Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 14, 2011

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

Dear Supervisors:

PROJECT NO. TR067861-(4)
VESTING TENTATIVE TRACT MAP NO. 067861
COASTAL DEVELOPMENT PERMIT NO. 200600007
CONDITIONAL USE PERMIT NO. 200600288
PARKING PERMIT NO. 200600020
VARIANCE NO. 200600012
ENVIRONMENTAL ASSESSMENT NO. 200600216
APPLICANT: WOODFIN SUITE HOTELS, LLC
PLAYA DEL REY ZONED DISTRICT
FOURTH SUPERVISORIAL DISTRICT (3-VOTE)

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Certify the Environmental Impact Report ("EIR") including: Draft EIR, Final EIR and Mitigation Monitoring Program ("MMP"), and adopt the Environmental Findings of Fact and Statement of Overriding Considerations for Project No. TR067861-(4).

2. Indicate the Board's intent to approve Project No. TR067861-(4) including Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288, Parking Permit No. 200600020, Variance No. 200600012 and Vesting Tentative Tract Map No. 067861.

3. Instruct County Counsel to prepare the necessary Findings and Conditions to affirm the Regional Planning Commission's approval of Project No. TR067861-(4) including Coastal Development Permit No 200600007, Conditional Use Permit No. 200600288, Parking Permit No. 200600020, Variance No. 200600012 and Vesting Tentative Tract Map No. 067861.

JUSTIFICATION FOR RECOMMENDED ACTION

The Los Angeles County Regional Planning Commission ("Planning Commission") conducted public hearings on a request to authorize the site preparation and construction of a hotel and timeshare resort, the sale of alcoholic beverages for onsite consumption, construction of a parking structure that will include boater parking, an emergency roof helipad and a 28' wide pedestrian promenade, on the northerly portion of a vacant parcel known as Marina del Rey Parcel 9U ("Project"), on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010, and March 10, 2010. At the March 10, 2010 hearing, the Regional Planning Commission unanimously approved Project No. TR067861-(4); including Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288, Parking Permit No. 200600020, Variance No. 200600012, and Vesting Tentative Tract Map No. 067861 and certified the associated Environmental Impact Report ("EIR").

FISCAL IMPACT/FINANCING

Reaffirming the Planning Commission's approval of the project should not result in any new significant costs to the County or to the Department of Regional Planning; no request for financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Planning Commission has found that the project, to develop a hotel and timeshare resort, is consistent with the Marina del Rey Local Coastal Program ("LCP") and the Los Angeles County Zoning Code. The Project meets the necessary findings for a Coastal Development Permit pursuant to the Coastal Act and the Los Angeles County Code. Furthermore, the Project meets the necessary findings for a Vesting Tentative Tract Map, a Conditional Use Permit, Parking Permit and Variance pursuant to the Subdivision Map Act and applicable County Zoning Code.

Following the approval of the Project, We Are Marina del Rey ("Appellant"), appealed the Project to the Board of Supervisors, stating that: the project was in violation of the Coastal Act and the Marina del Rey LCP; the EIR is inadequate; and that project was heard prematurely in violation of the California Environmental Quality Act ("CEQA").

Pursuant to subsection A of Section 22.60.230 of the County Code, the Appellant appealed the Regional Planning Commission's approval to the Board of Supervisors on March 22, 2010. A public hearing is required pursuant to Section 22.60.240 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355, and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for the proposed project in compliance with CEQA (Public Resources Code section 21000, et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study analyzed the hotel along with residential projects on Marina del Rey Parcels 10 and FF and a wetland park on the southern portion of Parcel 9. The Initial Study, when viewing the projects cumulatively, found potentially significant impacts related to Geotechnical (liquefaction area), Noise (construction), Water Quality, Air Quality, Biota, Visual Qualities, Traffic/Access, Sewage Disposal, Education, Fire/Sheriff, Utilities, and Land Use.

A Draft EIR was prepared and circulated for agency and public review. The Draft EIR was recirculated to address potential impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey and the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed projects. When the project is analyzed on an individual basis, the Draft EIR concluded that potential air quality (construction), noise (contstruction), and visual quality impacts for the proposed 288-room hotel and timeshare resort cannot be reduced to levels of insignificance through the implementation of mitigation measures. The Draft EIR also found that when the project is viewed cumulatively with other projects in the area, significant and unavoidable impacts related to traffic, solid waste, population and land use would occur.

