Accommodations may be rented, for no more than seven (7) days, to relatives or friends who are visiting residents of the facility. Units within an Active Seniors Accommodations facility are not considered residential uses for purposes of allocating dwelling units, assessing affordable housing requirements, or assessing transient occupancy taxes or fees.

2. Re-designate Parcel OT from Parking to Active Seniors Accommodations parcel with a Mixed Use Overlay Zone (MUZ)[11] allowing for the mixed-use senior citizen retirement facility with a retail component.
3. Transfer development potential (114 hotel units from the Admiralty DZ #7 and ~~5,000~~3,500 s.f. of retail space from the Palawan/Beach DZ #5) to Parcel OT in the Oxford DZ #6.
4. Adjust the lease parcel boundary between Parcel OT and Parcel P to accommodate 55 feet (19,755 s.f.) of building and landscaped pathway to extend the buffer between the Oxford Retention Basin and the Parcel OT project to the existing fence line. (This would necessitate adjustments to the corresponding LCP maps.)
5. Re-designate the portion of Parcel P added to Parcel OT from Open Space to Active Seniors Accommodations.

- Conditional Use Permit (CUP), Coastal Development Permit (CDP), and Parking Permit for the transfer of development potential, parking, and trip generations between Parcels OT, 21, and 20.

Parcel 21

~~•Modifications to LCP Amendment No. 1-01 for the following:~~

~~0.Transfer 94 required parking spaces from Parcel OT to Parcel 21.~~

~~0.Transfer of the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21.~~

~~0.Enlarge Parcel GR by 207 feet of frontage or 31,050 square feet with a corresponding reduction in Parcel 21 through a parcel lease termination.~~

- Conditional Use Permit (CUP), Coastal Development Permit (CDP), and Parking Permit~~ for the transfer of development potential, parking, and trip generations between Parcels OT, 21, and 20~~.

[11] The Marina LUP MUZ (LUP pages 8-12 and 8-13) is intended to provide additional flexibility for development of creatively designed mixed-use projects on selected non-waterfront parcels. Parcels with this overlay zone are permitted to combine land use categories on an individual parcel, and are allowed to mix primary uses within a structure. Development potential available to each applicant is subject to the limitations of the zone in which the parcel resides.

maximum daily equipment exhaust emissions.

Table IV.D-6
Assumed Equipment Fleet for Project Construction

Demolition	Grading	Construction	Paving
1 Industrial Saw	1 Tractor/Loader/Backhoe	1 Crane	1 Paver
1 Dozer	1 Grader	1 Tractor/Loader/Backhoe	1 Paving Equipment
2 Tractor/Loader/Backhoes	1 Dozer	2 Forklifts	1 Tractor/Loader/Backhoe
	1 Water Truck	1 Generator Set	4 Cement Mixers
		3 Welders	1 Roller

The project is expected to generate 4,446 c.y. of demolition waste with approximately 74 truck trips over a period of seven days for both parcels. Additionally, 7,760 c.y. of soil are to be hauled over a period of 15 days with approximately 647 truck trips. Soils would be hauled by a bottom dump truck that will hold approximately 11 to 12 c.y and debris would be hauled by an end dump truck that holds approximately 60 c.y. The typical street weight limit including the truck is 80,000 lbs and the trucks weigh about 30,000 lbs leaving about 50,000 lbs for debris or soil. Typically a full load of dirt is between 28,000 and 33,000 lbs depending on water content in the soil.[2] -The California ARB's URBEMIS2007 computer model was also used to estimate daily, unmitigated emissions during grading and finish construction, with the results shown in **Table IV.D-7**.

Table IV.D-7
Estimated Daily Emissions During Grading and Finish Construction (Pounds/Day)

Activity	ROG	NOx	CO	SO_2	PM-10	PM-2.5	$C0_2$
Demolition							
No Mitigation	2.5	24.2	12.0	0.0	15.5	4.2	2,803.8
With Mitigation	2.5	22.9	12.0	0.0	15.0	3.7	2,803.8
Grading							
No Mitigation	9.8	97.3	45.2	0.1	41.5	11.9	10,230.8
With Mitigation	9.8	93.4	45.2	0.1	15.5	4.5	10,230.8
Construction and Paving							
No Mitigation	10.4	20.1	22.7	0.0	1.5	1.3	3,260.3
With Mitigation	9.8	18.0	22.7	0.0	0.7	0.6	3,260.3
SCAQMD Threshold	75.0	100.0	550.0	150.0	150.0	55	-

As shown, the emissions for construction activity pollutants would be less than significant. The mobile nature of the on-site construction equipment and off-site trucks would prevent any micro-scale violation of standards. Construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. Public exposure to heavy equipment operating in the distance would be an extremely small fraction of the above dosage assumption. Diesel equipment is also becoming

5. Mitigation Measures

Prehistoric and Historic Archaeological Resources

Parcel OT and Parcel 21

CUL-1 During the removal of asphalt paving and subsequent grading of the sites, the sites shall be monitored by a qualified archaeological monitor. The archaeological monitor shall also be accompanied by a Native American Monitor to be selected from the Native American Heritage Commission approved list for this area. Should evidence of any prehistoric or historic resources, be uncovered, including Native American resources, the archeologist must be notified and work in the find area shall cease until the monitor arrives. The State Historic Preservation Office and Los Angeles County Department of Regional Planning shall also be notified if such resources are uncovered. The archeological monitor shall have the authority to halt any activities adversely impacting potentially significant archeological resources, while the find is evaluated in accordance with CEQA criteria for significance.

CUL-2 Should evidence of any prehistoric or historic archaeological resources be uncovered, a Phase II evaluation must be conducted in accordance with Section 15064.5(f) of the CEQA Guidelines.

CUL-3 Following §30116(d) of the Coastal Act, any cultural resource found in the portion of the LUP study area planned for development shall be collected and maintained at the Los Angeles County Museum of Natural History or other appropriate location as otherwise provided by State law.

CUL-4 Should human remains be discovered during the removal of asphalt paving and subsequent grading of the sites, the County Coroner shall be contacted and permitted access to the site for preliminary identification of the remains. Preservation and disposition of the remains shall be conducted in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the remains are found to be of Native American origin, the Native American Heritage Commission must be notified and permitted to identify the Most Likely Descendant (MLD), and, in consultation with the proponent and archaeological monitor, determine the appropriate disposition of the remains, as stated in Section 15064.5(d) of the CEQA Guidelines.

CUL-5 As part of the Coastal Development Permit application involving disturbance of native soils or vegetation, including but not limited to excavation, pile driving or grading, the applicant shall provide evidence that they have 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 occur.

CUL-6 Should an Archaeological Recovery Program be warranted, it shall require a Coastal Development Permit consistent with the provisions of the certified Marina del Rey LCP.

6. Significant Project Impacts After Mitigation

With implementation of the mitigation measures specified above, potential project and cumulative impacts to prehistoric and historic archaeological resources would be reduced to a less than significant level.

H. TRAFFIC/ACCESS

This Traffic/Access section is based on the Traffic Analysis (June 2008) and the Development Transfer Amendment on Parcel OT (July 2009) prepared by Crain & Associates for the proposed project, as well as the County of Los Angeles Department of Public Works Traffic and Lighting Division review (November 24, 2008) of the June 2008 Traffic Analysis (provided in **Volume II, Appendix G)**.

1. Existing Conditions

Street System

The following 14 study intersections were selected for analysis in order to determine potential impacts related to the proposed project:

1. Washington Boulevard/Ocean Avenue/Via Marina
2. Washington Boulevard/Palawan Way
3. Lincoln Boulevard/Washington Boulevard
4. Admiralty Way/Via Marina
5. Admiralty Way/Palawan Way
6. Via Marina/Panay Way
7. Via Marina/Marquesas Way
8. Admiralty Way/Bali Way
9. Admiralty Way/Mindanao Way
10. Admiralty Way/Fiji Way
11. Lincoln Boulevard/Marina Expressway
12. Lincoln Boulevard/Bali Way
13. Lincoln Boulevard /Mindanao Way
14. Lincoln Boulevard / Fiji Way

The intersections are located within the area surrounding the project sites and were selected for detailed analyses, because they are expected to be those locations most directly impacted by the proposed project's traffic generation. The selected locations include intersections under the control of the County of Los Angeles, the City of Los Angeles, Caltrans, or more than one of these jurisdictions. The locations of the study intersections are shown in **Figure IV.H-1, Project Site Vicinity and Study Intersection Locations**. All of the study intersections are traffic signal-controlled, with the exception of Washington Boulevard and Palawan Way, which is a "tee" intersection and stop-sign controlled for the Palawan Way approach. Additionally, all of the signalized intersections are upgraded with the City of Los Angeles' Automated Traffic Surveillance and Control (ATSAC) and second generation Adaptive Traffic Control System (ATCS) traffic signal coordination systems. These signal coordination systems monitor and evaluate traffic demands throughout the study area in real time, and adjust the traffic signal timings and phasings accordingly to maximize traffic capacity.

Source: Crain & Associates, 2007

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Project Site Vicinity and Study Intersection Locations

No Scale

FIGURE IV.H-1

Freeways

San Diego Freeway

The San Diego Freeway (Interstate 405, or I-405) is the most important traffic facility in the area, traversing north-south through the Greater Los Angeles metropolitan area and providing convenient project access, via the regional freeway system, to all other areas of the Los Angeles region. This route is also an important link to the other parts of California. Interstate 405 in this vicinity is a nine- or ten-lane facility, depending on the segment, and currently carries in excess of 298,000 vehicles per day (VPD). A high-occupancy vehicle (HOV) lane is at present being added to this facility. Interstate 405 provides a full interchange with the western portion of the Marina Freeway/Expressway.[12] Northbound-to-eastbound, and westbound-to-southbound movements are not allowed at this interchange.[13]

Marina Freeway/Expressway

The Marina Freeway/Expressway (State Route 90) is a short regional facility serving a roughly east-west alignment between Slauson Avenue (east of Sepulveda Boulevard) and Lincoln Boulevard. The elevated freeway sections of this facility, between Culver Boulevard on the west and the Slauson Avenue terminus on the east, provides a three-lane per direction configuration, with additional lanes provided at the interchange with the San Diego Freeway. Surface street access ramps are currently provided only from Sepulveda Boulevard (to the eastbound Marina Freeway), and at Centinela Avenue (full ramp set). However, the freeway is being extended and an interchange is now being built at Culver Boulevard. Additional extension of the freeway to Admiralty Way is also being planned. This portion of State Route 90 carries more than 75,000 VPD. The at-grade expressway portion of the facility, between Culver Boulevard and Lincoln Boulevard, exhibits a two-lane per direction configuration, with localized flarings at intersections to accommodate additional left and/or right-turn lanes. State Route 90 is a divided roadway, with no crossover traffic permitted, except from the cross street intersections with Culver Boulevard and Mindanao Way.

Streets and Highways

Important surface highway facilities in the area near the proposed project include Washington Boulevard, Lincoln Boulevard, and Admiralty Way. Washington Boulevard is designated as a Class II Major Highway on the General Plan for the City of Los Angeles. Lincoln Boulevard is designated as a Class I Major Highway south of Washington Boulevard and a Class II Major Highway north of Washington Boulevard. Admiralty Way is a collector facility that traverses along the northern and eastern edges of Marina del Rey between Via Marina, just to the west of Parcel OT (and the subject portion of Parcel P)[14] and northwest of Parcel 21, and Fiji Way near Lincoln Boulevard. Admiralty Way provides the proposed project's most direct access to/from the Marina Freeway/Expressway (via Mindanao Way) and other regional travel facilities. Brief descriptions of the important roadways in the project site vicinity are provided in the following paragraphs:

[12] The "western portion" refers to the section of SR-90 located west of the I-405. The interchange provides traffic movements from the I-405 in the northbound and southbound directions to westbound SR-90, and from the SR-90 in the eastbound direction to the I-405 in the northbound and southbound directions. The northbound-to-westbound, southbound-to-westbound, eastbound-to-northbound, and eastbound-to-southbound movements are allowed.

[13] The SR-90 extends for about one-half-mile east of the I-405 where it terminates at Slauson Avenue. The northbound-to-eastbound and westbound-to-southbound movements are not allowed at this interchange.

[14] Hereafter, unless otherwise noted, the Oceana Retirement Facility project site is simply referred to as Parcel OT.

Washington Boulevard is an east-west Class II Major Highway that forms the northern boundary of the Parcel OT site. In the project vicinity, Washington Boulevard is approximately 80 feet wide and provides two through lanes in each direction, plus full left-turn channelization at most cross streets. Bicycle lanes are provided and on-street parking is allowed along Washington Boulevard in the project vicinity.

Admiralty Way is a four-lane collector facility, serving as a "frontage road" around the north and east portions of the Marina, between Via Marina on the west and Fiji Way on the southeast. Admiralty Way provides two lanes per direction plus left-turn channelization at key intersections. A raised center median exists along the length of Admiralty Way. Admiralty Way "tees" at both ends, into Fiji Way on the south and into Via Marina to the west.

Via Marina is generally a north-south facility that serves the western portion of Marina del Rey. Via Marina extends from the water entrance to the Marina north to Washington Boulevard (where it aligns with Ocean Avenue) and then the roadway becomes Venice Way, bends to the west, and terminates at Pacific Avenue. Via Marina provides two to three through lanes in each direction plus left-turn channelization at key intersections.

Lincoln Boulevard (State Route 1) is developed to a typical width of 80 feet north of Washington Boulevard and a variable width (80 to 96 feet wide) roadway on the segment between Washington Boulevard and Culver Boulevard. South of the Culver Boulevard overpass, Lincoln Boulevard widens to provide three through lanes in each direction plus a raised median island. In the project area, this facility is striped to provide a six-lane roadway with left-turn channelization (designated or permissive left turn lanes) at most intersections. A raised median island exists on Lincoln Boulevard from Fiji Way north to the Marina Expressway intersection. On-street parking is prohibited on this portion of Lincoln Boulevard at all times but is allowed on a time-restricted basis on both sides of the street north of Maxella Avenue.

Palawan Way is designated a local street. This facility provides two lanes per direction on the segment between Admiralty Way and Washington Boulevard, separated by a raised median island. However, at the "tee" intersection with Washington Boulevard, northbound Palawan Way narrows to provide a right-turn lane only. This intersection is unsignalized but is instead controlled by a stop sign on the Palawan Way approach. Conversely, at the signalized intersection with Admiralty Way, Palawan Way provides three lanes, including a left-turn only lane, a through lane, and a right-turn only lane. South of Admiralty Way, Palawan Way provides access to restaurant and commercial uses.

Panay Way is designated a local street and provides direct access to the Parcel 21 site. This roadway also provides access to the Marina del Rey "Basin C" and "Basin D" areas. Panay Way provides one lane in each direction.

Marquesas Way is designated a local street. This two-lane facility is located opposite Via Dolce at Via Marina and provides access to the "Basin B" and "Basin C" areas.

Bali Way is a short local street providing access from Lincoln Boulevard and Admiralty Way to the Marina del Rey "Basin F" and "Basin G" areas. Bali Way provides only a single lane in each direction.

Mindanao Way is a Secondary Highway providing two lanes in each direction, although some sections are widened to permit additional traffic lanes and/or turn-lane channelization, particularly at the Marina Expressway and Lincoln Boulevard intersections. At Lincoln Boulevard, Mindanao Way provides dual left-turn channelization. East of Alla Road, Mindanao Way changes names to become Short Avenue, which terminates at Centinela Avenue approximately 2/3 of a mile east of Alla Road. West of Lincoln

Boulevard, Mindanao Way crosses Admiralty Way to provide access to Burton Chase Park and the Marina del Rey "Basin G" berths. Mindanao Way also provides the closest surface street link to the Marina Expressway to the east in the project area (other than the somewhat circuitous route using the Lincoln Boulevard connection).

Fiji Way is designated a local street. This facility is discontinuous and provides one lane per direction plus on-street parking from east of Lincoln Boulevard to the eastern terminus at La Villa Marina. West of Lincoln Boulevard, Fiji Way typically provides two lanes per direction, and serves as access to the "Fisherman's Village" portion of Marina del Rey as well as to residential development and the U.S. Coast Guard Harbor Patrol station near the Ballona Creek "point." On-street parking is prohibited west of Lincoln Boulevard.

Local Public Transit Services

The Los Angeles County Metropolitan Transportation Authority (Metro) has established an extensive grid system of bus routes throughout the Los Angeles region, including the project vicinity, and adjacent jurisdictions, such as the City of Los Angeles and the City of Culver City, also provide transit service through the Marina del Rey study area. In the project area, several bus routes pass by within convenient walking distance of the project sites, along Washington Boulevard and Admiralty Way. These bus routes, including Metro Line 108, LADOT Commuter Express Line 437, and Culver City Line 1, are detailed in Volume II, Appendix G. In addition to these key transit routes that are within walking distance of the project sites, other bus routes that also serve the Marina del Rey community (e.g. along or near Lincoln Boulevard) include the Culver City Lines 2 and 7, as well as the Santa Monica Line 3 and Rapid 3. Many more bus routes are also available via transfers to other routes or transit providers. When transfer opportunities are considered, the project is well served by public transit. Thus, it is expected that some of the trips generated by the proposed project could choose to utilize public transportation as their primary travel mode instead of private vehicles.

Existing Traffic Conditions

Existing Traffic Volumes

Traffic volume count data were obtained from counts conducted in 2006 and 2007 by The Traffic Solution (an independent traffic data collection company) and Crain & Associates, with the exception of counts at the intersection of Washington Boulevard and Palawan Way that were conducted in October 2005. While traffic count data was also collected at this intersection in 2007, it was found to be lower than the 2005 data. Therefore, the more conservative data from 2005 is utilized in this analysis. San Diego Freeway and Marina Expressway (SR-90) count data were obtained from the California Department of Transportation (Caltrans). The traffic counts conducted in 2005 and 2006 were growth factored by 0.6 percent, compounded annually, to estimate 2007 traffic conditions. All traffic data sheets are included in Volume II, Appendix G of this EIR.

Study Intersection Evaluation Methodology

The methodology used for the analysis and evaluation of traffic operations at each study intersection is based on procedures outlined in Circular Number 212 of the Transportation Research Board.[15] In the discussion of Critical Movement Analysis for signalized intersections, procedures have been developed for determining operating characteristics of an intersection in terms of the "Level of Service" provided for

[15] Interim Materials on Highway Capacity, Circular Number 212, Transportation Research Board, Washington, D.C., 1980.

different levels of traffic volume and other variables, such as the number of signal phases. The term "Level of Service" describes the quality of traffic flow. Levels of Service A to C operate quite well. Level D typically is the level for which a metropolitan area street system is designed. Level E represents volumes at or near the capacity of the highway, which might result in stoppages of momentary duration and fairly unstable flow. Level F occurs when a facility is overloaded and is characterized by stop-and-go traffic with stoppages of long duration. A determination of the Level of Service at an intersection, where traffic volumes are known or have been projected, can be obtained through a summation of the critical movement volumes at that intersection. Once the sum of critical movement volumes has been obtained, the values indicated in **Table IV.H-1**, below, can be used to determine the applicable Level of Service.

Table IV.H-1
Critical Movement Volume Ranges for Determining Levels of Service[1]

	Maximum Sum of Critical Volumes (VPH)		
Level of Service	**Two Phase**	**Three Phase**	**Four or More Phase**
A	900	855	825
B	1,050	1,000	965
C	1,200	1,140	1,100
D	1,350	1,275	1,225
E	1,500	1,425	1,375
F	N/A	N/A	N/A

[1] For planning applications only, i.e., not appropriate for operations and design applications.

"Capacity" represents the maximum total hourly vehicle volume movement in the critical lanes, which has a reasonable expectation of passing through an intersection under prevailing roadway and traffic conditions. For planning purposes, capacity equates to the maximum value of Level of Service E, as indicated above. The Critical Movement Analysis (CMA) indices used in this study were calculated by dividing the sum of critical movement volumes by the appropriate capacity value for the type of signal control present or proposed at the study intersections. Thus, the Level of Service corresponding to a range of CMA values is shown in **Table IV.H-2**.

Table IV.H-2
Level of Service as a Function of CMA Values

Level of Service	Description of Operating Characteristics	Range of CMA Values
A	Uncongested operations; all vehicles clear in a single cycle.	≤ 0.60
B	Same as above.	$> 0.60, \leq 0.70$
C	Light congestion; occasional backups on critical approaches.	$> 0.70, \leq 0.80$
D	Congestion on critical approaches; but intersection functional. Vehicles required to wait through more than one cycle during short peaks. No long-standing lines formed.	$> 0.80, \leq 0.90$
E	Severe congestion with some long-lasting lines on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements.	$> 0.90, \leq 1.00$
F	Forced flow with stoppages of long duration.	> 1.00

Existing Levels of Service at the Study Intersections

From this analysis procedure, the CMA values and corresponding Levels of Service (LOS) for the study intersections were calculated. The AM and PM peak hour CMA and LOS at the study intersections are summarized in **Table IV.H-3**. The existing traffic volumes at the study intersections are shown in **Figures IV.H-2a, Existing (2007) Traffic Volumes – AM Peak Hour, and IV.H-2b**, **Existing (2007) Traffic Volumes – PM Peak Hour**. (Summary data worksheets of the manual traffic counts at the study intersections are contained in Volume II, Appendix G.)

Table IV.H-3
Existing Traffic Conditions

No.	Intersection	Am Peak Hour		Pm Peak Hour	
		CMA	LOS	CMA	LOS
1	Washington Blvd. & Ocean Ave./Via Marina	0.714	C	0.768	C
2	Washington Blvd. & Palawan Wy.	0.643	B	0.719	C
3	Lincoln Blvd. & Washington Blvd.	0.775	C	1.337	F
4	Admiralty Wy. & Via Marina	0.701	C	0.751	C
5	Admiralty Wy. & Palawan Wy.	0.424	A	0.604	B
6	Via Marina & Panay Wy.	0.347	A	0.254	A
7	Marquesas Wy. & Via Marina	0.262	A	0.181	A
8	Admiralty Wy. & Bali Wy.	0.459	A	0.577	A
9	Admiralty Wy. & Mindanao Wy.	0.626	B	0.743	C
10	Admiralty Wy. & Fiji Wy.	0.257	A	0.372	A
11	Lincoln Blvd. & Marina Expressway	0.679	B	0.721	C
12	Lincoln Blvd. & Bali Wy.	0.651	B	0.512	A
13	Lincoln Blvd. & Mindanao Wy.	0.724	C	0.849	D
14	Lincoln Blvd. & Fiji Wy.	0.587	A	0.732	C

As indicated in Table IV.H-3, 12 of the 14 study intersections are presently operating at LOS C or better during both the AM and PM peak hours under existing conditions. The following study intersection currently operates at LOS D during the peak hour shown below under existing conditions:

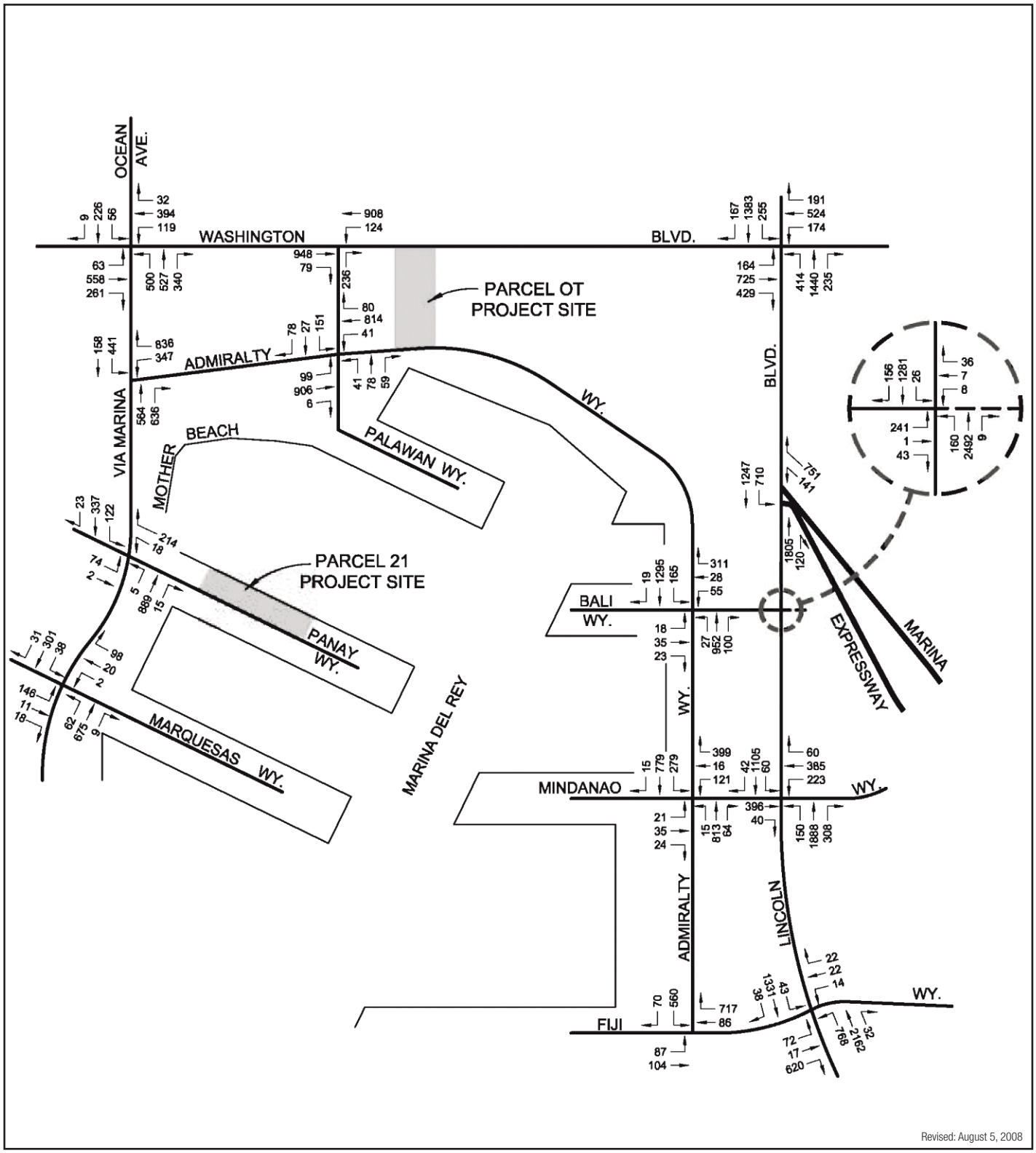
No. 13: Lincoln Blvd. & Mindanao Wy. PM Peak Hour: CMA = 0.849, LOS D

The following study intersection currently operates at LOS F during the peak hour shown below under existing conditions:

No. 3: Lincoln Blvd. & Washington Blvd. PM Peak Hour: CMA = 1.337, LOS F

2. Thresholds of Significance

The County of Los Angeles Department of Regional Planning Initial Study prepared for the project, as well as the Traffic Impact Analysis Report Guidelines prepared by the LADPW were consulted to compile thresholds of significance for traffic/access impacts. It was determined that the proposed project may result in significant impacts related to traffic/access if:



Revised: August 5, 2008

Source: Crain & Associates, 2007

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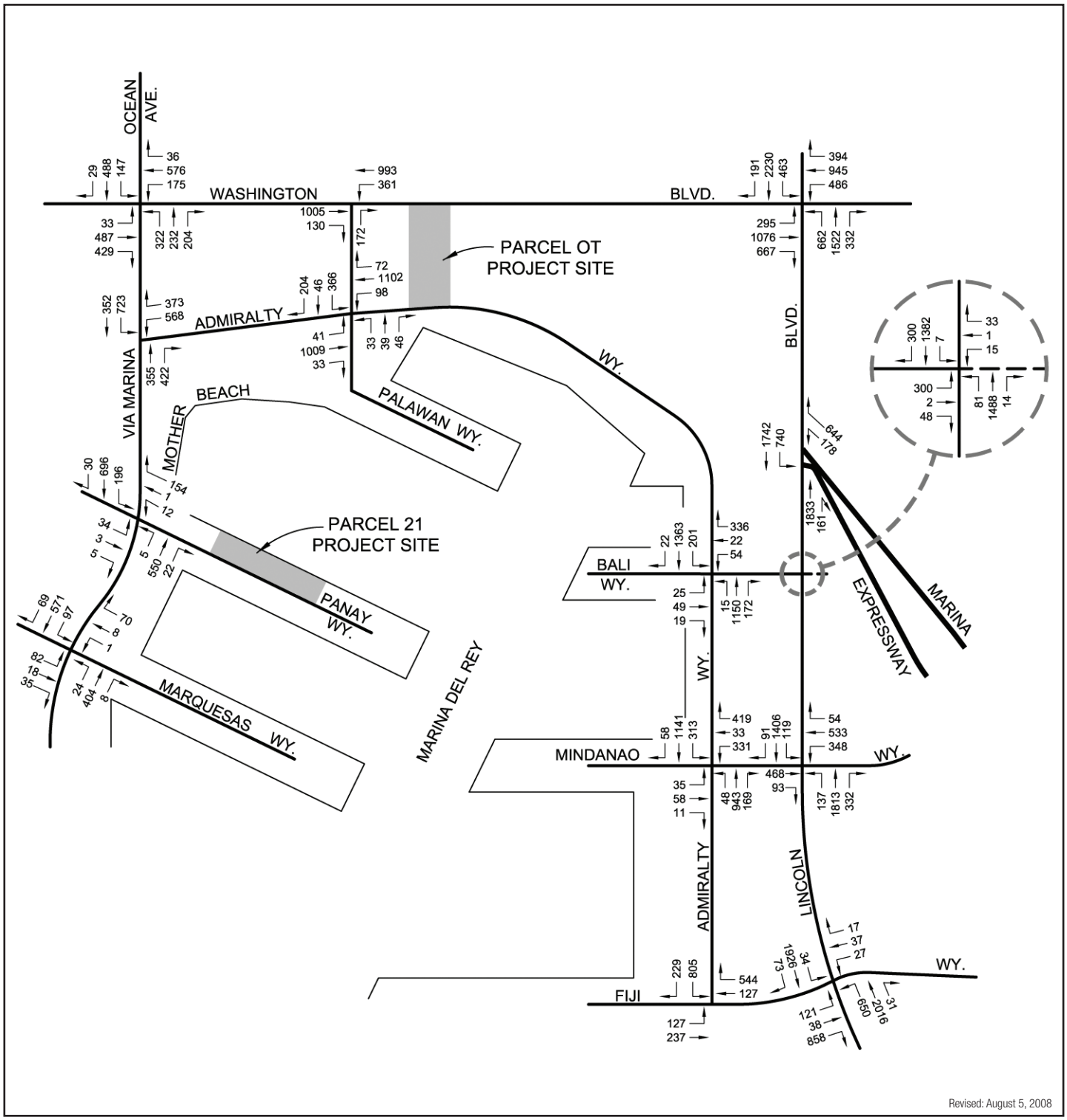
Existing (2007) Traffic Volumes – AM Peak Hour

No Scale

FIGURE IV.H-2a



Revised: August 5, 2008

Source: Crain & Associates, 2007

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Existing (2007) Traffic Volumes – PM Peak Hour

No Scale

FIGURE IV.H-2b

- It contains 25 dwelling units, or more, and is located in an area with known congestion problems (roadway or intersections);
- It would result in parking problems with a subsequent impact on traffic conditions;
- Inadequate access during an emergency (other than fire hazards) would result in problems for emergency vehicles or residents/employees in the area;
- The Congestion Management Program (CMP) Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a CMP highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link would be exceeded; and/or
- An increase in CMA occurs under any of the following conditions:
    - A CMA increase of 0.010 or more when the final ("With Project") LOS is E or F (CMA > 0.900);
    - A CMA increase of 0.020 or more when the final ("With Project") LOS D (CMA > 0.800 to 0.900),
    - A CMA increase of 0.040 or more when the final ("With Project") LOS C (CMA > 0.700 to 0.800).[16]

3. Project Impacts

Construction Period Impacts

Implementation of the proposed project on Parcel OT would include 1) the upsizing of an existing on-site County eight-inch sewer line to a ten-inch line and relocation of the line to the Admiralty Way roadway to tie into an existing County 15-inch line, and 2) electrical infrastructure improvements within Washington Boulevard. Additionally, the Los Angeles County Department of Public Works Waterworks District No. 29 (District) has plans to upsize an existing on-site 14-inch water main to a 24-inch water main in its current location, which would also require work in the Admiralty Way roadway. Depending on the timing of the District's upsizing project, the applicant may be required to construct and/or relocate the upsized water main, potentially necessitating work to be performed in the Admiralty Way roadway. Further, the proposed project on Parcel 21 requires upgrading the water main infrastructure in Panay Way in order to provide adequate water and pressure to meet fire flow demands. Construction of the proposed project on Parcels OT and 21, as well as the upsized sewer and water main projects, would require the designation of construction vehicle and haul routes and construction period management of roadways, sidewalks, and public transportation routes. As such, the proposed project would result in potentially significant, but temporary, construction traffic impacts. Implementation of **Mitigation Measure TA-1** would reduce construction period traffic impacts to less than significant.

During the construction period, parking on the subject parcels would become temporarily unavailable. Public parking on these parcels would be diverted to underutilized public parking lots within the Marina as identified by the Draft Right-Sizing Parking Study. Construction parking for the Parcel OT project would be provided by the Applicant via a valet, with the spaces being provided on Parcel 76, which is under lease to the Applicant. Parking for the tenants and construction crew on Parcel 21 during the construction period would be temporarily provided through a valet by the Applicant on Parcel 18, which is also under lease to the Applicant. Although the proposed project would result in the temporary loss of both public and private parking on the sites during the construction period, the proposed provision for

[16] The County of Los Angeles Department of Transportation (LADOT) defines a significant traffic impact based on a "stepped scale" as defined in the Traffic Impact Analysis Report Guidelines prepared by the LADPW (January 1997). The impact definition recognizes that intersections at high volume-to-capacity ratios are more sensitive to additional traffic than those operating with available surplus capacity. A significant impact is therefore identified when any of these conditions occur.

private parking and the availability of underutilized public parking throughout the Marina is anticipated to accommodate the parking demand. Therefore construction period impacts to parking supply would be less than significant.

Operational Period Impacts

Site Access Impacts

Parcel OT

Vehicular access for the Parcel OT site would be available directly from Washington Boulevard and Admiralty Way, as well as from an existing two-way driveway that extends between these two roadways (refer to **Figure IV.H-3a**). Parcel OT would provide parking via upper level and lower level parking levels. Access to these parking levels would be gained from two access points located off of the existing westerly driveway between Parcel OT and the Marina International Hotel, as well as a driveway along Washington Boulevard on the northerly side of the site.

Currently, the existing Parcel OT driveway provides full left- and right-turn access at Washington Boulevard. As part of the proposed project, the left-turn access from westbound Washington Boulevard to the existing driveway would be prohibited. At Admiralty Way, the Parcel OT driveway is restricted to "right-in/right-out" operation due to the raised median island on Admiralty Way. The driveway access at Admiralty Way would remain the same with the proposed project. Parcel OT vehicular access to the lower parking level would also be provided from the existing driveway and from a new driveway located off of Washington Boulevard. From the existing driveway, access for the lower parking level would be located approximately 140 feet south of Washington Boulevard. The new Parcel OT driveway on Washington Boulevard would align with Wilson Avenue. All turning operations would be available between the new driveway and Washington Boulevard, except the left-turn egress operation at the new driveway that will be prohibited.

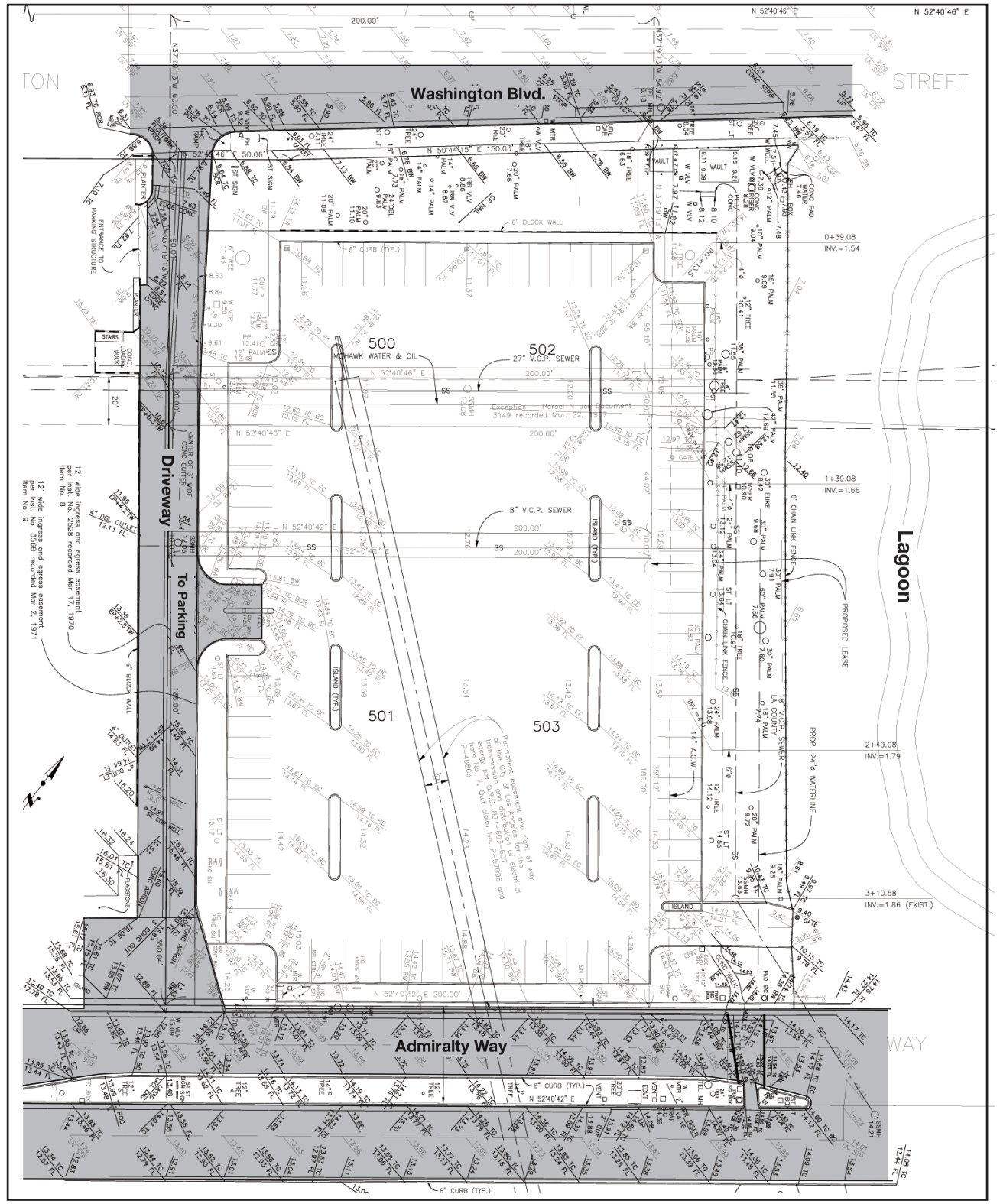
The general public would access on-site upper level parking from the driveway located on the westerly side of the structure (the side adjacent to the Marina International Hotel), closest to Admiralty Way on the southerly side of Parcel OT. This driveway would have two separate designated gated areas; one for public parking and one for residents of the retirement facility. The second driveway located on the westerly side of the structure, closest to Washington Boulevard, would be reserved for residents of the retirement facility and patrons of the on-site retail spaces; as would the access from Washington Boulevard along the site's northerly side. These entries would lead to both the upper and lower parking levels. General public and building use parking spaces will be designated with signage.

In addition to the three project driveway locations, the Parcel OT site would also have one ingress-only driveway and one egress-only driveway on Admiralty Way. These two driveways would provide access to the porte cochere area, which is to be located in front of the active seniors accommodations. Access would be restricted to right-turn-only due to the raised median on Admiralty Way.

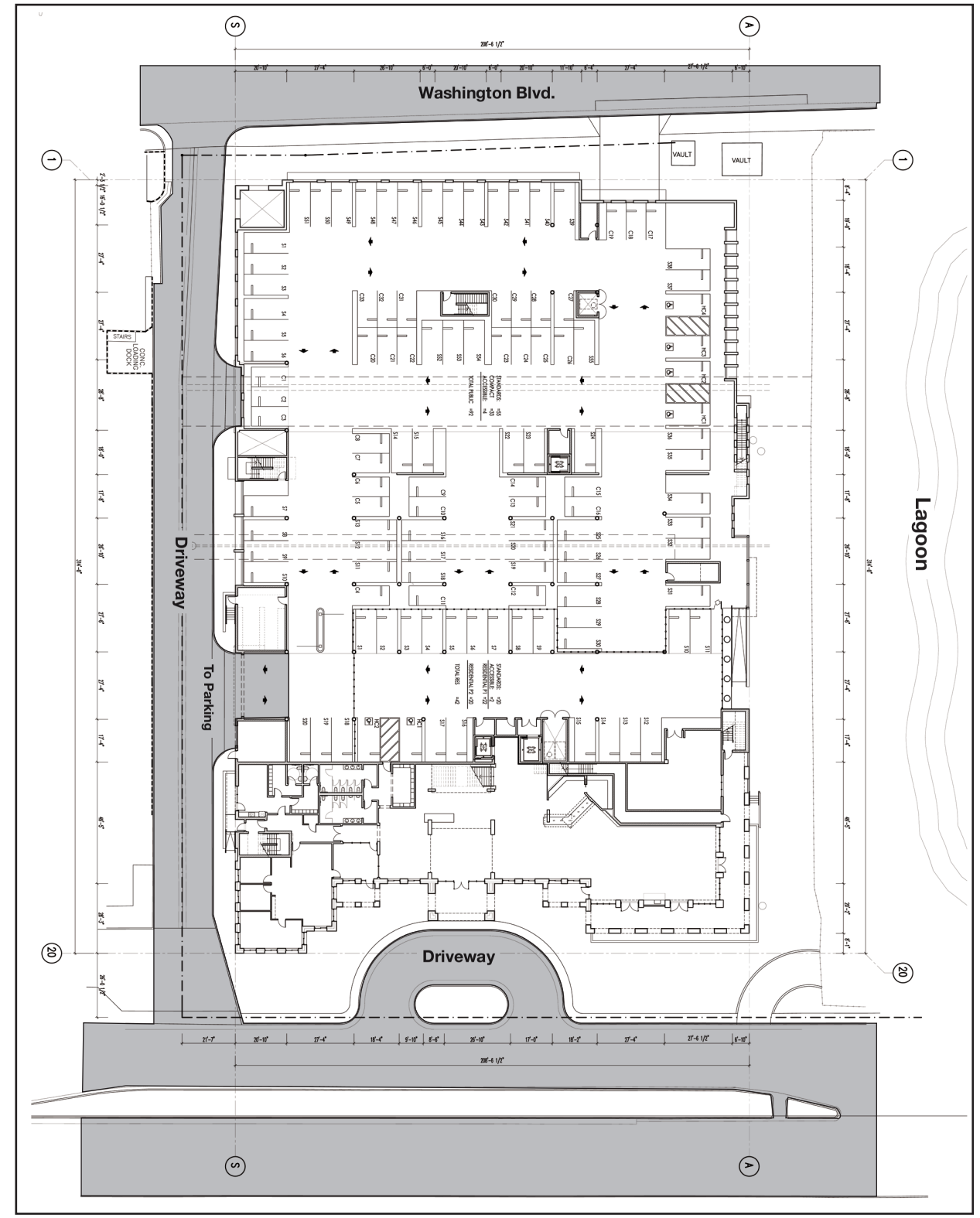
Parcel 21

Vehicular access to the parking facility to be located on Parcel 21 would be available on Panay Way via two driveways (refer to **Figure IV.H-3b**). Both Parcel 21 driveways would provide one ingress lane and one egress lane. Full left- and right-turn access would be allowed at the two driveways. Additionally, the promenade to be located along the north side of Parcel 21 is designed to serve as a fire lane, to satisfy Los Angeles County Fire Department requirements. Tenant parking for Parcel 21 would be accessed from a driveway located on the easterly side of the proposed structure, while general public parking would be

Existing Parcel OT Site Access



Proposed Parcel OT Site Access



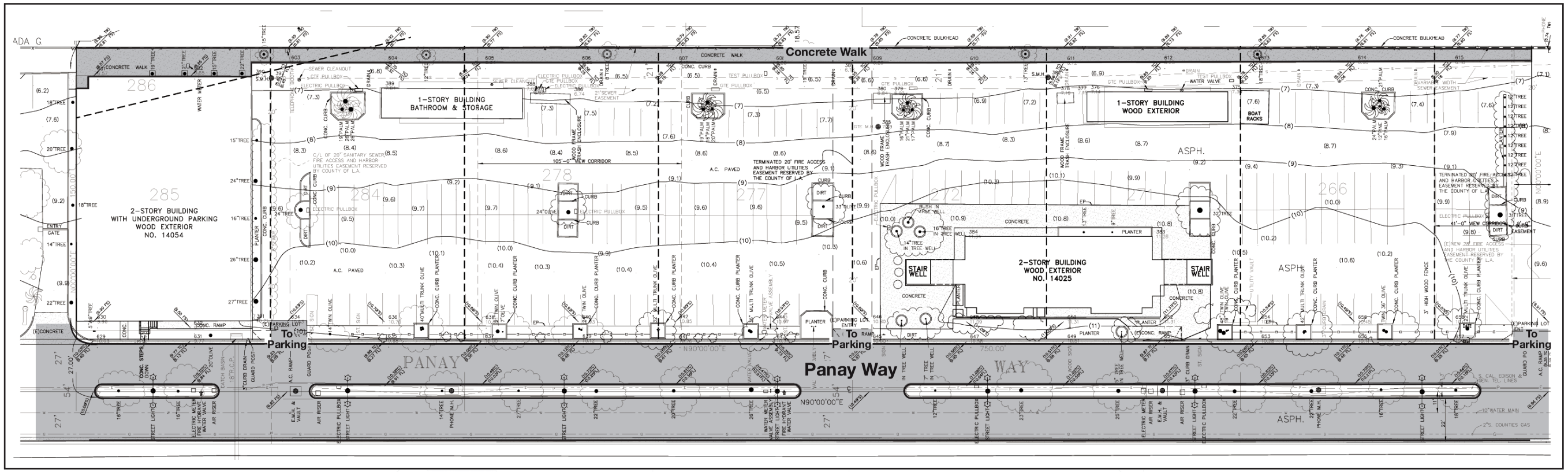
Sources: (Existing) S.E.C. Civil Engineers, June 2003, (Proposed)

Revised: August 5, 2008

Existing and Proposed Parcel OT Site Access

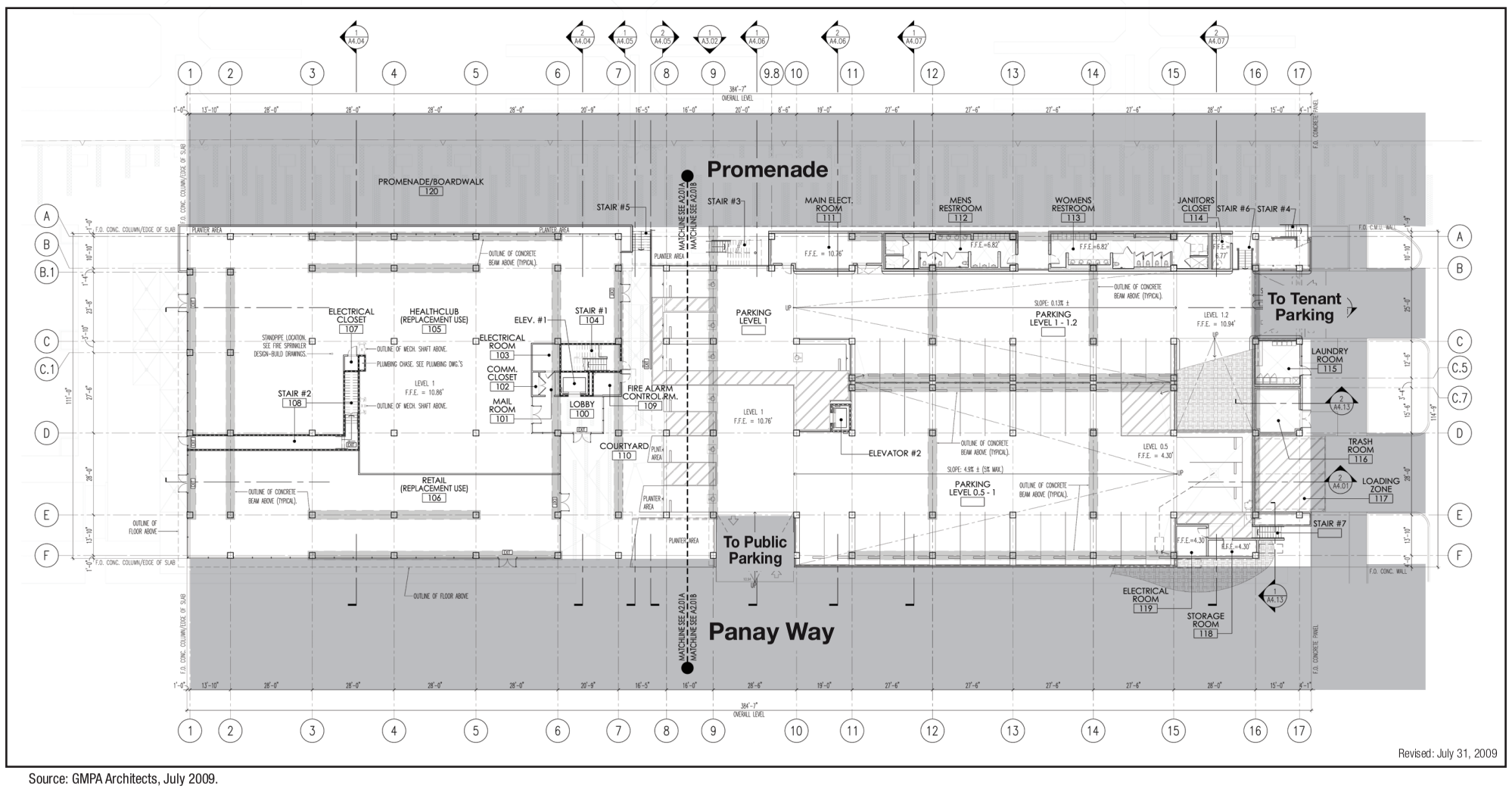
FEET 0 20 40

FIGURE IV.H-3a



Source: Fine Line Systems Consulting Civil Engineers

Revised: August 5, 2008



Revised: July 31, 2009

Source: GMPA Architects, July 2009.

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Existing and Proposed Parcel 21 Site Access

FEET 0 25 50

FIGURE IV.H-3b

accessed from a driveway on the southerly portion of the structure. General public parking would be located on-site on Levels 0.5, 1, 1.2, 1.5, and 2, while tenant parking would be provided on Levels 1.5, 2, 2.5, 3. 3.5, 4, 4.5, 5, 5.5 and the roof level. Tenant parking would serve both employees and patrons of on-site uses. General public and tenant parking spaces would be designated with signage, and a security gate would also separate tenant and public parking on Levels 1.5 and 2.

The proposed project is therefore expected to result in a less than significant impact related to site access for both Parcel OT and Parcel 21. Further, adequate access during an emergency is provided and the proposed project is not expected to result in problems for emergency vehicles or residents/employees in the area.