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

IMPACT ON CURRENT SERVICES

Action on the proposed Vesting Tentative Tract Map, Coastal Development Permit, Conditional Use Permit, Parking Permit and Variance is not anticipated to have a negative impact on current services.

Respectfully submitted,

Richard J. Bruckner
Director

Attachments: Planning Commission Hearing Package and Environmental Impact Report

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

RJB:JS:SZD:MRT

Date 3/22/2010

Mr. Don Ashton
Deputy Executive Officer
Los Angeles, County Board of Supervisor
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

FILED
10 MAR 22 AM 8:41
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Dear Mr. Ashton:

Subject: Tentative Tract/Parcel Map No. **067861 and Coastal Development Permit No. 200600007**

Applicant: **Woodfin Suite Hotels, LLC**

Location: **Northeast corner of Via Marina and Tahiti Way, (Northern portion of Parcel 9U)**

Marina del Rey, CA 90292

Playa del Rey Zoned District

Related zoning matters:

CUP or VAR No. **Conditional Use Permit No. 200600288**
Variance No. 200600012

Change of Zone Case No. _____

Other **Parking Permit No. 200600020**
Environmental Assessment Case No. 200600216

This is a notice of appeal from the decision of the Regional Planning Commission in the subject case. Submitted herewith is a check (or money order), in the total amount of $775.00. The fee of $130.00 is to cover the cost of a hearing by the Board of Supervisors and the fee of $645.00 is to cover the Regional Planning Department's processing fee.

This is to appeal: (Check one)

_____ The Denial of this request

x
_____ The Approval of this request

_____ The following conditions of the approval:

_____, _____, _____, _____, _____, _____, _____.

Briefly, the reason for this appeal is as follows:

see attached page

(Signed) for We ARE Marina del Rey

Appellant

We ARE Marina del Rey

Print Name

PO BOX 9096 Marina del Rey, CA 90295

Address

310-909-6697

Day Time Telephone Number

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

CERTIFIED-RECEIPT REQUESTED

Richard J. Bruckner
Director

March 11, 2010

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

SUBJECT: PROJECT NO. TR067861-(4)
VESTING TENTATIVE TRACT MAP NO. 067861
COASTAL DEVELOPMENT PERMIT NO. 200600007-(4)
CONDITIONAL USE PERMIT NO. 200600288-(4)
PARKING PERMIT NO. 200600020-(4)
VARIANCE NO. 200600012-(4)
MAP DATE: June 4, 2008

Dear Mr. Clark:

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

After considering the evidence presented, the Commission certified the Final Environmental Impact Report and approved the Vesting Tentative Tract Map, Coastal Development Permit, Conditional Use Permit, Parking Permit, and Varinace on March 10, 2010, in accordance with Title 21 of the Los Angeles County Code ("County Code") (Subdivision Ordinance) and Title 22 of the County Code (Zoning Ordinance). A copy of the final findings and conditions and the Final Environmental Impact Report is attached.

The Commission's action on the Tentative Tract Map authorizes a condominium subdivision for the 136 timeshare units on a 3.66 acre parcel.

The Commission's action on the Coastal Development permit authorizes the site preparation and the construction of a 288 room hotel/timeshare resort, a six-level parking structure with approximately 360 spaces, a 28' wide pedestrian promenade and approximately 44,000 cubic yards of project grading with 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported for offsite disposal.

The Commission's action on the Conditional Use Permit authorizes the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the construction and maintenance of an emergency rooftop heliport.

The Commission's action on the Parking Permit authorizes reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

The Commission's action on the Variance authorizes a reduction of the required setback from the 28 foot wide pedestrian promenade. Current standards require uses to be setback 10' from the pedestrian promenade. The applicant is requesting a zero setback from the promenade.