Site Parking

Parcel OT

Parcel OT would provide a total of ~~154~~161 spaces, including ~~114~~117 spaces on an upper ground parking level and ~~40~~44 spaces on a lower ground parking level. The upper and lower ground parking levels would provide ~~42~~25 and 30 spaces, respectively, for the active seniors accommodations. The upper level would also provide~~and~~ 92 replacement public parking spaces. The public replacement parking spaces would be clearly marked with appropriate signage for easy access. The resident parking spaces would be designated and gated in the structure. The lower ground parking level would also provide ~~20~~14 spaces designated for the retail use. **Table IV.H-4** shows a summary of the number of parking spaces that would be provided on Parcel OT.

Table IV.H-4
Parking Summary for Parcel OT

Component	Size	Parking Ratio	Parking Spaces Required	Parking Spaces Provided
Active Seniors Accommodations	114 units	~~0.36~~0.484 spaces per unit[1]	~~41~~55	~~42~~55
Retail	~~5,000~~3,500 s.f.	4 spaces per 1,000 s.f.	~~20~~14	~~20~~14
Replacement Parking Spaces[2]	-	-	92	92
Total	-	-	***~~153~~161***	***~~154~~161***

[1] Parking rate based on parking demand ~~observed~~study conducted in January 2010 at Palm Court, a retirement facility ~~site~~ located in Culver City~~,~~ that is similar to the proposed active seniors accommodations.
[2] The existing 183-space public parking lot will be removed as a part of the project. Of the 186 parking spaces permitted at the site, approximately 92 spaces would be replaced on Parcel OT and the remaining 94 spaces would be relocated to Parcel 21.

Parcel OT is currently occupied by a 183-space public parking lot.[17] This public lot would be removed in anticipation of the proposed development on this parcel. The project proposes to replace 92 of the LCP allowed 186 parking spaces on Parcel OT. These 92 spaces would be clearly marked with appropriate

[17] According to the Draft Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California, prepared by Raju Associates, Inc. (March 2009), based on the field inventory surveys performed by the Los Angeles County Department of Beaches and Harbors, the number of public parking spaces available on Parcel OT is 183. This is different from the number of spaces noted in the Marina del Rey Land Use Plan (LUP), which is 186 spaces, due to restriping of the lot after publication of the LUP to accommodate handicapped spaces. This EIR analysis conservatively uses the 186 space estimate in order to provide for a greater number of replacement parking spaces under the proposed project.

signage for easy access by the public. The remaining 94 public spaces to be removed would be relocated to Parcel 21, which is located to the south of Parcel OT on Panay Way. Thus, all of the 186 spaces would be replaced and located on either of these parcels. It should be noted that, in addition to the use of these spaces for Mother's Beach and special events, the FantaSea Yachts and Yacht Club retains a Coastal Development Permit for the non-exclusive right to use up to 92 public parking spaces on Parcel OT after 6:00 pm and on weekends and holidays. The relocation of 94 spaces to Parcel 21 is expected to provide safer and more convenient parking for Mother's Beach, as visitors will no longer have to cross two public streets, as is currently the case with the public parking on Parcel OT.

The parking requirement for the proposed project is based on the rates from the Los Angeles County parking code. For Parcel OT, the project would provide ~~20~~14 spaces for the proposed retail ~~use~~space, ~~, or two spaces above the code requirement,~~ which is equivalent to the Code requirement. The parking characteristics ~~For~~of the proposed active seniors accommodations ~~, this component is~~would be unique ~~since it~~ given that the facility would provide transportation services to residents via limousine~~s~~/shuttle service that would ~~dramatically~~ reduce the need to own and park a vehicle. As a result, the proposed Oceana Retirement Facility is not expected to operate like a traditional ~~retirement facility~~senior citizen housing development, adult residential facility or convalescent hospital, all of which are included in the Los Angeles County Parking Code. Since no rates are set in the parking code for active seniors accommodations that provide this type of transportation service, the parking rate was determined based on ~~parking observations~~a parking demand study conducted in January 2010 at a similar retirement facility ~~site~~ located in Culver City ~~that provides transportation services to residents~~. The Culver City ~~site~~ facility, known as Palm Court, is located at 3995 Overland Avenue. It has 98 retirement units, and provides ~~35 parking spaces~~transportation services via limousine/shuttle to its residents. At the time the parking demand study was conducted, Palm Court had 100 residents occupying 92 units, and therefore, was approximately 94 percent occupied. ~~Observation shows that there is sufficient parking at the Culver City site. To be conservative, it was assumed that the parking rate would equal the number of spaces provided divided by the number of units at the Culver City facility, or 0.36 space per unit. Based on the parking rate of 0.36 space per unit, the proposed active seniors accommodations on Parcel OT would require approximately 41 spaces. The project proposes to provide 42 spaces for the active seniors accommodations, or a surplus of two parking spaces above the number of parking spaces required. Thus, sufficient parking would be provided for the active seniors accommodations.~~ Parking data was collected over a five-day period (Wednesday through Sunday), and the highest parking demand was observed to occur at 3:00 PM on a Friday afternoon. At this time, the observed parking demand was approximately 0.456 parking spaces per unit.

In order to ensure a conservative parking rate for the congregate care facility, the parking demand for the Palm Court site was estimated assuming full occupancy of all 98 units. At the time the parking demand study was conducted, the number of vehicles owned and parked on-site by residents totaled five vehicles. Therefore, it is estimated that approximately 5.33 vehicles (5 x 98/92) would be owned and parked on-site by residents at full occupancy. To be conservative, this number was rounded up to six vehicles (i.e., one additional vehicle was added to the parking demand). In January 2010, the Palm Court facility was fully staffed and consequently no increase in number of employees or employee-parked vehicles would be expected due to the occupancy of the six unoccupied units. Based on these adjustments, the parking demand at full occupancy was determined to be approximately 0.484 parking spaces per unit.

It should be noted that the parking demand observed in the January 2010 parking demand study differs from the parking demand used in the previous traffic study completed in June 2008. In the previous traffic study, a parking demand of 0.36 parking spaces per unit was derived based on the number of parking spaces provided directly for the Palm Court facility (35) and the number of congregate-care units

(98). When performing the parking demand study in 2010, it was determined that there were additional sources of parking (neighboring building, surface lot parking, and street parking) used by visitors to the Palm Court facility. These parking areas served not only the Palm Court facility, but also the neighboring Villa Rey retirement community and other land uses in the area. Therefore, manual parking surveys identifying the origin/destination of the occupants of the parked vehicles were conducted in order to disaggregate the observed parking demand between land uses.

At a parking rate of 0.484 spaces per unit, the proposed active senior accommodations component of the project would require 55 parking spaces. The project proposes to provide 55 spaces for the active senior accommodations facility, which is sufficient to meet the parking requirements on the Parcel OT site.

Parcel 21

Parking for Parcel 21 would be available in a six-level parking structure, which would be partially subterranean and attached to the easterly side of the proposed four level mixed-use structure housing the yacht club, among other uses. The parking structure would have a total of approximately 447 spaces, including the 94 replacement parking spaces from Parcel OT, as noted previously. **Table IV.H-5** summarizes the amount of parking that would be provided for each project land use on Parcel 21.

Table IV.H-5
Parking Summary for Parcel 21

Component	Size	Parking Ratio	Parking Spaces Required	Parking Spaces Provided
Replacement for Parcel 21				
Retail	2,916 s.f.	4.0 spaces per 1,000 square feet	12	12
Marine Commercial Office	3,132 s.f.	2.5 spaces per 1,000 square feet	8	11
Health Club Replacement	10,000 s.f.	[1]	16	20
Subtotal	-	-	*36*	*43*
Replacement from Parcel 20				
Yacht Club	5,000 s.f.	[2]	106	106
Marine Commercial Office	2,300 s.f.	2.5 spaces per 1,000 square feet	6	6
Subtotal	-	-	*112*	*112*
New Uses				
Marine Commercial Office	6,000 s.f.	2.5 spaces per 1,000 square feet	15	15
Replacement Boaters Parking				
Slips from Parcel 21	92 slips	0.75 spaces per boat slip	69	71
Slips from Parcel 20	149 slips	0.75 spaces per boat slip	112	112
Subtotal	-	-	*183*	*183*
Replacement Parking from Parcel OT				
			94	94
Total			***440***	***447***

[1] The 16 parking spaces that currently serve the existing 16,000 square foot health club will be replaced by 20 spaces for the reduced 10,000 square feet health club.
[2] The 106 parking spaces will serve as replacement spaces for the existing yacht club.

The amount of parking required for the Parcel 21 site is summarized in Table IV.H-5. This table shows that Parcel 21 would require a total of 163 spaces for the proposed uses, 183 spaces for the replacement of boater parking, and 94 replacement spaces from Parcel OT, for a total parking requirement of 440 spaces.

As described previously, Parcel 21 would provide a total of approximately 447 on-site parking spaces. Thus, Parcel 21 would provide a surplus of approximately seven spaces above the number required. ~~In addition, through a partial lease termination, Parcel 21 would be reduced by 207 feet, or 31,050 s.f., with a corresponding increase in the area of Parcel GR. Under separate proposal, the Los Angeles County Department of Beaches and Harbors is considering expanding the number of existing surface parking spaces provided on Parcel GR to include surface parking on the proposed area of expansion.~~ Therefore, the project would facilitate the provision of additional public parking within the Marina and no parking spillover or parking-related impacts are expected. In addition, under separate proposal, the Los Angeles County Department of Beaches and Harbors is considering a partial lease termination, under which Parcel 21 would be reduced by 207 feet (or 31,050 s.f.) with a corresponding increase in the area of Parcel GR and the provision of additional surface parking on the proposed area of expansion.

As discussed in the preceding analysis and shown in Tables IV.H-4 and IV.H-5, the proposed project would result in a less than significant impact related to site parking on both Parcel OT and Parcel 21. For all proposed land uses, the required amount of parking spaces is either met or exceeded by the project site plans.

Traffic Congestion Impacts

Project Trip Generation Methodology

Vehicle trip generation rates for various types of developments within the Marina are specified in Appendix G (Transportation Improvement Program, TIP) of the Marina del Rey Local Implementation Program, which is in effect for the project sites. This document provides the PM peak hour trip rates for land uses, including the proposed project's active seniors accommodations, specialty retail, and marine commercial office components. However, the TIP does not provide a PM peak hour trip rate for health club uses. Furthermore, the TIP also does not specify daily and AM peak hour trip generation rates for any of the proposed uses. Thus, daily and AM peak hour trip rates for the proposed uses and the PM peak hour trip rate for the health club were derived from the current edition of Trip Generation, published by the Institute of Transportation Engineers (ITE)[18]. This document is the current industry standard for trip generation data. For trip rates that were not available in the Trip Generation manual, trip rates from the San Diego Traffic Generators were assumed.[19] The trip rates used in the traffic analysis for the proposed project are listed in **Table IV.H-6**.

The PM peak hour trip rate specified in Appendix G (TIP) of the Marina del Rey Local Implementation Program is the same as, and based on, the PM peak hour trip rate specified in the Trip Generation manual. Therefore, all of the trip rates used for this land use conform to the rates provided in the Trip Generation manual. The Trip Generation manual describes the congregate care facilities surveyed to develop its trip rates as follows:

> *Congregate care facilities are independent living developments that provide centralized amenities, such as dining, housekeeping, transportation and organized social/recreational activities.*
>
> *Vehicle ownership levels were very low at congregate care facilities; the facilities' employees or services provided to the residents generated the majority of the trips to the sites.*

[18] Trip Generation, 7th Edition, Institute of Transportation Engineers, Washington, D.C., 2003.
[19] San Diego Traffic Generators, San Diego Association of Governments (SANDAG), 2002.

Based on this description, the land use category and trip rates used for the congregate-care facility proposed for Parcel OT are appropriate. As with the sites surveyed for the Trip Generation manual, the majority of the peak hour trips to/from the proposed active senior living accommodations on Parcel OT are expected to be employee trips and trips related to the transportation services (limousine/shuttle) provided to the residents. All of these trips, as well as, those for visitors, residents, deliveries, etc., are accounted for in the trip rates used.

The project's trip generation accounts for changes that would occur as compared to existing physical conditions; it does not assess the changes in trip generation relative to buildout of the LUP.

Table IV.H-6
Project Trip Generation Rates

Proposed Land Use	Trip Ends (T)	Inbound Trip Percent (%) (I/B)	Outbound Trip Percent (%) (O/B)
Congregate Care Facility (per dwelling unit)-Land Use 253			
Daily	T=2.02 (U) [3]	-	-
AM Peak Hour	T=0.06 (U)	I/B=59	O/B=41
PM Peak Hour	T=0.17 (U)	I/B=55	O/B=45
Specialty Retail (per 1,000 square feet)			
Daily	T=44.32 (A) [4]	-	-
AM Peak Hour[2]	T=1.2 (A)	I/B=60	O/B=40
PM Peak Hour[1]	T=4.44 (A)	I/B=43	O/B=57
Health/Fitness Club (per 1,000 square feet)			
Daily	T=32.93 (A)	-	-
AM Peak Hour	T=1.21 (A)	I/B=42	O/B=58
PM Peak Hour	T=4.05 (A)	I/B=51	O/B=49
General Office Building (per 1,000 square feet)			
Daily	T=11.01 (A)	-	-
AM Peak Hour	T=1.55 (A)	I/B=88	O/B=12
PM Peak Hour	T=2.21 (A)	I/B=16	O/B=84

[1] PM peak hour trip generation rate from Marina del Rey Land Use Plan, County of Los Angeles, February 8, 1996.
[2] AM peak hour trip generation rate not provided in ITE Trip Generation manual. Assumed AM peak hour trip generation rate from San Diego Traffic Generators, San Diego Association of Governments (SANDAG), 2002.
[3] U=Units.
[4] A=Building area in 1,000's square feet.

The site generation rates shown above were selected in accordance with TIP procedures. The base trip rates for the daily and AM peak hour periods present "worst case" trip generation conditions applicable only to suburban locations, as the Trip Generation rates do not account for such ~~trip~~traffic-reducing factors as multi-purpose (internal), public transit, walk-in and pass-by trips (refer to Volume II, Appendix G, for a complete description of these factors). These factors play a role in determining the actual traffic-generating characteristics of the proposed project. Project trip adjustments were deemed appropriate based on the characteristics of the project sites and anticipated operations and were also discussed with and approved by the County of Los Angeles Department of Public Works (DPW). The trip discounts were then applied to the trip generation for the daily and AM peak hour periods. Trip generation discounts were not assumed for the PM peak hour, because PM peak hour trip generation rates were obtained from the Marina del Rey Local Coastal Program, which derived trip generation rates from actual

survey data of Marina del Rey sites. The trip generation discount factors are therefore assumed to be inherent in the PM peak hour rates. Due to the distance between Parcel OT and Parcel 21, the trip adjustments were applied to each site individually.

Project Trip Generation Results

When the trip generation rates and the trip discounts are applied, the traffic expected to be generated by the proposed project is expected to be as summarized in **Table IV.H-7**. As shown in this table, the Parcel OT component of the proposed project is expected to generate approximately 387 net new trips per day, including about ten trips occurring during the morning peak hour and 41 trips occurring during the evening peak hour. The proposed redevelopment on Parcel 21 would result in a net decrease of approximately 109 trips per day, including a net increase of about two trips occurring during the morning peak hour and a net decrease of about 11 trips occurring during the evening peak hour. The two proposed sites combined are expected to generate a total of approximately 278 net new daily trips, including about 12 trips occurring during the morning peak hour and 30 trips occurring during the evening peak hour. This net project trip generation will be added to the project area roadway network once the proposed project is completed and fully occupied.

It should be noted that the proposed retail land use space has been reduced from 5,000 to 3,500 square feet. Although this reduction in retail space is expected to reduce the number of project trips, the former (and larger) land use area was maintained in the analysis herein, so as to provide a more conservative estimate of project traffic generation.

Table IV.H-7
Proposed Project Trip Generation

Land Uses/Description	Size	Daily	AM Peak Hour			PM Peak Hour		
			I/B	O/B	Total	I/B	O/B	Total
Parcel OT Proposed Uses								
Active Seniors Accommodations	114 units	230	4	3	7	10	9	19
Specialty Retail	5,000 s.f.[1]	222	4	2	6	10	12	22
Subtotal	-	*452*	*8*	*5*	*13*	*20*	*21*	*41*
Less Internal Trip Capture[~~1~~2]								
Active Seniors Accommodations	10%	(23)	(1)	0	(1)	0	0	0
Specialty Retail	10%	(22)	(1)	0	(1)	0	0	0
Driveway & Adjacent Intersection Trips (Parcel OT)	**-**	**407**	**6**	**5**	**11**	**20**	**21**	**41**
Less Pass-by Trips (% of External Auto)[1]								
Specialty Retail	10%	(20)	(1)	0	(1)	0	0	0
Net Area Intersection Trips (Parcel OT)	**-**	**387**	**5**	**5**	**10**	**20**	**21**	**41**
Parcel 21 Net New Project Uses[~~2~~3]								
Health Club	(6,000) s.f.	(198)	(3)	(4)	(7)	(12)	(12)	(24)
Marine Commercial Offices	6,000 s.f.	66	8	1	9	2	11	13
Parking Relocation from Parcel OT to Parcel 21	94	0	0	0	0	0	0	0

Land Uses/Description	Size	Daily	AM Peak Hour			PM Peak Hour		
			I/B	O/B	Total	I/B	O/B	Total
Subtotal	-	*132*	*5*	*(3)*	*2*	*(10)*	*(1)*	*(11)*
Less Public Transit/Walk-in[1]								
Health Club	5%/10%	30	0	1	1	0	0	0
Marine Commercial Offices	5%/10%	(7)	(1)	0	(1)	0	0	0
Net New Project Trips (Parcel 21)	-	(109)	4	(2)	2	(10)	(1)	(11)
Total Net Project Trips (Parcels OT and 21)	**-**	**278**	**9**	**3**	**12**	**10**	**20**	**30**

[1] 5,000 square feet of retail was maintained as a worst-case scenario. Actual retail space has been reduced to 3,500 square feet.

[2] Trip generation discounts are not assumed for the PM peak hour. PM peak hour trip generation rates obtained from the Marina del Rey Local Coastal Program which derived trip generation rates from actual survey data of Marina del Rey sites. The trip generation discount factors are therefore assumed to be inherent in these rates.

[~~2~~3] Uses relocated from Parcel 20 to Parcel 21 will not have any net change in trip generation and were not included in this table.

~~It should be noted that a~~ In addition, manual count of the existing Parcel OT parking lot was conducted during the AM and PM peak hours in order to evaluate the replacement of parking spaces from Parcel OT to Parcel 21. The existing parking lot on Parcel OT currently has 183 spaces (186 are allowed under the LCP). Of the 186 spaces 92 spaces would be replaced on Parcel OT and the remaining 94 spaces would be replaced on Parcel 21 under the proposed project. Based on the manual count, the existing Parcel OT parking lot currently has approximately two inbound trips and one outbound trip during the morning peak hour and nine inbound trips and zero outbound trips during the afternoon peak hour. For this analysis, it was assumed that all of the AM and PM peak hour trips from the existing Parcel OT lot would shift to Parcel 21, since these off-site spaces are expected to provide more convenient and safe parking for Mother's Beach visitors. (All of the existing 183 spaces may be used for some special events, as well; however, Mother's Beach represents the primary weekday daytime use for these spaces.) The manual count sheet is found in Volume II, Appendix G.

Trip Distribution and Trip Assignment

In order to determine the geographic distribution of generated trips, a primary factor used in this analysis is the relative distribution of recreation, residential and retail centers from which residents, patrons and employees of the project would be drawn. Another key factor is the availability of roadway access to and from the project sites. Data from the Los Angeles Regional Transportation Study (LARTS) forecasts, as well as information presented in the current Los Angeles County Congestion Management Plan (CMP), were analyzed in order to estimate regional traffic distribution. Lastly, actual vehicle turning movements in and around the project vicinity were observed, and general geographic trip distribution characteristics were developed. The percentage split of trips, by direction, is shown in **Table IV.H-8**.

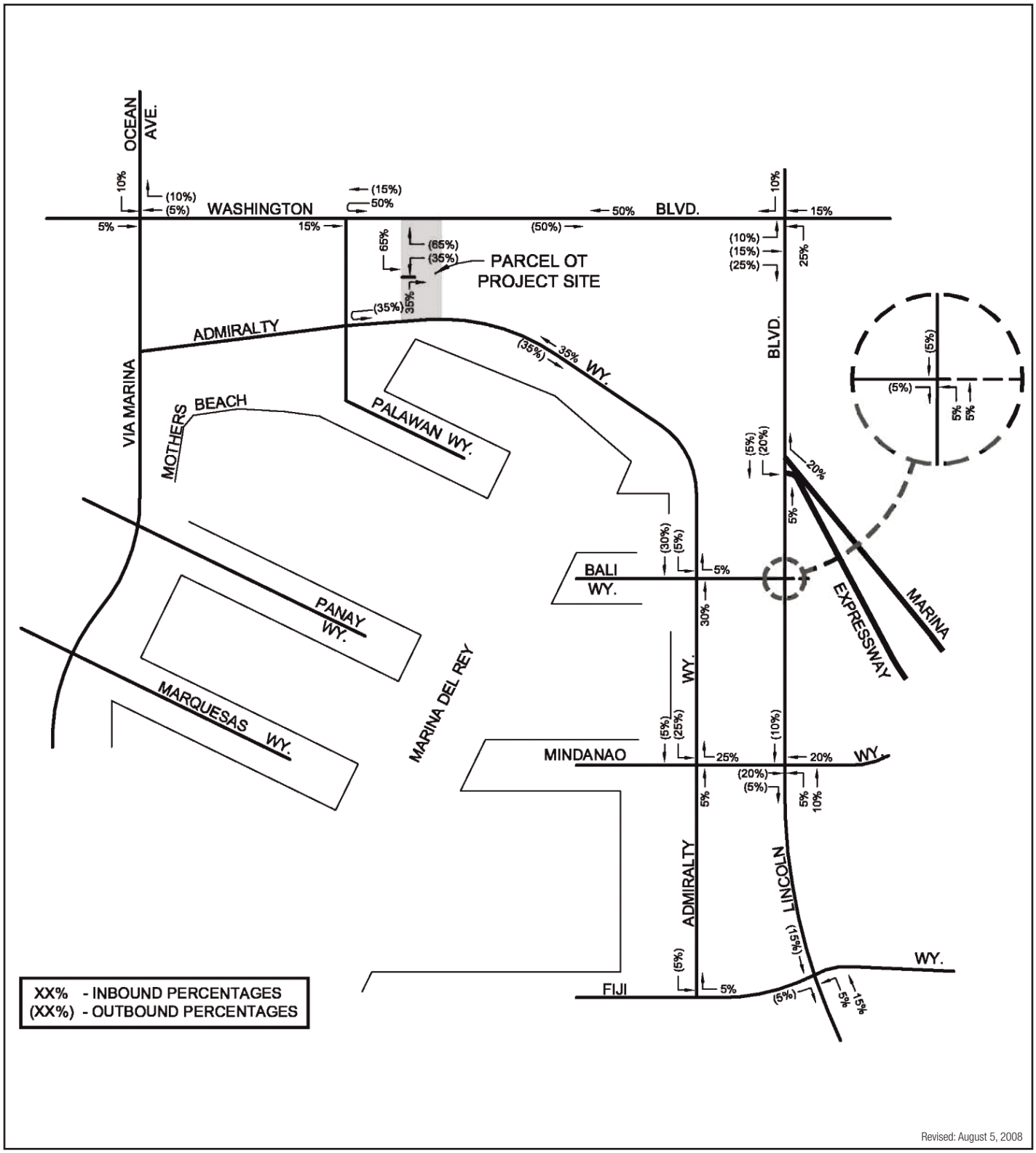
Table IV.H-8
Directional Trip Distribution

Direction	Parcel OT		Parcel 21
	Active Seniors Accommodations	Retail	
North	20%	25%	15%
East	55%	35%	55%
South	20%	30%	22%
West	5%	10%	8%
Total	***100%***	***100%***	***100%***

The general geographic trip distribution percentages shown above were then assigned to specific travel routes in the study area. These assignment percentages are shown in **Figures IV.H-4a, Trip Distribution Percentages – Retirement Facility on Parcel OT; IV.H-4b, Trip Distribution Percentages – Retail Component on Parcel OT;** and **IV.H-4c, Trip Distribution Percentages – Parcel 21,** and are assumed to be the same during both the AM and PM peak hours. Based on these directional distribution percentages, the number of project trips along each roadway was calculated. The traffic assignments for the AM and PM peak hour project traffic on the nearby street system are shown in **Figures IV.H-5a, Total Net Project Generated Traffic Volumes – AM Peak Hour, and IV.H-5b, Total Net Project Generated Traffic Volumes – PM Peak Hour**. In addition, the traffic counts from the existing Parcel OT lot were assigned to the local roadway network and re-distributed to Parcel 21 in order to determine the net traffic impacts of replacing the 94 spaces from Parcel OT ~~to~~ on Parcel 21. It was assumed that the traffic shift would only affect the five study intersections located on Via Marina at Washington Boulevard, Admiralty Way and Panay Way, and on Palawan Way at Washington Boulevard and Admiralty Way due to the close proximity of Parcel OT to Parcel 21. Volume II, Appendix G shows the traffic volume shifts for the AM and PM peak hours. The results of the project traffic assignment are shown in **Figures IV.H-6a, Project Net Traffic Volumes Including Parking Space Relocation Impacts – AM Peak Hour,** and **IV.H-6b, Project Net Traffic Volumes Including Parking Space Relocation Impacts – PM Peak Hour**. The traffic volume shifts provide the necessary level of detail to conduct the traffic analysis that follows below. Figures IV.H-5a and IV.H-5b contain these volumes for the AM and PM peak hour, respectively.

Future (2014) Traffic Conditions Evaluation Methodology

Other developments in the study vicinity could add traffic to the project area. For this reason, the analysis of future traffic conditions has been expanded to include potential traffic from yet undeveloped or unoccupied projects. Briefly, the methodology for estimating future traffic volumes was as follows: First, current traffic volumes were determined by traffic counts (as described in a preceding section). Next, a traffic growth factor of 0.6 percent, compounded annually, was applied to the existing traffic volumes to produce "With Ambient Growth" traffic estimates for the future study year of 2014. The annual growth rate of 0.6 percent was estimated to be the growth rate for the study area and was agreed to with the County of Los Angeles DPW. The year 2014 was chosen as the study year as the development will likely be constructed and fully occupied within this 7 year time frame. Traffic expected to be generated by the proposed project, as calculated earlier in this report, was then added to the baseline traffic volumes to form the year 2014 "With Ambient Growth Plus Project" conditions, to determine any traffic effects directly attributable to the project's development. In addition, the replacement of existing parking spaces from Parcel OT to Parcel 21 would result in a traffic shift at the study intersections near these two parcels. This traffic shift was also considered as a result of the project's development.



Revised: August 5, 2008

Source: Crain & Associates, 2007

OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

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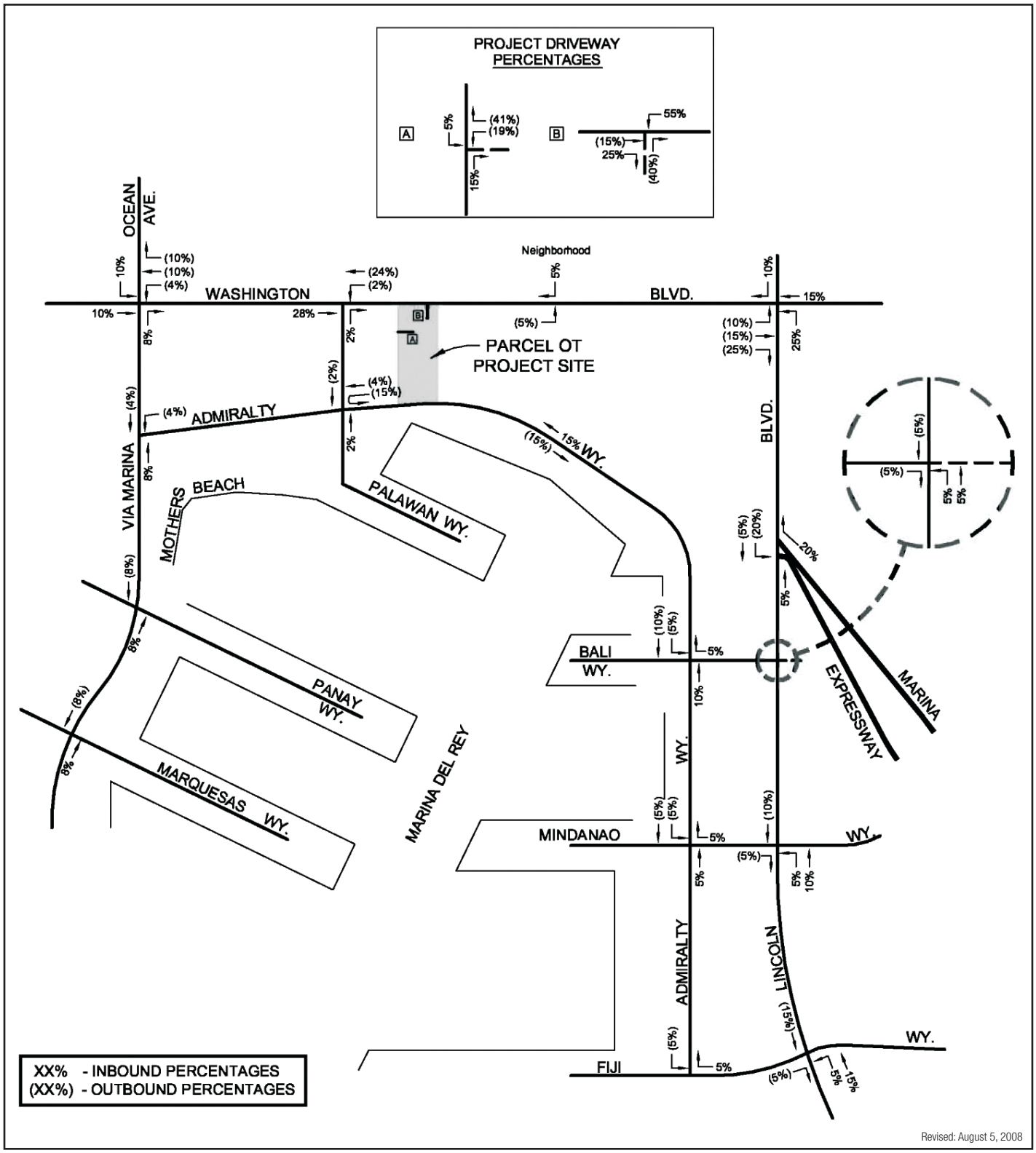
Trip Distribution Percentages – Retirement Facility on Parcel OT

No Scale

FIGURE IV.H-4a



Source: Crain & Associates, 2007

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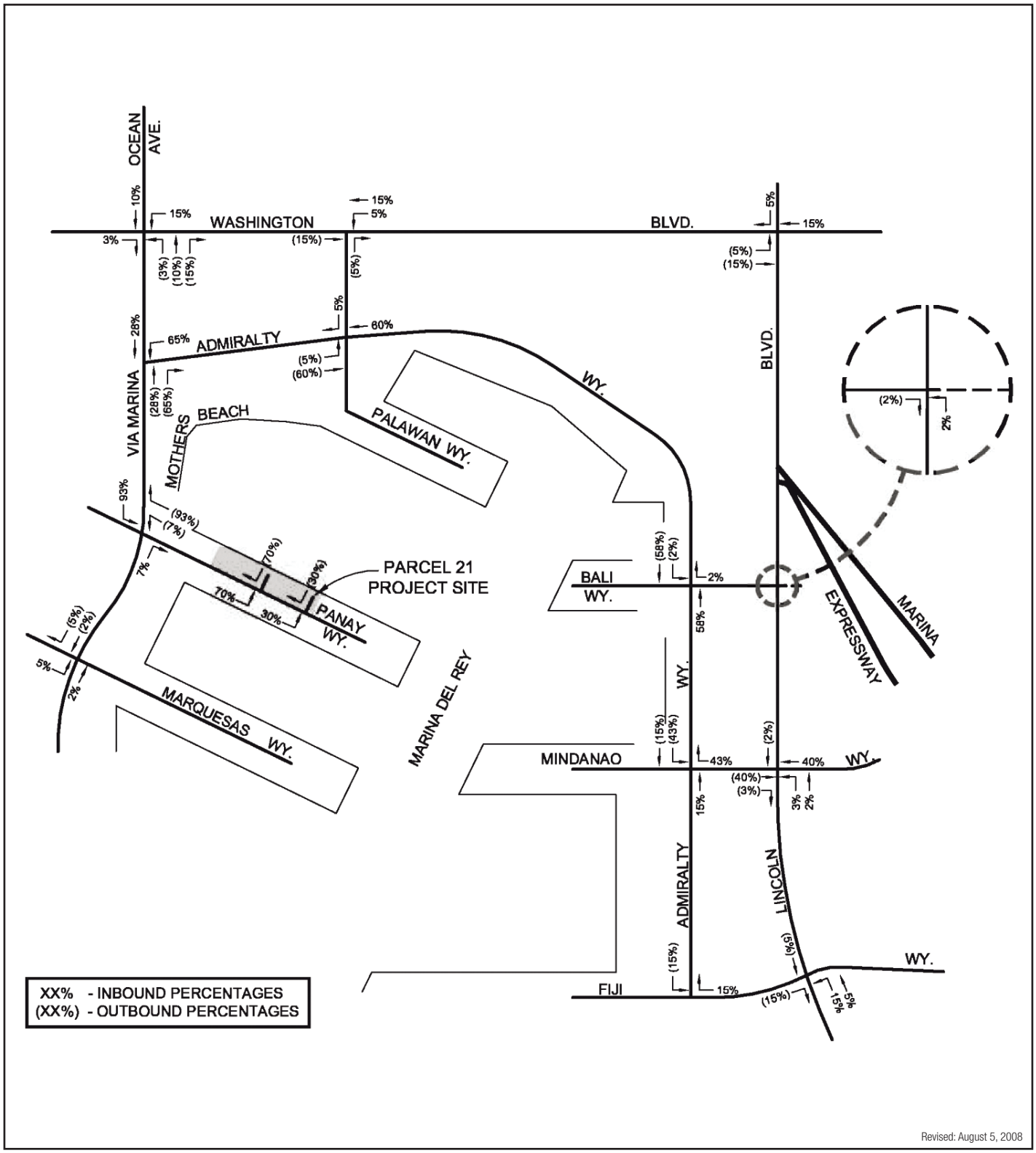
Trip Distribution Percentages – Retail Component on Parcel OT

No Scale

FIGURE IV.H-4b



Source: Crain & Associates, 2007

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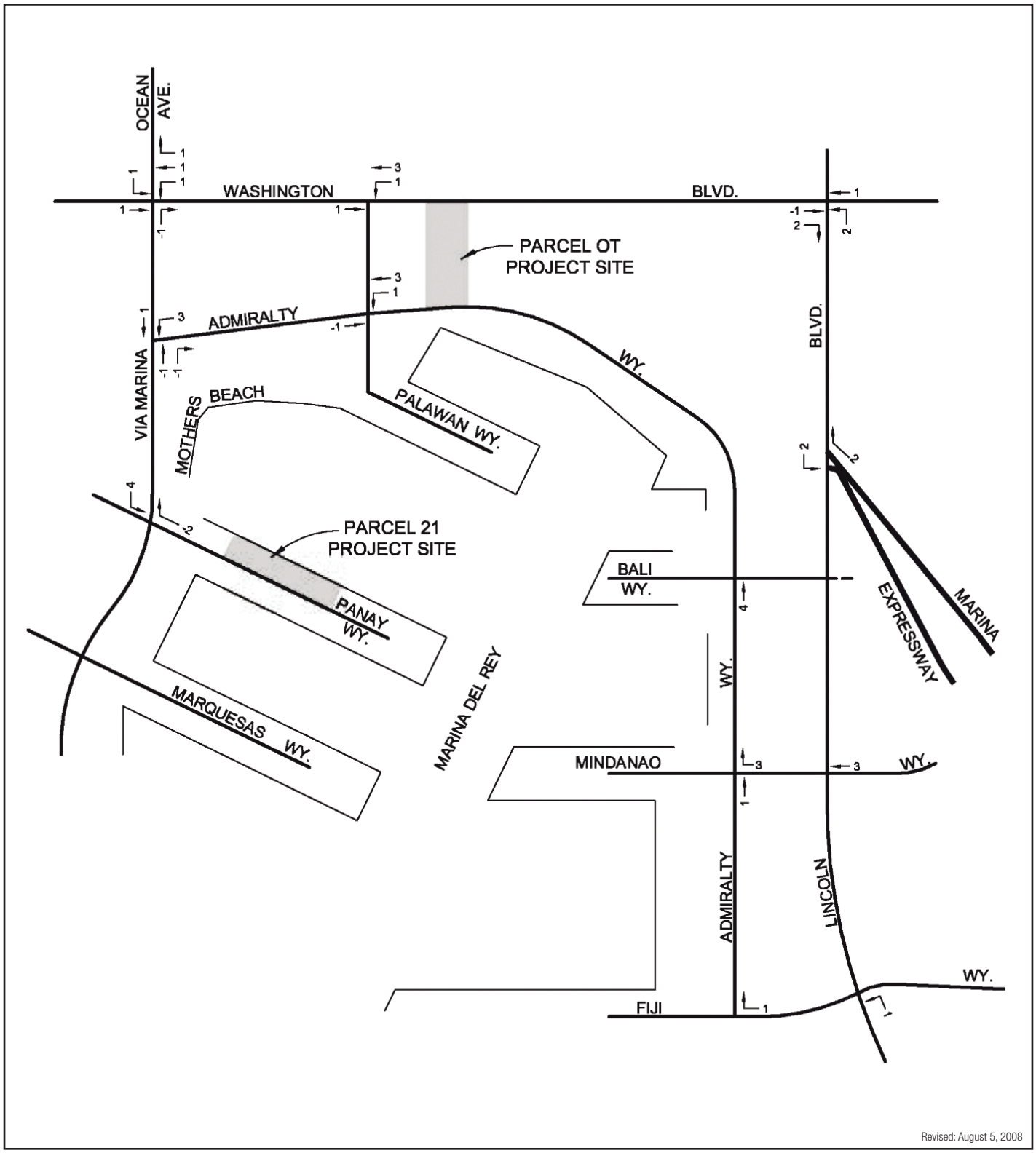
Trip Distribution Percentages – Parcel 21

No Scale

FIGURE IV.H-4c



Source: Crain & Associates, 2007

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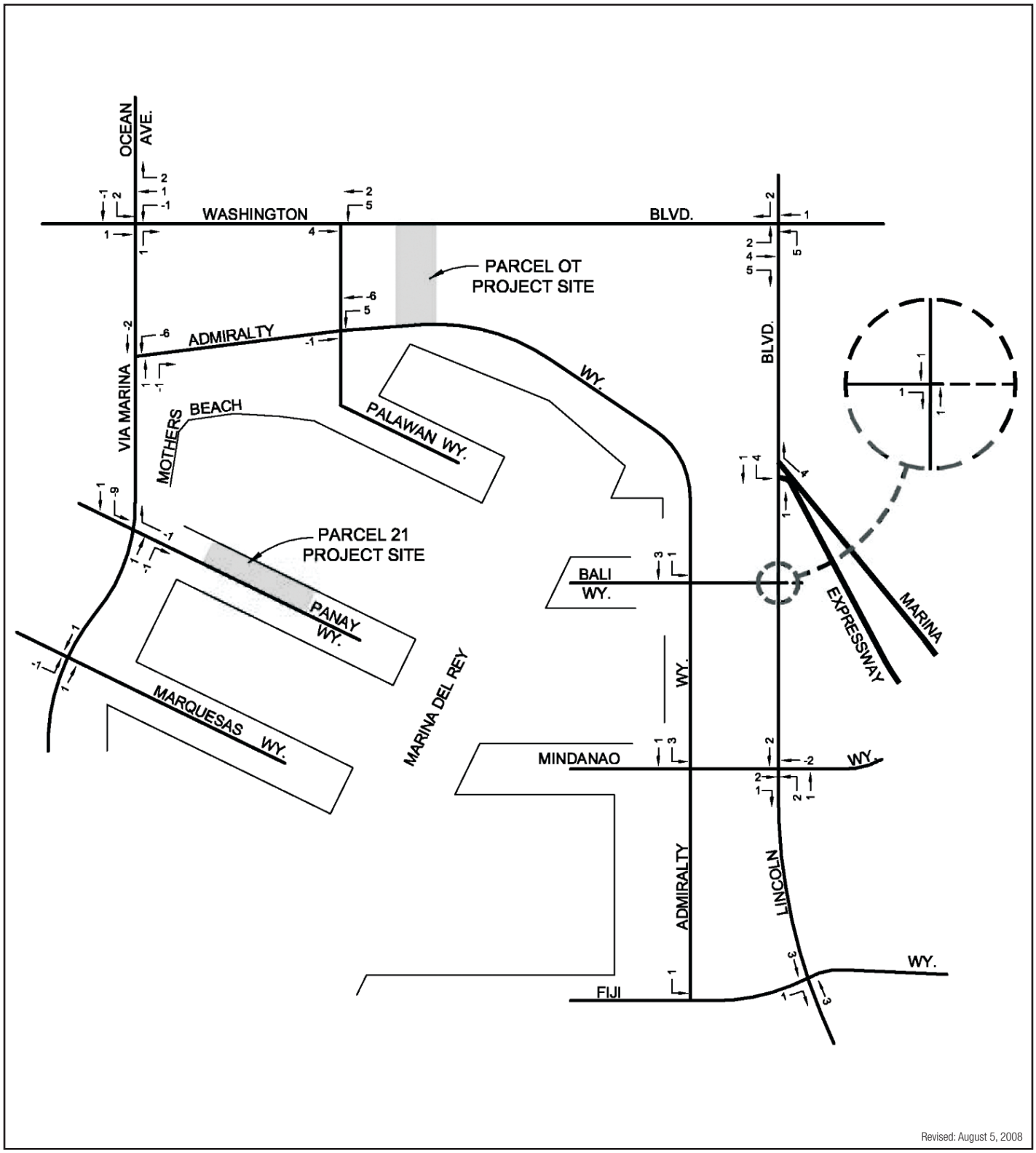
Total Net Project Generated Traffic Volumes – AM Peak Hour

No Scale

FIGURE IV.H-5a



Revised: August 5, 2008

Source: Crain & Associates, 2007

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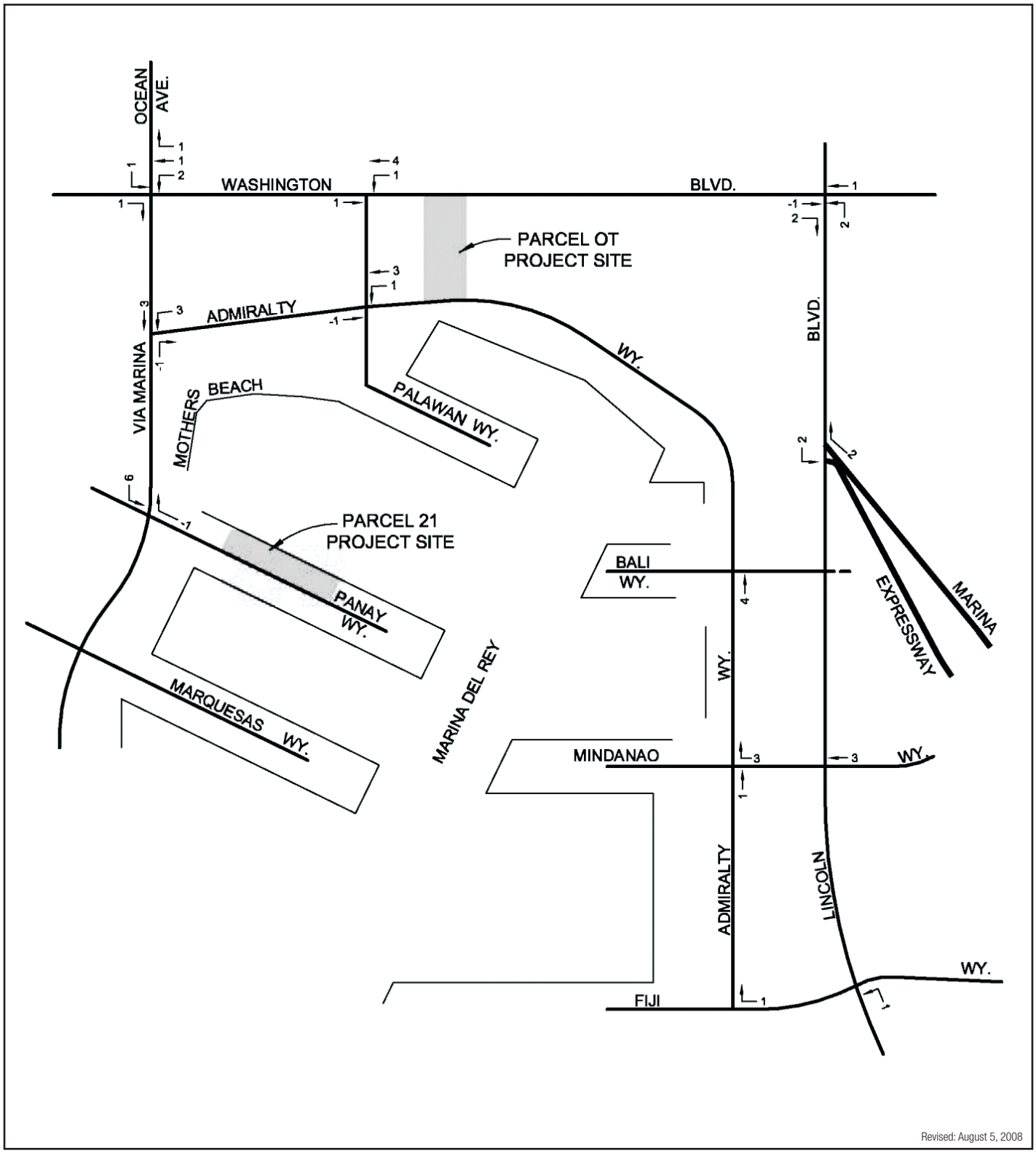
Total Net Project Generated Traffic Volumes – PM Peak Hour

No Scale

FIGURE IV.H-5b



Source: Crain & Associates, 2007

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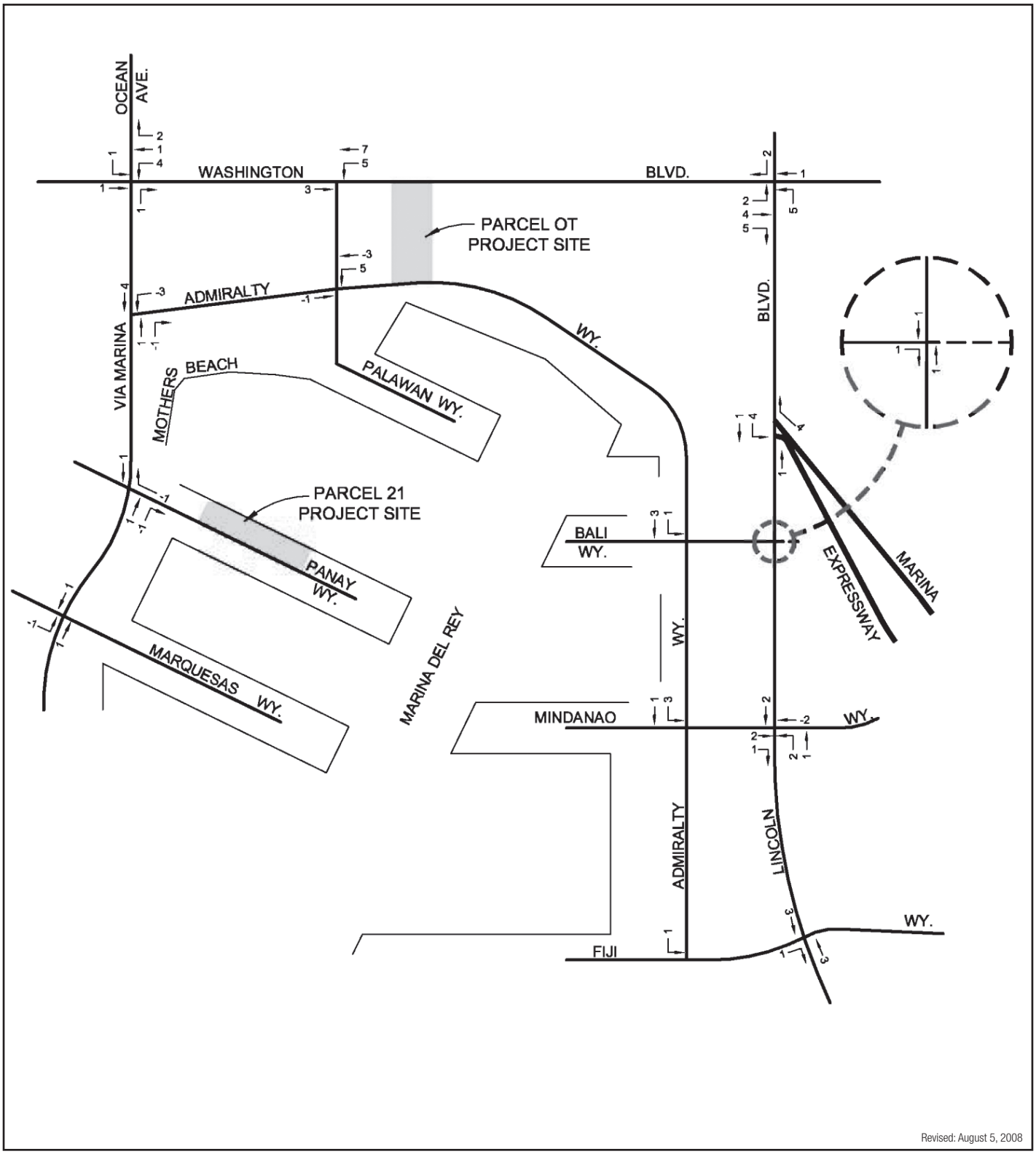
Project Net Traffic Volumes Including Parking Space Relocation Impacts – AM Peak Hour

No Scale

FIGURE IV.H-6a



Source: Crain & Associates, 2007

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Project Net Traffic Volumes Including Parking Space Relocation Impacts – PM Peak Hour

No Scale

FIGURE IV.H-6b

The analysis of future conditions in the project area was performed using the same critical movement analysis procedures described previously. For future project conditions, the roadway system was considered to have no improvements beyond existing conditions, as no significant highway improvements in the project area, other than some of the improvements listed as cumulative mitigation, were identified by either the County or City of Los Angeles as on-going or likely to be completed within the year 2014 project development timeline.

Future (2014) Ambient Growth Traffic Conditions – Without Project and With Project/Impacts

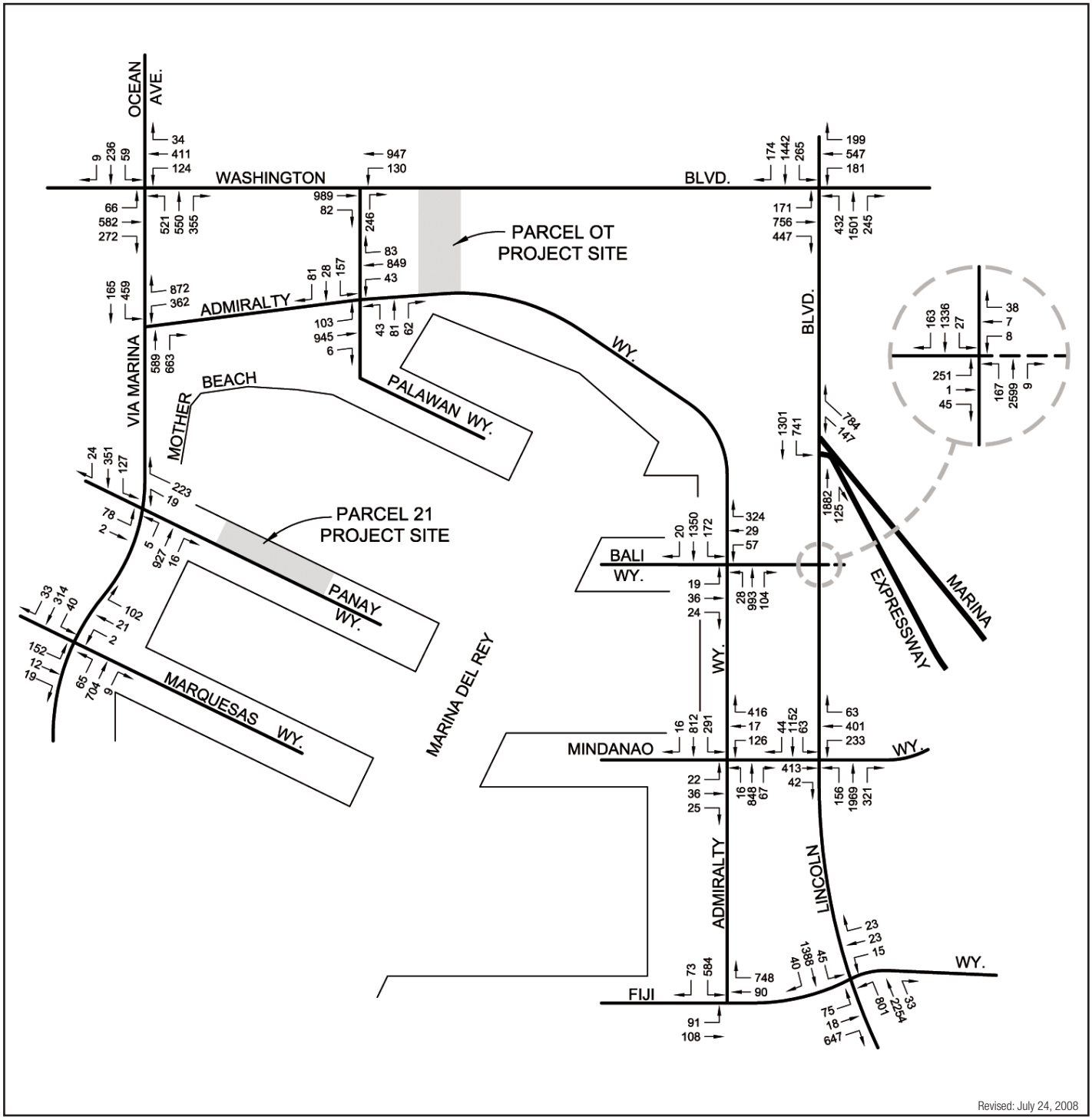
The 2014 baseline "Without Project (With Ambient Growth Only)" traffic volumes are shown in **Figures IV.H-7a, Future (2014) Traffic Volumes Without Project (With Ambient Growth Only) – AM Peak Hour, and IV.H-7b, Future (2014) Traffic Volumes Without Project (With Ambient Growth Only) – PM Peak Hour**. Future year 2014 "With Ambient Growth Plus Project" traffic volumes are shown in **Figures IV.H-8a, Future (2014) Traffic Volumes With Ambient Growth Plus Project – AM Peak Hour, and IV.H-8b, Future (2014) Traffic Volumes With Ambient Growth Plus Project – PM Peak Hour**. The results of the Critical Movement Analysis for future traffic conditions at the study intersections are summarized in **Table IV.H-9**.

This table shows that the incremental project traffic would result in a less than significant impact on the LOS forecasts at the study intersections. The proposed project would also result in a less than significant traffic impact at any of the study intersections.

This traffic impact analysis focuses on the impacts of the proposed development as compared to existing physical conditions, rather than conditions under buildout of the LUP without the proposed transfer of ~~5,000~~3,500 square feet of permitted retail use from DZ 5 Parcel 97 to DZ 6 Parcel OT. However, it is noted that traffic at four intersections in the study area would be different if buildout of the ~~5,000~~3,500 square feet were to occur at Parcel OT rather than Parcel 97. The affected intersections are: Washington Boulevard and Via Marina/Ocean Avenue, Washington Boulevard and Palawan Way, Admiralty Way and Via Marina, and Admiralty Way and Palawan Way. The CMA impact levels at these intersections would be either the same or lower than those that would be expected without the transfer. Under either scenario, no significant impacts would occur.

Regional Transportation Impacts

To address the increasing public concern that traffic congestion was impacting the quality of life and economic vitality of the State of California, the CMP was enacted by Proposition 111. The intent of the CMP is to provide the analytical basis for transportation decisions through the State Transportation Improvement Program (STIP) process. A Countywide approach has been established by the Metropolitan Transportation Authority, the Local CMP agency, to implement the statutory requirements of the CMP.



Revised: July 24, 2008

Source: Crain & Associates, 2008

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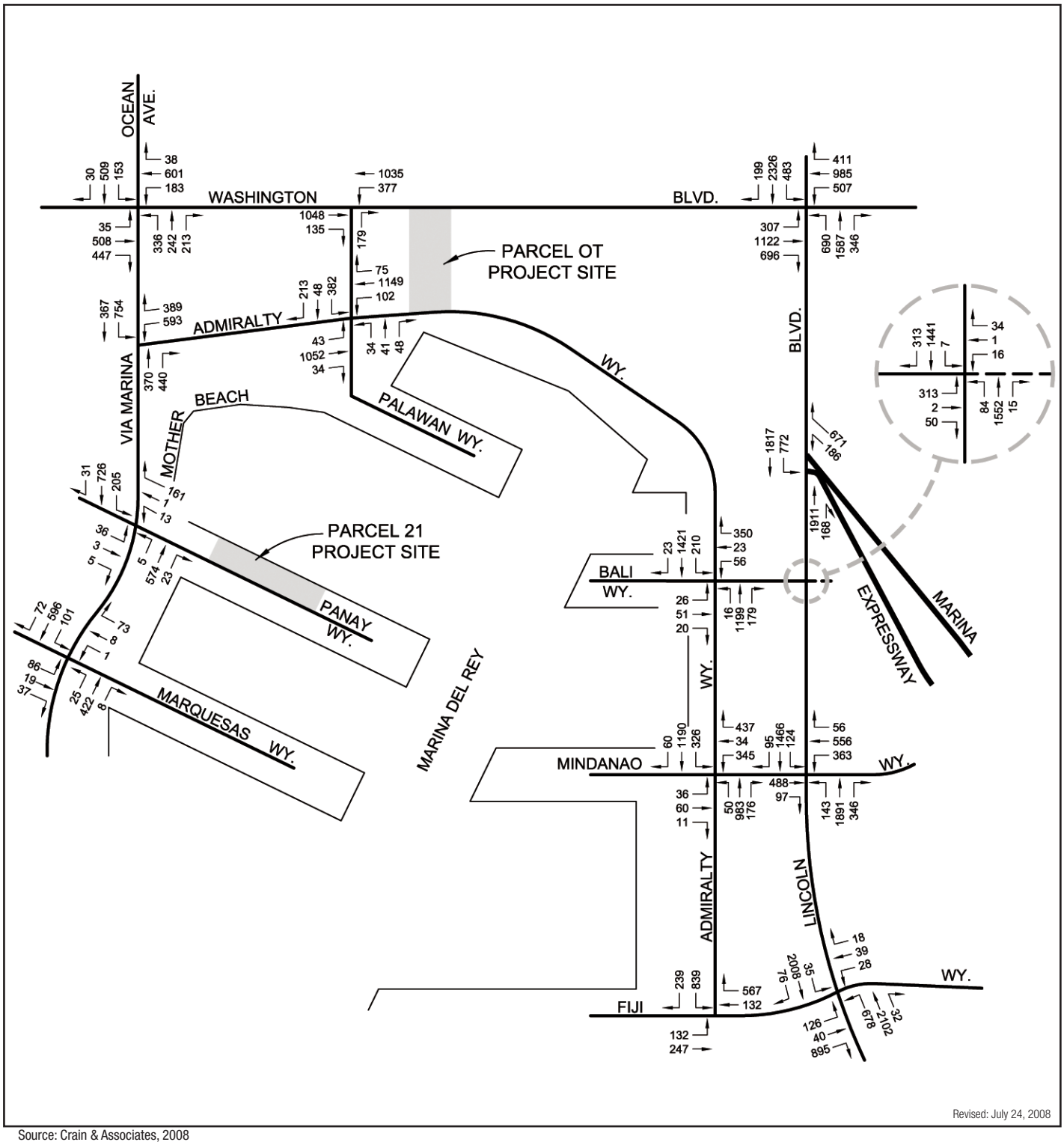
Future (2014) Traffic Volumes Without Project (With Ambient Growth Only) – AM Peak Hour

No Scale

FIGURE IV.H-7a



Revised: July 24, 2008

Source: Crain & Associates, 2008

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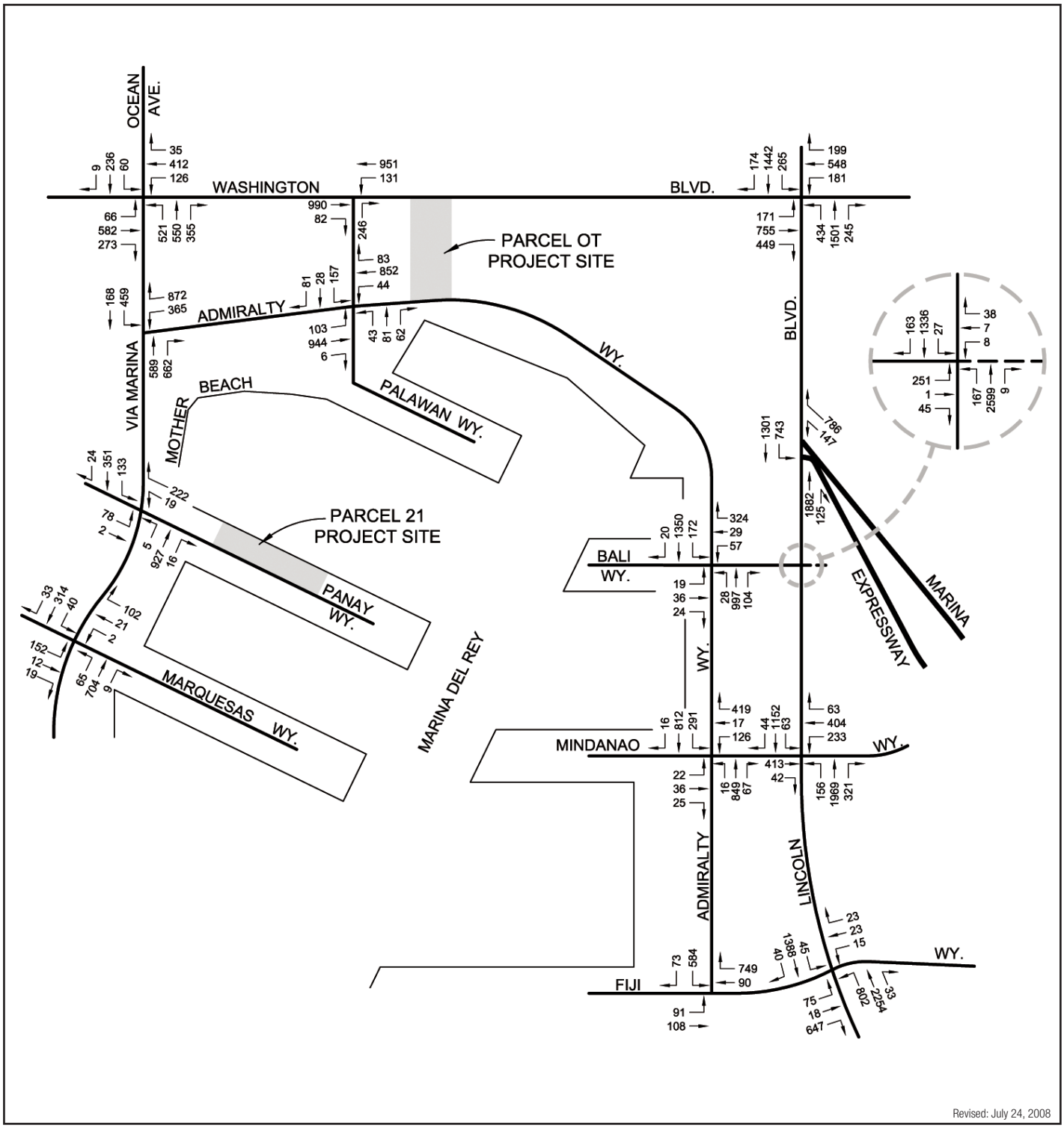
Future (2014) Traffic Volumes Without Project (With Ambient Growth Only) – PM Peak Hour

No Scale

FIGURE IV.H-7b



Revised: July 24, 2008

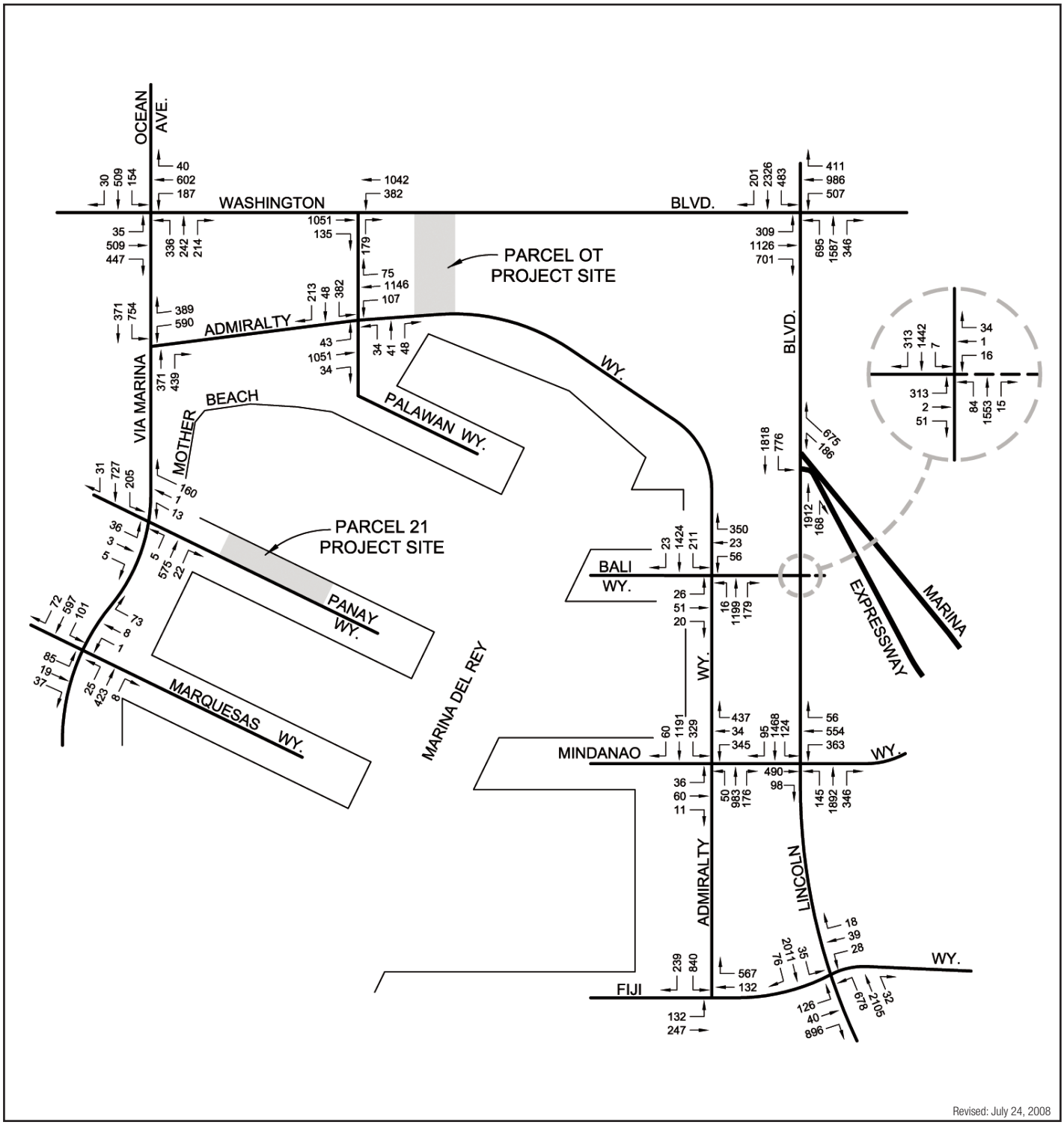
Source: Crain & Associates, 2008

ENVICOM CORPORATION

Future (2014) Traffic Volumes With Ambient Growth Plus Project – AM Peak Hour

No Scale

FIGURE IV.H-8a



Revised: July 24, 2008

Source: Crain & Associates, 2008

ENVICOM CORPORATION

Future (2014) Traffic Volumes With Ambient Growth Plus Project – PM Peak Hour

No Scale

FIGURE IV.H-8b

Table IV.H-9
Summary of Critical Movement Analysis
Future (2014) Ambient Growth Traffic Conditions – Without and With Project

No.	Intersection	Peak Hour	With Ambient Growth		With Ambient Growth Plus Project		
			CMA	LOS	CMA	LOS	Impact
1	Washington Blvd. & Via Marina/Ocean Ave.	AM	0.748	C	0.750	C	0.002
		PM	0.805	D	0.807	D	0.002
2	Washington Blvd. & Palawan Wy.	AM	0.671	B	0.672	B	0.001
		PM	0.751	C	0.757	C	0.006
3	Lincoln Blvd. & Washington Blvd.	AM	0.813	D	0.813	D	0.000
		PM	1.400	F	1.403	F	0.003
4	Admiralty Wy. & Via Marina	AM	0.734	C	0.734	C	0.000
		PM	0.788	C	0.787	C	-0.001
5	Admiralty Wy. & Palawan Wy.	AM	0.446	A	0.447	A	0.001
		PM	0.635	B	0.633	B	-0.002
6	Via Marina & Panay Wy.	AM	0.362	A	0.363	A	0.001
		PM	0.266	A	0.266	A	0.000
7	Marquesas Wy. & Via Marina	AM	0.273	A	0.273	A	0.000
		PM	0.189	A	0.189	A	0.000
8	Admiralty Wy. & Bali Wy.	AM	0.482	A	0.483	A	0.001
		PM	0.607	B	0.607	B	0.000
9	Admiralty Wy. & Mindanao Wy.	AM	0.658	B	0.660	B	0.002
		PM	0.778	C	0.779	C	0.001
10	Admiralty Wy. & Fiji Wy.	AM	0.268	A	0.268	A	0.000
		PM	0.387	A	0.387	A	0.000
11	Lincoln Blvd. & Marina Expressway	AM	0.713	C	0.713	C	0.000
		PM	0.756	C	0.758	C	0.002
12	Lincoln Blvd. & Bali Wy.	AM	0.682	B	0.682	B	0.000
		PM	0.539	A	0.539	A	0.000
13	Lincoln Blvd. & Mindanao Wy.	AM	0.760	C	0.760	C	0.000
		PM	0.891	D	0.892	D	0.001
14	Lincoln Blvd. & Fiji Wy.	AM	0.617	B	0.617	B	0.000
		PM	0.767	C	0.768	C	0.001

The Countywide approach includes designating a highway network that includes all State highways and arterials with the County and monitoring the network's LOS standards. This monitoring of the CMP network is one of the responsibilities of local jurisdictions. If LOS standards deteriorate, then local jurisdictions must prepare a deficiency plan to be in conformance with the Countywide plan.

Thus, the potential impacts of project traffic on the regional freeway system were also examined. According to the CMP, a traffic analysis is required at all arterial monitoring intersections where the proposed project would add 50 or more trips during either the AM or PM weekday peak hours. One CMP intersection, Lincoln Boulevard and the Marina Expressway, was identified in the project area. The proposed 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 analyzed due to its close proximity to the project

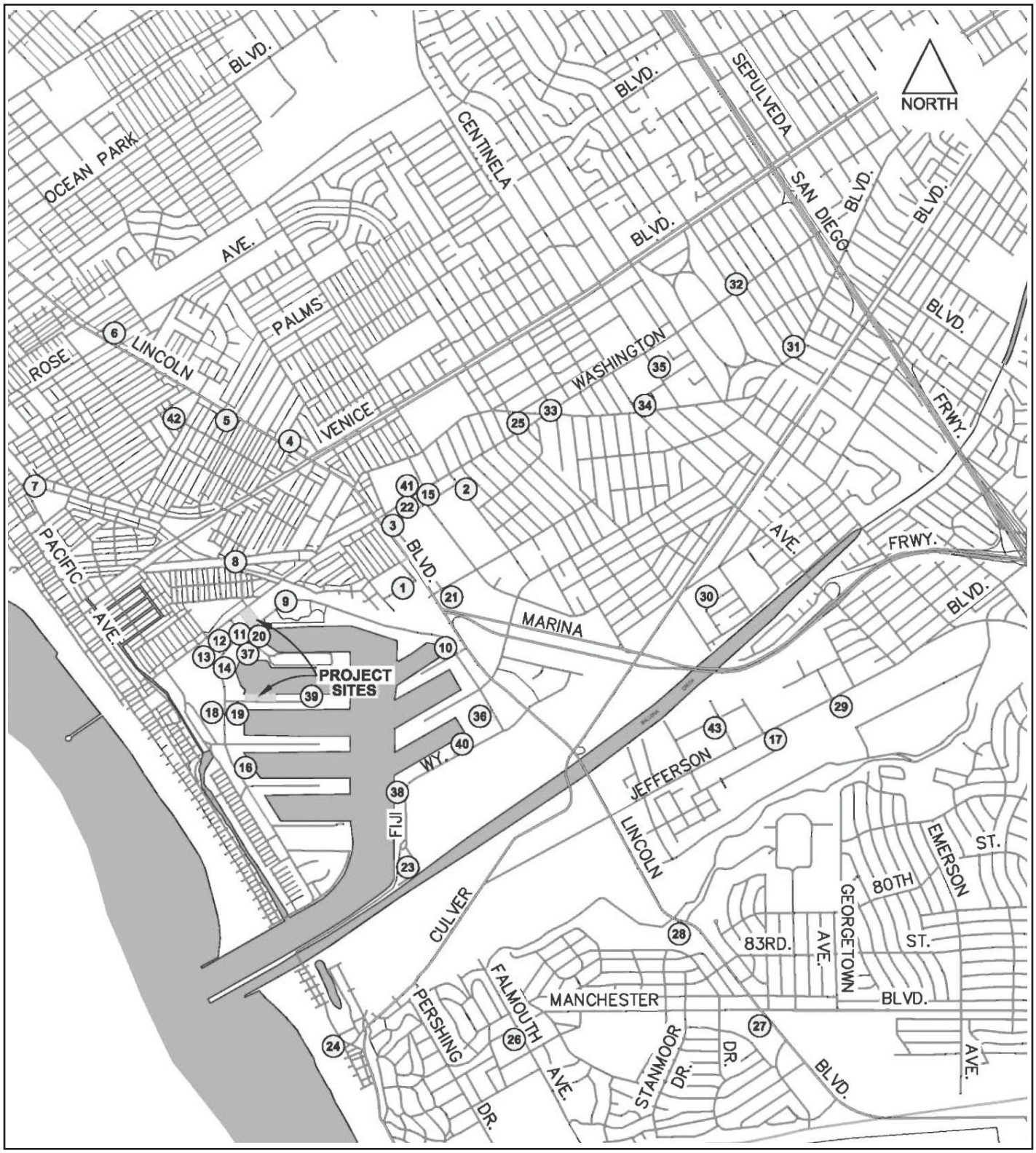
sites. In addition, a traffic analysis is also required at all mainline freeway monitoring locations where the project would add 150 or more trips, in either direction, during either the AM or PM weekday peak hours. A review of the project's net trip generation, as shown previously, indicates that the proposed project is not expected to generate 150 trips during either peak hour. The maximum amount of project traffic added to any particular freeway segment would occur along the westbound and eastbound Marina Expressway/Freeway east of Mindanao Way during the PM peak hour. During this time, the proposed project would add approximately six trips, which is significantly less than the Los Angeles County CMP threshold of 150 peak hour trips added to any segment of any freeway in a single direction. Based on this information, the impact criteria would not be exceeded; therefore, the proposed project would result in a less than significant impact on the regional transportation system.

4. Cumulative Impacts

Traffic resulting from related projects in Marina del Rey and the surrounding area would also contribute to impacts at the study intersections. In order to gauge the effects of this additional traffic, an additional level of analysis was conducted. Although the 0.6 percent annual growth factor is expected to fully represent all area traffic increases, for the purposes of conservative analysis, traffic generated from nearby related projects was added to these future baseline traffic volumes, to form the basis for the "Without Project" conditions. Listings of potential related projects located in the study area were obtained from the Los Angeles County Regional Planning Department, the City of Los Angeles Department of Transportation, and from the Cities of Santa Monica and Culver City. From a review of these lists, it was determined that traffic from 43 projects near the study sites could produce additional traffic at the 14 study intersections.[20] The locations of the related projects are shown in **Figure IV.H-9, Related Projects Location Map**. A description and an estimate of the daily and peak hour traffic volumes expected to be generated by these related projects are summarized in **Table IV.H-10**.

Figures IV.H-10a, Related Projects Traffic Volumes – AM Peak Hour, and IV.H-10b, Related Projects Traffic Volumes – PM Peak Hour, show the anticipated traffic at the study intersections resulting from the expected cumulative development in the study area. The related project traffic volumes were added to the "With Ambient Growth Plus Project" traffic volumes shown previously in Figures IV.H-7a and IV.H-7b to obtain projections of the ultimate expected future year 2014 traffic. These cumulative traffic volumes are shown in **Figures IV.H-11a, Future (2014) Traffic Volumes With Cumulative Projects – AM Peak Hour, and IV.H-11b, Future (2014) Traffic Volumes With Cumulative Projects – PM Peak Hour.** The analysis of the cumulative traffic conditions was performed using the same CMA methodology described earlier. The results of the cumulative development analysis are summarized in **Table IV.H-11**. This table shows the impact for the cumulative development including the project. The same criteria that were applied to the project impact are applied to the cumulative impact.

[20] In order to present a conservative analysis of future conditions, all of the 43 related projects were assumed to be completed and fully occupied by the study year (2014), although in reality, many of the related projects are still speculative, have not yet been approved, or are sufficiently large or complicated that they will not be constructed and fully occupied within the assumed study timeframe.



Source: Crain & Associates, 2007

Revised: August 5, 2008

Related Projects Location Map

No Scale

FIGURE IV.H-9

Table IV.H-10
Related Projects Descriptions and Trip Generation

Map No.	Location (Address)	Size	Unit[1]	Description	AM Peak Hour			PM Peak Hour	
					Daily	In	Out	In	*Out*
1	NWC Princeton Dr./Carter Av. [1]	298	d.u.	Apartment	860	(70)	103	47	(79)
		(24,000)	*s.f.*	*Light Manufacturing (to be removed)*					
		(21,600)	*s.f.*	*Office (to be removed)*					
		(40,000)	*s.f.*	*Auto Service/Repair (to be removed)*					
2	4055, 4063 & 4071 S. Redwood Ave	140	d.u.	Condominium	820	11	51	66	32
3	4004 S. Lincoln Blvd.	98	d.u.	Condominium	574	7	36	46	23
		6,020	s.f.	Retail	267	4	3	13	17
				Total	**841**	**11**	**39**	**59**	**40**
4	2005 Lincoln Blvd.	6	Vfp	Service Station with Convenience Store	977	30	30	11	11
5	1430 Lincoln Bl.	188,600	s.f.	Retail	10,257	140	89	501	543
		280	d.u.	Apartment	1,882	29	114	127	69
				Total	**12,139**	**169**	**203**	**636**	**613**
6	115 Lincoln Bl.	8,800	s.f.	Shopping Center (addition)	378	5	4	61	67
7	901 Abbot Kinney Bl. [2]	57	Rm	Hotel	757	19	11	33	24
		1,200	s.f.	Retail					
		4,300	s.f.	Restaurant					
8	2100 Abbot Kinney Bl.	15,180	s.f.	Office	167	21	3	7	36
9	4333 Admiralty Wy.	600	d.u.	Condominium	3,516	45	219	133	63
10	4363 Lincoln Bl. [3]	158	d.u.	Condominium	386	0	47	53	18
		3,178	s.f.	Specialty Retail					
		(48,000)	*s.f.*	*Car rental Facility (to be removed)*					
11	NWC Admiralty Wy./Palawan Wy. (Parcel 140) [4]	179	d.u.	Apartment	650	11	51	34	24
		(64)	d.u.	*Apartment (to be removed)*	*(233)*	*(4)*	*(18)*	*(12)*	*(9)*
				Total	**417**	**7**	**33**	**22**	**15**
12	514-586 Washington Bl. Bet. Via Marina/Palawan Wy. (Parcel 97) [5]	6,236	s.f.	Retail	18	1	0	1	1
		(5,750)	s.f.	Retail (to be removed)					
13	S/s Washington Bl. Bet. Via Marina/Via Dolce (Parcel 95/LLS) 72	72	d.u.	Apartment	484	7	30	16	7
		400	St	Restaurant (10,000 sf)	1,144	6	6	64	36
		22,400	s.f.	Retail	993	16	11	43	56
		(9,130)	s.f.	Office (to be removed)	(101)	(12)	(2)	(3)	(17)
		(165)	s.f.	Restaurant (to be removed)	(472)	(3)	(2)	(26)	(15)
		(7,500)	s.f.	Drive-in Bank (to be removed)	(1,849)	(52)	(41)	(17)	(16)
				Total	**199**	**(38)**	**2**	**77**	**51**
14	S/s Admiralty Wy. E/s Via Marina (Parcel IR)	147	Rm.	Hotel	1,201	50	32	23	29
15	13340 Washington Bl.	41	d.u.	Condominium	240	3	15	14	7
16	E/s Via Marina (Parcels 10R, FF and 9U) [6]	526	d.u.	Apartment	3,104	87	166	132	96
		174	Slip	Boat Dock					
		288	Rm.	Hotel					
		1.47	Acre	Public Park					
		(136)	*d.u.*	*Apartment (to be removed)*					

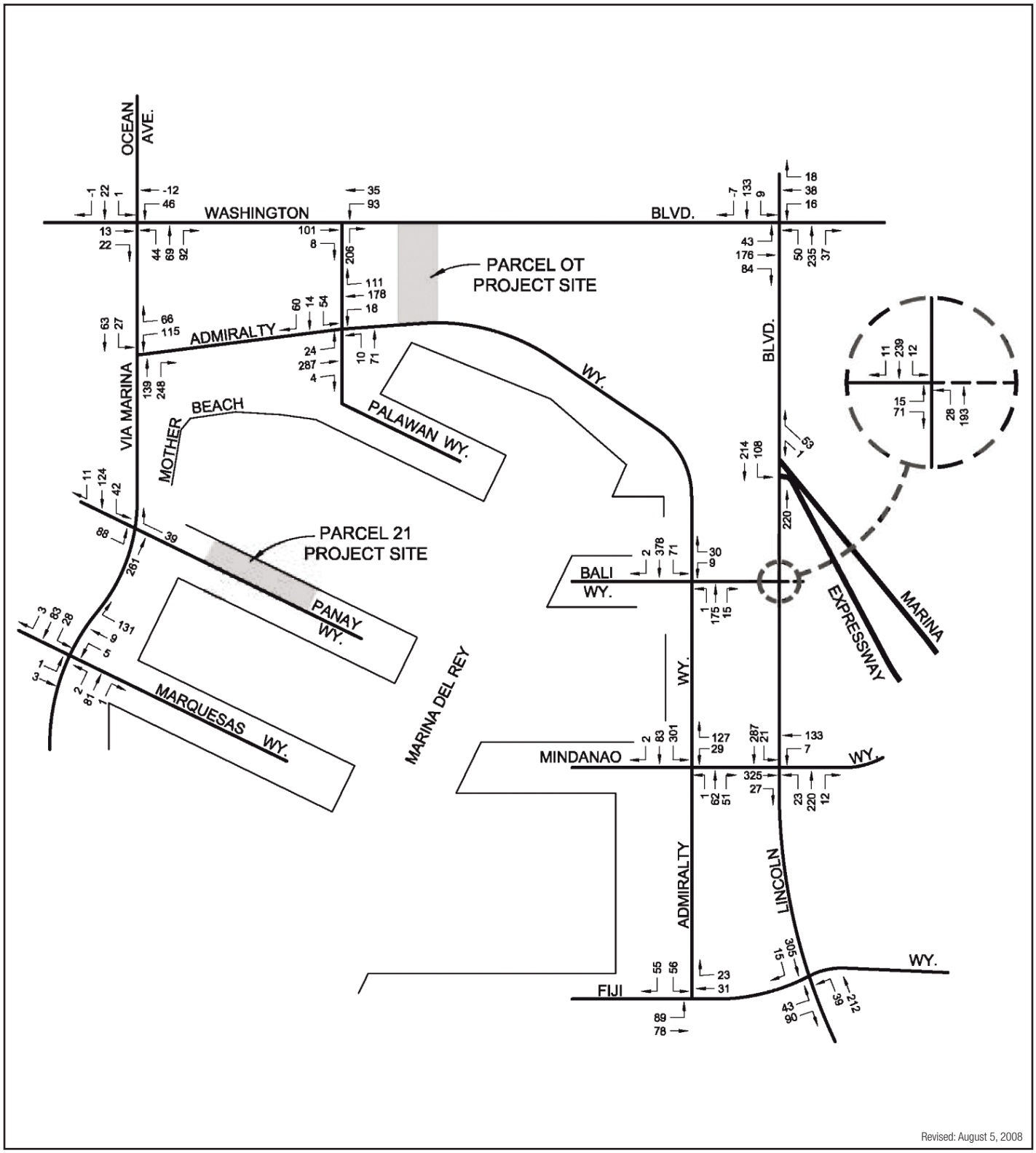
Map No.	Location (Address)	Size	Unit[1]	Description	AM Peak Hour			PM Peak Hour	
					Daily	In	Out	In	*Out*
		(184)	*Slip*	*Boat Dock (to be removed)*					
17	South of Jefferson Bl./E/o Lincoln Bl. (Playa Vista Phase 1)	3,206,950	s.f.	Office	38,733	2,455	1,540	1,777	3,217
		3,246	d.u.	Condominium					
		35,000	s.f.	Retail					
		120,000	s.f.	Community Serving Uses					
18	W/s Via Marina (Parcel 100 and 101) [7]	544	d.u.	Apartment	2,154	34	156	120	57
		(202)	*d.u.*	*Apartment (to be removed)*	*(1,354)*	*(13)*	*(57)*	*(45)*	*(21)*
				Total	**800**	**21**	**99**	**75**	**36**
19	E/s Via Marina bet. Panay Way./Marquesas Way (Parcels 12, 15) [8]	940	d.u.	Apartment	1,785	31	140	106	46
		82	d.u.	Senior Apartment					
		4,000	s.f.	Retail					
		6,000	s.f.	Commercial					
		439	Slip	Boat Dock					
20	S/s Admiralty Wy. E/s Palawan Wy. (Parcel 33/NR)	351	d.u.	Apartment	2,359	36	143	78	36
		24,300	s.f.	Retail	1,077	17	12	46	62
		266	Seat	Restaurant (10,000 sf)	761	4	4	45	22
		(1,067)	*Seat*	*Restaurant (to be removed)*	*(3,052)*	*(17)*	*(15)*	*(179)*	*(88)*
				Total	**1,145**	**40**	**144**	**(10)**	**32**
21	E/o Lincoln Bl. Betw. SR90 & Maxella Av.[9]	**Villa Marina Mixed-Use Project**			903	11	84	73	10
		244	d.u.	Condominium					
		9,000	s.f.	Shopping Center					
		(21,038)	s.f.	*Shopping Center*					
22	13464 W. Washington Bl. [10]	81	d.u.	Condominium	1,401	11	32	83	75
		37,041	*s.f.*	Retail					
		(22)	*Rm.*	*Motel (to be removed)*					
		(7,525)	s.f.	*Retail (to be removed)*					
		(8,500)	s.f.	*Industrial (to be removed)*					
23	Southern Terminus of Fiji Wy. (Parcel 64) [11]	478	d.u.	Multi-family Residential	1,106	17	76	58	30
		500	s.f.	Restaurant					
		34	Slip	Boat Dock					
		(224)	*d.u.*	*Apartment (to be removed)*					
24	NWC Pacific Av./Culver Bl. [12]	35	d.u.	Townhome	548	16	24	34	22
		2,000	s.f.	Retail					
		2,000	s.f.	Restaurant					
25	12801-23 Washington Bl.	12	d.u.	Live/Work	81	1	5	5	2
		12	d.u.	Apartment	81	1	5	5	2
				Total	**162**	**2**	**10**	**10**	**4**
26	8030-8040 Manchester Av.	204	d.u.	Apartment	1,371	21	83	93	50
27	8601 Lincoln Blvd. [13]	547	d.u.	Apartment	905	(128)	136	124	(10)
		17,000	s.f.	Shopping Center					
		4,000	s.f.	Retail					
		5,000	s.f.	High-Turnover Restaurant					
		3,000	s.f.	Quality Restaurant					
		(500)	*Rm.*	*Hotel (to be removed)*					
		(10,420)	*s.f.*	*Retail (to be removed)*					
		(10,590)	*s.f.*	*Office (to be removed)*					
		(4,800)	*s.f.*	*High-Turnover Restaurant (to be removed)*					
28	7400 80th St. [14]	120	d.u.	Single-Family Residential	1,220	25	70	82	46
29	South of the intersection of Jefferson Bl./ Westlawn Av. [15]	175,000	s.f.	Office	24,220	577	1,049	1,275	1,027
		2,600	d.u.	Apartment					
		150,000	s.f.	Retail					
		40,000	s.f.	Community Serving Uses					

Map No.	Location (Address)	Size	Unit[1]	Description	AM Peak Hour			PM Peak Hour	
					Daily	In	Out	In	*Out*
30	12700 Braddock Dr.	134,557	s.f.	Warehouse	667	50	11	54	161
		1,357	s.f.	Office	15	2	0	1	3
		(58,323)	*s.f.*	*University of CA laundry building (to be removed)*	*(223)*	*(33)*	*(10)*	*(17)*	*(30)*
				Total	**459**	**19**	**1**	**38**	**134**
31	11501-11509 Washington Blvd.	2	d.u.	Apartment	13	0	1	1	0
		950	s.f.	Office	37	4	1	14	66
		2,359	s.f.	Retail	105	2	1	3	3
				Total	**155**	**6**	**3**	**18**	**69**
32	11611 Washington Pl.	20	d.u.	Senior Day Care Facility (9,970 sf)	43	1	0	2	1
		(9,970)	s.f.	*Furniture manufacturing/ warehouse (to be removed)*	*(38)*	*(5)*	*(2)*	*(3)*	*(4)*
				Total	**5**	**(4)**	**(2)**	**(1)**	**(3)**
33	4025 Wade St	4	d.u.	Condominium	23	0	2	2	1
34	12337-12449 Washington Blvd.			Phase A					
		12,070	s.f.	Commercial	535	8	6	15	18
		60	d.u.	Condominium	352	4	22	21	10
				Phase B					
		3,890	s.f.	Commercial	172	3	2	5	6
		18	d.u.	Condominium	105	1	7	6	3
				Total	**1,164**	**16**	**37**	**47**	**37**
35	4061 Grand View Blvd.	70	d.u.	Assisted Living Facility	151	2	2	7	5
36	W/O Lincoln Bl., N/O Fiji Wy. (Parcels 50 & 83)	4,700	s.f.	Retail	208	4	2	9	12
37	SWC Admiralty Way & Palawan Way (Parcel 27)	111	Rm.	Hotel	907	38	24	18	21
		42	*Rm.*	*Hotel (to be removed)*	(343)	(15)	(9)	(7)	(8)
				Total	**564**	**23**	**15**	**11**	**13**
38	West of Fiji Wy. Near Terminus – Fisherman's Village (Parcels 55/56W) [16]	132	Rm.	Hotel	2,375	41	57	114	95
		1,230	Seat	Restaurant					
		24,250	s.f.	Retail					
		5,200	s.f.	Office					
		26	Slip	Boat					
		(12,984)	*s.f.*	*Retail/ Commercial (to be removed)*					
		(16,149)	*s.f.*	*Restaurant (to be removed)*					
		(17)	*Slip*	*Boat (to be removed)*					
39	N/O Panay Wy., E/O Via Marina (Parcel 20, Phase II)	26,000	s.f.	DBH Office	286	35	5	10	47
40	N/s Fiji Wy., W/o Admiralty Wy. (Parcels 52/GG)	345	Vessel	Dry Stack Storage Facility	995	15	28	17	30
		30	Vessel	Mast Up Storage Space	86	1	3	1	3
		1,500	s.f.	Sheriff Boatwright Facility	-	-	-	-	-
				Total	**1,081**	**16**	**31**	**18**	**33**
41	13365 Washington Boulevard	5,000	s.f.	Retail	222	4	2	6	8
		19	d.u.	Condominium	111	1	7	7	3
				Total	**333**	**5**	**9**	**13**	**11**
42	841 California Ave.	420	St	High School	718	119	53	28	31
43	5401 Beethoven St.	420	St	Private School (K-8)	N/A	208	170	120	136

Sources:
[1] Traffic Analysis for a Proposed 298-unit Residential Development on Princeton Drive in the Oxford Triangle Neighborhood of the City of Los Angeles, Crain & Associates, Revised January 2004.

Map No.	Location (Address)	Size	Unit[1]	Description	AM Peak Hour			PM Peak Hour	
					Daily	In	Out	In	*Out*

[2] Los Angeles Department of Transportation Traffic Study Memorandum of Understanding (MOU), The Ambrose Hotel, Crain & Associates, April 17, 2006.
[3] Los Angeles Department of Transportation Scoping for Traffic Study for Marina del Rey Mixed-Use Platt Project, Crain & Associates, May 22, 2006.
[4] Traffic Analysis for a Proposed 179-unit Residential Development at 4160 Admiralty Way (Parcels 140) in Marina del Rey, Crain & Associates, May 22, 2006.
[5] Traffic Analysis for 6,236 sf Retail Development at 514-586 Washington Boulevard, between Via Marina and Palawan Way, in Marina del Rey, Crain & Associates, November 2002.
[6] Traffic Analysis for Proposed Residential and Hotel Development on Parcels 10R, FF and 9U in Marina del Rey, Crain & Associates, January 2007. Project anticipated to be constructed and operational between October 2012 and November 2013.
[7] Traffic Analysis for a Proposed 544-unit Residential Development on Parcels 100 and 101 in Marina del Rey, Crain & Associates, August 2005.
[8] Traffic Analysis for 1,201-unit Residential Development on Panay Way, via Marina, and Marquesas Way in Marina del Rey, Crain & Associates, Revised March 2000, revised per approved development.
[[9] Final EIR for The Villa Marina Mixed-Use Project, PCR Services Corporation, March 2005.
[10] Los Angeles Department of Transportation Scoping for Traffic Study for Washington & Glencoe Mixed-use Project, Crain & Associates, October 10, 2006.
[11] Traffic Analysis for a Proposed 478-unit Residential Development on Parcel 64 in Marina del Rey, Crain & Associates, January 2007.
[12] Traffic Analysis for Proposed Mixed-Use Development at Pacific Avenue and Culver Boulevard, Playa del Rey, City of Los Angeles, Crain & Associates, November 2004.
[13] Traffic Impact Study for Residential Mixed-Use Project at Lincoln Boulevard/Manchester Avenue (8601 Lincoln Boulevard), City of Los Angeles, Crain & Associates, November 2002.
[14] Traffic Analysis for 120-unit Single-Family Residential Development Located on 80th Street in the City of Los Angeles, Crain & Associates, January 1998.
[15] Traffic Analysis for The Village at Playa Vista Project, Kaku Associates, Inc. and Raju Associates, Inc., July 2003.
[16] Traffic Study for the Fisherman's Village Retail and Commercial Development Project, Hirsch Green Traffic Consultant, March 2007.
[1] d.u.=density unit
s.f.=square feet
Rm.=room



Revised: August 5, 2008

Source: Crain & Associates, 2007

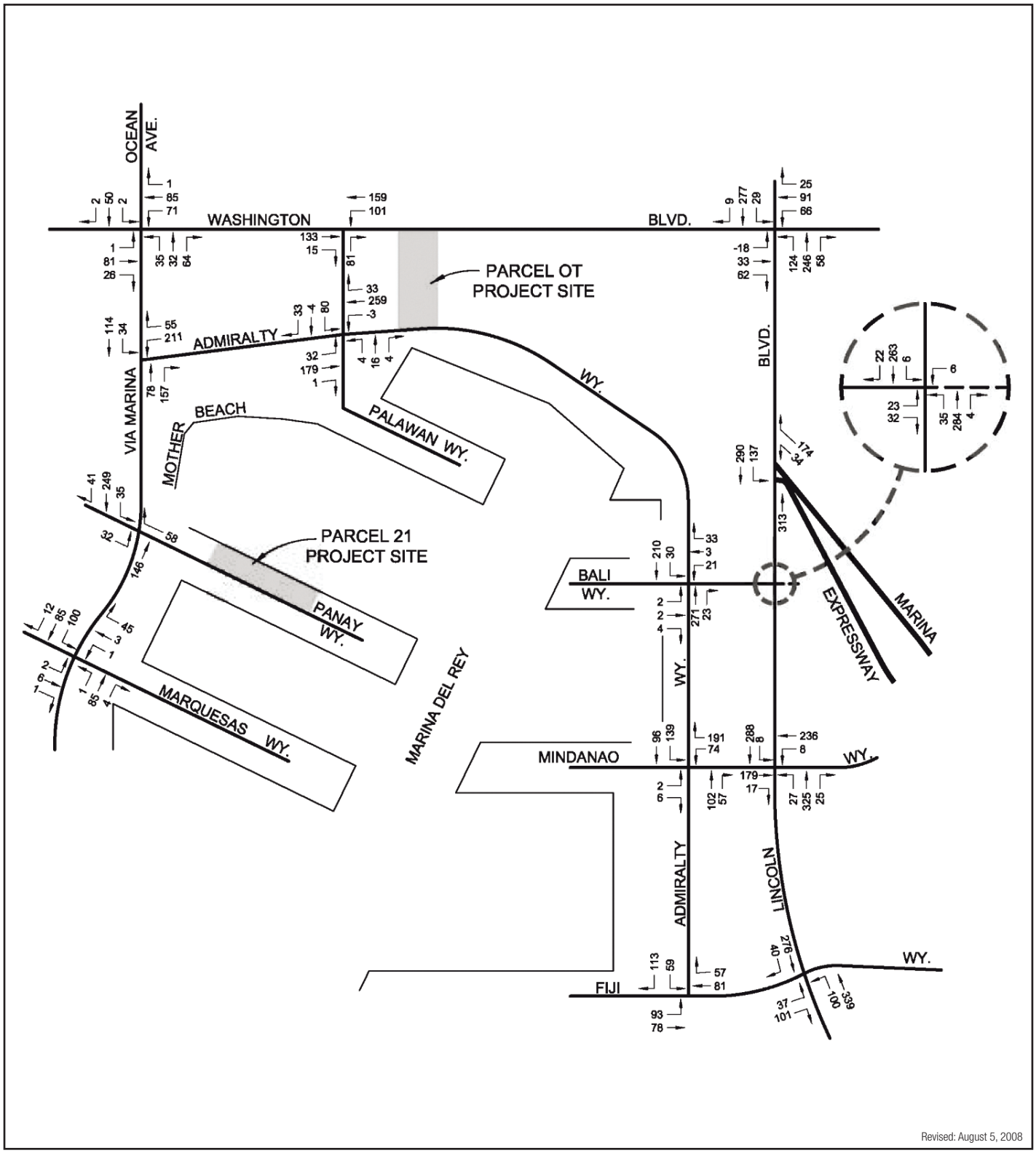
OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