The decision of the Commission regarding the vesting tentative tract map shall become final and effective on the date of the decision, and the associated permits shall become final and effective on the day following the end of the approval period, provided no appeal of the action taken has been filed with the Los Angeles County Board of Supervisors ("Board") within the following time period::

- In accordance with the requirements of the County Code, the Tentative Tract Map may be appealed within 10 days following the decision of the Commission. **The appeal period for this project will end at 5:00 p.m. on Monday, March 22, 2010.**

The Regional Planning Commission's action may be appealed to the Board. If you wish to appeal this decision to the Board, you must do so in writing. Your appeal should be filed with the Office of the Clerk of the Board, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Clerk of the Board of Supervisors at (213) 974-1432 for the current appeal fee.

After the appeal period has passed, and after the affidavit of acceptance and conditions have been recorded, and appropriate fees paid, the approved Tentative Tract Map may be obtained at the Special Projects Section, Room 1362, Hall of Records Building, 320 West Temple Street, Los Angeles, CA 90012.

The Tentative Tract Map approval shall expire unless recorded within two years after the approval date. A request in writing for a one-year extension of the approval, accompanied by the appropriate fee, **must be delivered in person to Room 1362 within one month prior to the expiration date.**

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

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard Bruckner
Director

Samuel Z. Dea, Supervising Regional Planner
Special Projects Section

SZD:mrt

Attachments: Findings and Conditions, Final Environmental Impact Report, Affidavit of Acceptance

C: Board of Supervisors
Subdivision Committee
Testifiers

FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
FOR VESTING TENTATIVE TRACT MAP NO. 067861-(4)

1. The Regional Planning Commission ("Commission") of the County of Los Angeles has conducted duly noticed public hearings in the matter of Vesting Tentative Tract Map No. 067861 on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010 and March 10, 2010. Vesting Tentative Tract Map No. 067861 was heard concurrently heard with Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288, Parking Permit No. 200600020 and Variance No. 200600012.

2. Vesting Tentative Tract Map No. 067861 is a proposal to create 136 timeshare units which will be either for sale or for lease on approximately 3.66 acres.

3. Coastal Development Permit No. 200600007 is a request to authorize the site preparation and the construction of a 288 room hotel/timeshare resort, a six-level parking structure with approximately 360 spaces, a 28' wide pedestrian promenade and approximately 44,000 cubic yards of project grading with 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported for offsite disposal.

4. Conditional Use Permit No. 200600288 is a request to authorize the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the construction and maintenance of an emergency rooftop helistop.

5. Parking Permit No. 200600020 is a request to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

6. Variance No. 200600012 is request to allow a reduction of the required building setback from the required 28 foot wide pedestrian promenade. Current standards require uses to be setback 10' from the pedestrian promenade. The applicant is requesting a zero setback from the promenade.

7. The subject property is located in the unincorporated community of Marina del Rey, west of Interstate 405 (I-405), within the boundaries of the adopted Marina del Rey Specific Plan in the Playa Vista Zoned District.

8. The subject property is a rectangular shaped parcel with a total landside area of 3.66 acres. The site is currently vacant. The subject property contains a .43 acre wetland located on the southern portion of the property.

9. Access to the development will be from Via Marina, a Secondary Highway. Pedestrian access is proposed via the pedestrian promenade and Via Marina.

10. The subject property is currently vacant. The proposed hotel and timeshare resort would be located on the northern 2.19 acres of the property.

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

12. The subject property is zoned "Specific Plan" (SP) in the Marina del Rey Specific Plan area. The subject parcel's existing land use designations per the Local Coastal Program (LCP) is "Hotel-Waterfont Overlay Zone" for the landside portion of the parcel and "Water" for the waterside portion of the parcel.

13. The Specific Plan area is organized with land use categories and Development Zones that dictate the uses and intensities permitted on a parcel. The proposal to develop the proposed hotel and timeshare resort with 136 timeshare units, 152 conventional hotel rooms, a six-level parking structure, and a 28' wide pedestrian promenade and the following accessory uses in conjunction with the primary hotel/timeshare use: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; resort spa and fitness room; banquet and meeting rooms; pool; pre-function areas; resort administrative offices and "back of house" areas (e.g., laundry and storage), on the project site is consistent with the parameter established by the Specific Plan and the, "Hotel" land use category.