ENVICOM CORPORATION

Related Projects Traffic Volumes – AM Peak Hour

No Scale

FIGURE IV.H-10a



Revised: August 5, 2008

Source: Crain & Associates, 2007

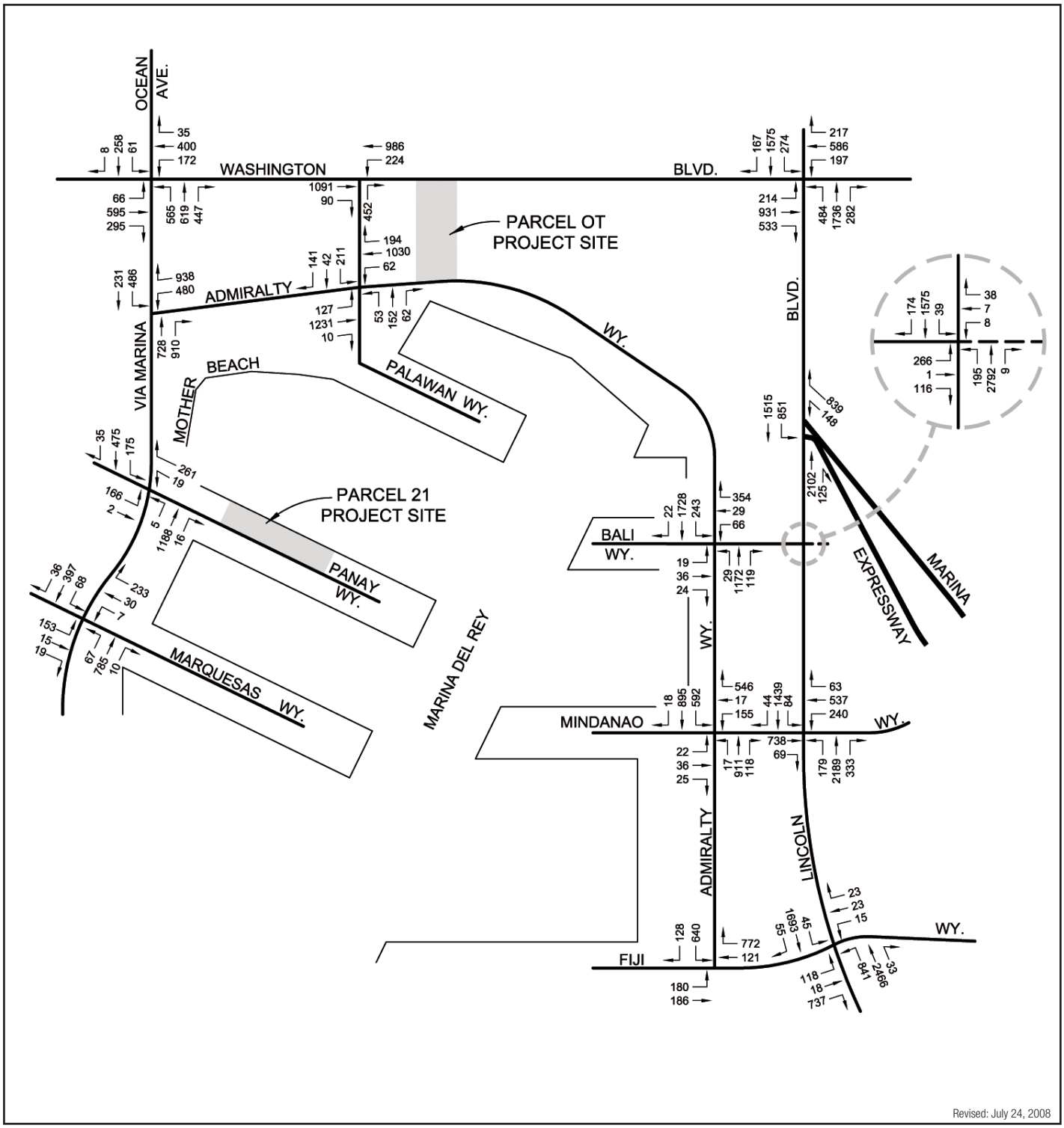
OCEANA RETIREMENT FACILITY AND HOLIDAY HARBOR COURTS EIR

ENVICOM CORPORATION

Related Projects Traffic Volumes – PM Peak Hour

No Scale

FIGURE IV.H-10b



Revised: July 24, 2008

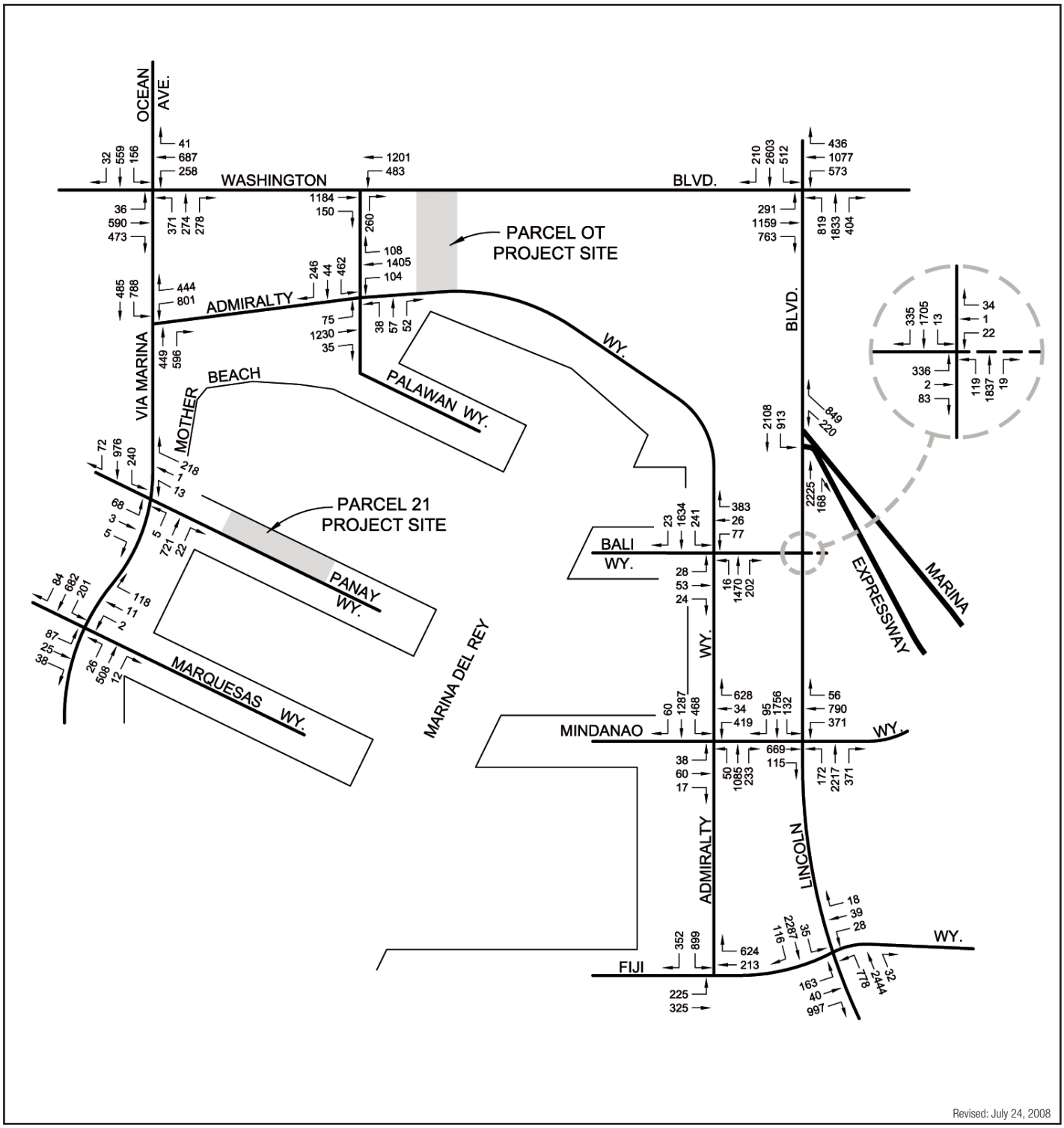
Source: Crain & Associates, 2008

ENVICOM CORPORATION

Future (2014) Traffic Volumes With Cumulative Projects – AM Peak Hour

No Scale

FIGURE IV.H-11a



Revised: July 24, 2008

Source: Crain & Associates, 2008

ENVICOM CORPORATION

Future (2014) Traffic Volumes With Cumulative Projects – PM Peak Hour

No Scale

FIGURE IV.H-11b

Table IV.H-11
Summary of Critical Movement Analysis
Future (2014) Traffic Conditions With Cumulative Development

No.	Intersection	Peak Hour	With Ambient Growth		With Ambient Growth Plus Project			With Cumulative Development (Related Projects)			Project Percent of Impact
			CMA	LOS	CMA	LOS	Impact	CMA	LOS	Impact	
1	Washington Blvd. & Via Marina/ Ocean Ave.	AM	0.748	C	0.750	C	0.002	0.851	D	0.103[1]	1.9%
		PM	0.805	D	0.807	D	0.002	0.924	E	0.119[1]	1.7%
2	Washington Blvd. & Palawan Wy.	AM	0.671	B	0.672	B	0.001	0.925	E	0.254[1]	0.4%
		PM	0.751	C	0.757	C	0.006	0.911	E	0.160[1]	3.8%
3	Lincoln Blvd. & Washington Blvd.	AM	0.813	D	0.813	D	0.000	0.933	E	0.120[1]	0.0%
		PM	1.400	F	1.403	F	0.003	1.560	F	0.160[1]	1.9%
4	Admiralty Wy. & Via Marina	AM	0.734	C	0.734	C	0.000	0.826	D	0.092[1]	0.0%
		PM	0.788	C	0.787	C	-0.001	0.920	E	0.132[1]	-0.8%
5	Admiralty Wy. & Palawan Wy.	AM	0.446	A	0.447	A	0.001	0.623	B	0.177	0.6%
		PM	0.635	B	0.633	B	-0.002	0.814	D	0.179[1]	-1.1%
6	Via Marina & Panay Wy.	AM	0.362	A	0.363	A	0.001	0.510	A	0.148	0.7%
		PM	0.266	A	0.266	A	0.000	0.349	A	0.083	0.0%
7	Marquesas Wy. & Via Marina	AM	0.273	A	0.273	A	0.000	0.365	A	0.092	0.0%
		PM	0.189	A	0.189	A	0.000	0.255	A	0.066	0.0%
8	Admiralty Wy. & Bali Wy.	AM	0.482	A	0.483	A	0.001	0.609	B	0.127	0.8%
		PM	0.607	B	0.607	B	0.000	0.746	C	0.139[1]	0.0%
9	Admiralty Wy. & Mindanao Wy.	AM	0.658	B	0.660	B	0.002	0.894	D	0.236[1]	0.8%
		PM	0.778	C	0.779	C	0.001	1.021	F	0.243[1]	0.4%
10	Admiralty Wy. & Fiji Wy.	AM	0.268	A	0.268	A	0.000	0.348	A	0.080	0.0%
		PM	0.387	A	0.387	A	0.000	0.521	A	0.134	0.0%
11	Lincoln Blvd. & Marina Expressway	AM	0.713	C	0.713	C	0.000	0.806	D	0.093[1]	0.0%
		PM	0.756	C	0.758	C	0.002	0.897	D	0.141[1]	1.4%
12	Lincoln Blvd. & Bali Wy.	AM	0.682	B	0.682	B	0.000	0.744	C	0.062[1]	0.0%
		PM	0.539	A	0.539	A	0.000	0.645	B	0.106	0.0%
13	Lincoln Blvd. & Mindanao Wy.	AM	0.760	C	0.760	C	0.000	0.963	E	0.203[1]	0.0%
		PM	0.891	D	0.892	D	0.001	1.057	F	0.166[1]	0.6%
14	Lincoln Blvd. & Fiji Wy.	AM	0.617	B	0.617	B	0.000	0.738	C	0.121[1]	0.0%
		PM	0.767	C	0.768	C	0.001	0.906	E	0.139[1]	0.7%

[1] Indicates significant cumulative traffic impact, prior to mitigation, per Los Angeles County Department of Public Works "Traffic Impact Analysis Report Guidelines", January 1, 1997.

As this table shows, the potential additional traffic resulting from area-wide development would significantly impact 11 of the 14 study intersections, resulting in some locations near or above capacity. The proposed project would contribute incrementally to these cumulative impacts, although its contributions are 3.8 percent or less of the cumulative impact at all locations. Nevertheless, the proposed project would result in a significant cumulative impact related to traffic congestion. The implementation of **Mitigation Measure TA-2** would reduce the significant cumulative impact to less than significant at the intersections of Admiralty Way at Via Marina, Admiralty Way at Palawan Way, and Admiralty Way at Bali Way.

In addition, the proposed project would contribute incrementally to the cumulative impacts expected to occur at the intersections of Washington Boulevard at Palawan Way, Washington Boulevard at Ocean Avenue/Via Marina, and Admiralty Way at Mindanao Way. The implementation of **Mitigation Measures TA-3**, **TA-4**, and **TA-5** would reduce the significant cumulative impact to less than significant at these three intersections. While no physical improvements are feasible at the intersection of Washington Boulevard at Ocean Avenue/Via Marina, the improvements proposed for the intersection of Washington Boulevard at Palawan Way (see TA-3, below) will provide adequate mitigation for this impact.[21]

The project would also contribute incrementally to the cumulative impacts expected to occur at five other intersections, including Lincoln Boulevard at Washington Boulevard, Lincoln Boulevard at SR-90, Lincoln Boulevard at Bali Way, Lincoln Boulevard at Mindanao Way, and Lincoln Boulevard at Fiji Way. For these intersections, there is currently no feasible physical improvement available to mitigate the potential cumulative impact of the proposed project. The Marina del Rey Local Implementation Program (LIP) list of Category 3 improvements includes several regional transportation circulation improvements, one of which is the proposed extension of SR-90 (the Marina Expressway) to connect to Admiralty Way. According to the County of Los Angeles Department of Public Works Traffic and Lighting Division, the five intersections listed above will be subject to cumulative impacts until the SR-90 extension or another project of equal effectiveness is built.[22] At this point, the SR-90 extension is not a programmed project. Therefore, this cumulative analysis conservatively assumes that the SR-90 extension will not be constructed before the proposed project is operational. As such, the proposed project's incremental contribution to the cumulative impacts at the intersections of Lincoln Boulevard at Washington Boulevard, Lincoln Boulevard at SR-90, Lincoln Boulevard at Bali Way, Lincoln Boulevard at Mindanao Way, and Lincoln Boulevard at Fiji Way remain significant and unmitigable.

As described above, this traffic impact analysis focuses on the impacts of the proposed development as compared to existing physical conditions, rather than conditions under buildout of the LUP without the proposed transfer of ~~5,000~~3,500 square feet of permitted retail use from DZ 5 Parcel 97 to DZ 6 Parcel OT. However, it is noted that traffic at four intersections in the study area would be different if buildout of the ~~5,000~~3,500 square feet were to occur at Parcel OT rather than Parcel 97. The affected intersections are: Washington Boulevard and Via Marina/Ocean Avenue, Washington Boulevard and Palawan Way, Admiralty Way and Via Marina, and Admiralty Way and Palawan Way. The cumulative CMA impact levels at these intersections would be either the same or lower than those that would be expected without the transfer. However, the analysis conclusions in terms of the number and locations of intersections that would experience a significant cumulative impact would be the same under either scenario. In addition to cumulative traffic impacts resulting from development of the proposed project in combination with the

[21] Letter from the County of Los Angeles Department of Public Works Traffic and Lighting Division (Dean D. Efstathiou, Acting Director of DPW and William Winter, Assistant Deputy Director of T and L), November 24, 2008.
[22] Ibid.

related projects identified above, several public infrastructure projects are planned for the Marina del Rey community that may result in cumulative traffic congestion impacts during construction. Development of the proposed project is expected to begin in 2012, with construction of the Oceana Retirement Facility on Parcel OT estimated to occur over two years, while construction of the Holiday Harbor Courts project is estimated to occur over 18 months. According to the County of Los Angeles Department of Public Works, construction of the Oxford Retention Basin Flood Protection Multiuse Enhancement Project is anticipated to occur from April 2013 through April 2014.[23] In addition, the City of Los Angeles Department of Public Works Bureau of Engineering is expected to begin construction of the Venice Pumping Plant Dual Force Main Sewer Project in 2010. According to the EIR prepared for that project (URS, December 2007), construction of that project is estimated to occur over two years.[24] As discussed previously, the City of Los Angeles Department of Public Works Waterworks District has plans to upsize the water main on Parcel OT from 14 inches to 24 inches, and approximately 20,000 feet of new 18-inch diameter steel pipeline would replace aged and undersized 10-inch and 14-inch-diameter water mains located in Panay Way. The timing of the water main project on Parcel OT has not been specified and may occur before or simultaneously with the proposed Parcel OT project, and the water main project in Panay Way would likely occur during construction of the Parcel 21 project. As such, the timing of construction of the proposed project may occur with various other planned City and County of Los Angeles projects that would likely necessitate work to be performed in roadways. This cumulative impact is considered significant prior to mitigation. Traffic control plans, as required by Mitigation Measure T-1 for the proposed project, would be required for such planned projects. Implementation of these plans, as approved by the applicable City and County traffic agencies, would reduce potential cumulative traffic impacts associated with the construction of cumulative projects to less than significant.

In addition to the cumulative traffic impact analysis, an analysis of the cumulative construction parking impacts was conducted to determine the availability of public parking should the project and all of the related projects be constructed concurrently. According to the Draft Right-Sizing Parking study prepared for the Los Angeles County Department of Beaches and Harbors, there are a total of 2,498 public parking spaces available throughout the Marina, including a total of 1,917 public parking spaces provided on parcels other than the project and the related project list. Public parking lots included within the project and related projects list include Parcels OT (Lot 8), NR (Lot 9), IR (Lot 10) and FF (Lot 12), which all occur within the Mother's Beach Activity Area with the exception of Parcel FF. There are a total of 581 public parking spaces provided within Parcels OT, IR and NR, and 201 spaces provided within Parcel FF. Assuming that all of the public parking spaces within the Mother's Beach Activity Area (worst case assumption as parking utilization is documented by activity area, not by parcel) and Parcel FF were not available at the same time, a total of 850 underutilized public parking spaces would be still be available in other public parking lots throughout the Marina. This is an excess of 269 underutilized public parking spaces not including the number of underutilized public parking spaces within Parcel GR (Lot 11). Therefore, the project would contribute incrementally to cumulative construction parking impacts; however, even under a worse case scenario assuming concurrent temporary loss of public parking on the project sites and the related projects, excess underutilized parking would be available. Cumulative construction parking impacts are anticipated to be less than significant.

[23] County of Los Angeles Department of Public Works. Oxford Retention Basin Flood Protection Multiuse Enhancement Project Presentation on March 23, 2009. http://beaches.lacounty.gov/BandH/DPWOxBasPres032609.pdf. Accessed July 27, 2009.
[24] City of Los Angeles Department of Public Works. http://eng.lacity.org/techdocs/emg/Environmental_Review_Documents.htm. Accessed July 27, 2009.

5. Mitigation Measures

For construction period traffic impacts:

TA-1 Traffic Control Plans for both Parcel OT and Parcel 21 shall be submitted to the County of Los Angeles Department of Beaches and Harbors and the County of Los Angeles Department of Public Works Traffic and Lighting Division for review and approval. The Traffic Control Plans shall designate haul routes for construction-related vehicles, the location of access to the construction site, and staging and parking areas for workers and equipment. The Plans shall also specify the permitted hours of construction, methods of safeguarding traffic flow, methods of re-routing or detouring traffic if necessary, and the placement/utilization of traffic control devices (including signs, flashing arrows, traffic cones and delineators, barricades, flaggers, temporary modifications to existing signals and signal timing, etc.), as necessary. Further, the Plans shall address the provision of signage for alternative pedestrian and bicycle access routes where affected, coordination with emergency service providers, and coordination with pubic transit providers (such as the MTA, LADOT Commuter Express, and Culver City Bus). The Plans shall include the MTA telephone number (213-922-4632) of the Metro Bus Operations Control Special Events Coordinator that the contractor shall contact for construction coordination outreach efforts.

For the intersections of Admiralty Way at Via Marina, Admiralty Way at Palawan Way, and Admiralty Way at Bali Way:

TA-2 Pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP), the applicant shall provide a "fair share" contribution toward the funding of Category 1 (local Marina) and Category 3 (regional) roadway improvements, based on the amount of project PM peak hour trips. [As the County's traffic mitigation fee structure is currently $5,690 per PM peak hour trip, the proposed project shall be required to pay $170,700 in trip mitigation fees, based on the expected project trip generation of 30 net new PM peak hour trips, with a portion of these fees being designated toward the Category 3 (regional) transportation improvements].

For the intersections of Washington Boulevard at Palawan Way, Washington Boulevard at Ocean Avenue/Via Marina,[25] and Admiralty Way at Mindanao Way:

TA-3 The applicant shall contribute "fair share" funding to provide 1) a new traffic signal at the intersection of Washington Boulevard and Palawan Way, 2) realignment at the south leg of the intersection to reduce the angle of the northbound right-turn only lane for a more perpendicular approach in addition to northbound dual left-turn lanes, and 3) two northbound left-turn lanes onto westbound Washington Boulevard and an exclusive right-turn lane (add a second left-turn). The proposed project shall contribute 3.8 percent of the impact at this location. While cost estimates for this improvement are currently being finalized, they are estimated to be $332,500, with a project responsibility of $12,635.[26]

[25] Ibid. According to the County of Los Angeles Department of Public Works Traffic and Lighting Division, while no physical improvements are feasible at this intersection, the improvements recommended for the Washington Blvd. at Palawan Wy. Intersection would provide adequate mitigation to reduce the impact to less than significant.

[26] Ibid.

TA-4 The proposed project shall contribute "fair share" funding to either 1) a second southbound left-turn lane at the Admiralty Way at Mindanao Way intersection or 2) the conversion of the shared left-turn/through lane to a shared through/left-/right-turn lane on the westbound approach to the Admiralty Way at Mindanao Way intersection with optimization of signal operation at adjacent intersections at this intersection when plans are finalized by the applicable discretionary agencies.

TA-5 The proposed project shall dedicate the necessary right of way for the future widening of Admiralty Way as well as an eight-foot sidewalk along the project frontage on Admiralty Way.

6. Significant Project Impacts After Mitigation

Potentially significant project impacts associated with construction period traffic would be mitigated following implementation of Mitigation Measure TA-1. Potentially significant project impacts related to access, parking, traffic congestion, or the regional transportation system requiring mitigation are not expected to occur as a result of project implementation. The proposed project's potentially significant cumulative impact related to traffic congestion at the intersections of Admiralty Way at Via Marina, Admiralty Way at Palawan Way, and Admiralty Way at Bali Way would be reduced to less than significant with implementation of Mitigation Measure TA-2. Mitigation Measures TA-3, TA-4, and TA-5 would reduce the proposed project's potentially significant cumulative impact to traffic congestion at the intersections of Washington Boulevard at Palawan Way, Washington Boulevard at Ocean Avenue/Via Marina, and Admiralty Way at Mindanao Way to less than significant. However, the proposed project's incremental contribution to the cumulative impacts at the intersections of Lincoln Boulevard at Washington Boulevard, Lincoln Boulevard at SR-90, Lincoln Boulevard at Bali Way, Lincoln Boulevard at Mindanao Way, and Lincoln Boulevard at Fiji Way remain significant and unmitigable.

3. Project Impacts

Marina del Rey Water Supply

The following analysis serves to estimate the proposed project's daily water demand relative to the regional water supply, based on the sewage generation rates compiled by the City of Los Angeles for its 2006 CEQA Thresholds Guide for various land uses. Water demand is assumed to be equivalent to the amount of sewage generated. Information from both the UWMP and Marina del Rey LCP are used to project the proposed project's water use.

Parcel OT Water Demand

Development on Parcel OT (including a portion of Parcel P)[27] requires a Marina del Rey LCP amendment to transfer development potential, including 114 hotel spaces from the Admiralty DZ #7 and ~~5,000~~3,500 s.f. of retail uses from the Palawan/Beach DZ #5 to Parcel OT in the Oxford DZ #6. On Parcel OT, the amendment would also be used to change the land use designations from Parking (Parcel P) and Open Space (portion of Parcel P to be added to Parcel OT) to the proposed Active Seniors Accommodations land use category with a Mixed Use Overlay Zone (MUZ). As such, the 114 hotel rooms and ~~5,000~~3,500 s.f. of retail uses planned for in the Admiralty DZ #7 and Palawan/Beach DZ #5 would not be constructed, and instead, 114 bedrooms and ~~5,000~~3,500 s.f. of retail uses would be developed in an active seniors accommodations facility on Parcel OT in the Oxford DZ #6.

To determine water demand expected as a result of development on Parcel OT, the demand for water generated by 114 rooms in an active seniors accommodations facility ~~and 5,000~~3,500 square feet (s.f.) of retail space must be determined. According to the City of Los Angeles CEQA Thresholds Guide (2006), retail uses require 80 gallons of water per day per 1,000 gross s.f., a one bedroom apartment demands approximately 120 gallons of water per day, and a two bedroom apartment demands approximately 160 gallons water per day.[28] As 5,000 square feet of retail space, 67 one bedroom and 47 two bedroom units are proposed for development on Parcel OT, the proposed development on this Parcel is expected to demand approximately 15,960 gallons of water per day. The project has been revised to reduce the amount of retail space to 3,500 square feet. Though the water demand would decrease with this reduction, to be conservative, the potential project impacts are analyzed according to the water demand of approximately 15,960 gallons of water per day that was initially estimated. This does not account for any water use that may currently be demanded of the parking lot on Parcel OT (minimally landscaped areas); therefore, the net water demand of the proposed project is expected to be less than this estimate.

Parcel OT SB 610 and 221 Water Analysis

As discussed above, SB 610 requires the reporting of water supply information in CEQA documents for projects over a certain size, and SB 221 provides additional enforcement of that rule. Such Water Supply Assessments are required for projects that include 500 dwelling units, shopping centers of 500,000 square feet, office buildings of 250,000 square feet, or mixed-use projects with water demands greater than that required for 500 dwelling units. The proposed project on Parcel OT is by nature a mixed-use project; therefore, the mixed-use threshold (mixed-use projects with water demands greater than that required for 500 dwelling units) has been applied for this analysis.

[27] Hereafter, unless otherwise noted, the Oceana Retirement Facility project site is simply referred to as Parcel OT.

[28] Apartment uses as described in the City of Los Angeles CEQA Thresholds Guide (2006) were assumed to more closely estimate water demand in an active seniors accommodations facility than those of a rest home. However, as the units in the proposed development on Parcel OT would not include individual kitchens as apartments would, these figures are provided as conservative estimates.

K. LAND USE

This section describes the existing land uses in the project area, as well as the project's consistency with applicable governing land use plans. The methodologies used for this analysis include a site investigation to examine existing land use conditions, aerial photograph interpretation, review of applicable plans and ordinances, consultation with the County of Los Angeles Department of Regional Planning and Department of Beaches and Harbors staff, and analysis of the conclusions reached for other issues addressed in this EIR that have implications for policy consistency with the governing land use documents.

1. Existing Conditions

Project Site

As described in Section III, Project Description, the proposed project entails the development of the Oceana Retirement Facility, retail space and parking on Parcel OT and a portion of Parcel P.[29] The Holiday Harbor Courts commercial development with parking is proposed for Parcel 21. Development on Parcel OT would replace an existing surface parking lot and transfer development potential from the Admiralty DZ #7 and Palawan/Beach DZ #5 to the Oxford DZ #6. Development on Parcel 21 would replace existing marine commercial uses and parking, as well as transfer development potential within the Panay DZ #4 from Parcel 20 to Parcel 21.

Surrounding Vicinity Land Uses

A variety of land use types are located adjacent to the project site. The surrounding area contains a mix of land uses that generally include commercial and residential development, hotels, and parking, as well as Mother's Beach and several parks and open space areas. Adjacent and surrounding land uses are summarized on **Table IV.K-1**, further described in the following text, and shown in Section III, Project Description, on Figure III-2, Surrounding Land Use.

Table IV.K-1
Summary of Adjacent Existing Uses and Marina del Rey LCP Designations

Marina del Rey Land Use Plan Parcel	Direction from Parcel	Existing Land Use	Marina del Rey Land Use Plan Land Use Designation[1]
Parcel OT	West	Hotel	Hotel
	East	Oxford Retention Basin (Marina Lagoon)	Open Space
	North/Northwest	Washington Boulevard	None allocated
	South/Southeast	Admiralty Way	None allocated
Parcel 21	West	Parking	Parking
	East	Residential	Residential III
	North	Water	Water
	South	Panay Way	None allocated

[1] Marina del Rey Land Use Plan, a Component of the Los Angeles County Local Coastal Program, February 8, 1996.

[29] Hereafter, unless otherwise noted, the Oceana Retirement Facility project site is simply referred to as Parcel OT.

Adjacent and Surrounding Land Uses, Parcel OT

North/Northwest: Parcel OT is bordered on the north/northwest by the northeast-southwest trending Washington Boulevard. North, northeast, and northwest of Parcel OT, beyond Washington Boulevard, lies the City of Los Angeles, which is a part of the Venice Coastal Zone Specific Plan Area. This area is comprised of residential multiple family and single family uses, as well as commercial and open space/public facility uses.

South/Southeast: Parcel OT is bordered on the south/southeast by Admiralty Way, which is northeast-southwest trending in that area. Commercial (Edie's Diner and Harbor House Seafood) and public parking uses comprise the area south/southeast of Parcel OT, beyond Admiralty Way.

East: The Oxford Retention Basin, or Marina Lagoon, lies generally east of Parcel OT, and residential uses (Marina City Club Towers) mainly comprise the area farther east of Parcel OT Admiralty Way.

West: The Marina International Hotel (40 feet in height) lies westerly of Parcel OT, which is bordered on its west side by Palawan Way. Residential and hotel uses, including the New Admiralty Apartments (up to 73 feet) and Marriott Marina Beach (152 feet), respectively lie farther west of Palawan Way.

Adjacent and Surrounding Land Uses, Parcel 21

North: Parcel 21 is bordered on the north by the waters of Marina del Rey ("Basin D" in this location) and the anchorage known as Holiday Harbor Marina, where docks and slips are located. The Palawan Mole Road is located north of Basin D.

South/Southeast: Panay Way is located south of Parcel 21, and residential (Dolphin Marina Apartments) and commercial uses (The Chart House) are located south/southeast of Panay Way. The waters of Marina del Rey ("Basin C" in this location) with docks and slips comprise the area south of the Panay Mole Road, and the Marquesas Mole Road is located south of Basin C.

East: The Capri Apartments (Parcel 20) are located east of Parcel 21, and additional residential uses (more of the Dolphin Marina Apartments) are located east of Parcel 20.

West: A surface public parking lot, situated at the northeast corner of Via Marina and Panay Way, is located west of Parcel 21. Via Marina forms the western border of the parking lot, and residential uses (Kingswood Village Apartments) lie farther west of Via Marina.

Land Uses Along Project Vicinity Access Routes

The access into and out of Parcel OT would be from Washington Boulevard and Admiralty Way. Traffic to and from Parcel OT would most likely enter/exit from Washington Boulevard or Admiralty Way. Traveling northeast on Washington Boulevard from Parcel OT, land uses primarily consist of hotel and a variety of residential uses. Admiralty Way is a collector facility that traverses along the northern and eastern edges of Marina del Rey between Via Marina, just to the west of Parcel OT, and Fiji Way near

Lincoln Boulevard. Admiralty Way provides the project's most direct access to/from the Marina Freeway/Expressway (via Mindanao Way southeast of Parcel OT) and other regional travel facilities. Land uses along this route consist of commercial, retail, parking, open space, and residential uses.

Primary access to/from Parcel 21 would be from Panay Way. Traffic to and from Parcel 21 would enter/exit Panay Way from Via Marina and would travel along that roadway to either Admiralty Way or Washington Boulevard. Existing land uses along Panay Way and Via Marina include residential, commercial, hotel, and parking.

Land Use Plans and Policy

Land use plans are generally designed to ensure land use compatibilities, establish and maintain the desired character for a given area, provide uniform codes to govern similar land uses and ensure safety, and to protect environmental resources. Land use planning and policy for the project site are set forth in the Los Angeles County General Plan and the Marina del Rey Land Use Plan and Local Coastal Program (LUP and LCP). Other applicable land use plans that provide for specific land use considerations within the area include the Marina del Rey LCP Amendment 1-01 and the Marina del Rey Specific Plan (as amended). A description of each of these land use planning documents as they relate to the project site is provided below.

Los Angeles County General Plan

The State of California Government Code Section 65300 requires that each City and County adopt a General Plan to govern the future development of a community. As required by State law, a General Plan must contain at least seven elements, which include Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety. In accordance with the State Law described above, the County of Los Angeles General Plan contains Land Use; Circulation; Housing; Conservation, Open Space, and Recreation; Noise, Safety, Public Facilities; and Economic Development Elements. The County of Los Angeles General Plan was adopted on November 25, 1980, with various elements being amended since 1986. It consists of those Countywide chapters and elements mandated by the California Government Code, as well as a series of Community-wide plans that set forth more detailed growth and development policies for specific unincorporated communities. The General Plan has not been comprehensively updated since its adoption in 1980; however, the Department of Regional Planning is currently in the process of doing so in compliance with Government Code Sections 65300.7, 65301, and 65302. The multi-year planning effort is intended to reflect changes in demographics, growth, and infrastructure conditions in the County.

The General Plan is primarily a public interest tool for initiating and responding to change. The General Plan provides a framework for coordinating short and medium range actions and sets forth guidelines for how the County of Los Angeles should allocate its resources in meeting identified needs over the next few decades. The General Plan addresses two levels of planning: Countywide and local. As stated in the General Plan, adopted local plans, such as the Marina del Rey Land Use Plan, establish detailed standards and criteria tailored to conditions within the community, and they are also consistent with the general Countywide provisions. In cases where a decision involves both local and regional concerns, it is the Countywide component that sets the broad policy parameters while local plans provide more specific direction. As local plans constitute the primary tools for guiding decisions relative to local land use and development patterns and those plans are consistent with the County General Plan, this land use analysis focuses on the proposed project's consistency with the more specific policies included in the Marina del Rey LUP rather than the more broad provisions set forth in the Los Angeles County General Plan.

Marina del Rey Local Coastal Program (Land Use Plan and Local Implementation Program)

In accordance with the Coastal Act, the County of Los Angeles General Plan calls for the completion of the Marina del Rey Local Coastal Program (LCP), which consists of the Marina del Rey Land Use Plan (LUP) and the Local Implementation Program (LIP). As part of the LIP, the County has adopted a Marina del Rey Specific Plan, as discussed below, which provides more specific land use standards applicable to the Marina. The Marina del Rey LCP is integrated with the County of Los Angeles General Plan as a component of the Countywide Coastal Element.

The purpose of the Marina del Rey LCP is to provide a vision for the future development of Marina del Rey and establish explicit goals, objectives, and policies from which land use decisions are based. The LCP was developed to address future land use, new access, recreation and resource protection areas, and improvement of existing facilities. It establishes the following general principles regarding future development in the existing Marina portion of the LCP study area: increased boating opportunities, increased visitor-serving facilities, enhanced coastal access and harbor view opportunities, and additional residential units. The Marina del Rey LUP was approved by the Los Angeles County Board of Supervisors on September 13, 1984 and was subsequently certified by the California Coastal Commission on October 11, 1984. The Marina del Rey LUP was recertified in December 1986, following annexation of Playa Vista Areas B and C by the City of Los Angeles. A Major Amendment to the Marina del Rey LUP was approved by the Los Angeles County Board of Supervisors on November 3, 1994 and was subsequently recertified by the California Coastal Commission again on February 8, 1996. The amended 1996 LCP was intended to encourage the recycling of the older development in the Marina with newer development at higher intensities in exchange for more view corridors.[30] The supplementary development designated in the 1996 amended LCP included additional residential units, hotel rooms, and public park land, as well as visitor-serving commercial, office, and marine commercial space.[31] In addition, as discussed in the 1995 California Coastal Commission staff report (revised findings, Marina del Rey LCPA 1-94, December 1995), public parking on Parcel OT will be converted to commercial and residential uses.[32] The Marina del Rey LCP serves as the community plan for the Marina del Rey area.

Project Site and Surrounding Land Use Designations

The Marina del Rey LCP currently designates Parcel OT for parking, Parcel P for open space, and Parcel 21 for marine commercial uses, and all sites are currently utilized as such. The Legend of Land Use Categories in the LCP defines parking and marine commercial uses:

> ***Parking:*** *Permitted parking lots and structures open to the public, in most cases multi-use and fee-charging. Multi-use includes commercial and office parking lots made available during non-business hours. Height limit of 90 feet for parking structures, except on mole roads and waterfront parcels where the limit is 45 feet.*
>
> ***Marine commercial:*** *Permitting coastal-related or coastal-dependent uses associated with operation, sales, storage and repair of boats and marine support facilities. Uses include public boat launching (and associated launching ramp hoists), boat rentals, boating schools, dry boat storage, yacht club facilities (with associated dry storage and launch hoists), marine chandleries, boat repair yards, yacht brokerages, charter boat operations, and associated ancillary retail and office uses. Height limit of 45 feet for habitable structures and up to 75 feet for public dry stack boat storage.*

[30] California Coastal Commission, Marina del Rey Periodic LCP Review Adopted Revised Findings, April 23, 2009. Page 44.
[31] Ibid. Page 85.
[32] Ibid. Page 83.

Properties immediately adjacent to Parcel OT to the west have a hotel land use designation and an open space land use designation exists to the east. A hotel currently lies adjacent to Parcel OT to the west and the Marina Lagoon/Oxford Retention Basin is located on the remainder of Parcel P to the east. Parcel OT is bound by Washington Boulevard to the north and Admiralty Way to the south.

> ***Hotel:*** *Permitting hotels and motels to provide overnight accommodations and attendant visitor-serving services including dining and entertainment areas. Height limit of 225 feet, except on moles where the limit is 45 feet. Special height standards may apply to mole roads.*
>
> ***Open Space:*** *Permitting recreational uses including open viewing areas, promenades, bikeways, beaches, parks, picnic facilities, nature/interpretive centers, associated surface parking and landscaping. Height limit of 25 feet.*

Properties immediately adjacent to Parcel 21 to the west have a parking land use designation (utilized as such), but while a marine commercial land use designation exists to the east, an apartment building was recently constructed there. Parcel 21 is bound by the Marina waters to the north and Panay Way to the south.

Marina del Rey LCP Amendment 1-01

On January 7, 2002, the California Coastal Commission (CCC) approved the County of Los Angeles' Marina del Rey LCP Amendment 1-01. This approval effectively certified the Los Angeles County Board of Supervisors' resolution approving LCP Amendment Case No. 98-172-(4), effecting amendments to the Marina del Rey LUP and Specific Plan (see below), as well as Ordinance No. 2002-0010 amending Title 22-Planning and Zoning of the Los Angeles County Code, relating to the Marina del Rey Specific Plan.

The approved amendment changed the Marina del Rey LUP, LUP Map, and the Specific Plan (part of the Implementation Plan). Specifically, the amendment allowed for 1) the change of the land use designation of Parcel 20 from Marine Commercial (essentially boating related)-Waterfront Overlay Zone to Residential IV (medium-high density multi-family residential)-Waterfront Overlay Zone, and 2) the transfer of 97 development units from the Bora Bora Development Zone (DZ) #1 to the Panay DZ #4.

Marina del Rey Specific Plan (as Amended)

The Marina del Rey Specific Plan is a component of the LIP for Marina del Rey, and it is designed to implement the Marina del Rey LUP through the application of site-specific development standards and guidelines. The Marina del Rey Specific Plan has four objectives:

- Document various development, preservation, and reconstruction strategies set forth on the certified LUP;
- Establish development standards and guidelines which are the regulatory basis for future development, preservation, and reconstruction efforts in Marina del Rey;
- Require design concepts to guide reconstruction on individual parcels, to aid in the development of vacant land, and to help preserve significant resources; and
- Establish the governmental review process for new development proposals in Marina del Rey and describe the long-term implementation efforts necessary to accommodate future development.

Where provisions of the Specific Plan are in conflict with other provisions of the Los Angeles County Code, Title 22, Planning and Zoning, the Specific Plan prevails, but for matters on which the Specific Plan is silent, other applicable provisions of Title 22 control the matter. Notwithstanding the provisions of Section 22.46.030 of Title 22, amendments to the County Code that affect sections cited in the Specific Plan do not apply to the Specific Plan until certified as amendments to the Marina del Rey LCP by the California Coastal Commission. Until such changes are certified, only the versions of the County Code previously certified by the Commission apply.

The regulation of development in Marina del Rey is accomplished by zoning the entire Marina del Rey area as Specific Plan (SP), and development in the Specific Plan Zone is guided by the certified Marina del Rey LUP, as implemented by the land use categories and parcel-specific development standards and guidelines in the Marina del Rey Specific Plan. One zoning document, the Specific Plan, will be referred to for all land use regulations and development standards for each parcel in Marina del Rey.

Development Zones

For the purposes of allocating future development potential, the Marina de1 Rey Specific Plan area is divided into twelve Development Zones (DZs), with a DZ including one or more parcels grouped together for the purposes of analyzing traffic movements and impacts. These DZs are directly associated with the traffic analysis zones created for and used by DKS Associates in the Marina de1 Rey Traffic study (see Figure 5 of the Marina del Rey LUP). This study provides the basis for analyzing traffic impacts from proposed development in the Marina study area. The zones are designed to isolate traffic impacts on individual intersections in the Marina. The common unit of conversion among land uses within a DZ is the number of P.M. peak hour traffic trips generated by each land use, using the standard trip generation table found in the 1991 DKS study of Marina de1 Rey Traffic. The number of peak hour trips generated by the added development of the recipient use shall not exceed the number of peak hour trips generated by the donor use. The conversion of allocated development shall be monitored such that the development converted is deducted from the zone balance for the donor use and added to the zone balance for the recipient use. Conversion of existing development shall be similarly monitored to ensure no increase in trip generation occurs as a result of the conversion. Conversion is limited to development within a respective Development Zone; conversion shall not be construed to allow transfer of development between Development Zones. The transfer of development between Development Zones necessitates an Amendment to the Marina del Rey LCP.

The proposed project involves 1) the transfer of existing marine commercial and yacht club land uses within the Panay DZ #4 from Parcel 20, Phase II (also referred to as Parcel 19) to Parcel 21, 2) the replacement of existing marine commercial land uses on Parcel 21, and 3) the relocation of parking from Parcel OT in the Oxford DZ #6 to the Panay DZ #4. Further, an Amendment to the Marina del Rey LCP is required for the 1) creation of an Active Seniors Accommodations Land Use Category in the /LCP, 2) re-designation of Parcel OT from Parking to an Active Seniors Accommodations parcel with the Mixed Use Overlay Zone (MUZ), and 3) the transfer of development potential (approved land uses not built) in the form of 114 hotel units from the Admiralty DZ #7 (Parcel 132) and ~~5,000~~3,500 square feet of retail space from the Palawan/Beach DZ #5 (Parcel 97) to Parcel OT in the Oxford DZ #6. The transfer of existing marine commercial and yacht club land uses from Parcel 20, Phase II, to Parcel 21 requires a Coastal Development Permit and the ~~relocation~~ construction of parking ~~from Parcel OT to~~on Parcel 21 requires a Parking Permit. ~~also requires a Modification to the Marina del Rey LCP Amendment No. 1-01~~.

Zoning

A zoning ordinance is designed as a tool to implement a jurisdiction's General Plan. The Los Angeles County Zoning Ordinance is located in the Los Angeles County Code, Title 22, Planning and Zoning. Parcel OT and Parcel 21 are both located within the Marina del Rey Specific Plan Zone. Therefore, the Specific Plan is the appropriate document for determining the consistency of the proposed project with zoning.

2. Thresholds of Significance

According to the Initial Study prepared for the proposed project by the Los Angeles County Department of Regional Planning, the proposed project would result in a significant impact if:

- It can be found to be inconsistent with the plan designation(s) of the subject property;
- It can be found to be inconsistent with the zoning designation of the subject property;
- It can be found to be inconsistent with Hillside Management Criteria or Significant Ecological Area (SEA) Conformance Criteria; and/or
- It would physically divide an established community.

Further, according to the CEQA Guidelines, Appendix G, the proposed project would result in a significant impact if it would:

- Conflict with any applicable habitat conservation plan or natural community conservation plan.

As the proposed project would not divide an established community, there are no habitat conservation plans or natural community conservation plans applicable to the project site, and the proposed project is not located in a Hillside Management Area or SEA, the proposed project is evaluated on the remaining thresholds of significance.

3. Project Impacts

The proposed project would add a retirement facility for active seniors and retail uses to Parcel OT, as well as replace marine commercial uses on Parcel 21. Private and public parking would also be provided on Parcels OT and 21. This mix of land uses would be consistent with the existing surrounding urban land uses and would not add a new anomalous element to the Marina del Rey community. Consistency of the project with the applicable City land use plans, policies, and zoning is discussed below.

Consistency with Land Use Policies and Zoning Designations

The Marina del Rey Land Use Plan (part of the Local Coastal Program) and Specific Plan (part of the Local Implementation Program) are the governing documents in establishing the land use designations and development standards for Parcel OT and Parcel 21. The Land Use Plan Map of the LCP provides the policies and standards of development applicable to redevelopment, renovation, and intensification of development in Marina del Rey. **Table IV.K-2** provides a consistency analysis of the proposed project with the LCP. The Table includes discussion relative to both Parcel OT and Parcel 21.

Table IV.K-2
Land Use Consistency

Policy Requirement	Consistency Discussion
Policies And Actions	
Shoreline Pedestrian Access **Public Access to Shoreline a Priority.** Maximum public access to and along the shoreline within the LCP area shall be a priority goal of this Plan, balanced with the need for public safety, and protection of private property rights and sensitive habitat resources. This goal shall be achieved through the coordination and enhancement of the following components of a public access system: pedestrian access, public transit, water transit, parking, bikeways, circulation network, public views and directional signs and promotional information. Existing public access to the shoreline or waterfront shall be protected and maintained. All development shall be required to provide public shoreline access consistent with Policy 1. All development in the existing Marina shall be designed to improve access to and along the shoreline. All development adjacent to the bulkhead in the existing Marina shall provide pedestrian access ways, benches and rest areas along the bulkhead. All development in the existing Marina shall provide for public access from the first public road to the shoreline along all fire roads and across all dedicated open space areas consistent with the Shoreline Access Improvements, shown on Map 4.	**Shoreline Pedestrian Access** The proposed development on Parcel OT would include an improved landscaped pedestrian ~~and bicycle~~ access way between Admiralty Way and Washington Boulevard along the eastern boundary of the site and west of the lagoon. This would allow for improved public access to the lagoon. The proposed Parcel 21 improvements would include a park plaza and promenade, which would provide direct views of the marina, as well as, direct public access to the waterfront (i.e. marina small craft water uses and Mother's Beach). This project also includes a 5.5-foot wide sidewalk along the Panay Way Frontage.
Directional Signs Public awareness of shoreline access ways and public areas shall be promoted by the provision of appropriate signs, outdoor exhibits and brochures. All development in the existing Marina shall be required to incorporate the following informational features to improve the public's awareness of access opportunities and the coastal environment: • Outdoor maps indicating the location and type of public access ways and parks; • Identifying and directional signs; • As appropriate, facilities for brochures and other informational aids: and • Outdoor exhibits describing historical, biological and recreational aspects of the Marina, coast, wetlands and other aspects of the coastal environment, which should be coordinated and integrated with similar such exhibits which may be established in other areas of the Playa Vista project.	**Directional Signs** The marina has necessary signs and outdoor exhibits and brochures to provide public awareness of the marinas access opportunities and coastal environment in place. It has not been determined that new additional exhibits or directional signs would be required as a result of the proposed developments.

Policy Requirement	Consistency Discussion
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Waterfront Viewing Opportunities Public opportunities for viewing the Marina's scenic elements, particularly the small craft harbor water areas, shall be enhanced and preserved. • All development on the waterfront side of Via Marina, Admiralty Way and Fiji Way shall provide windows to the water, wherever possible, while, at the same time, screening unsightly elements such as parking areas and trash receptacles with landscaping. • All development particularly visitor-serving commercial uses proposed adjacent to the main channel shall provide additional opportunities and vantage points for public viewing of boating activity. • All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's waterfront providing public views of the Marina boat basins and/or channels.	**Waterfront Viewing Opportunities** Parcel 21 is located along the waterfront, and the proposed development would include two corridors that would enhance viewing opportunities of the marina. The project would provide over 28 percent of the parcel's waterfront, which would allow people to view the boat basins or channels.
Recreation and Visitor-Serving Uses As defined by the Coastal Act and specified in the specific design guidelines for each parcel in the Local Implementation Program, new development shall provide additional recreational opportunities including trails, bikeways (additions and/or extensions of existing bike path), open space/park areas and viewing areas as appropriate. Adequate support facilities (bike storage lockers, drinking fountains, etc.) shall also be provided. Existing and proposed recreation and visitor-serving uses in the Marina, as shown on Map 5, Existing/Proposed Visitor-Serving Facilities, shall be protected. Lower cost visitor-serving facilities shall be protected and, to the extent feasible, new lower cost visitor-serving uses shall be encouraged and provided within the existing Marina. Any new proposal for construction of facilities in the existing Marina that is a non-coastal priority or non-marine related use shall require offsetting mitigation. Mitigation shall be accomplished by contribution to a Coastal Improvement Fund. This Fund is primarily intended to finance construction of local park facilities. Uses exempt from this policy requirement include hotels, visitor-serving commercial, office, and marine commercial uses.	**Recreation and Visitor-Serving Uses** The proposed Parcel OT development includes the creation of an improved landscaped pedestrian ~~and bicycle~~ access way between Admiralty Way and Washington Boulevard along the eastern boundary of the project with viewing opportunities of the lagoon to the west. The proposed development at Parcel 21 would include a plaza and 28-foot wide promenade that would offer opportunities for recreational and viewing of the waterfront.
Parking Policies Applicable Regulations. All development, including redevelopment, expansion projects or new construction, shall be subject to the applicable parking requirements set forth in Los Angeles County Code, Title 22 (Zoning), as certified by the Commission in Appendix B of the LIP Specific Plan. In	**Parking Policies** The required parking spaces for the each of the proposed developments are provided in Section III, Project Description. Overall there would be no decrease in public parking and the projects would provide an adequate number of spaces to support the development

Policy Requirement	Consistency Discussion
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addition, public recreation areas shall be supported with visible public parking, consistent with the standards of Title 22, except that boat launch, boat storage, and marina parking and design shall be provided as specified in the Dept. of Beaches and Harbors' Specifications and Minimum Standards of Architectural Treatment and Construction, adopted in 1989.	uses. Parking proposed for Parcel 21 would be in accordance with Title 22 of the County Code[33]. Title 22, however, does not offer a parking requirement for the type of active seniors accommodations proposed on Parcel OT (one that offers routine transportation service). A parking requirement for this aspect of the proposed project was therefore based on parking observations at a similar retirement facility site located in Culver City, California.[34] Parking proposed with the project would additionally incorporate the Department of Beaches and Harbors' Specifications and Minimum Standards of Architectural Treatment and Construction. The proposed project is also seeking a parking permit for the transfer of development potential, parking, and trip generations between Parcels OT, 21, and 20. On Parcel OT, the general public would access on-site upper level parking from the driveway located on the westerly side of the structure (the side adjacent to the Marina International Hotel), closest to Admiralty Way on the southerly side of Parcel OT. This driveway would have two separate designated gated areas; one for public parking and one for residents of the retirement facility. The second driveway located on the westerly side of the structure, closest to Washington Boulevard, would be reserved for residents of the retirement facility and patrons of the on-site retail spaces, as would the access from Washington Boulevard along the site's northerly side. These entries would lead to both the upper and lower parking levels. General public and building use parking spaces will be designated with signage. Tenant parking for Parcel 21 would be accessed from a driveway located on the easterly side of the proposed structure, while general public parking would be accessed from a driveway on the southerly portion of the structure. General public parking would be located on-site on Levels 0.5, 1, 1.2, 1.5, and 2, while tenant parking would be provided on Levels 1.5, 2, 2.5, 3. 3.5, 4, 4.5, 5, 5.5 and the roof level. Tenant parking would serve both employees and patrons of on-site uses. General public and tenant parking spaces would be designated with signage, and a security gate would also separate tenant

[33] Parking requirements for "commercial areas" are described in Title 22-Planning and Zoning, Chapter 22.52-General Regulations, Part 11-Vehicle Parking Space, Section-22.52.100 of the Los Angles County Code.

[34] ~~The Culver City site has 98 units and provides 35 parking spaces. Observation shows that there is sufficient parking at the Culver City site. To be conservative, it was assumed that the parking rate would equal the number of spaces provided divided by the number of units at the Culver City facility, or 0.36 space per unit.~~ The parking rate of 0.474 space/unit is based on a parking demand study conducted in January 2010 at the Palm Court retirement facility. Refer to Section IV.H, Traffic/Access, of this EIR.

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	and public parking on Levels 1.5 and 2.
Parking **Facility Design.** Parking facilities shall be integrated into the overall design of all development and landscaped to soften their visual appearance. All parking shall be located either below grade, or within multi-story structures, or, if on level grade, shall be attractively designed with a buffer of landscaping, berms or other screening materials**.**	The proposed projects on both Parcel OT and Parcel 21 include parking structures. The design of structures would be integrated into the design of the primary structures and would provide landscaping and other screening materials where appropriate.
Public Lots. Public parking lots shall not be assigned to, nor allocated for use by private leasehold uses for the purposes of satisfying parking requirements for such private uses. All private uses shall satisfy their parking requirements on site. Parking agreements that predate the California Coastal Act, or which have been incorporated into a coastal development permit vested prior to LCP certification shall be exempt from this requirement. No designated public parking areas, including, but not limited to Lots OT, UR or FF shall be converted to uses other than public parking or public park purposes. Parking spaces lost as a result of conversion of public parking areas to public park uses, shall be replaced on a 0.5:1 basis, either on-site or elsewhere in the Marina.	The proposed project is seeking 1) a LCP Amendment to change the Parcel OT land use designation from Parking to Hotel with a Mixed Use Overlay Zone (MUZ)[35] (allowing for the mixed-use active seniors accommodations, retail uses, and parking) and 2) ~~Modifications to LCP Amendment No. 1-01~~ Parking Permit ~~f~~or the ~~transfer~~ construction ~~of 94 required~~ parking spaces on ~~from Parcel OT to~~ Parcel 21. The proposed project would provide adequate private parking on-site to meet the parking standards of the County Code. Parcel OT would retain 92 public parking spaces. Parcel 21 would provide 94 replacement public parking for those 94 spaces to be converted at Parcel OT (1:1 ratio), and 112 spaces transferred from Parcel 20. It is important to note that on page 2-5 of the Marina del Rey LUP, the County states that: "This LUP contemplates the potential conversion of three of the parking lots to other uses. These lots are FF, OT, and 52 with a total parking capacity of 638 spaces. Lots FF and OT, both on the west side of the Marina, are under utilized throughout most of the year. They are being contemplated for development as residential uses." "Lot OT is fully used only during peak events. Alternative peripheral parking lots could be used on those occasions to compensate for the loss of this lot." With the proposed project, Parcel OT would provide senior residential uses as well as retain public spaces and transfer parking to Parcel 21, which is adjacent to the waterfront. Further, this transfer of public parking spaces to Parcel 21 responds to the Los Angeles County Department of Beaches and Harbors' Draft Right-Sizing Parking for the Public Parking Lots in Marina del Rey, California (prepared by Raju Associates, Inc., March 2009), which found that for most of year (more than 300 days any year), the public parking lots located in the

[35] The Marina LUP MUZ (LUP pages 8-12 and 8-13) is intended to provide additional flexibility for development of creatively designed mixed-use projects on selected non-waterfront parcels. Parcels with this overlay zone are permitted to combine land use categories on an individual parcel, and are allowed to mix primary uses within a structure. Development potential available to each applicant is subject to the limitations of the zone in which the parcel resides.

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	Mother's Beach Activity Area (including Parcel OT) are underutilized. Parking lot 8 on Parcel OT, lot 9 on Parcel NR, lot 10 on Parcel IR and lot 11 on Parcel GR serve this activity area with a total of 843 spaces. However, the study determined that the recommended minimum public parking supply for this activity area is only 400 spaces. The Los Angeles County Department of Beaches and Harbors' currently proposed Parking Plan would meet this minimum amount, as well as provide for an additional 117 spaces in this activity area. The transfer proposed with development of the Oceana Retirement Facility and Holiday Harbor Courts project acts in accordance to these findings, by moving underutilized public parking spaces from Parcel OT to Parcel 21, where covered parking would be adjacent to the Marina and closer in proximity to Mother's Beach. Thus, the amendments/modifications proposed by the project would meet the above stated goal of the County. The FantaSea Yachts and Yacht Club retains a Coastal Development Permit (CDP) for the non-exclusive right to use up to 92 public parking spaces on Parcel OT after 6:00 pm and on weekends and holidays. The CDP is inconsistent with this policy as it allows for a private use to satisfy its parking on another site; however, the 92 public parking spaces would be retained on Parcel OT. ~~In addition, the proposed project requires modifications to LCP Amendment No. 1-01 for the enlargement of Parcel GR by 207 feet (31,050 s.f.) with a corresponding reduction in size of Parcel 21. This would provide additional area on Parcel GR that the Los Angeles County of Beaches and Harbors intends to develop into additional public parking under separate proposal.~~
Private Use Areas. Office and commercial development, where feasible shall provide multi-use parking facilities. The Department of Beaches and Harbors shall review development applications and determine when and where support facilities should be required as a permit condition. All new development shall provide visitor, public access and guest parking on site. Park and access areas shall be served by convenient and appropriate public parking.	Both the OT Parcel and Parcel 21 would provide multi-use parking facilities to accommodate the private mix of uses proposed, and provide public and guest parking. Public access to park areas would be adequately served by the proposed parking. The Department of Beaches and Harbors would continue to be incorporated in review of all development plans.
Recreational Boating **Recreational Boating a Top Priority.** Recreational boating shall be emphasized as a priority use throughout the planning and operation of the Marina. To help achieve this goal, the Plan shall strive to ensure that adequate support facilities and services are provided including, but not limited to, the following: boat slips, fueling stations, boat repair yards, boat dry storage yards, launch ramps, boat charters, day-use	**Recreational Boating** The proposed project does not involve direct changes to any of the existing boating facilities. Each lot would continue to provide access to the marina and all boating facilities.

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rentals, equipment rentals and on-going maintenance of the marina harbor and entrance channel, bulkhead repair, pollution control, safety and rescue operations, and sufficient parking for boaters. Emphasis shall be given to providing water access for the small boat owner through provision of public ramp facilities.	
Boating-Related Support Facilities At a minimum, the existing level of boating-related support facilities and services shall be maintained for the boating public. These facilities shall include, but are not limited to, the fuel docks on parcels 1 and 55, boat repair yards on parcels 53 and 54, the mast up storage and hoist on parcel 77, the county launch ramp and support parking on parcel 49, and small launch ramps and rental facilities on other parcels. With the exception of the facilities located on parcels 1, 54, 55, and 56, which shall not be displaced, boating facilities may be relocated in conjunction with development so long as the same or larger boating facility is replaced within the Marina. Any project which relocates an existing coastal dependent boating use, including but not limited to boat launching, boat storage, boater parking and access, shall be phased so that said use is replaced within the Marina before the development which displaces it may commence.	**Boating-Related Support Facilities** The proposed project does not involve direct changes to any of the existing boating facilities. Each lot would continue to provide access to the marina and all boating facilities.
Marine Resources-Harbor Water Quality The existing wetlands, including the flood control basin in parcel PP, the Marina waters, and the Ballona Creek flood control channel are the marine resources which shall be maintained and, where feasible, enhanced and restored. Uses permitted in or adjacent to these areas shall be carried out in a manner to protect the biological productivity of these marine resources and maintain healthy populations of marine organisms. All development shall include measures consistent with the Santa Monica Bay Restoration Plan and the programs of the Department of Public Works to reduce contaminated runoff into bay and Ballona Creek waters, including filtration of low flows, control and filtration of runoff from parking lots and roofs, reduction of impervious surfaces, and provision of pump out facilities, and other necessary measures to reduce harmful pollutants from storm drain waters prior to these waters entering the marina. Discharge of storm runoff to the Marina shall be limited to overflows during flood stage levels in Ballona Creek.	**Marine Resources-Harbor Water Quality** As provided in Section IV.C. Water Quality, the proposed project would be required to implement Best Management Practices (BMPs) in accordance with the County Standard Stormwater Mitigation Plan to avoid and/or minimize the runoff and filtration of urban pollutants that may be increased as a result of paving or landscaping treatments. In preparation of the project SUSMP, the measures listed here would be incorporated into the project specific BMPs.

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Cultural Heritage Resources Proposed projects shall be reviewed for potential cultural resource impacts through the County environmental review process. Appropriate environmental documentation and reasonable mitigation measures shall be required as determined by the Department of Regional Planning and the State Historic Preservation Office. These mitigation measures shall be incorporated into any development approved pursuant to the certified local coastal program. As defined by 0 30116(d) of the Coastal Act, any cultural resource found in the portion of the LCP study area planned for development shall be collected and maintained at the Los Angeles County Museum of Natural History, or other appropriate location as otherwise provided by state law. To ensure proper surface and site recordation, the State Historic Preservation Office shall be notified, along with Regional Planning, if any resource is discovered during any phase of development construction. A professional archaeologist shall be retained to monitor any earth-moving operations in the study area. A halt-work condition shall be in place in the event of cultural resource discovery during construction. As part of the application for any coastal development permit involving disturbance of native soils or vegetation, including but not limited to excavation, pile driving or grading, the applicant shall provide evidence that they have 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.	**Cultural Heritage Resources** A cultural resource investigation was conducted by Jeanette McKenna, a professional archaeologist. As provided in reports dated May 3, 2006 and May 4, 2006 for Parcel OT and Parcel 21, respectively, the project sites are not known to contain cultural resources. However, given historical findings within Ballona Creek and the Venice landfill a potential exists that grading activities could uncover cultural resources. Mitigation measures have been incorporated in accordance with the policy to ensure that impacts would be less than significant.
As part of an application for a coastal development permit involving disturbance of native soils or vegetation, the County shall notify applicants that, in the event of discovery of Native American remains or of grave goods, 6 7050.5 of the Health and Safety Code, and 0 5097.94, $5097.98 and 0 5097.99 of the Public Resources Code apply, and shall govern the applicant's development activities. Copies of these code sections shall be provided to applicants and to appropriate local officials. Archaeological recovery programs shall require coastal development permits consistent with the provisions of the certified local coastal program.	As provided above, mitigation measures, including notification requirements, have been incorporated to ensure impacts to cultural resources would be less than significant. The County Department of Regional Planning and Department of Beaches and Harbors would incorporate these provisions into the project's conditions of approval for the required permits.

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<u>Land Use Plan-Priority Uses</u> Unlike other chapters in this LCP document, the Land Use Policy Map is more complex than other policy maps. It is, therefore, set off as a separate policy section in Part 2 below**.**	**<u>Land Use Plan-Priority Uses</u>** The proposed developments on both the OT Parcel and Parcel 21 would not interfere with existing or planned boat facilities or ancillary uses. Access to nearby boating facilities would be maintained; thereby preserving the small craft harbor uses and visitor serving facilities.
Preservation of the Small Craft Harbor facility a Priority. • The primary purpose of the Land Use Plan shall be to maintain Marina de1 Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities. • Development shall not detract from, nor interfere with the use of existing or planned boating facilities, nor the ancillary uses, which support these facilities.	The proposed project would replace existing marine commercial uses (Parcel 21) as well as provide a yacht club (Parcel 21) and retail uses (Parcel OT). Boat slips associated with Parcel 21 shall remain.
Maintenance of the physical and economic viability of the marina a priority. Lessees shall be encouraged to replace structures and facilities which are physically or economically obsolete.	The proposed project would update parking and marine commercial facilities, as well as construct new retail and active seniors accommodations. These structures would be consistent with the massing and architectural type of recent Marina Phase II redevelopment projects.
Design Guidelines. The Department of Beaches and Harbors shall maintain and, when deemed appropriate, modify guidelines for the design and architectural treatment of all structures in the Marina. • These guidelines shall be known as the Manual for the Specifications and Minimum Standards of Architectural Treatment and Construction. • These guidelines are supplemental to, and not overriding of any standards or conditions of development set forth in this LUP, Title 22 (Planning & Zoning) of the Los Angeles County Code. • Conflicts of Interpretation. Should any situation arise where a conflict of interpretation exists between these guidelines, and standards set forth in this LCP, the certified LCP shall control. Enforcement. The Dept. of Beaches and Harbors shall have primary responsibility for the enforcement of these guidelines. The most recently approved version of the guidelines shall be applicable at the time an applicant files a development proposal.	The architectural design and treatment of structures would be conducted in accordance with the design guidelines established by the Department of Beaches and Harbors and the certified LCP, and would be subject to review by the Design Control Board. The proposed site plan and elevation renderings are provided in Section III, Project Description.

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Design Control Board. The Design Control Board, appointed by the Board of Supervisors, shall review all new development proposals, including renovations, for consistency with the Manual for Specifications and Minimum Standards of Architectural Treatment and Construction and the certified LCP, including the identity and accessibility of the Marina as a public boating and recreational facility, and shall recommend such modifications to the design as they deem appropriate. Such review shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing.	The proposed project has received conceptual approval from the Marina Design Control Board.
Entitlement Process. All applications for development on a specific parcel shall provide evidence of consistency with all of the following: 1) the access and recreation policies of the Coastal Act and this LCP, and 2) all policies and development standards in the certified LCP, including the amount of development potential allocated to the Development Zone in which the parcel is located, and the principle permitted land use assigned to that parcel, permitted in the Waterfront Overlay Zone, or identified in the LCP as compatible uses that may be allowed, subject to a grant of a Conditional Use Permit. Actual entitlement to develop a new use, or to change or expand an existing use on a given parcel shall be determined by the coastal development permit process as contained in Part 17 of Chapter 56 of Title 22, (Planning & Zoning) of the Los Angeles County Code which may culminate in either granting, denying or conditional approval of a Coastal Development Permit. This process shall analyze all applicable policies of this LUP, the County-wide General Plan, and Title 22 (Planning & Zoning) of the Los Angeles County Code, in determining the design, location, and intensity of development on a specific parcel. This process also shall determine the extent of off-setting mitigation measures that shall be required of an applicant	The proposed project is consistent with the Marina del Rey Land Use Plan, which is in effect the LCP, which is consistent with the Coastal Act. The proposed project includes recreational opportunities and access in accordance with the recreational and access policies. For Parcel OT, the project proposes to add an "Active Seniors Accommodations" Land Use Category to the LCP and change the land use designation of Parcel OT from "Parking" to "Active Seniors Accommodations" with a MUZ that would allow for active seniors accommodations with a retail component. The LCP and Specific Plan provide the development standards for the Residential V Land Use Category (used here as a basis of comparison in lieu of an Active Seniors Accommodations Land Use Category based on the density not to exceed 75 units per acre), which include density, height, setbacks and square footages. The proposed project would not exceed the Residential V standards of the Specific Plan. Although the proposed project on Parcel OT would re-designate the land use category of the Parcel, the associated development potential throughout the LCP area would not increase. The required Conditional Use Permit, Coastal Development Permit and the Parking Permit would be issued in accordance with Title 22. For Parcel 21, the project would develop the yacht club and marine commercial offices from Parcel 20. Parcel 20 has a land use designation of Marine Commercial, and the Specific Plan provides the development standards relative to height, setbacks, and square footages for uses. The required Conditional Use Permit, Coastal Development Permit and Parking Permit would be issued in accordance with Title 22.
<u>Land Use Plan-Non-Priority Uses</u> **Coastal Housing not a Priority.** Although construction of housing is not a priority use in the Coastal Zone, additional opportunities for coastal housing may be provided, where appropriate. All development of coastal housing shall be contingent upon meeting all applicable policies and	**<u>Land Use Plan-Non-Priority Uses</u>** The proposed project would not include the development of non-priority coastal housing, nor would it provide affordable housing. It would provide senior citizen housing on Parcel OT, which is encouraged as part of Marina del Rey Phase II development (see below), and

Policy Requirement	Consistency Discussion
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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 and visitor serving recreational uses in the plan segment, provision of adequate traffic capacity, and any provisions for low- and moderate-income and senior citizen housing subsequently certified by the California Coastal Commission.	would include parking, an outdoor plaza and terraces, improved site vehicle and pedestrian access, and a visitor-serving retail component, which meet the contingency in this policy to provide this type of housing and ancillary features.
Land Use Plan-Affordable Housing Affordable and senior citizen housing projects shall be encouraged as part of Phase II development consistent with the policies and development standards of the certified LCP. The following General Plan policies shall be applicable to the review and approval of housing projects within the existing Marina: • Encourage private sector participation in the development of low and moderate-income housing. • Support and facilitate the development of housing affordable to lower-income households, and encourage the dispersal of new lower-income housing throughout the unincorporated areas of the County. • Support the design and construction of rental housing to meet the needs of lower income households, particularly large families, senior citizens, and people with disabilities. To the extent feasible, new housing developments shall comply with Government Code § 65590 relating to the provision of low- and moderate-income housing within the Coastal Zone. The conversion or demolition of existing residential dwelling units occupied by persons of low and moderate income shall be replaced consistent with the provisions of Government Code § 65590.	**Land Use Plan-Affordable Housing** The proposed project does not include an affordable housing component. However, the Parcel OT Oceana Retirement Facility would include active seniors accommodations. This facility would not represent a typical residential land use, as individual units would not have kitchens, trips generated by the proposed land uses would be reduced as compared to a multi-family residential project of the same size, and the facility would provide on-site dining services and other amenities for the residents. Further, the proposed project would not result in the demolition or conversion of existing residential dwelling units.
Coastal Visual Resources **Views of the Harbor a Priority.** Maintaining and enhancing views of the Marina shall be a priority goal of this Plan. Enhancing the ability of the public to experience and view the Marina waters shall be a prime consideration in the design of all new, modified or expanded development. This goal shall be achieved by placing conditions on permits for new development to enhance public viewing, to allow for greater public access, and to create new view corridors of the waterfront. No billboards or off-premise commercial signs shall be permitted in the LCP study area. On-premise signs shall be restrained in size and color and subordinate to the setting.	**Coastal Visual Resources** As provided in Section IV.G, Visual Qualities, views of the marina or shoreline are not possible from the immediate project vicinity; therefore, the development on Parcel OT would not obstruct views. On Parcel OT, the proposed project would include an improved landscaped pedestrian path along the eastern boundary. This open space would allow for improved public viewing access to the Oxford Basin. In order to accomplish this, the proposed project would add 19,755 s.f. of Parcel P, which is designated open space in the LCP, to Parcel OT and re-designate it Active Senior Accommodations. The proposed building would

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	encroach approximately 30 to 35 feet into Parcel P, leaving approximately 20 to 25 feet for a pathway. However, according to the Burton W. Chace Park Master Plan (Los Angeles County Department of Beaches and Harbors, June 11, 2009), the existing Burton W. Chace Park on Mindanao Way is 7.8 acres in size, but the Master Plan project would increase its size to 15 acres. Therefore, notwithstanding the Parcel OT project's encroachment into Parcel P, open space in the Marina del Rey community would cumulatively increase under Phase II development. The proposed development on Parcel 21 would maintain frontage widths along Panay Way and would include a 28-foot wide promenade that would offer views to the marina. In addition, The proposed development on Parcel 21 would include two-view corridors between the proposed structures that would maintain view corridors from Panay Way. With these corridors, Parcel 21 would provide a view corridor of 28.5 percent (of the Parcel's frontage), which exceeds the standard of 27.33 percent as required for a building height of 56 feet. No billboards or off-premise commercial signs are proposed for either Parcel OT or Parcel 21.
Design Control Board Authority. Signing, building design, site planning and facade design in the existing Marina shall continue to be controlled by the Marina del Rey Design Control Board. The Design Control Board shall review all new development proposals, including renovations, for consistency with the policies and objectives of this LCP and shall recommend such modifications to the design as they deem necessary. Such review and a report of the Board's deliberations shall be completed prior to any application for development being submitted to the Department of Regional Planning for case processing. In reviewing signs, the Design Control Board may refer to the Permanent Sign Controls and Regulations of September 16, 1971, as amended on July 19, 1973, and the Specifications and Minimum Standards of Architectural Treatment and Construction of this certified LCP. (Note: The relevant parts of these two documents are found on pages 1 through 15 and 27 through 70 of Appendix C of the LIP. It should be noted that pages 16 through 26 of Appendix C, referring to land use and height standards, shall not govern redevelopment in Marina de1 Rey.) All approvable development shall include modifications to ensure consistency with all policies and development standards of the certified LCP.	All proposed designs would be subject to review and approval of the Design Control Board Authority. The Design Review Board would ensure that the project meets the specifications and minimum standards for architectural treatment and construction.

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View Protection. The following existing views within the existing Marina shall not be significantly disturbed: • All views from north jetty and south jetty (west of UCLA boathouse): • Harbor views from Burton Chace Park and Fisherman's Village; • Cross-beach view from Panay Way parking lot (parcel GG); and • Main channel view from Admiralty Park.	The proposed development on Parcel OT would not involve the obstruction of views, as the view of the marina or shoreline are not possible from the immediate vicinity of the Parcel. The proposed development on Parcel 21 would include two-view corridors between the proposed structures that would maintain view corridors from Panay Way. With these corridors, Parcel 21 would provide a view corridor of 28.5 percent, which exceeds the standard of 27.33 percent as required for a building height of 56 feet.
All development shall incorporate harbor views from streets and pedestrian access ways consistent with security and safety considerations. All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's water front providing public views of the Marina boat basins and/or channels.	
Height Design Concept. Existing Marina. The height of new structures within the existing Marina shall be governed by height standards established by the applicable Land Use Category (see Chapter 8, Land Use), and by the following general height standards as applied to various similarly-situated parcels in the existing Marina: 25 Foot Standard - Applies to accessory structures on the Marina Beach area, public open space, some public parking lots, the fueling docks, the public boat ramp site, and ancillary commercial structures in the Boat Storage land use category. 45 Foot Standard - Applies to moles, including all parcels adjacent to mole roads and mole ends, and to office uses seaward of the loop roads, public parking lots, and public facilities (with the exception of theme towers on public facilities). 140 Foot Standard - Except as noted above, applies to parcels adjacent to and seaward of Via Marina, and Admiralty Way (excluding the Marina City Towers and parcels 112 and 113, which are allowed a 225 foot standard), the Marina shopping center and frontage along Washington Blvd. 225 Foot Standard - Except as noted above, applies to parcels landward of Via Marina and Admiralty Way, and includes parcel 112 and 113, and the westerly portion of parcel 125. The Height Design Concept may be modified where a valid public benefit is achieved, such as increased views of the waterfront. For parcels adjacent to mole roads, and seaward of Admiralty Way and Via Marina, flexible height standards may apply in exchange for increased view corridors, as provided for in the Height Design Flexibility Policy below.	According to the LCP, the allowable height on Parcel OT is 90 feet, for its parking land use designation. While the existing condition of the site is a surface parking lot, under Phase II development and its current designation, the site may be redeveloped into a 90 foot parking structure, as compared to the proposed project's 67 foot and seven inch to 75 foot retirement facility (as measured from Admiralty Way and Washington Boulevard, respectively, to the top of the roof). In addition, the proposed development on Parcel OT would not exceed the proposed 75-foot height limit for the Active Seniors Accommodations land use category, as provided in the Specific Plan (refer to Table IV.K-3, below). The site adjacent to Parcel OT to the west includes the Marina International Hotel, which is 40 feet in height. While the proposed project would be greater in height than the neighboring hotel, existing LCP policies for Phase II development on Parcel OT would allow for a taller structure than that represented by the proposed Oceana Retirement Facility. The allowable height on Parcel P is 25 feet, for its open space land use designation. Through an adjustment to the lease parcel boundary between Parcels OT and P, Parcel OT would be enlarged by 19,755 s.f., with a corresponding reduction in size of Parcel P. (Currently, the Parcel OT parking encroaches approximately 21 feet into Parcel P, and the proposed building on Parcel OT would encroach into Parcel P by an additional nine to 14 feet. Through the LCP amendment, the portion of Parcel P to be included within Parcel OT would be re-designated active senior accommodations with a 75-foot height limit. Therefore, the proposed project's maximum height of 75 feet would be consistent with the LCP allowable height.

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	The proposed structures on Parcel 21 would be 56 feet high, which exceeds the 45-foot height limit provided for mole roads. LCP policies allow for an increase in height based on the amount of view corridor provided. A height of 56 feet would require 146 feet or greater for the view corridor, which would be incorporated into the design (refer to Section III, Figure III-6a).
Height Design Flexibility for Waterfront Parcels. Any project design for any parcel on the seaward side of a public access road may apply for flexible height standards above the maximum allowable height in exchange for providing increased view corridors in excess of the minimum requirement of 20 percent, as provided for below: a) Mole Roads Optional Height Areas. Structures proposed on parcels where a 45-foot standard applies and located between a mole road and the bulkhead may be allowed up to a maximum height of 75 feet when a 40 percent view corridor is provided. Height above 45 feet shall be permitted at the ratio of 1.5 feet of additional height for every additional 1 percent of view corridor provided in excess of the 20 percent minimum standard. This policy is applicable on the following mole roads: Panay Way, Marquesas Way, Tahiti Way, Bali Way, Mindanao Way, Fiji Way, and the mole portion of parcel 132. This policy shall not apply to that portion of the mole seaward of the cul-de-sac where a 45 foot maximum height standard applies. b) Via Marina and Admiralty Way Optional Height Areas. Except as noted in Policy No. 7 above, structures proposed on parcels where a 140 foot standard applies and located adjacent to and seaward of Via Marina and Admiralty Way may be allowed up to a maximum height of 225 feet when a 40 percent view corridor is provided. Height above 140 feet shall be permitted at the ratio of 4.25 feet of additional height for every additional 1 percent of view corridor provided in excess of the 20 percent minimum standard. c) The open area may allow public amenities such as benches and landscaping, and parking lots provided the parking area is at least two feet below grade to allow views of the harbor from the mole road. Projects not meeting the minimum "open viewing area" requirement shall be restricted to 45 feet in height. Such projects shall be required to meet the mandatory 20 percent "open viewing area" requirement for all projects on the seaward side of any roadway within the LCP study area. Mole Roads Optional Height Areas.	Parcel 21 would provide a view corridor of 28.5 percent, which exceeds the minimum 20 percent view corridor as required by the policy. Per subsection "a," the maximum height allowed would be approximately 58 feet. The proposed height of 56 feet fits within the design flexibility criteria allowed under this policy. The proposed project would include landscaping and plant materials to screen and soften the building areas for Parcel OT and Parcel 21. Parcel OT does not occur along a bulkhead and would not result in any construction to, creating, or maintaining bulkheads in the marina. Parcel 21 does occur along a bulkhead and would require a minimum eight-foot wide corridor. The proposed project would not infringe on the existing corridor and would include a 28 foot wide promenade that would enhance the pedestrian viewing areas on the bulkhead frontage.

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Structures proposed on parcels where a 45 foot standard applies and located between a mole road and the bulkhead may be allowed up to a maximum height of 75 feet when a 40 percent view corridor is provided. Height above 45 feet shall be permitted at the ratio of 1.5 feet of additional height for every additional 1 percent of view corridor provided in excess of the 20 percent minimum standard. This policy is applicable on the following mole roads: Panay Way, Marquesas Way, Tahiti Way, Bali Way, Mindanao Way, Fiji Way, and the mole portion of parcel 132. This policy shall not apply to that portion of the mole seaward of the cul-de-sac where a 45 foot maximum height standard applies.	
Wind Factor. Development shall not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel. Wind studies shall be required to determine the significant adverse impact of taller buildings on wind currents and sailing by small boats within the Marina. All structures proposed at heights greater than 45 feet shall determine the cumulative impact of taller buildings on wind currents within the Marina. Development shall only be approved if all identified significant adverse impacts, including cumulative impacts of a pattern of higher buildings, are fully mitigated.	Wind Impact Assessments were conducted for the proposed developments on Parcels OT and 21 by RWDI (Reports dated August 17 and 31 2006, respectively, and are included in **Volume II, Appendix J**). The studies concluded that the proposed project would have a minimal effect on the wind conditions within the adjacent basins, the winds used by birds, or the general air circulation patterns within the Marina.
Landscaping and plant materials may be used to screen and soften visually obtrusive elements in the study area (e.g., utilities, service areas, bulkheads, fencing, etc.). A landscaped pedestrian viewing area shall be provided along the bulkhead in conjunction with all new development. Such area shall include benches, shade structures and other amenities, and shall be the equivalent of a eight-foot wide corridor seaward of the fire access road.	The proposed project plans for Parcels OT and 21 include landscaping, and the plans for Parcel 21 also include a public plaza and pedestrian promenade along the north side of the Panay Way mole.
Hazard Areas As a prerequisite to all development, approval of a flood control, runoff and storm drain plan by the Department of Public Works consistent with the Santa Monica Bay Recovery Plan shall be required.	Hazard Areas All improvement plans affecting the surface water runoff and control of flooding would be submitted to the Department of Public Works for a review for consistency with the Santa Monica Bay Recovery Plan. In addition, Section IV.C, Water Quality provides for mitigation measures that would ensure water quality impacts of the project are reduced to a less than significant level.
Future development shall be based on thorough site specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading.	An analysis of geologic impacts and geological analysis performed in consideration of the proposed project, is provided in Section IV.A, Geotechnical Hazards and includes a discussion of soil conditions, liquefaction and lateral spreading.

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All development shall utilize earthquake resistant construction and engineering practices particularly those intended for high density of human occupancy. All development shall be designed to withstand a seismic event. All earthquake studies shall comply with the latest recommendations of the California Division of Mines and Geology and the Seismic Safety Board for seismic safety, especially for projects on unconsolidated sediments with high groundwater. Preliminary engineering mitigation and structural setbacks shall be designed for a bedrock acceleration of no less than 0.5g. and high potential for liquefaction.	Seismic-related impacts are also discussed in Section IV.A. Project engineered improvement plans would be reviewed by the County Public Works and Building and Safety Departments to ensure the proper setbacks for a bedrock acceleration of no less than .5g and high liquefaction potential.
Avoidance and Mitigation of Geologic Geotechnical Hazards. Applicants and their engineers are responsible for following all current requirements and recommendations of the Los Angeles County Department of Public Works, the California Division of Mines and Geology and the California Seismic Safety Board. Accordingly, all development applications shall include a detailed geotechnical report completed by a certified engineering geologist and a registered civil engineer experienced in the field of soil mechanics, and approved by Public Works. A copy of the report, and its approval, shall be submitted. The report must include, but not be limited to: • A comprehensive geologic/soils analysis showing underlying geology, soil type and structure: • Delineation and evaluation of areas prone to fault rupture, secondary effects of seismic shaking, such as lateral spreading, settlement, liquefaction, etc. and excessive ground motion, due to seismic wave amplification; • Delineation of low-lying areas which may be inundated by tsunamis, floods or unusually high tides or may be damaged by excessive wave action: • Recommendations for development in geologically stable areas, and restriction of development in unstable or unmitigated areas: Channels constructed in areas of liquefiable soils shall be engineered to preclude or mitigate the impacts of liquefaction; and No development in which the hazard to life and property cannot be fully mitigated shall be approved. Require that marina and harbor facilities continue to be designed and constructed so as to reduce the potential impacts of tsunamis.	As provided in Section IV.A, Geotechnical Hazards, Preliminary Geotechnical Reports were prepared for the proposed project and relied upon to determine geotechnical impacts and associated mitigation measures. Compliance with mitigation measures and recommendations of the local and state governing agencies would ensure appropriate engineering designs are incorporated to minimize and/or avoid impacts relative to underlying soil, seismic events and flooding (including tsunamis to the extent feasible).

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Circulation **Internal Marina Circulation Improvements.** Development shall not be approved that will exceed the capacity of the internal Marina de1 Rey street system. The total potential for additional units and amount of commercial and residential development allocated under this Local Coastal Program will generate a traffic impact within Marina del Rey that can be mitigated within the Marina by the improvements listed in Policy 2 below. Pursuant to this policy, the improvements listed in Policy 2 below shall be allocated proportionately among the development approved within the LCP area such that each approvable development constructs or contributes its fair share of the improvements, which are expected to fully mitigate the direct impact the development is expected to have on traffic within Marina de1 Rey. **Transportation System Management.** Transportation System Management (TSM), and Transportation Demand Management (TDM) programs shall be required as a condition of approval for all development, which has a significant adverse effect on traffic. TSM improvements enhance the system capacity and improve traffic flow. TDM measures encourage people to use alternative modes of transportation to eliminate automobile trips during the peak demand periods.	**Circulation** The Marina del Rey LCP considered buildout of the Marina in accordance with the Plan and has developed the internal circulation improvements accordingly. The proposed project would include the transfer of development rights, which would result in an off-set of the number for vehicles planned for, as well as a net increase of approximately 30 peak hour trips. Therefore, the proposed project would be required to provide it's "fair share" in fees to incorporate improvements to the circulation system that will ensure an acceptable level of service in accordance with the Transportation Improvement Program of the Specific Plan.
Category 3 Sub-regional Transportation and Circulation Improvements. Cumulative Impacts Development shall not be approved that will significantly exceed the capacity of the sub-regional street system. Traffic impacts, generated by development in the LCP study area, upon the circulation system outside the unincorporated area of Marina de1 Rey, shall be mitigated by the developer prior to receiving final discretionary permits. Category 3 consists of improvements which may be employed to mitigate the cumulative impacts of development in the LCP study area on the regional transportation system serving the Marina del Rey. Ninety-three percent of all trips originate or end outside Marina del Rey. All development shall contribute a calculated fair share toward construction of improvements necessary to mitigate all of the development's significant adverse cumulative traffic impacts. The traffic studies prepared as part of each project's environmental documentation, shall address the project's impacts on adjacent State Highways and other regional collector streets and shall be the basis for determining the amount of cumulative impacts which the project has on regional traffic due to the increase in the number of trips that the project generates that begin or end outside the Plan area. Studies prepared in compliance with this requirement shall show:	

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1) the number of daily and peak hour trips generated by the development, 2) the number and percentage of those trips originating and terminating outside Marina del Rey, 3) the direction of the trips upon departing the existing Marina. Based on this documentation, all development shall contribute its proportionate fair share of the Category 3 improvements that will fully mitigate the level of impact such development will have on the regional system serving the plan area. The study shall be provided at the time of the permit application.	
Public Works **Water and Sewer Services.** Permission to build new and/or intensified development in the LCP area shall be contingent upon the ability to provide proof of availability of adequate water and sewerage facilities. In cases where existing unused capacity cannot meet increased demand, developer-financed improvement of existing water and/or sewerage facilities shall be required before new development and/or intensification can proceed. Installation of new sewer and water lines shall be accomplished via the least environmentally damaging method. Water conservation technology shall be employed in all development, including landscaping and irrigation that increases water use of the parcel. Design of new development requiring the installation and operation of additional water service shall be reviewed for water conservation.	**Public Works** As provided in Section IV.I, the project applicant has obtained will-serve letters from the Los Angeles County Waterworks District and adequate water supplies exist to serve the project demand. The conflicts between 1) the location of the proposed building on Parcel OT and the on-site water main and 2) upgrading the inadequate off-site water main in Panay Way would result in potentially significant impacts to local water infrastructure, which are mitigable to less than significant. As provided in the Initial Study previously prepared, the project parcels would be serviced by the City of Los Angeles Hyperion Treatment Plant, and the plant and sewer line infrastructure have adequate capacity to service the project. The will-serve letters described above include sewer service from the District. Further, the City of Los Angeles Department of Public Works Bureau of Engineering Venice Pumping Plant Dual Force Main Sewer Project would further improve sewer service in the area. As provided in Section IV.I, the proposed project would include mitigation measures that would ensure water conservation technology is incorporated into the project plans for landscaping and potable water uses where feasible in accordance with Titles 24 and 26 of the Los Angeles County Code, State of California Health and Safety Code, and Government Code Section 7800.
Fire access requirements. On property fronting on mole roads the developers shall provide fire clear zones on the water side of the buildings. These fire access roads shall be reached by vertical fire access roads no less than 28 feet in width and shall be a minimum of 20 feet wide. All fire access routes shall be constructed and maintained clear to the sky, with no benches, planters or fixed objects. The Fire Dept. access roads shall be dedicated for public pedestrian access and shall make up the greater part of the required pedestrian	The proposed project includes setbacks adequate to allow for access of emergency personnel and equipment. All development improvement plans would be reviewed by the Fire Department to ensure adequate access. The proposed project at Parcel 21 would include a 28 foot wide promenade that would remain clear to the sky. The turning radii would also be subject to review and approval by the Fire Department.

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promenade. The Fire Dept. access roads shall maintain unimpeded access to both pedestrians and emergency vehicles on no less than twenty feet of all promenades at all times. **Pedestrian Promenades.** All projects located on shoreline parcels shall provide public pedestrian promenades adjacent to bulkheads no less than 20 foot wide that also provide benches, trash containers, shade structures and other pedestrian amenities along the seaward edge of the bulkhead. If these promenades are combined with a 20 foot wide fire access road, they may be constructed in one of two configurations, that allow for both unimpeded fire access and pedestrian amenities: a) A 20 foot wide accessible fire road in addition to an eight foot wide landscaped strip, resulting in a total dedicated access area no less than 28 feet wide. The eight foot wide landscaped strip adjacent to the bulkhead shall be landscaped and provided with benches and shade structures. The eight foot wide landscaped strip shall be provided in addition to required fire access roads and shall be located, seaward of the fire access road, or b) A series of 10 by 10 foot-wide improved view points no less than 150 feet apart, also adjacent to the bulkhead and integrated with vertical access ways. In either configuration, turn radii shall be approved by the Fire Department. **Sprinklers.** All new development shall be required to provide fire sprinklers consistent with the specifications of the Fire Dept. Remodeling or expansion projects involving 50 percent or more of the existing floor area of the structure shall be subject to review by the Fire Dept. for sprinkler requirements. **Multi-Story Buildings.** Where a new building exceeds three stories or 35 feet in height, the following standards shall apply: a) The maximum height of a proposed multi-story building shall be subject for review of the Fire Department. b) All multi-story buildings shall have an emergency evacuation plan and, on mole roads, a safe refuge area shall be designated for multi-story occupants on the dock area; c) Emergency access (or clear zones) along the sides of all multi-story buildings shall be required to be a width of 28 feet. A lesser width may be granted	The proposed structures would require plan check by the Fire Department to ensure all applicable Fire Codes have been complied with, including provision for sprinkler systems. As the proposed buildings would exceed 35 feet in height and be multi-story, they would require an emergency evacuation plan. In addition as required by the Specific Plan, the project would be required to prepare a Fire Safety Plan for approval by the Fire Department, which would ensure proposed setbacks, sprinklers, fire flow, emergency access and evacuation plans are adequate. Since Parcel 21 is located on a mole road, this aspect of the project would require a safe refuge area on the dock area. Such a refuge area would be identified in the Specific Plan required Fire Safety Plan. Additionally, the proposed development on Parcel 21 includes a pedestrian promenade that will also serve as an access road for emergency service vehicles.

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where the Fire Dept. finds such width provides sufficient emergency access; a greater width may be mandated where the Fire Dept. finds such width to be necessary for the provision of adequate emergency access. This requirement may apply to the adjacent pedestrian promenades except for the viewing areas described in policy 9 above. Where a building is not more than 10 feet from the edge of a road, the roadway may serve as the required access area for that side of the building. Clear zones provided on the sides of a building may count toward any linear view corridor requirements for buildings located between the first public road and the sea: and d) Applicants for multi-story buildings shall submit documentation in the form of a Fire Safety Plan, verifying that Fire Dept. requirements relative to access, fire flow, sprinklers, and evacuation plans have been satisfied.	

Parcel OT

The proposed project would include an amendment to the LCP to 1) create an Active Seniors Accommodations Land Use Category, 2) re-designate Parcel OT from a Parking to Active Seniors Accommodations parcel with a Mixed Use Overlay Zone (MUZ) allowing for the mixed-use senior citizen retirement facility with a retail component, 3) transfer development potential (114 hotel units from the Admiralty DZ #7 and ~~5,000~~3,500 s.f. of retail space from the Palawan/Beach DZ #5) to Parcel OT in the Oxford DZ #6, and 4) adjust the lease parcel boundary between Parcel OT and Parcel P by 55 feet 19,755 s.f.) into Parcel P to the existing fence line to accommodate a portion of the building and landscaped pathway buffer between the Oxford Retention Basin and the Parcel OT project. (This would necessitate adjustments to the corresponding LCP maps.)

Creation of a New Land Use Category in the Marina Del Rey LCP

The project proposes to add an Active Seniors Accommodations Land Use Category to the LCP and to then re-designate Parcel OT from Parking and the subject portion of Parcel P from Open Space to Active Seniors Accommodations. No other parcels in the Marina del Rey LCP are proposed to be re-designated to the Active Seniors Accommodations Land Use Category as part of the proposed project. The inclusion of an Active Seniors Accommodations designation is consistent with the goals of the Marina del Rey LCP, as the LCP specifically states that senior citizen housing projects shall be encouraged as part of Phase II development (Page 8-9).

The addition of an Active Seniors Accommodations Land Use Category to the Marina del Rey LCP may potentially result in the re-designation of other parcels to the new Land Use Category. However, the number and location of parcels that may be re-designated cannot be determined. In addition, given the overall developmental constraints imposed by the land use plan (e.g., trip limits), it is assumed that the re-designation of parcels would not increase the total development or population level but rather could cause an increase in the relative proportion of senior citizens. Future development applications within the Marina del Rey LCP area including re-designation of a parcel to the Active Seniors Accommodations

Land Use Category would undergo similar environmental review as the proposed project. However, the following provides a brief discussion on the potential impacts of this shift in population, should it occur. Traffic effects are expected to be reduced with active seniors accommodations when compared to other residential developments, as the trip generation rate for active seniors accommodations is less than the trip generation rate for other comparable housing types.[36] With regard to noise, air quality, and global climate change, the potential effects of active seniors accommodations are considered similar to or less than other residential development. While construction noise and air quality effects would be similar, operational noise and air quality effects would be reduced with active seniors accommodations, as vehicle miles traveled are anticipated to be less. Further, global climate change effects are anticipated to be reduced with active seniors accommodations as compared to other residential development, due to less vehicle miles traveled. With regard to visual quality, active seniors accommodations projects would undergo the same type of design and height review as other residential projects to assure consistency with the LCP. Active seniors accommodations would result in no impacts to education services, as they are not a student-generating land use, whereas other residential types would likely increase the demand for education services. Also, where active seniors accommodations generally provide recreational opportunities for their residents (reducing the demand on public recreation amenities), other residential types utilize these amenities to a greater degree. On a per person basis, active seniors accommodations are expected to have similar effects on utilities (gas, propane, electricity, solid waste, and water supply) as other residential developments. Where the effects of active seniors accommodations would be expected to be greater than other residential development types would be on fire, sheriff, and/or emergency services, since such services may experience more calls for service from this land use. However, such effects would be mitigated through compliance with fire and sheriff department requirements for access and security measures.

For physical environmental issues, such as Geotechnical Hazards, Flood Hazards, Fire Hazards, Water Quality, Environmental Safety (hazardous materials), Biota, Cultural Resources, Mineral Resources, and Agricultural Resources, the effects of an increase in the senior citizen population on these environmental issues would not differ from those of other age groups.

Land Use Category Re-designation of Parcel OT

The LCP currently designates Parcel OT for Parking, which allows surface public parking lots as the primary permitted use and bicycle and pedestrian path rights-of-way; information directories; parking lots and parking buildings up to 90 feet in height; parking for boating-related uses; and public parks and picnic areas as other allowed primary uses. The portion of Parcel P to be added to Parcel OT is currently zoned Open Space, which permits recreational uses including open viewing areas, promenades, bikeways, beaches, parks, picnic facilities, nature/interpretive centers, associated surface parking and landscaping, with a height limit of 25 feet. The proposed project would re-designate Parcel OT and the subject portion of Parcel P to the Active Seniors Accommodations Land Use Category with a MUZ. According to the LUP, the Marina LCP MUZ (LUP page 8-12) is intended to provide additional flexibility for development of creatively designed mixed-use projects on selected non-waterfront parcels. Parcels within this overlay zone are permitted to combine land use categories on an individual parcel, and are allowed to mix primary uses within a structure. Development potential available to each applicant is subject to the limitations of the zone in which the parcel resides. This Overlay Zone would allow enough flexibility for the uses on-site to include active seniors accommodations and retail uses.

[36] As described in Trip Generation, 7th Edition, Institute of Transportation Engineers: the daily rate for a congregate care facility (similar to the senior retirement facility) is approximately two trips per unit, and for an apartment or single-family detached home, the daily trip generation rate is approximately seven and ten trips per unit, respectively.

The Specific Plan provides the Development Standards for the Residential V land use designation, which the proposed active seniors accommodations is proposed to follow with the exception of the height limitation which would be reduced from 225 feet to 75 feet. The compatibility of the proposed project with the proposed Specific Plan Development Standards is provided in **Table IV.K-3** below.

Table IV.K-3
Project Compatibility with Proposed Active Seniors Accommodations Development Standards

Proposed Development Standard	Proposed Project
Height is limited to 75 feet.	The proposed building would reach maximum heights of 67 feet and seven inches as measured from Admiralty Way to the top of the roof and 75 feet as measured from Washington Boulevard to the top of the roof.
Front and rear yard setbacks shall be a minimum of 10 feet, in addition to the required highway and promenade setback; side yard setbacks shall be a minimum of five feet.	According to the Site Plan, the proposed structure would maintain a front setback of 20 feet, setbacks along the south side of five to ten feet, setbacks along the north side of 20 to 25 feet, and a rear setback on Washington Boulevard of ten feet. A canopy would project approximately three to four feet into the ten-foot rear setback.
Dwelling unit density shall not exceed 75 units per net acre.	Development on Parcel OT proposes approximately 54.3 units per acre.
Residential and mixed use shall not reduce the amount of land area devoted to existing visitor-serving, boating, or marine commercial uses: Visitor serving uses shown on LCP Map 5, Existing/Proposed Visitor-Serving Facilities, shall be preserved or replaced on-site, as part of redevelopment.	Parcel OT currently provides 183 parking spaces.[37] The proposed project is seeking approval to ~~transfer~~ relocate 94 of the 186 public parking spaces on Parcel OT to Parcel 21, which would provide parking that is adjacent to the Marina, closer in proximity to Mother's Beach, would not require street crossing to access Mother's Beach, and would provide covered parking. 92 public parking spaces would be located on Parcel OT in a parking structure.

Transfer of Development Potential

The proposed active seniors accommodations would provide overnight accommodations and attendant visitor-serving services, including dining and entertainment areas. There is development potential as well as associated trip allowances available in the Admiralty DZ #7 and Palawan/Beach DZ #5 (114 hotel rooms and ~~5,000~~3,500 square feet of retail space, respectively) that can be transferred to the Oxford DZ #6 for the proposed project. Therefore, the proposed amendment would relocate, but not add, development potential and trips between Marina del Rey Parcels. Additionally, operation of active seniors accommodations would also reduce the amount of daily trips planned for in Marina del Rey, as

[37] According to the Draft Right-Sizing Parking Study for the Public Parking Lots in Marina del Rey, California, prepared by Raju Associates, Inc. (March 2009), based on the field inventory surveys performed by the Los Angeles County Department of Beaches and Harbors, the number of public parking spaces available on Parcel OT is 183. This is different from the number of spaces noted in the Marina del Rey Land Use Plan (LUP), which is 186 spaces, due to restriping of the lot after publication of the LUP to accommodate handicapped spaces. This EIR analysis conservatively uses the 186 space estimate in order to provide for a greater number of replacement parking spaces under the proposed project.

the 114-room hotel land use (development potential in the Admiralty DZ #7) would be expected to generate 931 daily trips, 64 AM peak hour trips, and 40 PM peak hour trips, as compared to the proposed active seniors accommodations (transferred hotel land use to Parcel OT in the Oxford DZ #6 with the MUZ overlay to operate as active seniors accommodations) that would generate 387 daily trips, 10 AM peak hour trips, and 41 PM peak hour trips.[38]

The project would include a landscaped pedestrian (ADA compliant) access way between Admiralty Way and Washington Boulevard, along the eastern boundary of the Parcel OT, just west of the existing lagoon. This linear passageway would be accomplished by extending the eastern boundary of Parcel OT through an adjustment to the lease parcel boundary to include a 55-foot strip of Parcel P (the Parcel of the LCP containing the Oxford Retention Basin), along the shared boundary between Parcels OT and P (shown in Figure III-3a). The adjustment would be effectuated by the Department of Beaches and Harbors through revised legal descriptions for each of the two Parcels. The proposed project would add 19,755 s.f. of Parcel P, which is designated open space in the LCP, to Parcel OT. The proposed building would encroach approximately 30 to 35 feet into Parcel P, leaving approximately 20 to 25 feet for a pathway. Currently, a portion of the Parcel OT surface parking lot and the Oxford Basin maintenance road encroach approximately 21 feet into Parcel P (an area of 6,665 s.f.). As proposed, the building on Parcel OT would encroach into Parcel P by an additional nine to 14 feet (9,397 s.f.). The Department of Beaches and Harbors would offset the reduction of open space on Parcel P via the planned expansion of Burton W. Chace Park. According to the Burton W. Chace Park Master Plan (Los Angeles County Department of Beaches and Harbors, June 11, 2009), the existing Burton W. Chace Park on Mindanao Way is 7.8 acres in size, but the Master Plan project would increase its size to 15 acres. Therefore, notwithstanding the Parcel OT project's encroachment into Parcel P, open space in the Marina del Rey community would cumulatively increase under Phase II development. The proposed passageway would provide improved access for those currently traversing the limited access-way now, as well as the residents at the proposed facility. These features would provide an improved open space and recreational buffer, which would also allow for improved public viewing access to the lagoon.

Summary of Parcel OT Land Use Impacts

The proposed development on Parcel OT and amendments to the LCP would require issuance of a Conditional Use Permit (CUP), Coastal Development Permit (CDP), and Parking Permit for the creation of a new land use category in the LCP; re-designation of the Parcel OT land use category; adjustment to the lease parcel boundary between Parcels OT and P; and transfer of development potential, parking, and trip generations between Parcels OT and 21.

As provided in the policy consistency analysis, certain aspects of the project would require implementation of mitigation measures to ensure consistency (refer to Sections IV.A through IV.J and IV.L). Without the LCP Amendments, CUP, CDP, and Parking Permit, the proposed Parcel OT development would not be consistent with the current LCP. However, as the proposed project includes these approval requests, which would assure that the land uses on Parcel OT are consistent with the proposed land use designation, proposed Mixed Use Overlay Zone, and LCP and Specific Plan policies, the proposed development on Parcel OT would result in less than significant impacts relative to land use policies and zoning consistency. Further, mitigation measures have been provided in Sections IV.A through IV.J and IV.L for potential impacts related to geotechnical hazards, noise, water quality, air quality, biota, cultural resources, visual qualities, traffic/access, utilities (water supply), environmental

[38] Based on the Marina del Rey Local Coastal Program, ITE Trip Generation manual, 7th Edition, and San Diego Traffic Generators, San Diego Association of Governments (SANDAG), 2002.

safety, and global climate change. Thus, no further mitigation measures are warranted to render potential land use impacts less than significant.

Parcel 21

Transfer of Development Potential

The LCP currently designates Parcel 21 as marine commercial. As provided above, the marine commercial designation allows for coastal-related or coastal-dependent uses associated with operation, sales, storage and repair of boats and marine support facilities. Uses include public boat launching (and associated launching ramp hoists), boat rentals, boating schools, dry boat storage, yacht club facilities (with associated dry storage and launch hoists), marine chandleries, boat repair yards, yacht brokerages, charter boat operations, and associated ancillary retail and office uses.

Under the proposed project, the marine commercial designation would be maintained for the proposed development on Parcel 21. ~~However, the project proposes to amend LCP Amendment No. 1-01 for two aspects of the project: 1) to allow for the transfer of 94 required parking spaces from Parcel OT to Parcel 21 and 2) to transfer the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21.~~

A comparison of the proposed development on Parcel 21 with the applicable Marina del Rey /LCP policies is provided in Table IV.K-2, as described previously. Also, the Marina del Rey Specific Plan is designed to implement the policies of the LCP. The Specific Plan provides development standards for the "marine commercial" land use designation, provided in **Table IV.K-4** below.

Table IV.K-4
Specific Plan Development Standards – Marine Commercial

Marine Commercial Development Standards	Proposed Parcel 21 Project
Building Height is limited to 45 feet.	The proposed structure would be 56 feet in height (measured from grade to the rooftop), with a maximum height of approximately 59 feet to the top of the parapet. LCP policies allow for an increase in height based on the amount of view corridor provided. A height of 56 feet would require 146 feet or greater for the view corridor, which would be incorporated into the design.
Front, side and rear setbacks shall be a minimum of five feet in addition to the required highway and promenade setbacks.	Setbacks would include 5 feet from the south parcel boundary, 5 feet from the 50-foot access way to the east boundary, 5 feet from the access way at the west boundary and 5 feet from the proposed promenade along the north boundary.
View corridors, public open spaces, and/or access ways required in the Specific Plan may be designed and integrated into the required setbacks or be located elsewhere on the property.	Two view corridors are proposed along the east boundary and at the Plaza along the west boundary. In addition, the promenade along the water frontage would enhance views. Views have been included within the setbacks provided.
Marine commercial uses shall not reduce the amount of land area devoted to existing visitor-serving, boating or coastal dependent marine commercial uses.	The proposed facilities would not reduce the land area devoted to visitor serving, boating or coastal dependent marine uses.
Marine commercial uses shall not reduce the amount of land area devoted to existing visitor-serving, boating, or coastal dependent marine commercial uses.	The proposed development on Parcel 21 would replace existing on-site uses and some uses approved for Parcel 20 (Phase II) but not built. The net square footage of visitor-serving, boating, or coastal dependent marine commercial uses would not be reduced from the existing condition.

~~Partial Lease Termination~~

~~This project also requires modifications to LCP Amendment No. 1-01 for the enlargement of Parcel GR by 207 feet (31,050 s.f.) with a corresponding reduction in the size of Parcel 21. Parcel GR is designated for parking under the LCP and is currently utilized as such. The area to be included in the Parcel GR lease is currently occupied by a health club on Parcel 21. Once the health club use is transferred into the Holiday Harbor Courts project, the existing building would be demolished and the partial lease termination would take effect. The Los Angeles County Department of Beaches and Harbors is considering the development of additional parking spaces on Parcel GR under separate proposal. The details regarding the schedule of that project are not available at this time. As stated previously, the proposed development on Parcel 21 would result in zero s.f. of net new leasable area within the Panay DZ #4 of the Marina del Rey LUP, and sufficient parking would be included for both project and public use. Therefore, it is not expected that the partial lease termination would result in significant adverse land use impacts.~~

Summary of Parcel 21 Land Use Impacts

As described above, certain aspects of the proposed development on Parcel 21 would require implementation of mitigation measures to ensure consistency (refer to Sections IV.A through IV.J) with LCP and Specific Plan policies. Without the ~~modifications to LCP Amendment No. 1-01,~~ CDP, CUP, and Parking Permit, the proposed Parcel 21 development would not be consistent with the current LCP. However, as the proposed project includes these approval requests~~, assuring that the proposed land uses on Parcel 21 are consistent with the LCP and Specific Plan policies,~~ and it largely represents a replacement of existing on-site land uses, the proposed development on Parcel 21 would result in less than significant impacts relative to land use policies and zoning consistency. As with Parcel OT, mitigation measures have been provided in Sections IV.A through IV.J and IV.L for potential impacts related to geotechnical hazards, noise, water quality, air quality, biota, cultural resources, visual qualities, traffic/access, utilities (water supply), environmental safety, and global climate change. Thus, no further mitigation measures are warranted to render potential land use impacts less than significant.

5. Cumulative Impacts

Cumulative impacts as they relate to each of the environmental issue areas analyzed in this EIR are discussed in Sections IV.A through IV.L. Potential cumulative land use impacts arise from increasing development intensity throughout Marina del Rey under Phase II of the LCP and the associated traffic (average daily trips). As previously discussed, development potential in the LCP is based on trip generation. The traffic analysis for the proposed project discussed in Section IV.H, Traffic/Access determined that the project level traffic impacts are all mitigable to less than significant, as are cumulative traffic impacts expected to occur during the construction periods of the proposed project in combination with related projects and public infrastructure projects. However, following build-out of the proposed project and related projects, the proposed project's incremental contribution to the cumulative impacts at the intersections of Lincoln Boulevard at Washington Boulevard, Lincoln Boulevard at SR-90, Lincoln Boulevard at Bali Way, Lincoln Boulevard at Mindanao Way, and Lincoln Boulevard at Fiji Way remain significant and unmitigable. As this has already been identified as a cumulative traffic impact, it is not also considered to be a cumulative land use impact.

~~With regard to the transfer of development potential and parking spaces, the proposed project would be consistent with the proposed LCP, LCP Amendment 1-01, CUP, CDP and Parking Permit. The project also requires an adjustment to the lease parcel boundary between Parcels OT and P. As discussed above, additional open space would be provided elsewhere in the LCP area at Chace Park, thereby resulting in a net increase in open space and less than significant cumulative impacts associated with the provision of~~

~~open space. Related projects that may request similar approvals would be reviewed for compliance with County land use plans and ordinances, as is the proposed project. Should development occur that is largely inconsistent with those plans and require substantial amendments, such developments would need to undergo CEQA review for potential environmental and land use/planning impacts. The proposed project is therefore not considered to contribute a significant impact that is cumulatively significant with regard to land use and planning impacts.~~

It should be noted that the County has recently announced its intention, in cooperation with the Coastal Commission, to pursue a "Pipeline Project LCP Amendment". This amendment would address all of the projects requiring LCPAs in the Marina in one LUP/IP amendment. The drafting of this amendment is underway at the time of this writing and is anticipated to be field with the Coastal Commission sometime in the first half of 2010. Since the County's effort would include these parcels, this LCPA would consider the aggregate effect of all amendments that the County is considering.

6. Mitigation Measures

The proposed project would not result in significant land use/planning impacts, and therefore would not require mitigation. Refer to Sections IV.A through IV.J and IV.L for mitigation measures that address the proposed project's potential impacts related to geotechnical hazards, noise, water quality, air quality, biota, cultural resources, visual qualities, traffic/access, utilities (water supply), environmental safety, and global climate change.

7. Significant Project Impacts After Mitigation

The proposed project would not result in significant impacts related to consistency with land use plans and policy.

Last, the purpose of the Drought-Tolerant Landscaping Ordinance is to establish minimum standards for the design and installation of landscaping using drought-tolerant plants and native plants that require minimal use of water. These requirements will ensure that the County continues to realize the benefits of landscaping that is appropriate to the region's climate and nature of the use, while also conserving water resources. Some of the general landscaping development standards will include that a minimum of 75 percent of the total landscaped area shall be plants as specified within the Drought-Tolerant Approved Plant List; turf shall be limited to a maximum of 25 percent of the total landscaped area; and plants will be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. This Ordinance will also become effective on January 2, 2009.

2. Thresholds of Significance

In January of 2009, and in accordance with its charge (Senate bill 97) under Public Resources Code section 21083.05, the OPR developed ~~and released preliminary draft~~ regulatory guidance with respect to the analysis and mitigation of the potential effects of greenhouse gas emissions. ~~However, at this time, State and local agencies (namely the California Air Resources Board and South Coast Air Quality Management District) have not yet approved established significance thresholds under CEQA that address greenhouse gas emissions or global climate change. The main challenge for a Lead Agency in the interim is to produce a meaningful CEQA analysis of global climate change in the absence of such adopted thresholds. The approach taken here is to provide an analysis that discloses the global climate change issue, describes the current state of information regarding this issue, identifies the project's relationship and/or contribution to the issue, and provides measures to mitigate the project's contribution to the extent feasible.~~ On December 31, 2009, the Natural Resources Agency adopted the CEQA Guidelines Amendments and they became law effective following the Office of Administrative Law's 30-day review of the Adopted Amendments and transmission to the Secretary of State for inclusion in the California Code of Regulations, of which CEQA Guidelines is a part. According to Adopted Amendments in Appendix G of the CEQA Guidelines the proposed project would have a significant impact if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy, or regulation adopted for the purposed of reducing the emissions of greenhouse gases.

The Adopted CEQA Amendments require a lead agency to make a good-faith effort, based on the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. The Adopted Amendments give discretion to the lead agency whether to:

1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use; and/or
2) Rely on a qualitative analysis or performance-based standards.

In addition, a lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:

1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and

3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

Notably, the Adopted Amendments call on lead agencies to establish significance thresholds for their respective jurisdictions. The proposed CEQA Guidelines Amendments also clarify that the effects of greenhouse gas emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impact analysis. Although greenhouse gas emissions can be calculated, the SCAQMD, County of Los Angeles has not yet established project-level significance thresholds for greenhouse gas emissions under CEQA. The following assessment of the project's contribution to cumulative global climate change involves: 1) determining an inventory of project greenhouse gas emissions; and 2) considering project consistency with applicable emission reduction strategies and goals, such those set forth by Assembly Bill 32.

3. Global Climate Change Impacts

According to the Association of Environmental Professionals, most individual projects would not generate enough greenhouse gas emissions to influence global climate change significantly on their own.[15] Rather, as its name indicates, global climate change is a cumulative environmental concern. The following therefore provides a discussion on activities associated with the proposed project that may substantially reduced with a reduced scale alternative. Although the project's traffic-related impacts would be reduced with a reduced scale alternative, the trips generated by the proposed project are within the trip limits set fort in the Marina del Rey LCP. In addition, the project's contribution to cumulative traffic impacts is low (three percent); reducing the scale of the project is not expected to substantially reduce this impact.

[15] Association of Environmental Professionals. Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents, June 2007.

Transfer of Alternative Development Potential

This alternative would involve the transfer of dwelling unit development potential to the Oxford DZ#6 from another DZ in the Marina del Rey LCP in order to allow for the development of active seniors accommodations on Parcel OT, rather than achieving this through the transfer of hotel unit development potential as proposed. However, according to the Los Angeles County Department of Beaches and Harbors, no dwelling unit development potential is available within the LCP for transfer to the Oxford DZ #6 for development of the proposed project. Moreover, as the proposed project on Parcel OT would develop a retirement facility wherein residents are age-restricted, units do not include kitchens, and average daily trips would be less as compared to a multi-family development, the transfer of hotel units is considered to be a more appropriate land use to transfer to the Oxford DZ #6 than dwelling units.

4. ALTERNATIVES ANALYSIS

Alternative 1: No Project Alternative

Under CEQA, the "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The "no project" alternative is the circumstance under which the project does not proceed, and the analysis would compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the project is approved. However, if disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed as well.

Within the existing Marina, development of some kind has occurred on all leasehold parcels. This development cycle is generally referred to as Phase I development. Recycling, intensification, or conversion of these initial uses on leased parcels is referred to as Phase II development. Phase II development is encouraged and permitted, subject to the individual leaseholders demonstrating consistency with the policies of the Marina del Rey LCP, which includes priority consideration for development of boating and visitor-serving facilities. Neither Parcel OT nor Parcel 21 has undergone development under Phase II of the Marina del Rey LCP. As described further below for each parcel, the No Project Alternative assumes the continuation of existing conditions at these sites, although renovation/redevelopment of existing facilities may occur.

Parcel OT

This alternative assumes that the Active Seniors Accommodations Land Use Category would not be added to the LCP; the lease parcel boundary between Parcel OT and Parcel P would not be adjusted; Parcel OT and the portion of Parcel P to be included within Parcel OT would not be re-designated as an Active Seniors Accommodations parcel; and the requested transfer of development potential to Parcel OT, including 114 hotel rooms and ~~5,000~~3,500 square feet (s.f.) of retail space, from the Admiralty Development Zone (DZ) #7 and Palawan/Beach DZ #5, respectively, to the Oxford DZ #6 does not occur. As Parcel OT currently exists as a surface parking lot (183 spaces) and is designated for parking in the Marina del Rey LCP, it would likely remain as such a use, albeit redeveloped pursuant to the conditions expected that the proposed retirement facility on Parcel OT would have a similar footprint to the proposed project, thereby necessitating relocation of the County's waterline to accommodate the building. The Panay Way water line would still be upgraded to meet the water flow and pressure requirements of the Fire Department for Parcel 21.

of Phase II development of the Marina del Rey LCP. As specified in the Marina del Rey LCP, parcels in the LCP area designated for parking carry a height limitation of 90 feet. Therefore, should development of the proposed project not occur, Parcel OT could be redeveloped into a parking structure that is 90 feet in height (taller than the proposed retirement facility).

Parcel 21

Without the transfer of development potential from Parcel 20, Phase II (also referred to as Parcel 19), or the transfer of parking from Parcel OT, it is also reasonable to assume that the existing uses on Parcel 21 would remain although they may be renovated or redeveloped. It is also assumed that expansion of existing development levels at the site would not occur under this alternative. The site would contain the same amount of square footage of marine commercial (3,132 s.f.), retail (2,916 s.f.), and health club (16,000 s.f.) uses, as well as the same amount of parking (226 spaces) as it does currently. However, if the development potential from Parcel 20, Phase II, is not transferred to Parcel 21, this leaves 2,300 s.f. of marine commercial and 5,000 s.f. of yacht club uses originally approved for Parcel 20 Phase II/Parcel 19 in the Panay DZ #4 to be developed. As one of the current Marina del Rey redevelopment projects includes the development of an administrative building on Parcel 20 Phase II/Parcel 19 for the L.A. County Department of Beaches and Harbors (DCB Project Table, March 8, 2007), this remaining development potential would be transferred elsewhere (to another parcel in the Panay DZ #4 or to another DZ), if an alternate site is not selected for the County's administrative building. ~~Under the no project alternative, the 31,050 s.f. of Parcel 21 that is to be transferred to Parcel GR would remain part of Parcel 21, prohibiting the expansion of the existing public parking lot currently on Parcel GR.~~

Environmental Evaluation

In the case that the proposed project is disapproved and both Parcels OT and 21 remain in their existing condition and are not proposed for redevelopment under Phase II of the Marina del Rey LCP, then the No Project Alternative would avoid all potential impacts of the proposed project related to geotechnical hazards, noise, water quality, air quality, biota, cultural resources, visual qualities, traffic/access, environmental safety, land use, utilities, and global climate change. If the parcels are redeveloped, construction-related impacts in each of these issue areas may occur. With denial of the proposed project, development permitted under the /LCP may occur elsewhere in the LCP area, resulting in similar impacts elsewhere. However, the specific location and type of development that would occur cannot be known at this time and therefore the impacts of this development cannot be assessed.

Alternative 2: No Change in Type of Land Use Development Potential in the Marina del Rey LCP

This alternative would re-designate Parcel OT and the portion of Parcel P to be included within Parcel OT as a Hotel parcel in the LCP and allows for the requested transfer of permitted land uses (development potential) within the Marina del Rey LCP area. It does not allow for changes in the types of the land uses to be developed. Specifically, the development potential (in the form of 114 hotel rooms) would still be transferred to Parcel OT in the Oxford DZ #6 from the Admiralty DZ #7, as proposed with the project. No retail development potential would be transferred from the Palawan/Beach DZ #5 to the Admiralty DZ #7; therefore, a Mixed Use Overlay Zone (MUZ) would not be necessary, as the land use would not be comprised of mixed uses.

Utilities (Water Supply)

As the hotel proposed for Parcel OT under this alternative is expected to be structurally similar to the active seniors accommodations facility proposed with the project, and no changes would occur to the development on Parcel 21 with this alternative, it can be assumed that Alternative 2 would result in similar impacts associated with utilities as the proposed project. It is expected that the proposed hotel on Parcel OT would have a similar footprint to the proposed retirement facility, thereby necessitating relocation of the County's waterline to accommodate the building. The Panay Way water line would still be upgraded to meet the water flow and pressure requirements of the Fire Department for Parcel 21.

Environmental Safety

The proposed project's significant but mitigable impact associated with soil toxicity and methane gas at Parcel OT would not be avoided under this alternative. The alternative would still be located on a site with soils that are a part of the closed Venice Landfill and is located within a Methane Gas Buffer Zone. Regarding Parcel 21, the analytical results for all soil samples collected on-site were not high enough for rendering the materials hazardous waste during excavation. Development of Parcel 21 under this alternative is therefore expected to result in a less than significant impact associated with soil toxicity, as with the proposed project.

Land Use

This alternative would require re-designation of the Land Use Category on Parcel OT and the portion of Parcel P to be added to Parcel OT, as would the proposed project. Under this alternative, the Parcels would be re-designated from Parking and Open Space to Hotel, rather than to Active Seniors Accommodations as under the proposed project. However, this alternative would not necessitate the creation of a new Land Use Category in the LCP, as the Hotel category already exists. This in concert with the fact that this alternative does not require a MUZ for Parcel OT results in this alternative being generally more consistent with the planned uses set for in Marina del Rey LCP than the proposed project. Additionally, this alternative would avoid the significant and unmitigable noise impact of the proposed project involving the exposure of residents to outdoor noise levels in excess of the noise standards for outdoor usable space, which also avoids the associated land use compatibility issue. The land use impacts that would be associated with Parcel 21 under this alternative would be the same as under the proposed project, as no modifications are proposed for this component of the project that differ from the original proposal. ~~Parcel 21 would still require an amendment to the existing LCP Amendment No. 1-01 to allow for the transfer of 94 required parking spaces from Parcel OT to Parcel 21 and to transfer the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21.~~

Global Climate Change

As previously stated, due to the fact that significance thresholds under CEQA that address greenhouse gas emissions or global climate change have not yet been formally adopted, a significance determination regarding the alternatives to the project as they relate to this issue cannot be made at this time. It is far too speculative to assert whether the alternatives to the project would have a greater or lesser impact regarding global climate change than the proposed development; however, as this alternative would generate 822 daily trips, as compared to the proposed project's 278 daily trips, it would be expected to result in greater carbon emissions and therefore a more substantial contribution to global climate change than the proposed project.

Alternative 3: Alternative Land Use – Public Park on Parcel OT and Boat Storage on Parcel 21

This alternative would result in development of a public park on Parcel OT and a boat storage facility on Parcel 21.

Parcel OT

With this alternative, the transfer of development potential from the Admiralty DZ #7 and Palawan/Beach DZ #5 to the Oxford DZ #6 would not be necessary. Under the Marina del Rey Specific Plan (Part 3 of Chapter 22.46.1550 of Title 22 of the Los Angeles County Code), public parks are permitted where a site is zoned for parking, as is the case with Parcel OT. The portion of Parcel P to be added to Parcel OT is already designated open space. As such, the existing surface parking lot would be demolished and replaced with an approximately two-acre park, including landscaping, and parking spaces to accommodate park users.

Parcel 21

With this alternative, the existing 16,000 s.f. of health club, 2,916 s.f. of retail, and 3,132 s.f. of marine commercial uses on Parcel 21 would be demolished. The additional 2,300 s.f. of marine commercial and 5,000 s.f. of yacht club uses proposed to be transferred to Parcel 21 from Parcel 20 Phase II/Parcel 19 under the proposed project would remain at their existing location under this alternative. Existing Parcel 21 land uses would be replaced with dry boat storage spaces. It is anticipated that Parcel 21 could accommodate 200 vessels. This alternative would also provide parking for individuals utilizing the facility. Under the Marina del Rey Specific Plan (Part 3 of Chapter 22.46.1430 of Title 22 of the Los Angeles County Code), boat storage is permitted where a site is zoned for marine commercial uses, such as Parcel 21. ~~This alternative would not include the lease parcel termination for the 31,050 s.f. of Parcel 21 to be added to Parcel GR as included in the proposed project.~~

Environmental Evaluation

Given the nature of the land uses proposed with this alternative, the operational phase of this alternative would be expected to result in fewer impacts as compared to the proposed project associated with air quality, traffic/access, and global climate change (fewer average daily trips than the proposed project), biota (by providing a park with landscaping adjacent to the Marina Lagoon rather than the active seniors accommodations), utilities (it is expected that the relocation of the County water line on Parcel OT would not be necessary), noise (this alternative would expose park visitors to outdoor noise, but not permanent residents), and environmental safety (not developing active seniors accommodations within a methane

generate only nominal amounts of peak hour traffic. The ITE trip generation rates indicate that only five vehicle trips would be made to and from the park on an average weekday, which would be substantially fewer than that generated by the proposed project's active seniors accommodations.

For Parcel 21, there are currently no trip generation rates for boat storage in Marina del Rey. However, given the nature of the land use (storage) in Alternative 3 as compared to the proposed project (office and commercial uses), it is reasonable to assume that the this alternative would generate fewer average daily trips than the proposed project. ~~Additionally, this alternative would not include the partial lease termination on Parcel 21 to add 31,050 s.f. to Parcel GR that would be used for future public parking. The number of spaces to be provided on Parcel GR has not been quantified as plan for this site has not been defined. However, the alternative would not facilitate the addition of public parking spaces in the Marina in comparison to the proposed project.~~

In light of the above, it is expected that while Alternative 3 would also incrementally contribute to cumulative traffic impacts in Marina del Rey, its contribution would be less than that of the proposed project. However, the need for construction traffic management would still exist for this alternative, albeit likely for a shorter duration, as 1) conversion of the Parcel OT parking lot into a park would be expected to occur over a shorter period than into a retirement facility, and 2) it is not expected that the County water line on Parcel OT would be relocated under this alternative.

Utilities (Water Supply)

It is assumed that redevelopment of Parcel OT from a parking lot into a public park would not require relocation of the County water line on this site. Therefore, infrastructure impacts associated with this relocation for the proposed project would not occur under this alternative. As Parcel 21 would involve development of a boat storage facility with this alternative, new data on the required water flow and pressure from the Fire Department for this land use would have to be ascertained. A determination on whether the water line in Panay Way would be upgraded as part of this alternative cannot be known at this time.

Environmental Safety

The proposed project's significant but mitigable impact associated with soil toxicity and methane gas at Parcel OT is expected to be avoided under this alternative, as no structure is proposed wherein methane gas could be trapped and become a hazard. However, as this alternative would still be located on a site with soils that are a part of the closed Venice Landfill and is located within a Methane Gas Buffer Zone, the appropriate measure would need to be taken to ensure that park visitors would not be subject to the effects of methane gas. Regarding Parcel 21, the analytical results for all soil samples collected on-site were not high enough for rendering the materials hazardous waste during excavation. Development of Parcel 21 under this alternative is therefore expected to result in a less than significant impact associated with soil toxicity, as with the proposed project.

Land Use

As this alternative does not require the transfer of development potential among DZs and Parcels, or a MUZ for Parcel OT, it is generally more consistent with the planned uses set forth in the Marina del Rey LCP than the proposed project. The proposed land uses of this alternative are also consistent with the Parcel zoning, as discussed above. Additionally, this alternative would avoid the significant and unmitigable noise impact of the proposed project involving the exposure of residents to outdoor noise levels in excess of the noise standards for outdoor usable space, which also avoids the associated land use compatibility issue. However, the proposed public park would replace a parking lot on Parcel OT that is utilized for visitors of Mother's Beach. As a design for such a park is unavailable at this time, it is

Environmental Safety

The proposed project's significant but mitigable impact associated with soil toxicity and methane gas at Parcel OT is expected to be similar under this alternative, as the site would still be developed with a retirement facility. Regarding Parcel 21, the analytical results for all soil samples collected on-site were not high enough for rendering the materials hazardous waste during excavation. Development of Parcel 21 under this alternative is therefore expected to result in a less than significant impact associated with soil toxicity, as with the proposed project.

Land Use

Alternative 4 would require the same approvals as the proposed project, including an adjustment to the lease parcel boundary between Parcels OT and P, creation of a new Land Use Category in the LCP and re-designation of Parcel OT from Parking and the portion of Parcel P from Open Space to Active Seniors Accommodations~~, as well as require an amendment to the existing LCP Amendment No. 1-01 to allow for the transfer of 94 required parking spaces from Parcel OT to Parcel 21 and to transfer the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21~~.

Global Climate Change

As previously stated, due to the fact that significance thresholds under CEQA that address greenhouse gas emissions or global climate change have not yet been formally adopted, a significance determination regarding the alternatives to the project as they relate to this issue cannot be made at this time. It is far too speculative to assert whether the alternatives to the project would have a greater or lesser impact regarding global climate change than the proposed development. However, Parcel OT, developed with 50 retirement facility units, would result in 101 fewer daily trips than the proposed project, thereby incrementally reducing carbon emissions and the project-level global climate change impact. Cumulatively, however, as this alternative would likely generate increased daily trips at build-out of Phase II of the Marina del Rey LCP, it would be expected to result in greater carbon emissions and therefore a more substantial contribution to global climate change than the proposed project over the long term.

Alternative 5: No Lease Parcel Boundary Adjustment Alternative

This alternative would include development of a 114-unit retirement facility, retail uses, and parking within the existing limits of Parcel OT, and marine commercial uses and parking on Parcel 21.

Parcel OT

With this alternative, the transfer of development potential from the Admiralty DZ #7 and Palawan/Beach DZ #5 to the Oxford DZ #6 would still be necessary, and the site would be developed with a retirement facility of 114 units, ~~5,000~~3,500 s.f. of retail space, and parking. However, as compared to the proposed project, the footprint of the project would be located within the existing limits of Parcel OT, and the height of the retirement facility would reach a maximum of approximately 88 feet on Admiralty Way and 95 feet on Washington Boulevard (as measured from the streets to the highest point of the rooftop).

Parcel OT

With this alternative, the transfer of development potential from the Admiralty DZ #7 to the Oxford DZ #6 would still be necessary, and the site would be developed with a retirement facility and parking. No transfer of retail development potential from the Palawan/Beach DZ #5 to the Oxford DZ #6 would occur with this alternative.

Parcel 21

The proposed development on Parcel 21 under this alternative would remain the same as that proposed with the project. The proposed four-level Holiday Harbor Courts development would replace existing uses with new marine uses, a public park plaza and promenade, and a six-level parking structure, which would be partially subterranean. The development on Parcel 21 would replace the existing 16,000 s.f. of health club, 2,916 s.f. of retail, and 3,132 s.f. of marine commercial on Parcel 21. An additional 2,300 s.f. of marine commercial and 5,000 s.f. of yacht club uses would be transferred to Parcel 21 from Parcel 20 Phase II/Parcel 19. Replacement parking for the existing 226 parking spaces on Parcel 21 and parking for the additional marine commercial and yacht club uses (127 spaces), as well as 94 spaces from Parcel OT, would be located on-site (447 total spaces).

Environmental Evaluation

The developments included in this alternative on Parcel OT and Parcel 21 would be similar to the proposed project; however, the Parcel OT project would not include ~~5,000~~3,500 s.f. of retail space. Therefore, it can be assumed that Alternative 6 would result in similar impacts associated with geotechnical hazards, water quality, air quality, biota, cultural resources, utilities, and environmental safety as the proposed project. The demolition, grading, and construction and operational activities necessary for development of the proposed project would also be required with Alternative 6. However, the environmental effects of Alternative 6 that would vary from the proposed project involve land use, traffic, and global climate change impacts associated with development of Parcel OT as a retirement facility with no retail component.

Geotechnical Hazards

The proposed project's significant but mitigable geotechnical impacts are related to development in areas lower than the highest recorded groundwater table, areas with unsuitable soils, areas subject to the secondary seismic effects of liquefaction, ground subsidence, and lateral spreading, and areas subject to the effects of seiche and tsunamis. As this alternative would also involve construction in these areas, this alternative project would likely be subject to similar geotechnical effects as are expected to result under the proposed project.

Noise

The proposed project's significant but mitigable noise impacts are associated with pile driving noise during construction of both Parcels OT and 21, noise from heavy equipment operations (non-pile driving) during construction of both Parcels OT and 21, interior noise at the proposed Parcel OT retirement facility from roadway conditions, and off-site noise exposure related to HVAC equipment on Parcel 21. A significant and unavoidable impact related to individual balconies facing Washington Blvd. or Admiralty Way on Parcel OT having outside noise levels exceeding the 65 dB CNEL goal for usable outdoor space would also occur under the proposed project. These noise impacts would also occur under this alternative.

Water Quality

The proposed project's significant but mitigable surface and ground water quality impacts are associated with the introduction of pollutants during construction and operation of the project. As this alternative would involve similar construction activities and similar urban uses that generate storm water pollutants (e.g., oil and grease from driveways and parking areas), this alternative would likely result in similar water quality impacts as are expected to result under the proposed project.

Applicant would not be required to extend the water line through Admiralty Way. Therefore, construction related traffic management for this portion of the proposed project would not be required for Alternative 5.

Utilities (Water Supply)

As the retirement facility proposed for Parcel OT under this alternative is expected to be similar to the active seniors accommodations facility proposed with the project, and no changes would occur to the development on Parcel 21 with this alternative, it can be assumed that Alternative 5 would result in similar water demand impacts as the proposed project. However, the reduced footprint of Parcel OT under Alternative 5 would eliminate the need to relocate water line that traverses the site. The Panay Way water line would still be upgraded to meet the water flow and pressure requirements of the Fire Department for Parcel 21.

Environmental Safety

The proposed project's significant but mitigable impact associated with soil toxicity and methane gas at Parcel OT is expected to be similar under this alternative, as the site would still be developed with a retirement facility. Regarding Parcel 21, the analytical results for all soil samples collected on-site were not high enough for rendering the materials hazardous waste during excavation. Development of Parcel 21 under this alternative is therefore expected to result in a less than significant impact associated with soil toxicity, as with the proposed project.

Land Use

Alternative 5 would require the same approvals as the proposed project, including the creation of a new Land Use Category in the LCP and re-designation of Parcel OT from Parking to Active Seniors Accommodations~~, as well as require an amendment to the existing LCP Amendment No. 1-01 to allow for the transfer of 94 required parking spaces from Parcel OT to Parcel 21 and to transfer the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21~~. However, this alternative would not require an adjustment to the lease parcel boundary between Parcels OT and P, and would not require a re-designation of the portion of Parcel P to be added to Parcel OT, from Open Space to Active Senior Accommodations. Therefore, this alternative would result be incrementally more consistent with the LCP and result in slightly fewer impacts to land use.

Global Climate Change

A significance determination regarding the alternatives to the project as they relate to this issue cannot be made at this time. It is far too speculative to assert whether the alternatives to the project would have a greater or lesser impact regarding global climate change than the proposed development. As Alternative 5 would develop a similar amount of retirement facility units, retail space, and marine commercial space, and generate similar daily trips, it is expected to have similar global climate change impacts as the proposed project.

Alternative 6: No Retail Use on Parcel OT Alternative

This alternative would include development of a 114-unit retirement facility and parking on Parcel OT (and a portion of Parcel P to be added to Parcel OT) and marine commercial uses and parking on Parcel 21. No retail spaces would be provided on Parcel OT.

Parcel OT

With this alternative, the transfer of development potential from the Admiralty DZ #7 to the Oxford DZ #6 would still be necessary, and the site would be developed with a retirement facility and parking. No transfer of retail development potential from the Palawan/Beach DZ #5 to the Oxford DZ #6 would occur with this alternative.

Parcel 21

The proposed development on Parcel 21 under this alternative would remain the same as that proposed with the project. The proposed four-level Holiday Harbor Courts development would replace existing uses with new marine uses, a public park plaza and promenade, and a six-level parking structure, which would be partially subterranean. The development on Parcel 21 would replace the existing 16,000 s.f. of health club, 2,916 s.f. of retail, and 3,132 s.f. of marine commercial on Parcel 21. An additional 2,300 s.f. of marine commercial and 5,000 s.f. of yacht club uses would be transferred to Parcel 21 from Parcel 20 Phase II/Parcel 19. Replacement parking for the existing 226 parking spaces on Parcel 21 and parking for the additional marine commercial and yacht club uses (127 spaces), as well as 94 spaces from Parcel OT, would be located on-site (447 total spaces).

Environmental Evaluation

The developments included in this alternative on Parcel OT and Parcel 21 would be similar to the proposed project; however, the Parcel OT project would not include ~~5,000~~3,500 s.f. of retail space. Therefore, it can be assumed that Alternative 6 would result in similar impacts associated with geotechnical hazards, water quality, air quality, biota, cultural resources, utilities, and environmental safety as the proposed project. The demolition, grading, and construction and operational activities necessary for development of the proposed project would also be required with Alternative 6. However, the environmental effects of Alternative 6 that would vary from the proposed project involve land use, traffic, and global climate change impacts associated with development of Parcel OT as a retirement facility with no retail component.

Geotechnical Hazards

The proposed project's significant but mitigable geotechnical impacts are related to development in areas lower than the highest recorded groundwater table, areas with unsuitable soils, areas subject to the secondary seismic effects of liquefaction, ground subsidence, and lateral spreading, and areas subject to the effects of seiche and tsunamis. As this alternative would also involve construction in these areas, this alternative project would likely be subject to similar geotechnical effects as are expected to result under the proposed project.

Noise

The proposed project's significant but mitigable noise impacts are associated with pile driving noise during construction of both Parcels OT and 21, noise from heavy equipment operations (non-pile driving) during construction of both Parcels OT and 21, interior noise at the proposed Parcel OT retirement facility from roadway conditions, and off-site noise exposure related to HVAC equipment on Parcel 21. A significant and unavoidable impact related to individual balconies facing Washington Blvd. or Admiralty Way on Parcel OT having outside noise levels exceeding the 65 dB CNEL goal for usable outdoor space would also occur under the proposed project. These noise impacts would also occur under this alternative.

Water Quality

The proposed project's significant but mitigable surface and ground water quality impacts are associated with the introduction of pollutants during construction and operation of the project. As this alternative would involve similar construction activities and similar urban uses that generate storm water pollutants (e.g., oil and grease from driveways and parking areas), this alternative would likely result in similar water quality impacts as are expected to result under the proposed project.

Air Quality

The proposed project's significant but mitigable Local Significance Threshold impact and construction-related cumulative impact related to the location of the project in the South Coast Air Basin (SCAB), which is in non-attainment for smog and PM-10, would not be avoided under this alternative as the location and construction activities of the alternative are similar to those of the proposed project.

Biota

The proposed project's significant but mitigable impact is associated with the potential for nesting of resident and summer resident bird species in the trees on both Parcel OT and Parcel 21, which would be removed during site clearing. This alternative would not avoid this significant impact of the proposed project, as the Parcels would still be cleared of trees during site preparation.

Cultural Resources

The proposed project's significant but mitigable impact results from the potential to uncover prehistoric and historic archaeological resources during grading and excavation activities for the developments on Parcels OT and 21. As this alternative would involve construction activities at these sites, it would not avoid significant impacts to cultural resources.

Visual Qualities

The proposed project's significant and unavoidable impact associated with redevelopment of Parcel 21 would be the same under this alternative as with the proposed project, as would the projects' cumulative visual quality impact associated with Marina del Rey Phase II development.

Traffic/Access

The potential additional traffic resulting from area-wide development in Marina del Rey would significantly impact 11 of the 14 study intersections that were analyzed in the Traffic Study prepared for the proposed project, and this would result in some locations operating near or above capacity. The proposed project would contribute incrementally to these cumulative impacts, although its contributions are three percent or less of the cumulative impact at all locations.

Under this alternative, no net change in vehicle trips is anticipated from the development on Parcel 21, which would generate -109 daily trips (refer to Section IV.H, Traffic/Access). Parcel OT, developed with 114 retirement facility units and parking, would result in 109 fewer daily trips than the proposed project (2.02 trips per unit, as shown in Section IV.H, Traffic/Access, for a daily total of 121). However, by excluding the transfer of ~~5,000~~3,500 s.f. of retail space from the Palawan/Beach DZ #5 to Parcel OT in the Oxford DZ #6, this alternative would generate 222 fewer daily trips than the proposed project. Alternative 6 would still contribute to the same cumulative traffic impacts as the proposed project. Ultimately, the development potential of ~~5,000~~3,500 s.f. would be developed elsewhere in the LCP area and the associated daily trips would result in conjunction with another project. Therefore, the cumulative traffic congestion impact would still occur upon build-out of Phase II of the Marina del Rey LCP.

With regard to the need for construction traffic management, the impact associated with development of the proposed project would be similar to that of this alternative.

Utilities (Water Supply)

Alternative 6 would result in similar impacts associated with utilities as the proposed project, with the exception of incrementally less water demand resulting from the exclusion of retail space. It is expected that the Alternative 6 retirement facility on Parcel OT would have a similar footprint to the proposed project, thereby necessitating relocation of the County's waterline to accommodate the building. The Panay Way water line would still be upgraded to meet the water flow and pressure requirements of the Fire Department for Parcel 21.

Environmental Safety

The proposed project's significant but mitigable impact associated with soil toxicity and methane gas at Parcel OT is expected to be similar under this alternative, as the site would still be developed with a retirement facility. Regarding Parcel 21, the analytical results for all soil samples collected on-site were not high enough for rendering the materials hazardous waste during excavation. Development of Parcel 21 under this alternative is therefore expected to result in a less than significant impact associated with soil toxicity, as with the proposed project.

Land Use

With the exception of not transferring development potential in the form of ~~5,000~~3,500 s.f. of retail space from the Palawan/Beach DZ #5 to the Oxford DZ #6 for the Parcel OT project, Alternative 6 would require similar approvals as the proposed project, including an adjustment to the lease parcel boundary between Parcels OT and P, creation of a new Land Use Category in the LCP and re-designation of Parcel OT from Parking to Active Seniors Accommodations~~, as well as require an amendment to the existing LCP Amendment No. 1-01 to allow for the transfer of 94 required parking spaces from Parcel OT to Parcel 21 and to transfer the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21~~.

Global Climate Change

As previously stated, due to the fact that significance thresholds under CEQA that address greenhouse gas emissions or global climate change have not yet been formally adopted, a significance determination regarding the alternatives to the project as they relate to this issue cannot be made at this time. It is far too speculative to assert whether the alternatives to the project would have a greater or lesser impact regarding global climate change than the proposed development. The proposed project may have an incrementally reduced project-level impact associated with generating carbon emissions, as it would generate 222 fewer daily trips than the proposed project. As discussed, however, the development potential of ~~5,000~~3,500 s.f. would be developed elsewhere in the LCP area and the associated daily trips would result in conjunction with another project. Therefore, the cumulative traffic congestion impact would occur upon build-out of Phase II of the Marina del Rey LCP.

5. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Based on the alternatives analysis, an environmentally superior alternative must be designated among the alternatives. According to CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives.

project, thereby necessitating relocation of the County's waterline to accommodate the building. The Panay Way water line would still be upgraded to meet the water flow and pressure requirements of the Fire Department for Parcel 21.

Environmental Safety

The proposed project's significant but mitigable impact associated with soil toxicity and methane gas at Parcel OT is expected to be similar under this alternative, as the site would still be developed with a retirement facility. Regarding Parcel 21, the analytical results for all soil samples collected on-site were not high enough for rendering the materials hazardous waste during excavation. Development of Parcel 21 under this alternative is therefore expected to result in a less than significant impact associated with soil toxicity, as with the proposed project.

Land Use

With the exception of not transferring development potential in the form of ~~5,000~~3,500 s.f. of retail space from the Palawan/Beach DZ #5 to the Oxford DZ #6 for the Parcel OT project, Alternative 6 would require similar approvals as the proposed project, including an adjustment to the lease parcel boundary between Parcels OT and P, creation of a new Land Use Category in the LCP and re-designation of Parcel OT from Parking to Active Seniors Accommodations~~, as well as require an amendment to the existing LCP Amendment No. 1-01 to allow for the transfer of 94 required parking spaces from Parcel OT to Parcel 21 and to transfer the yacht club and marine commercial uses from Parcel 20, Phase II, to Parcel 21~~.

Global Climate Change

As previously stated, due to the fact that significance thresholds under CEQA that address greenhouse gas emissions or global climate change have not yet been formally adopted, a significance determination regarding the alternatives to the project as they relate to this issue cannot be made at this time. It is far too speculative to assert whether the alternatives to the project would have a greater or lesser impact regarding global climate change than the proposed development. The proposed project may have an incrementally reduced project-level impact associated with generating carbon emissions, as it would generate 222 fewer daily trips than the proposed project. As discussed, however, the development potential of ~~5,000~~3,500 s.f. would be developed elsewhere in the LCP area and the associated daily trips would result in conjunction with another project. Therefore, the cumulative traffic congestion impact would occur upon build-out of Phase II of the Marina del Rey LCP.

5. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Based on the alternatives analysis, an environmentally superior alternative must be designated among the alternatives. According to CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives.

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Geotechnical Hazards						
GEO-1 The applicant shall implement the geotechnical engineering recommendations related to groundwater of the geotechnical engineer and/or others, as well as conform to all subsequent conditions that are imposed on the project and are deemed appropriate and necessary during grading, construction, and/or operation of the proposed developments at Parcel OT and Parcel 21. A summary of these recommendations follows:	Grading/ Construction Operation	County Geotechnical Engineer	Grading Permit Prior to Building Permit Prior to Occupancy	County Public Works		
Parcel OT and Parcel 21 Excavation and Dewatering *Construction* • Open, unshored, excavations above the groundwater table may be cut vertically to a maximum depth of no more than four feet. Excavations extending between four and 15 feet deep (Parcel OT) or between four and ten feet (Parcel 21) shall be shored or sloped back from the base of the excavation to at least a one and one-half horizontal to 1 vertical (1.5H:1V) slope or flatter. If excavations dry out, sloughing will occur. No excavation shall be made within a 1:1 line projected outward from the toe of any existing footing or structure.	Grading/ Construction	County Geotechnical Engineer	Grading Permit Prior to Building Permit	County Public Works		
• During the time open (unshored) excavations are open, no heavy grading equipment or other surcharge loads (i.e. excavation spoils) shall be allowed within a horizontal distance from the top of any slope equal to the depth of the excavation (both distances measured from the top of the excavation slope).	Grading/ Construction	County Geotechnical Engineer	Grading Permit Prior to Building Permit	County Public Works		
• Adequate measures shall be taken to protect any structural foundations, pavements, or utilities adjacent to any excavations.	Grading/ Construction	County Geotechnical Engineer	Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• Design and operation of any dewatering system shall be the responsibility of the contractor. However, Earth Systems Southern California Inc. suggests that a sheet-pile cutoff wall shall be used as a cutoff wall to minimize entry of groundwater into the temporary basement excavation. Alternatively, a soil-cement cutoff wall shall be used as the cutoff wall if it is also proposed as a mitigation measure for lateral spreading. Sumps, pumps, and or well points may also be necessary to remove groundwater from the basement excavation during construction. Sizing and operation of sumps and pumps or well points shall be the responsibility of the contractor.	Grading/ Construction	County Geotechnical Engineer	Grading Permit On-going	County Public Works		
Operation To minimize entry of moisture into the completed subterranean portions of the structures, a subdrain and backdrain system with sumps and sump pumps shall be utilized below the bottom floor slab and behind the retaining walls for the subterranean portions of the structure.	Construction Operation	County Geotechnical Engineer	Prior to Building Permit	County Public Works		
GEO-2 The applicant shall implement the geotechnical engineering recommendations related to soil condition improvement of the geotechnical engineer and/or others, as well as conform to all subsequent conditions that are imposed on the project and are deemed appropriate and necessary during grading, construction, and/or operation of the proposed developments at Parcel OT and Parcel 21. A summary of these recommendations follows:	Grading/ Construction Operation	County Geotechnical Engineer Contractor	Grading Permit Field Verification On-going	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Parcel OT **General Site Preparation** • As the existing fill material is not suitable for use in engineered fill at the site, all strippings and debris shall be removed from the site in order to preclude their incorporation in site fill or remedial excavation backfill. Depressions resulting from such removals shall have debris and loose soils removed and filled with suitable soils placed as recommended below.	Grading/ Construction	County Geotechnical Engineer Contractor	Grading Permit Field Verification	County Public Works		
• Soils beneath any proposed traffic-bearing pavement and any exterior non-traffic bearing concrete flatwork (sidewalks, patios, walkways etc.), shall be excavated a minimum of 24 inches below the existing grade or finished subgrade, whichever is lower. The remedial excavation shall extend a minimum lateral distance of at least two feet beyond pavement edges. The bottom of the remedial excavation shall then be scarified (ripped) six inches. Suitable imported soils shall be used to replace the excavated fill, if necessary. The imported material shall be moisture conditioned to near optimum moisture content and be uniformly compacted to at least 90 percent of maximum dry density using mechanical compaction equipment. Compaction shall be verified by testing. ***It shall be understood that the new fill beneath such pavements and slabs will still be supported on at least 10 feet of non-engineered old debris fill, and as such may be subject to distress and shorter service life.***	Grading/ Construction	County Geotechnical Engineer Contractor	Grading Permit Field Verification	County Public Works		
• If necessary, import soils shall be equal to, or better than, the on-site soils in strength, expansion, compressibility, and soil chemistry characteristics. In general, import material shall be free of organic matter and harmful substances, have 100 percent passing a two inch sieve, 60 percent to 100 percent passing a #4 sieve, no more than 20 percent passing a #200 sieve, an Expansion Index less than 20, a	Grading/ Construction	County Geotechnical Engineer Contractor	Grading Plan Check Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Liquid Limit less than 35, and a Plasticity Index less than 12. If they are to be utilized, import soils shall be evaluated prior to their use. Approval of import soils shall be given only after the material is on the project, either in-place, or stockpiled in adequate quantity to complete the project. • Backfill around or adjacent to confined areas (i.e. interior utility trench excavations, etc.) shall be performed either with a lean sand/cement slurry (minimum two sacks of cement per cubic yard) or "flowable fill" material (a mixture of sand/cement/fly ash). The fluidity and lift placement thickness of any such material shall be controlled in order to prevent "floating" of any "submerged" structure.						
• Roof drainage systems for the proposed structure shall be designed so that runoff water is diverted away from any structure.	Construction Operation	County Geotechnical Engineer Contractor	Prior to Building Permit	County Public Works		
• Final site grades shall be designed and constructed so that all water is diverted away from all structures and not allowed to pond on or near pavement. Drainage devices shall be constructed to divert drainage from the project site.	Grading/ Construction Operation	County Geotechnical Engineer Contractor	Grading Plan Check Prior to Building Permit On-going	County Public Works		
<u>Slab-on-Grade Construction</u> • Any exterior building concrete slab-on-grade construction shall be supported by compacted soils. A minimum of four inches of compacted sand or gravel shall be placed over the finished compacted subgrade prior to placing concrete. This granular material shall be moisture conditioned to near optimum moisture content and uniformly compacted using mechanical compaction equipment.	Grading/ Construction	County Geotechnical Engineer Contractor	Grading Plan Check Prior to Building Permit	County Public Works		
• Reinforcement of slab-on-grade construction is contingent upon the structural engineer's recommendations and the Expansion Index of the	Grading/ Construction	County Geotechnical Engineer	Grading Plan Check	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
supporting soils. Since the mixing of fill soils with native soils could change the Expansion Index, additional tests shall be conducted during rough grading to determine the expansion characteristics of the new subgrade soils. Structural mat and post-tensioned slabs shall be designed as outlined below. All exterior concrete slab-on-grade construction shall be reinforced with at least #4 bars on 16-inch centers, each way. Reinforcement shall be placed at mid-depth of the slab. Additional reinforcement may be required once the final expansion potential of the subgrade soils is known. Actual reinforcement requirements will be dependent on the Expansion Index of the bearing soils, applicable sections of the governing building code, and requirements of the structural engineer.		Structural Engineer	Prior to Building Permit			
• Cracks that develop in concrete slab-on-grade shall be filled and sealed prior to placing floor coverings. Frequent control joints shall be incorporated into the slab construction, particularly in the areas of re-entrant corners, to help control cracking.	Construction	County	During Building Inspection Prior to Occupancy	County Public Works		
• In areas of moisture sensitive floor coverings, an appropriate vapor retarder shall be installed in order to minimize vapor transmission from the subgrade soil to the slab. The vapor retarder shall be centered within the four-inch thick sand layer. The vapor retarder shall be evaluated for holes and/or punctures, and the edges overlapped and taped, prior to placement of sand. Any holes or punctures observed shall be properly repaired. The retarder shall be covered with two inches of sand to help protect it during construction. The sand shall be lightly moistened and densified just prior to placing the concrete.	Grading/ Construction	County Geotechnical Engineer	During Building Inspection Prior to Occupancy	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• Relatively impervious floor coverings (i.e. vinyl, linoleum, etc.) that cover concrete slab-on-grade may block the passage of moisture vapor through the concrete slab, which could result in damage to the floor covering. After the concrete slab has sufficiently cured, the concrete slab surface shall be sealed with a commercial sealant prior to placing the floor covering. The compatibility, and recommendations for placing of the concrete sealer, mastic, and floor covering shall be verified by the floor covering manufacturer prior to sealing the concrete or placing of the floor covering.	Construction	County	Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		
• The proposed exterior perimeter slabs (sidewalks, patios, walkways, etc.) shall be designed to be relatively independent of foundation stems (free-floating) to help mitigate cracking due to foundation settlement and/or expansion.	Construction	County	Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		
• Subgrade soils for all concrete flatwork shall be moisture conditioned to near optimum moisture content within 24 hours prior to placement of concrete. Measures shall be taken to maintain optimum moisture until concrete is placed. Actual depths of pre-moistening shall be dependent upon the actual Expansion Index of the subgrade soils.	Grading/ Construction	County Geotechnical Engineer	Grading Plan Check Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		
Parcel 21 <u>General Site Preparation</u> • Much of the soil within the building footprints is very loose and soft, and the foundation excavations are expected to penetrate to a depth near or below the groundwater table elevation. Therefore, to provide a firm working surface for pile driving and	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
construction of the pile caps and structural deck, a layer of gravel, at least one-foot thick, shall be placed at the base of the excavation for each building footprint.						
• Soils beneath any proposed traffic-bearing flexible pavement and non-traffic-bearing flatwork (sidewalks, walkways, patios, etc.) outside the building footprints, shall be excavated a minimum of 24 inches below the existing grade or finished subgrade, whichever is lower. These remedial excavations shall extend a minimum lateral distance of at least two feet beyond the pavement edges. The bottom of the remedial excavation shall then be scarified (ripped) six inches. The scarified and excavated soils shall be moisture conditioned to near optimum moisture content and be uniformly compacted to at least 90 percent of maximum dry density using mechanical compaction equipment. Compaction shall be verified by testing. The purpose of this recommendation is to provide minimum subgrade support to attain minimum life for the proposed pavements and flatwork. ***It shall be understood that, the entire site is underlain by at least 17 feet of poorly compacted uncertified fill and the proposed pavements and flatwork may experience settlement and other distress sooner and to a greater degree than pavements and flatwork supported by a full depth of structural fill.***	Grading/ Construction	County Geotechnical Engineer	Grading Permit Plan Check Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		
• If used, any import soils shall be equal to, or better than, the on-site soils in strength, expansion, compressibility, and soil chemistry characteristics. In general, import material shall be free of organic matter and harmful substances, have no more than 20 percent passing a #200 sieve, and an Expansion Index less than 20. Import soils shall be evaluated prior to their use, but will not be prequalified by the geotechnical consultant. Approval of import soils	Grading/ Construction	County Geotechnical Engineer	Grading Plan Check Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
shall be given only after the material is on the project, either in-place, or stockpiled in adequate quantity to complete the project.						
• Backfill around or adjacent to confined areas (i.e. interior utility trench excavations, etc.) shall be performed with a lean sand/cement slurry (minimum two sacks of cement per cubic yard) or "flowable fill" material (a mixture of sand/cement/fly ash). The fluidity and lift placement thickness of any such material shall be controlled in order to prevent "floating" of any "submerged" structure.	Grading/ Construction	County	Prior to Building Permit	County Public Works		
• Roof drainage systems for the proposed structures shall be designed so that runoff water is diverted away from any structure.	Construction Operation	County	Building Permit Plan Check Prior to Occupancy On-going	County Public Works		
• Final site grades shall be designed and constructed so that all water is diverted away from all structures and not allowed to pond on or near pavement. Drainage devices shall be constructed to divert drainage from the project site.	Grading/ Construction	County	Prior to Grading Permit Prior to Building Permit	County Public Works		
<u>Temporary Shoring</u> • The proposed partial subterranean parking level excavation will be approximately five to seven feet deep and may be adjacent to at least one property line. Temporary shoring may be necessary to support the excavation during construction. The shoring shall consist of temporary sheet pile or steel panels, a soldier pile and lagging type system, or similar temporary shoring system. The shoring shall be cantilevered.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Cantilevered, shoring shall be designed to resist active lateral earth pressures of 40Z pounds per square foot (psf) per foot of depth, where Z = Depth (in feet) measured below the top of the retained	Grading/ Construction	County Geotechnical Engineer		County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
ground surface behind the shoring. This value is based on level ground behind the shoring.		Structural Engineer				
• The lateral earth pressure to be resisted by retaining shall be increased to allow for surcharge loads. The surcharge considered shall include the loads from any other structures or vehicle traffic within a distance at least equal to the height of the shoring. This includes the surcharge from the weight of the existing south property-line wall if this wall is to be preserved in place. Surcharge effects for cantilevered shoring shall be computed assuming active earth pressure conditions using a pressure coefficient of 0.4.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Lateral resistance for temporary shoring sheet piles or soldier piles founded in native site soils shall be assumed to be provided by passive pressure below the bottom of the excavation. As discussed above, the excavation depth is expected to be approximately seven feet below the existing ground surface. The passive pressure for temporary sheet piles or soldier piles may be taken as 250D pounds per square foot (psf) per foot of depth for unsaturated soils, where D = Depth (in feet) measured below the bottom of the excavation. For saturated soils below the water table, passive pressure of 135 psf per foot of soil may be used. This resisting pressure is an ultimate value. An appropriate factor of safety shall be used for design calculations (minimum of 1.5 recommended). The effective width of soldier piles for passive pressure calculations shall be taken as up to three times the actual pile width.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• If soldier piles are used, exposed soils between soldier piles shall be supported by lagging and backfilled or supported through the use of reinforced gunite designed to prevent soil movement. All timber lagging to be left in the ground shall be pressure treated in accordance with Standard Specifications for Public Works Construction, Section 204-2.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
GEO-3 The applicant shall implement the geotechnical engineering recommendations related to secondary seismic hazards (liquefaction, ground subsidence, and lateral spreading) of the geotechnical engineer and/or others, as well as conform to all subsequent conditions that are imposed on the project and are deemed appropriate and necessary during grading, construction, and/or operation of the proposed developments at Parcel OT and Parcel 21. A summary of these recommendations follows:	Grading/ Construction Operation	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit On-going	County Public Works		
Parcel OT <u>Soil Improvement</u> • There are a variety of methods that can be used for soil improvement to minimize liquefaction potential. For this site, the Earth Systems Southern California (ESSC) recommends: a) a combination of a soil-cement cutoff wall around most or all of the site perimeter and stone columns for soil densification and excess pore water pressure relief, or b) a cellular pattern of soil-cement cutoff walls to both mitigate the lateral spreading issue and to provide support for a mat-type foundation system.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• It should be understood that if it is intended to leave some of the existing fill in place, soil improvement of that type of debris-filled irregular material may be difficult and may not result in adequate support for a mat foundation. Consideration shall be given to doing complete removal of the existing fill and replacement to the proposed mat foundation elevation with imported granular engineered fill.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• At a minimum, a soil-cement cutoff wall shall be installed along the easterly site boundary (adjacent to the lagoon) to mitigate the potential for lateral spreading. The cutoff wall shall be at least 30 feet deep to fully contain the soils with potential for lateral movement. Soil-cement cutoff walls shall also be installed around the remaining portions of the site perimeter for temporary excavation support and groundwater control. Additionally, if stone columns are not used, some soil-cement cutoff walls are recommended in the interior of the building footprint for form a "cellular" pattern for soil containment and support of a mat foundation.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Soil-cement cutoff walls shall consist of overlapping "cylinders" of soil mixed in place at depth with Portland cement or other suitable cemetitious materials. The specific soil cement mix design shall be provided by a qualified ground improvement contractor under the review of the project geotechnical engineer.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Stone columns shall be installed on a grid pattern to cover the building footprint plus at least 10 feet laterally beyond the building footprint. The exact spacing and depth of the stone columns is dependent on the amount of liquefying soil in a given part of the site.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• As a preliminary estimate for the south part of the site, stone columns shall be spaced at no further than eight feet on center and should be at least 50 feet deep (below existing grade) to intersect all potentially liquefiable soil. In the northerly side of the site, stone columns shall be at least 30 feet deep to intersect the deepest liquefying layer in that area.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Stone columns shall be at least 18 inches in diameter and shall consist of relatively clean gravel placed in a "column" by means of a crane-mounted vibrator.	Grading/ Construction	County	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Wick drains (if used) shall be used to relieve excess pore pressure during stone-column installation and maximize ground densification. Wick drains shall consist of a geosynthetic drain material typically about four inches wide corrugated plastic with a filter fabric wrapping. Wick drains shall be installed to the same depth as the adjacent stone columns and are typically installed by hydraulic push methods.	Grading/ Construction	County Geotechnical Engineer		County Public Works		
• Deep soil mixed soil-cement cutoff walls, stone columns, and wick drains (if used) shall be installed by a qualified ground improvement contractor with experience in Southern California. The ground improvement contractor shall be consulted for more specific estimates of the stone column specifications and for special limitations of the ground improvement methods.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Confirmation testing shall be required to verify that the ground improvement has achieved the minimum soil densities and strengths necessary to adequately reduce the liquefaction potential. At least 10 CPT soundings and five soil borings with SPT samples shall be performed after installation of the stone columns (and wick drains if used) to demonstrate the "post ground improvement" soil density. Earth	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
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Systems Southern California (ESSC) recommends the following tentative criteria to demonstrate adequate densification: corrected SPT blow counts (N_{160cs}) shall exceed 30 blows per foot, and CPT tip resistance (Q_{1CN}) shall exceed 160 tons per square foot (tsf) in all of the soils below the proposed building foundation that do not meet the "Chinese criteria' (clay content <15 percent or CPT Ic parameter <2.5).						
• An indicator program of soil-cement cutoff walls and stone columns is recommended at the beginning of the project (prior to full "production" of soil-cement and stone columns) to verify their effectiveness. For the indicator program, a soil-cement cutoff wall at least five feet wide by at least 20 feet long should be installed. Indicator stone columns should be installed in a 100 square foot area in the northerly part of the site and a 100 square foot area in the southerly part of the site. At least two borings with SPT samples and at least two CPT soundings should be completed in each of the two test areas to verify the effectiveness of the soil densification. Once the indicator program is complete, the ground improvement program can be finalized.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
<u>Mat Foundations</u> Due to the soft, variable nature of the site soils and the potential for seismic-induced ground movement, a structural mat foundation is recommended for the building foundation. The proposed soil improvement will reduce but not eliminate all potential variability in ground support for building foundations. Earth Systems Southern California (ESSC) recommends that any building or structure constructed on this site be designed to at least the minimum standards for Seismic Zone 4, as designated by the 2001 edition of the California Building Code (CBC). • The mat shall be either conventionally reinforced or consist of a post-tensioned slab system. Specific criteria for post-tensioned slab design shall be	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
provided by the project geotechnical engineer if a post-tensioned system is selected. • The mat foundation for the proposed structure shall be supported by improved ground. • An allowable "net" bearing capacity of 1,500 pounds per square foot (psf) shall be utilized for dead and sustained live loads for design of the mat foundation. This value is a "net" value that includes the compensation for soil removal assuming a minimum five-foot deep parking basement. This value shall be increased by 1/3 when considering transient loads such as earthquake or wind forces. • The mat slab shall be at least six inches thick and shall include a perimeter beam extending a minimum of 24 inches below finished adjacent grade. The actual depth, width, and reinforcement requirements for the mat foundation depend on the Expansion Index of the bearing soils and shall be specified by the structural engineer. • The mat foundation shall be designed to accommodate differential movement of up to 1.5 inches in a 30-foot span (1:240 distortion ratio). • Resistance to lateral loading may be provided by friction acting along the mat foundation base. A coefficient of friction of 0.35 shall be used for concrete foundations on site soils that have been "improved." This value includes a safety factor of 1.5. • Additional resistance to lateral loading may be provided by passive earth pressure acting against the sides of foundations or grade beams. Based on the presence of "improved" soils around the perimeter of the proposed building, the passive pressure is estimated to be 350 Z PSF, where Z = Depth (in feet) below the finished ground elevation. In passive pressure calculations, the upper one-foot of soil shall be subtracted from the depth, Z, unless confined by						

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
pavement or slab. The resisting pressure provided is an ultimate value. An appropriate factor of safety shall be used for design calculations (minimum of 1.5 recommended).						
• The excavation for the mat foundation shall be cleaned of all loose or unsuitable soils and debris prior to placement of concrete. Soil generated from the foundation excavations shall not be placed below the mat slab unless properly moisture conditioned and compacted.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
Building Foundation Piles • Building foundation piles, if used, shall consist of precast, prestressed reinforced concrete driven piles. The piles may be round or square in cross-section. It is anticipated that piles would need to be at least 24-inches in diameter or square dimension. • Building piles shall be embedded a minimum of 15-feet into dense sand (minimum tip depth of at least 60 ft below exist grade in the southerly part of the site). The actual total pile length and embedment may vary depending upon the requirements of the structural engineer and the results of the pile driving analysis (ie. evaluation of pile driving blow counts). • In general, the pile driving criteria provided by the Engineering News Record (ENR) formula (Public Works, 2000) shall be satisfied for the last one foot of pile driving. If the required driving resistance is not achieved at the design depth, the pile may be allowed to "set" overnight and then driven an additional foot. If the required driving resistance is still not achieved, the pile may be lengthened or additional piles may be installed in accordance with the recommendations of the geotechnical and structural engineers. • The axial load carrying capacities of the foundation piles will depend on the final pile size and embedment depth selected. Deeper exploration of the site and further analysis of pile capacities would be necessary	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
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to provide allowable pile capacities. Preliminarily, skin friction for piles embedded below the lowest liquefying layer may be assumed to be approximately 0.9 tons per square foot (tsf). Down-drag forces of at least 0.5 tsf must be applied to all portions of the piles above the lowest liquefying soil layer. • The lateral load carrying capacity of foundation piles will be a function of the depth of liquefying soil at each pile location and the anticipated depth of lateral soil movement due to lateral spreading. Resistance to lateral movement can be provided by passive soil pressure below the lowest liquefying soil layer. Passive pressure may be taken as 500 pounds per square foot per foot of depth in firm soil below the liquefying layers. Driving lateral earth pressures must be applied to the portions of the piles within the depths where lateral spreading is anticipated. Specific lateral pile capacity calculations can be provided if pile foundations are selected for the project. • The design mix for the concrete to be used in the pile construction shall be established and approved by the structural engineer prior to the time of construction. Concrete compression tests shall be performed during pile casting in accordance with applicable codes or requirements of the structural engineer. Inspection by qualified personnel shall be provided during the pile casing and/or reinforcement placing and tensioning. • An indicator pile program shall be conducted for both proposed buildings prior to installation of the building foundation piles. The indicator pile program shall include a minimum of ten piles. The indicator piles shall have the same cross-section and consist of the same construction as the piles selected for the building foundation and may be used as final building foundation piles (“production piles”). The indicator piles shall be located at points distributed approximately uniformly across the two building						

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
footprints. The indicator piles shall be a minimum of 60 feet in length (as delivered to the site) and shall be driven to a minimum embedment of 15 feet into the dense sand below the lowest liquefying soil layer. • At least the first indicator pile shall be driven with no pre-boring. Pre-boring up to 3/4 of pile cross sectional area will be permitted for subsequent piles if necessary to achieve minimum embedment depth. The axial pile capacity for the last two feet of driving must be calculated based on blow counts to at least the required axial design load for the pile. • The geotechnical engineers, or their representatives, shall be present during the installation of all pile foundations. This is to observe pile driving conditions and help identify variations in soil conditions that may require additional evaluation of the foundation criteria in this report. • Piles in groups or rows shall be driven alternately before driving an adjacent pile. • Driven piles shall not be more than two percent from the plumb position.						
Retaining Walls The following lateral earth pressures shall be used in the design of the proposed basement (partial subterranean parking level) retaining walls, or similar structures at the site (Refer to Section IV.A of this EIR for equivalent fluid earth pressures table).	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The basement (partial subterranean parking level) retaining walls shall be supported by the structural mat foundation as recommended herein.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The lateral earth pressure to be resisted by retaining shall be increased to allow for surcharge loads. The surcharge considered shall include the loads from any structures or vehicle traffic within a distance approximately equal to the height of the retaining wall.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• Backfill immediately behind any retaining structure shall be a free-draining granular material. Comments on the characteristics of import soils shall be given by the geotechnical consultant after the material is on the project, either in place, or stockpiled in adequate quantities to complete the project.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Backfill behind retaining walls shall be with soils that have been properly moisture conditioned to approximately optimum moisture content and uniformly compacted to at least 90 percent of maximum dry density as determined by ASTM D 1557 test procedures using mechanical compaction equipment. To aid in the compaction operation, retaining wall backfill shall be placed in lifts not exceeding six inches compacted thickness.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Compaction within the area of a 1H:1V slope from the bottom of wall excavations shall be performed by hand operated compaction equipment, intended to reduce potential "locked-in" lateral pressures caused by compaction with heavy grading equipment.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Backdrains or an equivalent system of backfill drainage shall be incorporated into the retaining wall design unless the walls are designed to resist full hydrostatic pressure and properly waterproofed. Waterproofing of retaining walls shall be provided to help reduce the potential for efflorescent formation.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The final grade shall be such that all water is diverted away from the retaining wall's foundation or backfill.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
Parcel 21 <u>Foundation Piles</u> • Building foundation piles shall consist of precast, prestressed reinforced concrete driven piles. The piles may be round or square in cross-section. Recommendations are provided herein primarily for	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
24-inch square piles.						
• Building piles shall be embedded a minimum of 13-ft. into dense sand (minimum tip depth of approximately 45 ft. below existing grade). The actual total pile length and embedment may vary depending upon the requirements of the structural engineer and the results of the pile driving analysis (ie. evaluation of pile driving blow counts).	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• In general, the pile driving criteria provided by the Engineering News Record (ENR) formula (Public Works, 2006) shall be satisfied for the last one foot of pile driving. If the required driving resistance is not achieved at the design depth, the pile may be allowed to "set" overnight and then driven an additional foot. If the required driving resistance is still not achieved, additional piles shall be installed in accordance with the recommendations of the geotechnical and structural engineers.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The axial load carrying capacities of the foundation piles shall be determined based on the final pile size and embedment depth selected.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The lateral load carrying capacities of the foundation piles shall be determined based on the final pile size and embedment depth selected.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The design mix for the concrete to be used in the pile construction shall be established and approved by the structural engineer prior to the time of construction. Concrete compression tests shall be performed during pile casting in accordance with applicable codes or requirements of the structural engineer. Inspection by qualified personnel shall be provided during the pile casing and/or reinforcement placing and tensioning.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• An indicator pile program shall be conducted for the proposed building prior to the remainder of the	Grading/ Construction	County	Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
building foundation piles. The indicator pile program shall include a minimum of six piles within each of the two building footprints. The indicator piles shall have the same cross-section and consist of the same construction as the piles selected for the building foundation and may be used as final building foundation piles ("production piles"). The indicator piles shall be located at points distributed approximately uniformly across the building footprints, except that at least one set of indicator piles shall be driven as a group of three to evaluate pile group installation. The indicator piles shall be 45 to 50 feet in length (as delivered to the site) and shall be driven to a minimum embedment of 15 feet into the dense sand (at least 15 feet below the 32-foot depth from existing grade). The indicator piles shall be driven using the same hammer that will be used for production pile installation.		Structural Engineer	Building Permit			
• At least the first indicator pile shall be driven with no pre-boring. Pre-boring up to 3/4 of pile cross sectional area shall be permitted for subsequent piles if necessary to achieve minimum embedment depth. The axial pile capacity for the last foot of driving shall be calculated based on blow counts to at least the required axial design load for the pile.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The geotechnical engineers, or their representatives, shall be present during the installation of all pile foundations. This is to observe pile driving conditions and help identify variations in soil conditions that may require additional evaluation of the foundation criteria in this report.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Piles in groups or rows shall be driven alternately before driving an adjacent pile.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Driven piles shall not be more than two percent from the plumb position.	Grading/ Construction	County	Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
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		Structural Engineer	Building Permit			
Retaining Walls • The walls of the subterranean portion of the proposed building shall be supported by the structural deck and building piles. Any retaining walls proposed for the project that are not structurally supported by the piles shall be supported by existing uncertified fill soils at the site and thus may experience some degree of settlement and other distress.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Lateral earth pressures for subterranean walls at the subject site include normal "static" pressures and earth pressures resulting from earthquakes and laterally spreading soils. The following "static" lateral earth pressures shall be used in the design of the proposed subterranean building walls and any other retaining walls that may be proposed at the site (Refer to Section IV.A of this EIR for equivalent fluid earth pressures with well drained backfill table).	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• For walls founded in soil rather than supported by the pile foundation system, resistance to lateral loading shall be provided by passive pressure of soil in front of the wall and by friction acting along the foundation base.	Grading/Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• For retaining walls founded in soil, passive pressures of 270 psf per foot of soil in front of the wall shall be used for unsaturated soils. For saturated soils below the water table, passive pressure of 135 psf per foot of soil may be used. The upper one-foot of soil shall be neglected for passive pressure calculations unless confined by pavement or slab.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• A coefficient of friction of 0.3 shall be used in designing concrete retaining wall foundations in site soils recompacted to approximately 90 percent of maximum dry density as determined by ASTM D 1557 test procedures, and shall be used with dead loads. This value includes a safety factor of 1.5. This	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
value used for design may be increased by 1/3 when transient loads (such as wind and seismic forces) are considered.						
• The lateral earth pressure to be resisted by retaining shall be increased to allow for surcharge loads. The surcharge considered shall include the loads from any structures or vehicle traffic within a distance approximately equal to the height of the retaining wall.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Backfill immediately behind any retaining structure shall be a free-draining granular material. Comments on the characteristics of import soils shall be given by the geotechnical consultant after the material is on the project, either in place, or stockpiled in adequate quantities to complete the project.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Backfill behind retaining walls shall be with soils that have been properly moisture conditioned to approximately optimum moisture content and uniformly compacted to at least 90 percent of maximum dry density as determined by ASTM D 1557 test procedures using mechanical compaction equipment. To aid in the compaction operation, retaining wall backfill shall be placed in lifts not exceeding six inches compacted thickness.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Compaction within the area of a 1H:1V slope from the bottom of wall excavations shall be performed by hand operated compaction equipment. This is intended to reduce potential "locked-in" lateral pressures caused by compaction with heavy grading equipment.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Back-drains, or an equivalent system of backfill drainage shall be incorporated into the retaining wall design. Proper back-drainage will minimize the potential for hydrostatic pressures behind retaining walls. In addition to back-drains, waterproofing of retaining walls is recommended to minimize moisture migration through the walls and to help reduce the	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
potential for efflorescent formation.						
• The final grade shall be such that all water is diverted away from the retaining wall's foundation or backfill.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
Seiches and Tsunamis Parcels OT and 21 **GEO-4** The applicant shall prepare emergency evacuation plans for both Parcel OT and Parcel 21, subject to the review and approval of the Fire Department.						
Noise						
N-1 Noise monitoring shall be performed by a qualified acoustician, who shall be responsible for posting notices at the construction sites describing the nature of the project and the duration and hours of construction, providing a phone number at which noise complaints may be registered, and responding to such complaints. If any violations occur, the equipment in question or barriers/shields shall be modified before pile driving or construction activities continue.	Grading/ Construction	County	Prior to Grading	County Public Works Regional Planning		
N-2 The pile driver shall be shielded through noise blankets or a temporary barrier sufficiently to meet the Los Angeles County noise ordinance levels.	Construction	County	Construction	County Public Works		
N-3 Because the repetitive noise of pile driving may be intrusive even if ordinance standards are not exceeded, the allowable hours of pile driving shall be restricted from 8 a.m. to 4:30 p.m. from Monday through Friday.	Construction	County	Construction	County Public Works		
The County of Los Angeles Ordinances requires that construction noise measured at nearby single-family residential property lines not exceed 75 dB from mobile noise sources. The construction noise standard for multi-family uses is 80 dB, and 85 dB for the adjacent hotel. This standard would be met if the following measures are implemented:						

MITIGATION MONITORING PROGRAM							
	Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
N-4	All construction and general maintenance activities, except in an emergency, shall be limited to the hours of 8 a.m. to 5 p.m. Monday through Saturday and shall utilize the quietest equipment available.	Grading/ Construction Operation	County	Construction Ongoing	County Public Works Regional Planning		
N-5	All on-site construction equipment shall have properly operating mufflers. Other measures shall be implemented wherever necessary to further reduce construction equipment noise. These may include, but are not limited to, utilizing ¾-inch plywood screening on semi-stationary equipment operating under full power for more than 60 minutes within a direct line of sight to any residential bedroom window.	Grading/ Construction Operation	County	Construction Ongoing	County Public Works Regional Planning		
N-6	All construction staging and delivery areas shall be located as far away as possible from the nearest homes (for development on Parcel OT, staging shall occur away from the northwestern portions of the site; and for development on Parcel 21, staging shall occur away from the easternmost and southernmost portions of the site), and shall be scheduled to occur from the mid-morning to mid-afternoon hours.	Plan Check Grading/ Construction	County	Prior to Grading Permit Ongoing	County Public Works Regional Planning		
N-7	In order for the County interior standard of 45 dB CNEL to be met with a reasonable margin of safety, the applicant shall incorporate the use of dual-paned windows (STC=30 rated windows and/or sliding glass doors) and supplemental ventilation that includes a fresh air supply of 30 cubic feet per minute in the active seniors accommodations on Parcel OT.	Plan Check Operation	County	Prior to Building Permit	County Public Works Regional Planning		
	Construction of multiple family dwelling units requires compliance with all noise insulation requirements of the California Building Code, as applied to the project by the County Department of Building and Safety.	Construction On-going	County	Prior to Building Permit			

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
N-8 The applicant shall implement structural noise attenuation measures as required by the California Building Code. The Code requires the following noise insulation features for such units, as stated in CBC Appendix 1208A:	Construction On-going	County		County Public Works		
• Wall and floor-ceiling assemblies separating dwelling units from each other and from public spaces such as interior corridors and service areas shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblies. Wall assemblies shall have a minimum STC rating of 50. Floor-ceiling assemblies shall have a minimum STC and IIC ratings of 50.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• Construction details for all sound- and impact-rated assemblies shall be provided on architectural plans. Laboratory test reports governing the STC and IIC ratings of these assemblies shall be specified.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• Entrance doors from interior corridors to dwelling units together with their perimeter seals shall have a minimum STC rating of 26. The 1-3/8-inch (35mm) solid core wood or 18-gauge insulated steel slab doors with resilient stop and compression seals all around, including threshold, are acceptable without other substantiating data.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• All penetrations or openings in construction assemblies for piping, electrical devices, recessed cabinets, bathtubs, soffits, or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• All rigid conduit, ducts, plumbing pipes, and appliance vents located in sound assemblies shall be sealed, lined, insulated or otherwise treated to maintain the required ratings.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• Mineral fiber insulation shall be installed in joint spaces whenever a plumbing pipe or duct penetrates a floor-ceiling assembly or where such pipe or duct passes through the plane of the floor-ceiling assembly	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
from within a wall. The insulation shall be installed to a point 12 inches (305mm) beyond the pipe or duct.						
• Combustion air and kitchen and bathroom exhaust ducts within sound separation assemblies shall be wrapped with Type "C" insulation as shown in Table No. 6-D, Uniform Mechanical Code.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• Electrical penetrations in sound-rated wall and floor-ceiling assemblies shall conform to the following (outlet box used herein is defined as a box used for receptacles, switches, surface-mounted lighting fixtures, junction points, telephones, thermostats, television uses, etc.): - Outlet box dimensions shall not exceed 6 inches (152mm) in length or width. - Only outlet boxes and ceiling exhaust fans in the bathrooms shall be permitted in walls and ceilings. All other equipment and devices including recessed fixtures, panel boards, heaters, kitchen exhaust fans, sound-producing equipment (bells, intercoms, etc.) shall not be installed in these sound-rated assemblies. - Light switches, outlet boxes and surface-mounted fixtures shall not be installed back-to-back. Plugs and switches shall be separated by 36 inches (914mm) minimum. - Surface-mounted fixtures shall be separated by 24 inches (610mm) minimum. All openings shall be caulked to ensure integrity. - Outlet boxes shall not exceed 1-1/2" (38mm) in depth so as to allow the required 2-inch (51mm) uncompressed insulation to be installed in a standard 2-inch X 4-inch (51mm by 104mm) wall. On walls of deeper dimensions, boxes of greater depths may be permitted. - Conduits or raceways (stubouts) may	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy			

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
penetrate the sound-rated assemblies provided the conduit is covered at the penetration point with permanently resilient sealant. - Floor-ceiling assemblies between residential areas and equipment penthouses (a/c units, etc.) shall be installed in accordance with the sound separation requirements.						
• Floor coverings such as carpet and pad which are required as part of a sound- and impact-rated assembly shall be installed prior to final inspection and that such coverings must be retaine as a permanent part of the assembly and may be replaced only by other floor coverings which provide the required ratings. • Wall-mounted lavatories and toilets are not permitted on sound-rated walls.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy On-going	County Public Works		
N-9 Heating, ventilation, or air conditioning (HVAC) equipment on Parcel 21 shall not operate between the hours of 10 p.m. and 7 a.m., unless it is demonstrated by noise measurement that the noise level from such operation does not exceed a Leq_{50} of 45 dB at the closest residential property line.	Operation	County	Ongoing	County Public Works Regional Planning		
N-10 Although noise from the Parcel 21 parking structure is not expected to be any greater than what sensitive receivers currently experience in the project area, the applicant shall incorporate into the parking structure a design that coats the floor with a treatment or provides a swirled concrete texture that reduces tire squeal.	Construction Operation	County	Plan Check Prior to Building Permit Field Verified Prior to Occupancy	County Public Works Regional Planning		
N-11 Signage shall be posted that notifies parking structure users on Parcel 21 of possible penalties (such as reporting to the Sheriff's Department that may result in towing) for false alarms if their alarm does not comply with limits on frequency or duration of triggering an alarm.	Construction Operation	County	Plan Check Prior to Building Permit Field Verified Prior to Occupancy	County Public Works Regional Planning		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Water Quality						
Surface Water Quality **WQ-1** Grading activities shall be planned during the Southern California dry season (April through October) to the extent feasible and practicable.	Grading	County	Grading Permit On-going	County Public Works Regional Planning		
WQ-2 The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit it with the grading plan to the County of Los Angeles Department of Public Works' Land Development Division for review and approval and apply the appropriate BMPs identified. These may contain at a minimum the following items: • During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize erosion, sedimentation, and surface water contamination. • In order to intercept sediment-laden runoff generated during construction activities and trap and retain sediment, sediment basins shall be employed within the project site. • Filter fences designed to intercept and detain sediment and trash while decreasing the velocity of runoff shall be employed within project sites.	Grading/ Construction	County	Prior to Grading Permit Ongoing	County Public Works		
WQ-3 The applicant shall prepare a Drainage Concept and Standard Urban Stormwater Mitigation Plan (SUSMP) for both Parcels OT and 21, subject to review and approval by the County of Los Angeles Department of Public Works' Land Development Division. The SUSMP shall include best management practices for controlling and treating polluted runoff and removing floating solids from runoff. Any such best management practices or devices shall be incorporated as shown on the Drainage Concept as approved by the County of Los	Grading/ Construction On-going	County	Prior to Grading Permit On-going	County Public Works Regional Water Quality Control Board		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Angeles Department of Public Works, if necessary, for compliance with applicable Total Maximum Daily Loads under the Los Angeles Regional Water Quality Control Board.						
Air Quality						
Construction Period Impacts **AQ-1** The applicant shall prepare a Construction Management Plan to control fugitive dust. At a minimum, the Plan shall include the following dust control measures: • The simultaneous disturbance site should be minimized as much as possible. • The proposed project shall comply with SCAQMD established minimum requirements for construction activities to reduce fugitive dust and PM-10 emissions. A plan to control fugitive dust through the implementation of best available control measures shall be prepared and submitted to the County for approval prior to the issuance of grading permits. The plan shall specify the dust control measures to be implemented. Such measures may include but are not limited to: a) Application of soil stabilizers to inactive areas; b) Preparation of a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 mph; c) Stabilization of previously disturbed areas if subsequent construction is delayed; and d) Covering all stock piles with tarps.	Grading/ Construction	County	Plan Check Prior to Grading Permit. On-going	County Public Works SCAQMD		
• The project proponent shall comply with all applicable SCAQMD Rules and Regulations including Rule 403 insuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of	Grading/ Construction	County	On-going	County Public Works SCAQMD		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
fugitive dust emissions from any active operation, open storage pile or disturbed surface area visible beyond the property line of the emission source. Particulate matter on public roadways is also prohibited. • Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface, and then watered again at the end of each day. Watering of exposed surfaces and haul roads three times/day is recommended. • Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil. • Any construction access roads (other than temporary access roads) shall be paved as soon as possible and cleaned after each work day. The maximum vehicle speed on unpaved roads shall be 15 mph. • Grading operations shall be suspended during any first stage ozone episodes.						
AQ-2 The applicant shall prepare a Construction Management Plan to control vehicle and equipment emissions during construction. At a minimum, the Plan shall incorporate the following mitigation measures: Construction parking shall be configured to minimize the potential for traffic interference and vehicle idling. • Any construction equipment using direct internal combustion engines shall use a diesel fuel with a	Grading/ Construction	County	Prior to Grading Permit On-going	County Public Works SCAQMD		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
maximum of 0.05 percent sulfur and a four-degree retard. • Equipment and vehicle engines shall be maintained in good condition and in proper tune, according to manufacturer's specifications and per SCAQMD rules, to minimize exhaust emissions. 90 day Low NOx tune-ups shall be required for off-road equipment. • Tier 3 rated engines shall be used for all equipment during site grading, if available. • Equipment whose engines are equipped with diesel oxidation catalysts shall be utilized, if available. • Construction operations affecting off-site roadways shall be scheduled by implementing traffic hours and shall minimize obstruction of through-traffic lanes. Construction operations that may affect traffic flow on the arterial system shall be limited to off-peak hours, as permitted. • Truck deliveries occurring during construction shall be consolidated to the extent feasible. • Idling trucks or heavy equipment shall turn off their engines if the expected duration of idling exceeds five (5) minutes as required by law. • On-site heavy equipment used during grading and construction shall be equipped with diesel particulate filters unless it is demonstrated that such equipment is not available or its use is not cost-competitive. • All building construction shall comply with energy use guidelines in Title 24 of the California Code of Regulations. • To the extent that such measures are economically feasible/cost • competitive, the applicant shall incorporate the following practices: – Utilizing electricity from power poles in place of temporary diesel or gasoline-powered generators;						

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
– Utilizing methanol or natural gas-powered mobile equipment and pile drivers in place of diesel; and – Utilizing propane or butane-powered on-site mobile equipment in place of gasoline. • Construction equipment operations shall be suspended during any second stage smog alert.						
Biota						
BIO-1 Tree removal shall be performed between the dates of August 1 through January 31 to avoid the nesting bird season. Should this not be feasible, a qualified biologist shall conduct a thorough examination of the tree to determine whether nesting birds are present, and if found, the status of the nest shall be noted. The nest survey shall take place not more than three days (72 hours) prior to the planned removal. If nesting birds are present, the biologist shall prepare a recommendation, which may include a delay of the removal until such time that nesting has been completed. The recommendation of the biologist shall be communicated to the local CDFG Agent for approval and consent prior to removal of the tree(s).	Grading/ Construction	County Monitoring Biologist	Prior to Grading On-going	County Public Works County Regional Planning		
Cultural Resources						
Prehistoric and Historic Archaeological Resources **CUL-1** During the removal of asphalt paving and subsequent grading of the sites, the sites shall be monitored by a qualified archaeological monitor. The archaeological monitor shall also be accompanied by a Native American Monitor to be selected from the Native American Heritage Commission approved list for this area. Should evidence of any prehistoric or historic resources be uncovered, including Native American resources, the archeologist must be notified and work in the find area shall cease until the monitor arrives. The State Historic Preservation Office and Los Angeles	Demolition/ Grading/ Construction	County Archaeological Monitor	On-going	County Regional Planning		

MITIGATION MONITORING PROGRAM							
	Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
	County Department of Regional Planning shall also be notified if such resources are uncovered. The archeological monitor shall have the authority to halt any activities adversely impacting potentially significant archeological resources, while the find is evaluated in accordance with CEQA criteria for significance.						
CUL-2	Should evidence of any prehistoric or historic archaeological resources be uncovered, a Phase II evaluation must be conducted in accordance with Section 15064.5(f) of the CEQA Guidelines.	Grading/ Construction	County Archaeological Monitor	On-going	County Regional Planning		
CUL-3	Following §30116(d) of the Coastal Act, any cultural resource found in the portion of the LCP study area planned for development shall be collected and maintained at the Los Angeles County Museum of Natural History or other appropriate location as otherwise provided by State law.	Grading/ Construction	County	On-going	County Regional Planning		
CUL-4	Should human remains be discovered during the removal of asphalt paving and subsequent grading of the sites, the County Coroner shall be contacted and permitted access to the site for preliminary identification of the remains. Preservation and disposition of the remains shall be conducted in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the remains are found to be of Native American origin, the Native American Heritage Commission must be notified and permitted to identify the Most Likely Descendant (MLD), and, in consultation with the proponent and archaeological monitor, determine the appropriate disposition of the remains, as stated in Section 15064.5(d) of the CEQA Guidelines.	Grading/ Construction	County Archaeological Monitor	On-going	County Regional Planning County Coroner Native American Heritage Commission		
CUL-5	As part of the Coastal Development Permit application involving disturbance of native soils or vegetation, including but not limited to excavation, pile driving or grading, the applicant shall provide	Grading/Cons truction	County Archaeological Monitor		County Regional Planning Office of State Historic		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
evidence that they have 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 occur.				Preservation Native American Heritage Commission		
CUL-6 Should an Archaeological Recovery Program be warranted, it shall require a Coastal Development Permit consistent with the provisions of the certified Marina del Rey LCP.	Grading/Construction	County Archaeological Monitor	Completion of the Recovery Program	County Public Works Regional Planning		
Visual Resources						
Light and Glare **VIS-1** The applicant shall develop and submit a Lighting Plan for the proposed project for County of Los Angeles review and approval. The Lighting Plan shall include the following features, at a minimum: • Exterior lighting shall consist of low intensity, shielded, hooded fixtures and shall be directed downward or toward the area to be illuminated, so that backscatter to the nighttime sky is minimized and light trespass outside the project boundary is prevented. • Outdoor flood lamps shall not be used to provide architectural highlight or accent lighting. • Lighting used to provide for public safety along exterior pedestrian walkways shall consist of low level positioned lights that are specifically aimed at key walkway points and screened by lens-covering light grills to eliminate potential glare effects.	Plan Check Operations	County	Prior to Building Permit	County Public Works Regional Planning		
Traffic/Access						
Construction Period Impacts **TA-1** Traffic Control Plans for both Parcel OT and Parcel 21 shall be submitted to the County of Los Angeles Department of Beaches and Harbors and the County of Los Angeles Department of Public Works Traffic	Grading/ Construction	County	Prior to Grading Permit	County Department of Beaches and Harbors County Public Works - Traffic and Lighting Division		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
and Lighting Division for review and approval. The Traffic Control Plans shall designate haul routes for construction-related vehicles, the location of access to the construction site, and staging and parking areas for workers and equipment. The Plans shall also specify the permitted hours of construction, methods of safeguarding traffic flow, methods of re-routing or detouring traffic if necessary, and the placement/utilization of traffic control devices (including signs, flashing arrows, traffic cones and delineators, barricades, flaggers, temporary modifications to existing signals and signal timing, etc.), as necessary. Further, the Plans shall address the provision of signage for alternative pedestrian and bicycle access routes where affected, coordination with emergency service providers, and coordination with pubic transit providers (such as the MTA, LADOT Commuter Express, and Culver City Bus). The Plans shall include the MTA telephone number (213-922-4632) of the Metro Bus Operations Control Special Events Coordinator that the contractor shall contact for construction coordination outreach efforts						
Cumulative Traffic/Access Impacts For the intersections of Admiralty Way at Via Marina, Admiralty Way at Palawan Way, and Admiralty Way at Bali Way: **TA-2** Pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP), the applicant shall provide a "fair share" contribution toward the funding of Category 1 (local Marina) and Category 3 (regional) roadway improvements, based on the amount of project PM peak hour trips. [As the County's traffic mitigation fee structure is currently $5,690 per PM peak hour trip, the proposed project shall be required to pay $170,700 in trip mitigation fees, based on the expected project	Plan Check	County	Prior to Building Permit	County Public Works Regional Planning		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
trip generation of 30 net new PM peak hour trips, with a portion of these fees being designated toward the Category 3 (regional) transportation improvements].						
For the intersections of Washington Boulevard at Palawan Way, Washington Boulevard at Ocean Avenue/Via Marina, and Admiralty Way at Mindanao Way: **TA-3** The applicant shall contribute "fair share" funding to provide 1) a new traffic signal at the intersection of Washington Boulevard and Palawan Way, 2) realignment at the south leg of the intersection to reduce the angle of the northbound right-turn only lane for a more perpendicular approach in addition to northbound dual left-turn lanes, and 3) two northbound left-turn lanes onto westbound Washington Boulevard and an exclusive right-turn lane (add a second left-turn). The proposed project shall contribute 3.8 percent of the impact at this location. While cost estimates for this improvement are currently being finalized, they are estimated to be $332,500, with a project responsibility of $12,635.	Plan Check	County	Prior to Building Permit	County Public Works Regional Planning		
TA-4 The proposed project shall contribute "fair share" funding to either 1) a second southbound left-turn lane at the Admiralty Way at Mindanao Way intersection or 2) the conversion of the shared left-turn/through lane to a shared through/left-/right-turn lane on the westbound approach to the Admiralty Way at Mindanao Way intersection with optimization of signal operation at adjacent intersections at this intersection when plans are finalized by the applicable discretionary agencies.	Plan Check and/or Construction	County	Prior to Building Permit	County Public Works Regional Planning		
TA-5 The proposed project shall dedicate the necessary right of way for the future widening of Admiralty Way as well as an eight-foot sidewalk along the project frontage on Admiralty Way.	Plan Check	County	Prior to Grading Permit	County Public Works Regional Planning		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Utilities (Water Supply)						
Water Demand **WS-1** The applicant shall prepare a landscape plan that meets all provisions of Title 26 of the Los Angeles County Code, Chapter 71, Water Efficient Landscaping.	Plan check and construction	County	Prior to Grading Permit	County Public Works		
WS-2 The applicant shall incorporate into the building plans water conservation measures as outlined in the following: • State of California 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 that 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.	Building Plan check, Construction and Operation	County	Prior to Building Permit	County Public Works		
WS-3 The applicant shall adhere to the conditions of the Los Angeles County Waterworks District "will serve" letters issued for Parcel OT and Parcel 21, including, but not limited to, the payment of connection fees and implementation of water system improvements, if necessary.	Plan approval and Construction	County	Prior to Utility Plan approval Prior to Building Permit	County Public Works		
WS-4 The construction of on-site facilities shall meet all health and safety codes, and all domestic water service meter and fire protection connections shall have a backflow device to prevent contamination of the public water system.	Plan approval and Construction	County	Prior to Utility Plan approval Prior to Building Permit	County Public Works		
WS-5 The District has prepared a water main relocation and expansion plan for the 14-inch water main that currently traverses Parcel OT. Prior to issuance of the grading permit for the proposed project, the upsized water main shall be installed and operational on Parcel OT, unless the water main upsizing is to	Prior to Grading Permit	County	Prior to Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM							
	Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
	be constructed and made operational as a part of the proposed project. The applicant shall be responsible for costs associated with relocating the water main on Parcel OT or compensating the District for such incurred costs.						
WS-6	The applicant shall complete the following tasks, for review and approval by the County of Los Angeles Fire Department: *Parcel OT* Prepare a Fire Safety Plan; Verify and perform Fire Flow Availability tests on 1) the nearest existing public fire hydrant on Admiralty Way (Los Angeles County Waterworks), and 2) the nearest existing public fire hydrant on Washington Boulevard (District); Submit architectural plans to the Fire Prevention Engineering Division in Hawthorne; and Submit an original Fire Flow Availability Form (196). *Parcel 21* Prepare a Fire Safety Plan; Verify the nearest existing public fire hydrant to the property; Submit architectural plans to the Fire Prevention Engineering Division in Hawthorne; and Submit an original Fire Flow Availability Form (196).	Water /Utility Plan Approval Building Permit approval for architectural plans. On-going	County	Water/Utility Plan Check Prior to Building Permit	County Public Works County Fire Department		
W-7	Prior to issuance of the grading permit for the proposed project, the water main infrastructure in Panay Way shall be replaced with a water main that is up to 18 inches in diameter and operational in order to meet the fire flow demand of the project on Parcel 21.	Grading / Construction	County	Prior to Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Environmental Safety						
ES-1 The applicant shall adhere to all applicable County, State, and Federal guidelines regarding the handling, excavation, disposal, and/or remediation of soils classified as hazardous waste, which may include, but not be limited to, the development and implementation of a Soil Management Work Plan (SMWP) for the project, as well as correspondence with the Regional Water Quality Control Board (RWQCB) and Department of Toxic Substances Control (DTSC) to determine the level of any necessary remediation efforts.	Grading / Construction	County	Prior to Grading Permit On-going	County Public Works		
ES-2 In the event that previously unidentified waste or debris is discovered during construction/grading activities, and the waste or debris is believed to involve hazardous waste or materials, the contractor shall: immediately stop work in the vicinity of the suspected contaminant; remove workers and the public from the area; notify the resident inspector; secure the area as directed by the resident inspector; and notify the County of Los Angeles Hazardous Waste/Materials Coordinator and the Fire Department. Work in the affected area shall cease until the proper approval is granted by the appropriate governmental oversight agency and a work plan is implemented, if necessary.	Grading / Construction	County	During Grading	County Public Works		
Parcel OT Methane Concentrations **ES-3** The applicant shall install a passive ventilation system beneath the building foundation system on Parcel OT. The sub-slab vent system typically consists of four-inch diameter perforated polyethylene piping installed within 12-inch deep gravel-filled trenches beneath the building. These vent lines are normally spaced no more than 20 to 30 feet apart in order to effectively ventilate the subgrade beneath the building. The sub-slab vent lines are connected to vent risers installed within the	Construction	County	Prior to Building Permit Prior to Occupancy	County Public Works		

MITIGATION MONITORING PROGRAM							
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	building walls. As with typical sanitary sewer vent lines, the methane vent risers terminate above the roofline of the building. A dewatering system shall be required if the methane vent lines are less than one foot above the historic high groundwater level at the site.						
ES-4	The applicant shall install a gas membrane beneath the building foundation system of Parcel OT. The sub-slab gas barrier typically consists of a continuous Liquid Boot™ membrane installed beneath the floor slab of the building. This membrane has a minimum required thickness of 100-mills (0.10 inch). Gas tight seals are required at all locations where utilities or conduits penetrate the membrane. At the completion of the installation, the membrane is smoke tested using a procedure developed by GeoKinetics in order to confirm its integrity.	Construction	County	Prior to Building Permit	County Public Works		
ES-5	The applicant shall install conduit seals on dry utilities servicing the building the Parcel OT. Conduit seals shall be installed on dry utility conduits (e.g. electrical, telephone, cable T.V.) that terminate on the interior of the building. These seals are intended to prevent the migration of methane through the conduits to interior areas. Also, in order to reduce the potential for methane to migrate through the sand backfill of any utility trenches, which extend up to and/or beneath the building, "dams" consisting of a lean sand/ cement/ bentonite slurry shall be installed within the trench lines at the perimeter of the building.	Construction	County	Prior to Building Permit	County Public Works		
ES-6	Upon finalization of the foundation and/or architectural plans for the structure on Parcel OT, and prior to issuance of the Grading Permit, the project subsurface methane gas consultant shall review such plans and provide further recommendations for methane gas mitigation	Construction Operation	County Methane Gas Consultant	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
measures, if necessary. Any additional recommendations by the subsurface methane gas consultant shall be adhered to by the applicant.						
Global Climate Change						
It should be noted that the project, in mitigating for traffic and air quality impacts, has been designed to incorporate many of the mitigation measures to reduce greenhouse gas emissions recommended by the scientific community. Additionally, the applicant has incorporated several measures into the project design that exceed minimum Title 24 energy conservation requirements. Among these measures are: • Installation of low NOx (nitrogen oxide) residential water heaters and space heaters; • Installation of Energy Star labeled furnaces, equipment, and appliances; • Use of water-based paint on exterior surfaces; • Use solar-assisted water heating and/or tankless hot water on demand systems if their energy efficiency is demonstrated to exceed that of a central storage tank water heating system; • Use of improved insulation and ducting; • Use of natural lighting; • Installation of energy efficient lighting and/or maximize use of low pressure sodium and/or fluorescent lighting; • Use of drought-tolerant landscaping subject to County review; • Encouragement of the use of transit, bicycling and walking by providing infrastructure to promote their use (bike paths and sidewalks); • Prohibition against the installation and use of wood burning fireplaces; and • Use of low volatile organic compound (VOC) coatings for painted surfaces.	Construction Operation	County	Building Permit Plan Check Prior to Occupancy Ongoing	County Public Works Regional Planning		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Geotechnical Hazards						
GEO-1 The applicant shall implement the geotechnical engineering recommendations related to groundwater of the geotechnical engineer and/or others, as well as conform to all subsequent conditions that are imposed on the project and are deemed appropriate and necessary during grading, construction, and/or operation of the proposed developments at Parcel OT and Parcel 21. A summary of these recommendations follows:	Grading/ Construction Operation	County Geotechnical Engineer	Grading Permit Prior to Building Permit Prior to Occupancy	County Public Works		
Parcel OT and Parcel 21 Excavation and Dewatering *Construction* • Open, unshored, excavations above the groundwater table may be cut vertically to a maximum depth of no more than four feet. Excavations extending between four and 15 feet deep (Parcel OT) or between four and ten feet (Parcel 21) shall be shored or sloped back from the base of the excavation to at least a one and one-half horizontal to 1 vertical (1.5H:1V) slope or flatter. If excavations dry out, sloughing will occur. No excavation shall be made within a 1:1 line projected outward from the toe of any existing footing or structure.	Grading/ Construction	County Geotechnical Engineer	Grading Permit Prior to Building Permit	County Public Works		
• During the time open (unshored) excavations are open, no heavy grading equipment or other surcharge loads (i.e. excavation spoils) shall be allowed within a horizontal distance from the top of any slope equal to the depth of the excavation (both distances measured from the top of the excavation slope).	Grading/ Construction	County Geotechnical Engineer	Grading Permit Prior to Building Permit	County Public Works		
• Adequate measures shall be taken to protect any structural foundations, pavements, or utilities adjacent to any excavations.	Grading/ Construction	County Geotechnical Engineer	Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• Design and operation of any dewatering system shall be the responsibility of the contractor. However, Earth Systems Southern California Inc. suggests that a sheet-pile cutoff wall shall be used as a cutoff wall to minimize entry of groundwater into the temporary basement excavation. Alternatively, a soil-cement cutoff wall shall be used as the cutoff wall if it is also proposed as a mitigation measure for lateral spreading. Sumps, pumps, and or well points may also be necessary to remove groundwater from the basement excavation during construction. Sizing and operation of sumps and pumps or well points shall be the responsibility of the contractor.	Grading/ Construction	County Geotechnical Engineer	Grading Permit On-going	County Public Works		
Operation To minimize entry of moisture into the completed subterranean portions of the structures, a subdrain and backdrain system with sumps and sump pumps shall be utilized below the bottom floor slab and behind the retaining walls for the subterranean portions of the structure.	Construction Operation	County Geotechnical Engineer	Prior to Building Permit	County Public Works		
GEO-2 The applicant shall implement the geotechnical engineering recommendations related to soil condition improvement of the geotechnical engineer and/or others, as well as conform to all subsequent conditions that are imposed on the project and are deemed appropriate and necessary during grading, construction, and/or operation of the proposed developments at Parcel OT and Parcel 21. A summary of these recommendations follows:	Grading/ Construction Operation	County Geotechnical Engineer Contractor	Grading Permit Field Verification On-going	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Parcel OT **General Site Preparation** • As the existing fill material is not suitable for use in engineered fill at the site, all strippings and debris shall be removed from the site in order to preclude their incorporation in site fill or remedial excavation backfill. Depressions resulting from such removals shall have debris and loose soils removed and filled with suitable soils placed as recommended below.	Grading/ Construction	County Geotechnical Engineer Contractor	Grading Permit Field Verification	County Public Works		
• Soils beneath any proposed traffic-bearing pavement and any exterior non-traffic bearing concrete flatwork (sidewalks, patios, walkways etc.), shall be excavated a minimum of 24 inches below the existing grade or finished subgrade, whichever is lower. The remedial excavation shall extend a minimum lateral distance of at least two feet beyond pavement edges. The bottom of the remedial excavation shall then be scarified (ripped) six inches. Suitable imported soils shall be used to replace the excavated fill, if necessary. The imported material shall be moisture conditioned to near optimum moisture content and be uniformly compacted to at least 90 percent of maximum dry density using mechanical compaction equipment. Compaction shall be verified by testing. ***It shall be understood that the new fill beneath such pavements and slabs will still be supported on at least 10 feet of non-engineered old debris fill, and as such may be subject to distress and shorter service life.***	Grading/ Construction	County Geotechnical Engineer Contractor	Grading Permit Field Verification	County Public Works		
• If necessary, import soils shall be equal to, or better than, the on-site soils in strength, expansion, compressibility, and soil chemistry characteristics. In general, import material shall be free of organic matter and harmful substances, have 100 percent passing a two inch sieve, 60 percent to 100 percent passing a #4 sieve, no more than 20 percent passing a #200 sieve, an Expansion Index less than 20, a	Grading/ Construction	County Geotechnical Engineer Contractor	Grading Plan Check Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Liquid Limit less than 35, and a Plasticity Index less than 12. If they are to be utilized, import soils shall be evaluated prior to their use. Approval of import soils shall be given only after the material is on the project, either in-place, or stockpiled in adequate quantity to complete the project. • Backfill around or adjacent to confined areas (i.e. interior utility trench excavations, etc.) shall be performed either with a lean sand/cement slurry (minimum two sacks of cement per cubic yard) or "flowable fill" material (a mixture of sand/cement/fly ash). The fluidity and lift placement thickness of any such material shall be controlled in order to prevent "floating" of any "submerged" structure.						
• Roof drainage systems for the proposed structure shall be designed so that runoff water is diverted away from any structure.	Construction Operation	County Geotechnical Engineer Contractor	Prior to Building Permit	County Public Works		
• Final site grades shall be designed and constructed so that all water is diverted away from all structures and not allowed to pond on or near pavement. Drainage devices shall be constructed to divert drainage from the project site.	Grading/ Construction Operation	County Geotechnical Engineer Contractor	Grading Plan Check Prior to Building Permit On-going	County Public Works		
<u>Slab-on-Grade Construction</u> • Any exterior building concrete slab-on-grade construction shall be supported by compacted soils. A minimum of four inches of compacted sand or gravel shall be placed over the finished compacted subgrade prior to placing concrete. This granular material shall be moisture conditioned to near optimum moisture content and uniformly compacted using mechanical compaction equipment.	Grading/ Construction	County Geotechnical Engineer Contractor	Grading Plan Check Prior to Building Permit	County Public Works		
• Reinforcement of slab-on-grade construction is contingent upon the structural engineer's recommendations and the Expansion Index of the	Grading/ Construction	County Geotechnical Engineer	Grading Plan Check	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
supporting soils. Since the mixing of fill soils with native soils could change the Expansion Index, additional tests shall be conducted during rough grading to determine the expansion characteristics of the new subgrade soils. Structural mat and post-tensioned slabs shall be designed as outlined below. All exterior concrete slab-on-grade construction shall be reinforced with at least #4 bars on 16-inch centers, each way. Reinforcement shall be placed at mid-depth of the slab. Additional reinforcement may be required once the final expansion potential of the subgrade soils is known. Actual reinforcement requirements will be dependent on the Expansion Index of the bearing soils, applicable sections of the governing building code, and requirements of the structural engineer.		Structural Engineer	Prior to Building Permit			
• Cracks that develop in concrete slab-on-grade shall be filled and sealed prior to placing floor coverings. Frequent control joints shall be incorporated into the slab construction, particularly in the areas of re-entrant corners, to help control cracking.	Construction	County	During Building Inspection Prior to Occupancy	County Public Works		
• In areas of moisture sensitive floor coverings, an appropriate vapor retarder shall be installed in order to minimize vapor transmission from the subgrade soil to the slab. The vapor retarder shall be centered within the four-inch thick sand layer. The vapor retarder shall be evaluated for holes and/or punctures, and the edges overlapped and taped, prior to placement of sand. Any holes or punctures observed shall be properly repaired. The retarder shall be covered with two inches of sand to help protect it during construction. The sand shall be lightly moistened and densified just prior to placing the concrete.	Grading/ Construction	County Geotechnical Engineer	During Building Inspection Prior to Occupancy	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• Relatively impervious floor coverings (i.e. vinyl, linoleum, etc.) that cover concrete slab-on-grade may block the passage of moisture vapor through the concrete slab, which could result in damage to the floor covering. After the concrete slab has sufficiently cured, the concrete slab surface shall be sealed with a commercial sealant prior to placing the floor covering. The compatibility, and recommendations for placing of the concrete sealer, mastic, and floor covering shall be verified by the floor covering manufacturer prior to sealing the concrete or placing of the floor covering.	Construction	County	Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		
• The proposed exterior perimeter slabs (sidewalks, patios, walkways, etc.) shall be designed to be relatively independent of foundation stems (free-floating) to help mitigate cracking due to foundation settlement and/or expansion.	Construction	County	Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		
• Subgrade soils for all concrete flatwork shall be moisture conditioned to near optimum moisture content within 24 hours prior to placement of concrete. Measures shall be taken to maintain optimum moisture until concrete is placed. Actual depths of pre-moistening shall be dependent upon the actual Expansion Index of the subgrade soils.	Grading/ Construction	County Geotechnical Engineer	Grading Plan Check Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		
Parcel 21 <u>General Site Preparation</u> • Much of the soil within the building footprints is very loose and soft, and the foundation excavations are expected to penetrate to a depth near or below the groundwater table elevation. Therefore, to provide a firm working surface for pile driving and	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
construction of the pile caps and structural deck, a layer of gravel, at least one-foot thick, shall be placed at the base of the excavation for each building footprint.						
• Soils beneath any proposed traffic-bearing flexible pavement and non-traffic-bearing flatwork (sidewalks, walkways, patios, etc.) outside the building footprints, shall be excavated a minimum of 24 inches below the existing grade or finished subgrade, whichever is lower. These remedial excavations shall extend a minimum lateral distance of at least two feet beyond the pavement edges. The bottom of the remedial excavation shall then be scarified (ripped) six inches. The scarified and excavated soils shall be moisture conditioned to near optimum moisture content and be uniformly compacted to at least 90 percent of maximum dry density using mechanical compaction equipment. Compaction shall be verified by testing. The purpose of this recommendation is to provide minimum subgrade support to attain minimum life for the proposed pavements and flatwork. ***It shall be understood that, the entire site is underlain by at least 17 feet of poorly compacted uncertified fill and the proposed pavements and flatwork may experience settlement and other distress sooner and to a greater degree than pavements and flatwork supported by a full depth of structural fill.***	Grading/ Construction	County Geotechnical Engineer	Grading Permit Plan Check Building Permit Plan Check Verified at Inspection Prior to Construction	County Public Works		
• If used, any import soils shall be equal to, or better than, the on-site soils in strength, expansion, compressibility, and soil chemistry characteristics. In general, import material shall be free of organic matter and harmful substances, have no more than 20 percent passing a #200 sieve, and an Expansion Index less than 20. Import soils shall be evaluated prior to their use, but will not be prequalified by the geotechnical consultant. Approval of import soils	Grading/ Construction	County Geotechnical Engineer	Grading Plan Check Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
shall be given only after the material is on the project, either in-place, or stockpiled in adequate quantity to complete the project.						
• Backfill around or adjacent to confined areas (i.e. interior utility trench excavations, etc.) shall be performed with a lean sand/cement slurry (minimum two sacks of cement per cubic yard) or "flowable fill" material (a mixture of sand/cement/fly ash). The fluidity and lift placement thickness of any such material shall be controlled in order to prevent "floating" of any "submerged" structure.	Grading/ Construction	County	Prior to Building Permit	County Public Works		
• Roof drainage systems for the proposed structures shall be designed so that runoff water is diverted away from any structure.	Construction Operation	County	Building Permit Plan Check Prior to Occupancy On-going	County Public Works		
• Final site grades shall be designed and constructed so that all water is diverted away from all structures and not allowed to pond on or near pavement. Drainage devices shall be constructed to divert drainage from the project site.	Grading/ Construction	County	Prior to Grading Permit Prior to Building Permit	County Public Works		
<u>Temporary Shoring</u> • The proposed partial subterranean parking level excavation will be approximately five to seven feet deep and may be adjacent to at least one property line. Temporary shoring may be necessary to support the excavation during construction. The shoring shall consist of temporary sheet pile or steel panels, a soldier pile and lagging type system, or similar temporary shoring system. The shoring shall be cantilevered.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Cantilevered, shoring shall be designed to resist active lateral earth pressures of 40Z pounds per square foot (psf) per foot of depth, where Z = Depth (in feet) measured below the top of the retained	Grading/ Construction	County Geotechnical Engineer		County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
ground surface behind the shoring. This value is based on level ground behind the shoring.		Structural Engineer				
• The lateral earth pressure to be resisted by retaining shall be increased to allow for surcharge loads. The surcharge considered shall include the loads from any other structures or vehicle traffic within a distance at least equal to the height of the shoring. This includes the surcharge from the weight of the existing south property-line wall if this wall is to be preserved in place. Surcharge effects for cantilevered shoring shall be computed assuming active earth pressure conditions using a pressure coefficient of 0.4.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Lateral resistance for temporary shoring sheet piles or soldier piles founded in native site soils shall be assumed to be provided by passive pressure below the bottom of the excavation. As discussed above, the excavation depth is expected to be approximately seven feet below the existing ground surface. The passive pressure for temporary sheet piles or soldier piles may be taken as 250D pounds per square foot (psf) per foot of depth for unsaturated soils, where D = Depth (in feet) measured below the bottom of the excavation. For saturated soils below the water table, passive pressure of 135 psf per foot of soil may be used. This resisting pressure is an ultimate value. An appropriate factor of safety shall be used for design calculations (minimum of 1.5 recommended). The effective width of soldier piles for passive pressure calculations shall be taken as up to three times the actual pile width.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• If soldier piles are used, exposed soils between soldier piles shall be supported by lagging and backfilled or supported through the use of reinforced gunite designed to prevent soil movement. All timber lagging to be left in the ground shall be pressure treated in accordance with Standard Specifications for Public Works Construction, Section 204-2.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
GEO-3 The applicant shall implement the geotechnical engineering recommendations related to secondary seismic hazards (liquefaction, ground subsidence, and lateral spreading) of the geotechnical engineer and/or others, as well as conform to all subsequent conditions that are imposed on the project and are deemed appropriate and necessary during grading, construction, and/or operation of the proposed developments at Parcel OT and Parcel 21. A summary of these recommendations follows:	Grading/ Construction Operation	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit On-going	County Public Works		
Parcel OT <u>Soil Improvement</u> • There are a variety of methods that can be used for soil improvement to minimize liquefaction potential. For this site, the Earth Systems Southern California (ESSC) recommends: a) a combination of a soil-cement cutoff wall around most or all of the site perimeter and stone columns for soil densification and excess pore water pressure relief, or b) a cellular pattern of soil-cement cutoff walls to both mitigate the lateral spreading issue and to provide support for a mat-type foundation system.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• It should be understood that if it is intended to leave some of the existing fill in place, soil improvement of that type of debris-filled irregular material may be difficult and may not result in adequate support for a mat foundation. Consideration shall be given to doing complete removal of the existing fill and replacement to the proposed mat foundation elevation with imported granular engineered fill.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• At a minimum, a soil-cement cutoff wall shall be installed along the easterly site boundary (adjacent to the lagoon) to mitigate the potential for lateral spreading. The cutoff wall shall be at least 30 feet deep to fully contain the soils with potential for lateral movement. Soil-cement cutoff walls shall also be installed around the remaining portions of the site perimeter for temporary excavation support and groundwater control. Additionally, if stone columns are not used, some soil-cement cutoff walls are recommended in the interior of the building footprint for form a "cellular" pattern for soil containment and support of a mat foundation.	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Soil-cement cutoff walls shall consist of overlapping "cylinders" of soil mixed in place at depth with Portland cement or other suitable cemetitious materials. The specific soil cement mix design shall be provided by a qualified ground improvement contractor under the review of the project geotechnical engineer.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Stone columns shall be installed on a grid pattern to cover the building footprint plus at least 10 feet laterally beyond the building footprint. The exact spacing and depth of the stone columns is dependent on the amount of liquefying soil in a given part of the site.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• As a preliminary estimate for the south part of the site, stone columns shall be spaced at no further than eight feet on center and should be at least 50 feet deep (below existing grade) to intersect all potentially liquefiable soil. In the northerly side of the site, stone columns shall be at least 30 feet deep to intersect the deepest liquefying layer in that area.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Stone columns shall be at least 18 inches in diameter and shall consist of relatively clean gravel placed in a "column" by means of a crane-mounted vibrator.	Grading/ Construction	County	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Wick drains (if used) shall be used to relieve excess pore pressure during stone-column installation and maximize ground densification. Wick drains shall consist of a geosynthetic drain material typically about four inches wide corrugated plastic with a filter fabric wrapping. Wick drains shall be installed to the same depth as the adjacent stone columns and are typically installed by hydraulic push methods.	Grading/ Construction	County Geotechnical Engineer		County Public Works		
• Deep soil mixed soil-cement cutoff walls, stone columns, and wick drains (if used) shall be installed by a qualified ground improvement contractor with experience in Southern California. The ground improvement contractor shall be consulted for more specific estimates of the stone column specifications and for special limitations of the ground improvement methods.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
• Confirmation testing shall be required to verify that the ground improvement has achieved the minimum soil densities and strengths necessary to adequately reduce the liquefaction potential. At least 10 CPT soundings and five soil borings with SPT samples shall be performed after installation of the stone columns (and wick drains if used) to demonstrate the "post ground improvement" soil density. Earth	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Systems Southern California (ESSC) recommends the following tentative criteria to demonstrate adequate densification: corrected SPT blow counts (N_{160cs}) shall exceed 30 blows per foot, and CPT tip resistance (Q_{1CN}) shall exceed 160 tons per square foot (tsf) in all of the soils below the proposed building foundation that do not meet the "Chinese criteria' (clay content <15 percent or CPT Ic parameter <2.5).						
• An indicator program of soil-cement cutoff walls and stone columns is recommended at the beginning of the project (prior to full "production" of soil-cement and stone columns) to verify their effectiveness. For the indicator program, a soil-cement cutoff wall at least five feet wide by at least 20 feet long should be installed. Indicator stone columns should be installed in a 100 square foot area in the northerly part of the site and a 100 square foot area in the southerly part of the site. At least two borings with SPT samples and at least two CPT soundings should be completed in each of the two test areas to verify the effectiveness of the soil densification. Once the indicator program is complete, the ground improvement program can be finalized.	Grading/ Construction	County Geotechnical Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		
<u>Mat Foundations</u> Due to the soft, variable nature of the site soils and the potential for seismic-induced ground movement, a structural mat foundation is recommended for the building foundation. The proposed soil improvement will reduce but not eliminate all potential variability in ground support for building foundations. Earth Systems Southern California (ESSC) recommends that any building or structure constructed on this site be designed to at least the minimum standards for Seismic Zone 4, as designated by the 2001 edition of the California Building Code (CBC). • The mat shall be either conventionally reinforced or consist of a post-tensioned slab system. Specific criteria for post-tensioned slab design shall be	Grading/ Construction	County Geotechnical Engineer Structural Engineer	Plan Check Prior to Grading Permit Field Verified Prior to Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
provided by the project geotechnical engineer if a post-tensioned system is selected. • The mat foundation for the proposed structure shall be supported by improved ground. • An allowable "net" bearing capacity of 1,500 pounds per square foot (psf) shall be utilized for dead and sustained live loads for design of the mat foundation. This value is a "net" value that includes the compensation for soil removal assuming a minimum five-foot deep parking basement. This value shall be increased by 1/3 when considering transient loads such as earthquake or wind forces. • The mat slab shall be at least six inches thick and shall include a perimeter beam extending a minimum of 24 inches below finished adjacent grade. The actual depth, width, and reinforcement requirements for the mat foundation depend on the Expansion Index of the bearing soils and shall be specified by the structural engineer. • The mat foundation shall be designed to accommodate differential movement of up to 1.5 inches in a 30-foot span (1:240 distortion ratio). • Resistance to lateral loading may be provided by friction acting along the mat foundation base. A coefficient of friction of 0.35 shall be used for concrete foundations on site soils that have been "improved." This value includes a safety factor of 1.5. • Additional resistance to lateral loading may be provided by passive earth pressure acting against the sides of foundations or grade beams. Based on the presence of "improved" soils around the perimeter of the proposed building, the passive pressure is estimated to be 350 Z PSF, where Z = Depth (in feet) below the finished ground elevation. In passive pressure calculations, the upper one-foot of soil shall be subtracted from the depth, Z, unless confined by						

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
pavement or slab. The resisting pressure provided is an ultimate value. An appropriate factor of safety shall be used for design calculations (minimum of 1.5 recommended).						
• The excavation for the mat foundation shall be cleaned of all loose or unsuitable soils and debris prior to placement of concrete. Soil generated from the foundation excavations shall not be placed below the mat slab unless properly moisture conditioned and compacted.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
Building Foundation Piles • Building foundation piles, if used, shall consist of precast, prestressed reinforced concrete driven piles. The piles may be round or square in cross-section. It is anticipated that piles would need to be at least 24-inches in diameter or square dimension. • Building piles shall be embedded a minimum of 15-feet into dense sand (minimum tip depth of at least 60 ft below exist grade in the southerly part of the site). The actual total pile length and embedment may vary depending upon the requirements of the structural engineer and the results of the pile driving analysis (ie. evaluation of pile driving blow counts). • In general, the pile driving criteria provided by the Engineering News Record (ENR) formula (Public Works, 2000) shall be satisfied for the last one foot of pile driving. If the required driving resistance is not achieved at the design depth, the pile may be allowed to "set" overnight and then driven an additional foot. If the required driving resistance is still not achieved, the pile may be lengthened or additional piles may be installed in accordance with the recommendations of the geotechnical and structural engineers. • The axial load carrying capacities of the foundation piles will depend on the final pile size and embedment depth selected. Deeper exploration of the site and further analysis of pile capacities would be necessary	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
to provide allowable pile capacities. Preliminarily, skin friction for piles embedded below the lowest liquefying layer may be assumed to be approximately 0.9 tons per square foot (tsf). Down-drag forces of at least 0.5 tsf must be applied to all portions of the piles above the lowest liquefying soil layer. • The lateral load carrying capacity of foundation piles will be a function of the depth of liquefying soil at each pile location and the anticipated depth of lateral soil movement due to lateral spreading. Resistance to lateral movement can be provided by passive soil pressure below the lowest liquefying soil layer. Passive pressure may be taken as 500 pounds per square foot per foot of depth in firm soil below the liquefying layers. Driving lateral earth pressures must be applied to the portions of the piles within the depths where lateral spreading is anticipated. Specific lateral pile capacity calculations can be provided if pile foundations are selected for the project. • The design mix for the concrete to be used in the pile construction shall be established and approved by the structural engineer prior to the time of construction. Concrete compression tests shall be performed during pile casting in accordance with applicable codes or requirements of the structural engineer. Inspection by qualified personnel shall be provided during the pile casing and/or reinforcement placing and tensioning. • An indicator pile program shall be conducted for both proposed buildings prior to installation of the building foundation piles. The indicator pile program shall include a minimum of ten piles. The indicator piles shall have the same cross-section and consist of the same construction as the piles selected for the building foundation and may be used as final building foundation piles (“production piles”). The indicator piles shall be located at points distributed approximately uniformly across the two building						

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
footprints. The indicator piles shall be a minimum of 60 feet in length (as delivered to the site) and shall be driven to a minimum embedment of 15 feet into the dense sand below the lowest liquefying soil layer. • At least the first indicator pile shall be driven with no pre-boring. Pre-boring up to 3/4 of pile cross sectional area will be permitted for subsequent piles if necessary to achieve minimum embedment depth. The axial pile capacity for the last two feet of driving must be calculated based on blow counts to at least the required axial design load for the pile. • The geotechnical engineers, or their representatives, shall be present during the installation of all pile foundations. This is to observe pile driving conditions and help identify variations in soil conditions that may require additional evaluation of the foundation criteria in this report. • Piles in groups or rows shall be driven alternately before driving an adjacent pile. • Driven piles shall not be more than two percent from the plumb position.						
Retaining Walls The following lateral earth pressures shall be used in the design of the proposed basement (partial subterranean parking level) retaining walls, or similar structures at the site (Refer to Section IV.A of this EIR for equivalent fluid earth pressures table).	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The basement (partial subterranean parking level) retaining walls shall be supported by the structural mat foundation as recommended herein.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The lateral earth pressure to be resisted by retaining shall be increased to allow for surcharge loads. The surcharge considered shall include the loads from any structures or vehicle traffic within a distance approximately equal to the height of the retaining wall.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
• Backfill immediately behind any retaining structure shall be a free-draining granular material. Comments on the characteristics of import soils shall be given by the geotechnical consultant after the material is on the project, either in place, or stockpiled in adequate quantities to complete the project.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Backfill behind retaining walls shall be with soils that have been properly moisture conditioned to approximately optimum moisture content and uniformly compacted to at least 90 percent of maximum dry density as determined by ASTM D 1557 test procedures using mechanical compaction equipment. To aid in the compaction operation, retaining wall backfill shall be placed in lifts not exceeding six inches compacted thickness.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Compaction within the area of a 1H:1V slope from the bottom of wall excavations shall be performed by hand operated compaction equipment, intended to reduce potential "locked-in" lateral pressures caused by compaction with heavy grading equipment.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Backdrains or an equivalent system of backfill drainage shall be incorporated into the retaining wall design unless the walls are designed to resist full hydrostatic pressure and properly waterproofed. Waterproofing of retaining walls shall be provided to help reduce the potential for efflorescent formation.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The final grade shall be such that all water is diverted away from the retaining wall's foundation or backfill.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
Parcel 21 <u>Foundation Piles</u> • Building foundation piles shall consist of precast, prestressed reinforced concrete driven piles. The piles may be round or square in cross-section. Recommendations are provided herein primarily for	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
24-inch square piles.						
• Building piles shall be embedded a minimum of 13-ft. into dense sand (minimum tip depth of approximately 45 ft. below existing grade). The actual total pile length and embedment may vary depending upon the requirements of the structural engineer and the results of the pile driving analysis (ie. evaluation of pile driving blow counts).	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• In general, the pile driving criteria provided by the Engineering News Record (ENR) formula (Public Works, 2006) shall be satisfied for the last one foot of pile driving. If the required driving resistance is not achieved at the design depth, the pile may be allowed to "set" overnight and then driven an additional foot. If the required driving resistance is still not achieved, additional piles shall be installed in accordance with the recommendations of the geotechnical and structural engineers.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The axial load carrying capacities of the foundation piles shall be determined based on the final pile size and embedment depth selected.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The lateral load carrying capacities of the foundation piles shall be determined based on the final pile size and embedment depth selected.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The design mix for the concrete to be used in the pile construction shall be established and approved by the structural engineer prior to the time of construction. Concrete compression tests shall be performed during pile casting in accordance with applicable codes or requirements of the structural engineer. Inspection by qualified personnel shall be provided during the pile casing and/or reinforcement placing and tensioning.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• An indicator pile program shall be conducted for the proposed building prior to the remainder of the	Grading/ Construction	County	Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
building foundation piles. The indicator pile program shall include a minimum of six piles within each of the two building footprints. The indicator piles shall have the same cross-section and consist of the same construction as the piles selected for the building foundation and may be used as final building foundation piles ("production piles"). The indicator piles shall be located at points distributed approximately uniformly across the building footprints, except that at least one set of indicator piles shall be driven as a group of three to evaluate pile group installation. The indicator piles shall be 45 to 50 feet in length (as delivered to the site) and shall be driven to a minimum embedment of 15 feet into the dense sand (at least 15 feet below the 32-foot depth from existing grade). The indicator piles shall be driven using the same hammer that will be used for production pile installation.		Structural Engineer	Building Permit			
• At least the first indicator pile shall be driven with no pre-boring. Pre-boring up to 3/4 of pile cross sectional area shall be permitted for subsequent piles if necessary to achieve minimum embedment depth. The axial pile capacity for the last foot of driving shall be calculated based on blow counts to at least the required axial design load for the pile.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• The geotechnical engineers, or their representatives, shall be present during the installation of all pile foundations. This is to observe pile driving conditions and help identify variations in soil conditions that may require additional evaluation of the foundation criteria in this report.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Piles in groups or rows shall be driven alternately before driving an adjacent pile.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Driven piles shall not be more than two percent from the plumb position.	Grading/ Construction	County	Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
		Structural Engineer	Building Permit			
Retaining Walls • The walls of the subterranean portion of the proposed building shall be supported by the structural deck and building piles. Any retaining walls proposed for the project that are not structurally supported by the piles shall be supported by existing uncertified fill soils at the site and thus may experience some degree of settlement and other distress.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Lateral earth pressures for subterranean walls at the subject site include normal "static" pressures and earth pressures resulting from earthquakes and laterally spreading soils. The following "static" lateral earth pressures shall be used in the design of the proposed subterranean building walls and any other retaining walls that may be proposed at the site (Refer to Section IV.A of this EIR for equivalent fluid earth pressures with well drained backfill table).	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• For walls founded in soil rather than supported by the pile foundation system, resistance to lateral loading shall be provided by passive pressure of soil in front of the wall and by friction acting along the foundation base.	Grading/Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• For retaining walls founded in soil, passive pressures of 270 psf per foot of soil in front of the wall shall be used for unsaturated soils. For saturated soils below the water table, passive pressure of 135 psf per foot of soil may be used. The upper one-foot of soil shall be neglected for passive pressure calculations unless confined by pavement or slab.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• A coefficient of friction of 0.3 shall be used in designing concrete retaining wall foundations in site soils recompacted to approximately 90 percent of maximum dry density as determined by ASTM D 1557 test procedures, and shall be used with dead loads. This value includes a safety factor of 1.5. This	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
value used for design may be increased by 1/3 when transient loads (such as wind and seismic forces) are considered.						
• The lateral earth pressure to be resisted by retaining shall be increased to allow for surcharge loads. The surcharge considered shall include the loads from any structures or vehicle traffic within a distance approximately equal to the height of the retaining wall.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Backfill immediately behind any retaining structure shall be a free-draining granular material. Comments on the characteristics of import soils shall be given by the geotechnical consultant after the material is on the project, either in place, or stockpiled in adequate quantities to complete the project.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Backfill behind retaining walls shall be with soils that have been properly moisture conditioned to approximately optimum moisture content and uniformly compacted to at least 90 percent of maximum dry density as determined by ASTM D 1557 test procedures using mechanical compaction equipment. To aid in the compaction operation, retaining wall backfill shall be placed in lifts not exceeding six inches compacted thickness.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Compaction within the area of a 1H:1V slope from the bottom of wall excavations shall be performed by hand operated compaction equipment. This is intended to reduce potential "locked-in" lateral pressures caused by compaction with heavy grading equipment.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
• Back-drains, or an equivalent system of backfill drainage shall be incorporated into the retaining wall design. Proper back-drainage will minimize the potential for hydrostatic pressures behind retaining walls. In addition to back-drains, waterproofing of retaining walls is recommended to minimize moisture migration through the walls and to help reduce the	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
potential for efflorescent formation.						
• The final grade shall be such that all water is diverted away from the retaining wall's foundation or backfill.	Grading/ Construction	County Structural Engineer	Grading Permit Building Permit	County Public Works		
Seiches and Tsunamis Parcels OT and 21 **GEO-4** The applicant shall prepare emergency evacuation plans for both Parcel OT and Parcel 21, subject to the review and approval of the Fire Department.						
Noise						
N-1 Noise monitoring shall be performed by a qualified acoustician, who shall be responsible for posting notices at the construction sites describing the nature of the project and the duration and hours of construction, providing a phone number at which noise complaints may be registered, and responding to such complaints. If any violations occur, the equipment in question or barriers/shields shall be modified before pile driving or construction activities continue.	Grading/ Construction	County	Prior to Grading	County Public Works Regional Planning		
N-2 The pile driver shall be shielded through noise blankets or a temporary barrier sufficiently to meet the Los Angeles County noise ordinance levels.	Construction	County	Construction	County Public Works		
N-3 Because the repetitive noise of pile driving may be intrusive even if ordinance standards are not exceeded, the allowable hours of pile driving shall be restricted from 8 a.m. to 4:30 p.m. from Monday through Friday.	Construction	County	Construction	County Public Works		
The County of Los Angeles Ordinances requires that construction noise measured at nearby single-family residential property lines not exceed 75 dB from mobile noise sources. The construction noise standard for multi-family uses is 80 dB, and 85 dB for the adjacent hotel. This standard would be met if the following measures are implemented:						

MITIGATION MONITORING PROGRAM							
	Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
N-4	All construction and general maintenance activities, except in an emergency, shall be limited to the hours of 8 a.m. to 5 p.m. Monday through Saturday and shall utilize the quietest equipment available.	Grading/ Construction Operation	County	Construction Ongoing	County Public Works Regional Planning		
N-5	All on-site construction equipment shall have properly operating mufflers. Other measures shall be implemented wherever necessary to further reduce construction equipment noise. These may include, but are not limited to, utilizing ¾-inch plywood screening on semi-stationary equipment operating under full power for more than 60 minutes within a direct line of sight to any residential bedroom window.	Grading/ Construction Operation	County	Construction Ongoing	County Public Works Regional Planning		
N-6	All construction staging and delivery areas shall be located as far away as possible from the nearest homes (for development on Parcel OT, staging shall occur away from the northwestern portions of the site; and for development on Parcel 21, staging shall occur away from the easternmost and southernmost portions of the site), and shall be scheduled to occur from the mid-morning to mid-afternoon hours.	Plan Check Grading/ Construction	County	Prior to Grading Permit Ongoing	County Public Works Regional Planning		
N-7	In order for the County interior standard of 45 dB CNEL to be met with a reasonable margin of safety, the applicant shall incorporate the use of dual-paned windows (STC=30 rated windows and/or sliding glass doors) and supplemental ventilation that includes a fresh air supply of 30 cubic feet per minute in the active seniors accommodations on Parcel OT.	Plan Check Operation	County	Prior to Building Permit	County Public Works Regional Planning		
	Construction of multiple family dwelling units requires compliance with all noise insulation requirements of the California Building Code, as applied to the project by the County Department of Building and Safety.	Construction On-going	County	Prior to Building Permit			

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
N-8 The applicant shall implement structural noise attenuation measures as required by the California Building Code. The Code requires the following noise insulation features for such units, as stated in CBC Appendix 1208A:	Construction On-going	County		County Public Works		
• Wall and floor-ceiling assemblies separating dwelling units from each other and from public spaces such as interior corridors and service areas shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblies. Wall assemblies shall have a minimum STC rating of 50. Floor-ceiling assemblies shall have a minimum STC and IIC ratings of 50.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• Construction details for all sound- and impact-rated assemblies shall be provided on architectural plans. Laboratory test reports governing the STC and IIC ratings of these assemblies shall be specified.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• Entrance doors from interior corridors to dwelling units together with their perimeter seals shall have a minimum STC rating of 26. The 1-3/8-inch (35mm) solid core wood or 18-gauge insulated steel slab doors with resilient stop and compression seals all around, including threshold, are acceptable without other substantiating data.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• All penetrations or openings in construction assemblies for piping, electrical devices, recessed cabinets, bathtubs, soffits, or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• All rigid conduit, ducts, plumbing pipes, and appliance vents located in sound assemblies shall be sealed, lined, insulated or otherwise treated to maintain the required ratings.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• Mineral fiber insulation shall be installed in joint spaces whenever a plumbing pipe or duct penetrates a floor-ceiling assembly or where such pipe or duct passes through the plane of the floor-ceiling assembly	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
from within a wall. The insulation shall be installed to a point 12 inches (305mm) beyond the pipe or duct.						
• Combustion air and kitchen and bathroom exhaust ducts within sound separation assemblies shall be wrapped with Type "C" insulation as shown in Table No. 6-D, Uniform Mechanical Code.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy	County Public Works		
• Electrical penetrations in sound-rated wall and floor-ceiling assemblies shall conform to the following (outlet box used herein is defined as a box used for receptacles, switches, surface-mounted lighting fixtures, junction points, telephones, thermostats, television uses, etc.): - Outlet box dimensions shall not exceed 6 inches (152mm) in length or width. - Only outlet boxes and ceiling exhaust fans in the bathrooms shall be permitted in walls and ceilings. All other equipment and devices including recessed fixtures, panel boards, heaters, kitchen exhaust fans, sound-producing equipment (bells, intercoms, etc.) shall not be installed in these sound-rated assemblies. - Light switches, outlet boxes and surface-mounted fixtures shall not be installed back-to-back. Plugs and switches shall be separated by 36 inches (914mm) minimum. - Surface-mounted fixtures shall be separated by 24 inches (610mm) minimum. All openings shall be caulked to ensure integrity. - Outlet boxes shall not exceed 1-1/2" (38mm) in depth so as to allow the required 2-inch (51mm) uncompressed insulation to be installed in a standard 2-inch X 4-inch (51mm by 104mm) wall. On walls of deeper dimensions, boxes of greater depths may be permitted. - Conduits or raceways (stubouts) may	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy			

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
penetrate the sound-rated assemblies provided the conduit is covered at the penetration point with permanently resilient sealant. - Floor-ceiling assemblies between residential areas and equipment penthouses (a/c units, etc.) shall be installed in accordance with the sound separation requirements.						
• Floor coverings such as carpet and pad which are required as part of a sound- and impact-rated assembly shall be installed prior to final inspection and that such coverings must be retaine as a permanent part of the assembly and may be replaced only by other floor coverings which provide the required ratings. • Wall-mounted lavatories and toilets are not permitted on sound-rated walls.	Construction	County	Plan Check Prior to Building Permit Prior to Occupancy On-going	County Public Works		
N-9 Heating, ventilation, or air conditioning (HVAC) equipment on Parcel 21 shall not operate between the hours of 10 p.m. and 7 a.m., unless it is demonstrated by noise measurement that the noise level from such operation does not exceed a Leq_{50} of 45 dB at the closest residential property line.	Operation	County	Ongoing	County Public Works Regional Planning		
N-10 Although noise from the Parcel 21 parking structure is not expected to be any greater than what sensitive receivers currently experience in the project area, the applicant shall incorporate into the parking structure a design that coats the floor with a treatment or provides a swirled concrete texture that reduces tire squeal.	Construction Operation	County	Plan Check Prior to Building Permit Field Verified Prior to Occupancy	County Public Works Regional Planning		
N-11 Signage shall be posted that notifies parking structure users on Parcel 21 of possible penalties (such as reporting to the Sheriff's Department that may result in towing) for false alarms if their alarm does not comply with limits on frequency or duration of triggering an alarm.	Construction Operation	County	Plan Check Prior to Building Permit Field Verified Prior to Occupancy	County Public Works Regional Planning		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Water Quality						
Surface Water Quality **WQ-1** Grading activities shall be planned during the Southern California dry season (April through October) to the extent feasible and practicable.	Grading	County	Grading Permit On-going	County Public Works Regional Planning		
WQ-2 The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit it with the grading plan to the County of Los Angeles Department of Public Works' Land Development Division for review and approval and apply the appropriate BMPs identified. These may contain at a minimum the following items: • During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize erosion, sedimentation, and surface water contamination. • In order to intercept sediment-laden runoff generated during construction activities and trap and retain sediment, sediment basins shall be employed within the project site. • Filter fences designed to intercept and detain sediment and trash while decreasing the velocity of runoff shall be employed within project sites.	Grading/ Construction	County	Prior to Grading Permit Ongoing	County Public Works		
WQ-3 The applicant shall prepare a Drainage Concept and Standard Urban Stormwater Mitigation Plan (SUSMP) for both Parcels OT and 21, subject to review and approval by the County of Los Angeles Department of Public Works' Land Development Division. The SUSMP shall include best management practices for controlling and treating polluted runoff and removing floating solids from runoff. Any such best management practices or devices shall be incorporated as shown on the Drainage Concept as approved by the County of Los	Grading/ Construction On-going	County	Prior to Grading Permit On-going	County Public Works Regional Water Quality Control Board		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Angeles Department of Public Works, if necessary, for compliance with applicable Total Maximum Daily Loads under the Los Angeles Regional Water Quality Control Board.						
Air Quality						
Construction Period Impacts **AQ-1** The applicant shall prepare a Construction Management Plan to control fugitive dust. At a minimum, the Plan shall include the following dust control measures: • The simultaneous disturbance site should be minimized as much as possible. • The proposed project shall comply with SCAQMD established minimum requirements for construction activities to reduce fugitive dust and PM-10 emissions. A plan to control fugitive dust through the implementation of best available control measures shall be prepared and submitted to the County for approval prior to the issuance of grading permits. The plan shall specify the dust control measures to be implemented. Such measures may include but are not limited to: a) Application of soil stabilizers to inactive areas; b) Preparation of a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 mph; c) Stabilization of previously disturbed areas if subsequent construction is delayed; and d) Covering all stock piles with tarps.	Grading/ Construction	County	Plan Check Prior to Grading Permit. On-going	County Public Works SCAQMD		
• The project proponent shall comply with all applicable SCAQMD Rules and Regulations including Rule 403 insuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of	Grading/ Construction	County	On-going	County Public Works SCAQMD		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
fugitive dust emissions from any active operation, open storage pile or disturbed surface area visible beyond the property line of the emission source. Particulate matter on public roadways is also prohibited. • Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface, and then watered again at the end of each day. Watering of exposed surfaces and haul roads three times/day is recommended. • Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil. • Any construction access roads (other than temporary access roads) shall be paved as soon as possible and cleaned after each work day. The maximum vehicle speed on unpaved roads shall be 15 mph. • Grading operations shall be suspended during any first stage ozone episodes.						
AQ-2 The applicant shall prepare a Construction Management Plan to control vehicle and equipment emissions during construction. At a minimum, the Plan shall incorporate the following mitigation measures: Construction parking shall be configured to minimize the potential for traffic interference and vehicle idling. • Any construction equipment using direct internal combustion engines shall use a diesel fuel with a	Grading/ Construction	County	Prior to Grading Permit On-going	County Public Works SCAQMD		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
maximum of 0.05 percent sulfur and a four-degree retard. • Equipment and vehicle engines shall be maintained in good condition and in proper tune, according to manufacturer's specifications and per SCAQMD rules, to minimize exhaust emissions. 90 day Low NOx tune-ups shall be required for off-road equipment. • Tier 3 rated engines shall be used for all equipment during site grading, if available. • Equipment whose engines are equipped with diesel oxidation catalysts shall be utilized, if available. • Construction operations affecting off-site roadways shall be scheduled by implementing traffic hours and shall minimize obstruction of through-traffic lanes. Construction operations that may affect traffic flow on the arterial system shall be limited to off-peak hours, as permitted. • Truck deliveries occurring during construction shall be consolidated to the extent feasible. • Idling trucks or heavy equipment shall turn off their engines if the expected duration of idling exceeds five (5) minutes as required by law. • On-site heavy equipment used during grading and construction shall be equipped with diesel particulate filters unless it is demonstrated that such equipment is not available or its use is not cost-competitive. • All building construction shall comply with energy use guidelines in Title 24 of the California Code of Regulations. • To the extent that such measures are economically feasible/cost • competitive, the applicant shall incorporate the following practices: – Utilizing electricity from power poles in place of temporary diesel or gasoline-powered generators;						

MITIGATION MONITORING PROGRAM						
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– Utilizing methanol or natural gas-powered mobile equipment and pile drivers in place of diesel; and – Utilizing propane or butane-powered on-site mobile equipment in place of gasoline. • Construction equipment operations shall be suspended during any second stage smog alert.						
Biota						
BIO-1 Tree removal shall be performed between the dates of August 1 through January 31 to avoid the nesting bird season. Should this not be feasible, a qualified biologist shall conduct a thorough examination of the tree to determine whether nesting birds are present, and if found, the status of the nest shall be noted. The nest survey shall take place not more than three days (72 hours) prior to the planned removal. If nesting birds are present, the biologist shall prepare a recommendation, which may include a delay of the removal until such time that nesting has been completed. The recommendation of the biologist shall be communicated to the local CDFG Agent for approval and consent prior to removal of the tree(s).	Grading/ Construction	County Monitoring Biologist	Prior to Grading On-going	County Public Works County Regional Planning		
Cultural Resources						
Prehistoric and Historic Archaeological Resources **CUL-1** During the removal of asphalt paving and subsequent grading of the sites, the sites shall be monitored by a qualified archaeological monitor. The archaeological monitor shall also be accompanied by a Native American Monitor to be selected from the Native American Heritage Commission approved list for this area. Should evidence of any prehistoric or historic resources be uncovered, including Native American resources, the archeologist must be notified and work in the find area shall cease until the monitor arrives. The State Historic Preservation Office and Los Angeles	Demolition/ Grading/ Construction	County Archaeological Monitor	On-going	County Regional Planning		

MITIGATION MONITORING PROGRAM							
	Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
	County Department of Regional Planning shall also be notified if such resources are uncovered. The archeological monitor shall have the authority to halt any activities adversely impacting potentially significant archeological resources, while the find is evaluated in accordance with CEQA criteria for significance.						
CUL-2	Should evidence of any prehistoric or historic archaeological resources be uncovered, a Phase II evaluation must be conducted in accordance with Section 15064.5(f) of the CEQA Guidelines.	Grading/ Construction	County Archaeological Monitor	On-going	County Regional Planning		
CUL-3	Following §30116(d) of the Coastal Act, any cultural resource found in the portion of the LCP study area planned for development shall be collected and maintained at the Los Angeles County Museum of Natural History or other appropriate location as otherwise provided by State law.	Grading/ Construction	County	On-going	County Regional Planning		
CUL-4	Should human remains be discovered during the removal of asphalt paving and subsequent grading of the sites, the County Coroner shall be contacted and permitted access to the site for preliminary identification of the remains. Preservation and disposition of the remains shall be conducted in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the remains are found to be of Native American origin, the Native American Heritage Commission must be notified and permitted to identify the Most Likely Descendant (MLD), and, in consultation with the proponent and archaeological monitor, determine the appropriate disposition of the remains, as stated in Section 15064.5(d) of the CEQA Guidelines.	Grading/ Construction	County Archaeological Monitor	On-going	County Regional Planning County Coroner Native American Heritage Commission		
CUL-5	As part of the Coastal Development Permit application involving disturbance of native soils or vegetation, including but not limited to excavation, pile driving or grading, the applicant shall provide	Grading/Cons truction	County Archaeological Monitor		County Regional Planning Office of State Historic		

MITIGATION MONITORING PROGRAM						
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evidence that they have 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 occur.				Preservation Native American Heritage Commission		
CUL-6 Should an Archaeological Recovery Program be warranted, it shall require a Coastal Development Permit consistent with the provisions of the certified Marina del Rey LCP.	Grading/Construction	County Archaeological Monitor	Completion of the Recovery Program	County Public Works Regional Planning		
Visual Resources						
Light and Glare **VIS-1** The applicant shall develop and submit a Lighting Plan for the proposed project for County of Los Angeles review and approval. The Lighting Plan shall include the following features, at a minimum: • Exterior lighting shall consist of low intensity, shielded, hooded fixtures and shall be directed downward or toward the area to be illuminated, so that backscatter to the nighttime sky is minimized and light trespass outside the project boundary is prevented. • Outdoor flood lamps shall not be used to provide architectural highlight or accent lighting. • Lighting used to provide for public safety along exterior pedestrian walkways shall consist of low level positioned lights that are specifically aimed at key walkway points and screened by lens-covering light grills to eliminate potential glare effects.	Plan Check Operations	County	Prior to Building Permit	County Public Works Regional Planning		
Traffic/Access						
Construction Period Impacts **TA-1** Traffic Control Plans for both Parcel OT and Parcel 21 shall be submitted to the County of Los Angeles Department of Beaches and Harbors and the County of Los Angeles Department of Public Works Traffic	Grading/ Construction	County	Prior to Grading Permit	County Department of Beaches and Harbors County Public Works - Traffic and Lighting Division		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
and Lighting Division for review and approval. The Traffic Control Plans shall designate haul routes for construction-related vehicles, the location of access to the construction site, and staging and parking areas for workers and equipment. The Plans shall also specify the permitted hours of construction, methods of safeguarding traffic flow, methods of re-routing or detouring traffic if necessary, and the placement/utilization of traffic control devices (including signs, flashing arrows, traffic cones and delineators, barricades, flaggers, temporary modifications to existing signals and signal timing, etc.), as necessary. Further, the Plans shall address the provision of signage for alternative pedestrian and bicycle access routes where affected, coordination with emergency service providers, and coordination with pubic transit providers (such as the MTA, LADOT Commuter Express, and Culver City Bus). The Plans shall include the MTA telephone number (213-922-4632) of the Metro Bus Operations Control Special Events Coordinator that the contractor shall contact for construction coordination outreach efforts						
Cumulative Traffic/Access Impacts For the intersections of Admiralty Way at Via Marina, Admiralty Way at Palawan Way, and Admiralty Way at Bali Way: **TA-2** Pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP), the applicant shall provide a "fair share" contribution toward the funding of Category 1 (local Marina) and Category 3 (regional) roadway improvements, based on the amount of project PM peak hour trips. [As the County's traffic mitigation fee structure is currently $5,690 per PM peak hour trip, the proposed project shall be required to pay $170,700 in trip mitigation fees, based on the expected project	Plan Check	County	Prior to Building Permit	County Public Works Regional Planning		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
trip generation of 30 net new PM peak hour trips, with a portion of these fees being designated toward the Category 3 (regional) transportation improvements].						
For the intersections of Washington Boulevard at Palawan Way, Washington Boulevard at Ocean Avenue/Via Marina, and Admiralty Way at Mindanao Way: **TA-3** The applicant shall contribute "fair share" funding to provide 1) a new traffic signal at the intersection of Washington Boulevard and Palawan Way, 2) realignment at the south leg of the intersection to reduce the angle of the northbound right-turn only lane for a more perpendicular approach in addition to northbound dual left-turn lanes, and 3) two northbound left-turn lanes onto westbound Washington Boulevard and an exclusive right-turn lane (add a second left-turn). The proposed project shall contribute 3.8 percent of the impact at this location. While cost estimates for this improvement are currently being finalized, they are estimated to be $332,500, with a project responsibility of $12,635.	Plan Check	County	Prior to Building Permit	County Public Works Regional Planning		
TA-4 The proposed project shall contribute "fair share" funding to either 1) a second southbound left-turn lane at the Admiralty Way at Mindanao Way intersection or 2) the conversion of the shared left-turn/through lane to a shared through/left-/right-turn lane on the westbound approach to the Admiralty Way at Mindanao Way intersection with optimization of signal operation at adjacent intersections at this intersection when plans are finalized by the applicable discretionary agencies.	Plan Check and/or Construction	County	Prior to Building Permit	County Public Works Regional Planning		
TA-5 The proposed project shall dedicate the necessary right of way for the future widening of Admiralty Way as well as an eight-foot sidewalk along the project frontage on Admiralty Way.	Plan Check	County	Prior to Grading Permit	County Public Works Regional Planning		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Utilities (Water Supply)						
Water Demand **WS-1** The applicant shall prepare a landscape plan that meets all provisions of Title 26 of the Los Angeles County Code, Chapter 71, Water Efficient Landscaping.	Plan check and construction	County	Prior to Grading Permit	County Public Works		
WS-2 The applicant shall incorporate into the building plans water conservation measures as outlined in the following: • State of California 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 that 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.	Building Plan check, Construction and Operation	County	Prior to Building Permit	County Public Works		
WS-3 The applicant shall adhere to the conditions of the Los Angeles County Waterworks District "will serve" letters issued for Parcel OT and Parcel 21, including, but not limited to, the payment of connection fees and implementation of water system improvements, if necessary.	Plan approval and Construction	County	Prior to Utility Plan approval Prior to Building Permit	County Public Works		
WS-4 The construction of on-site facilities shall meet all health and safety codes, and all domestic water service meter and fire protection connections shall have a backflow device to prevent contamination of the public water system.	Plan approval and Construction	County	Prior to Utility Plan approval Prior to Building Permit	County Public Works		
WS-5 The District has prepared a water main relocation and expansion plan for the 14-inch water main that currently traverses Parcel OT. Prior to issuance of the grading permit for the proposed project, the upsized water main shall be installed and operational on Parcel OT, unless the water main upsizing is to	Prior to Grading Permit	County	Prior to Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM							
	Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
	be constructed and made operational as a part of the proposed project. The applicant shall be responsible for costs associated with relocating the water main on Parcel OT or compensating the District for such incurred costs.						
WS-6	The applicant shall complete the following tasks, for review and approval by the County of Los Angeles Fire Department: *Parcel OT* Prepare a Fire Safety Plan; Verify and perform Fire Flow Availability tests on 1) the nearest existing public fire hydrant on Admiralty Way (Los Angeles County Waterworks), and 2) the nearest existing public fire hydrant on Washington Boulevard (District); Submit architectural plans to the Fire Prevention Engineering Division in Hawthorne; and Submit an original Fire Flow Availability Form (196). *Parcel 21* Prepare a Fire Safety Plan; Verify the nearest existing public fire hydrant to the property; Submit architectural plans to the Fire Prevention Engineering Division in Hawthorne; and Submit an original Fire Flow Availability Form (196).	Water /Utility Plan Approval Building Permit approval for architectural plans. On-going	County	Water/Utility Plan Check Prior to Building Permit	County Public Works County Fire Department		
W-7	Prior to issuance of the grading permit for the proposed project, the water main infrastructure in Panay Way shall be replaced with a water main that is up to 18 inches in diameter and operational in order to meet the fire flow demand of the project on Parcel 21.	Grading / Construction	County	Prior to Grading Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
Environmental Safety						
ES-1 The applicant shall adhere to all applicable County, State, and Federal guidelines regarding the handling, excavation, disposal, and/or remediation of soils classified as hazardous waste, which may include, but not be limited to, the development and implementation of a Soil Management Work Plan (SMWP) for the project, as well as correspondence with the Regional Water Quality Control Board (RWQCB) and Department of Toxic Substances Control (DTSC) to determine the level of any necessary remediation efforts.	Grading / Construction	County	Prior to Grading Permit On-going	County Public Works		
ES-2 In the event that previously unidentified waste or debris is discovered during construction/grading activities, and the waste or debris is believed to involve hazardous waste or materials, the contractor shall: immediately stop work in the vicinity of the suspected contaminant; remove workers and the public from the area; notify the resident inspector; secure the area as directed by the resident inspector; and notify the County of Los Angeles Hazardous Waste/Materials Coordinator and the Fire Department. Work in the affected area shall cease until the proper approval is granted by the appropriate governmental oversight agency and a work plan is implemented, if necessary.	Grading / Construction	County	During Grading	County Public Works		
Parcel OT Methane Concentrations **ES-3** The applicant shall install a passive ventilation system beneath the building foundation system on Parcel OT. The sub-slab vent system typically consists of four-inch diameter perforated polyethylene piping installed within 12-inch deep gravel-filled trenches beneath the building. These vent lines are normally spaced no more than 20 to 30 feet apart in order to effectively ventilate the subgrade beneath the building. The sub-slab vent lines are connected to vent risers installed within the	Construction	County	Prior to Building Permit Prior to Occupancy	County Public Works		

MITIGATION MONITORING PROGRAM							
	Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
	building walls. As with typical sanitary sewer vent lines, the methane vent risers terminate above the roofline of the building. A dewatering system shall be required if the methane vent lines are less than one foot above the historic high groundwater level at the site.						
ES-4	The applicant shall install a gas membrane beneath the building foundation system of Parcel OT. The sub-slab gas barrier typically consists of a continuous Liquid Boot™ membrane installed beneath the floor slab of the building. This membrane has a minimum required thickness of 100-mills (0.10 inch). Gas tight seals are required at all locations where utilities or conduits penetrate the membrane. At the completion of the installation, the membrane is smoke tested using a procedure developed by GeoKinetics in order to confirm its integrity.	Construction	County	Prior to Building Permit	County Public Works		
ES-5	The applicant shall install conduit seals on dry utilities servicing the building the Parcel OT. Conduit seals shall be installed on dry utility conduits (e.g. electrical, telephone, cable T.V.) that terminate on the interior of the building. These seals are intended to prevent the migration of methane through the conduits to interior areas. Also, in order to reduce the potential for methane to migrate through the sand backfill of any utility trenches, which extend up to and/or beneath the building, "dams" consisting of a lean sand/ cement/ bentonite slurry shall be installed within the trench lines at the perimeter of the building.	Construction	County	Prior to Building Permit	County Public Works		
ES-6	Upon finalization of the foundation and/or architectural plans for the structure on Parcel OT, and prior to issuance of the Grading Permit, the project subsurface methane gas consultant shall review such plans and provide further recommendations for methane gas mitigation	Construction Operation	County Methane Gas Consultant	Grading Permit Building Permit	County Public Works		

MITIGATION MONITORING PROGRAM						
Mitigation	**Monitoring Phase**	**Party Responsible for Implementation**	**Time of Clearance**	**Party Responsible for Verification/ Monitoring**	**Sign Off**	**Time**
measures, if necessary. Any additional recommendations by the subsurface methane gas consultant shall be adhered to by the applicant.						
Global Climate Change						
It should be noted that the project, in mitigating for traffic and air quality impacts, has been designed to incorporate many of the mitigation measures to reduce greenhouse gas emissions recommended by the scientific community. Additionally, the applicant has incorporated several measures into the project design that exceed minimum Title 24 energy conservation requirements. Among these measures are: • Installation of low NOx (nitrogen oxide) residential water heaters and space heaters; • Installation of Energy Star labeled furnaces, equipment, and appliances; • Use of water-based paint on exterior surfaces; • Use solar-assisted water heating and/or tankless hot water on demand systems if their energy efficiency is demonstrated to exceed that of a central storage tank water heating system; • Use of improved insulation and ducting; • Use of natural lighting; • Installation of energy efficient lighting and/or maximize use of low pressure sodium and/or fluorescent lighting; • Use of drought-tolerant landscaping subject to County review; • Encouragement of the use of transit, bicycling and walking by providing infrastructure to promote their use (bike paths and sidewalks); • Prohibition against the installation and use of wood burning fireplaces; and • Use of low volatile organic compound (VOC) coatings for painted surfaces.	Construction Operation	County	Building Permit Plan Check Prior to Occupancy Ongoing	County Public Works Regional Planning		