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

    North: Residential V (WOZ) (per MDR Specific Plan);

    South: Residential V (WOZ) (per MDR Specific Plan);

    West: City of Los Angeles, across Via Marina; and

    East: Residential III (WOZ) and Water (per MDR Specific Plan)

15. Land uses on surrounding properties consist of the following:

    North: Multi-family residential (Neptune Marina Apartments & Anchorage);

    South: Multi-family residential (Marina Harbor Apartments);

    West: Multi-family residential (condominiums in City of Los Angeles); and
    East: Multi-family residential apartments and private anchorage (Bay Club

Apartments & Anchorage).

16. Previous project history on the subject site includes: (1) In March of 1983, the Regional Planning Commission approved a 300-room hotel complex. (2) In January of 1999, Conditional Use Permit No. 99-205 was filed for a 288 room hotel and a 527 unit residential complex. This application was denied due to inactivity.

17. The project will have to comply with the Green Building and Drought Tolerant Landscaping requirements of the County's Green Building Program. The project is exempt from the Low Impact Development requirements.

18. The subject property is located at the northeast corner of Via marina and Tahiti Way, in Marina del Rey and in the Playa Vista Zoned District. The property is also known as Marina del Rey Parcel 9U.

19. The Regional Planning Commission finds the proposed subdivision and the provisions for its design and improvement are consistent with the density, goals and policies of the Marina del Rey Specific Plan.

20. The site is physically suitable for the type of development being proposed, since the property is relatively level and has an adequate building site to be developed in accordance with the grading ordinance; has access to a County-maintained street; will be served by public sewers; will be provided with water supplies and distribution facilities to meet anticipated domestic and fire protection needs; and will have flood hazards and geological hazards mitigated in accordance with the requirements of the Department of Public Works.

21. The design of the subdivision and the type of improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geologic and soils factors are addressed in the conditions of approval.

22. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and on the tentative map, provide adequate protection for any such easements.

23. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Control Board pursuant to Division 7 (Commencing with Section 13000) of the California Water Code.

24. This tract map has been submitted as a "Vesting" Tentative Map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the Los Angeles County Code (Subdivision Ordinance).

25. A Final EIR for the Woodfin Suite Hotel and Timeshare Resort project has been prepared in compliance with CEQA (Public Resources Code section 21000 *et seq.*), the state CEQA Guidelines, and the County Environmental Document Reporting Procedures and Guidelines. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Final EIR consists of the Draft EIR, Recirculated Draft EIR (RDEIR), the technical appendices to the Draft and Final EIR, the responses to comments, and revised Draft EIR pages.

26. A Mitigation Monitoring Plan consistent with the conclusions and recommendations of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Final EIR has been prepared. The Mitigation Monitoring Plan identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project is ensured, and its requirements have been incorporated into the conditions of approval for this project.

27. Mitigation measures which have been incorporated into the project, and included in the Mitigation Monitoring Plan, are listed in the Executive Summary of the Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Draft EIR, and include mitigation measures originally prescribed within the Specific Plan EIR.

28. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is **$2,867.25** ($2,792.25 plus $75.00 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.

29. On October 29, 2008, the Commission conducted a public hearing on the proposed project. At that hearing, the Commission heard the staff presentation and testimony from the project applicants and interested members of the public. The hearing was continued to November 5, 2008 and staff was directed to determine possible hearing dates when the Commission could hold a hearing in the community of Marina del Rey.

30. On November 5, 2008, at the continued hearing, the Commission chose November 22, 2008 to hold the community hearing. Prior to the public hearing, it was determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts

31. The Recirculated Draft Environmental Impact Report (RDEIR) was recirculated for public input on June 11, 2009. The public review period for the RDEIR closed on July 27, 2009, and a new public hearing was scheduled in the community of Marina del Rey on August 12, 2009.

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

33. On October 14, 2009, a continued public hearing was held. At the hearing, staff gave a presentation and testimony was heard from the project applicants and interested members of the public. Staff and the project applicants provided responses to the various statements that were made by members of the public in opposition of the project. The Commission continued the public hearing to February 3, 2010, and directed the applicants to return to the Design Control Board for additional review of the Variance request and instructed staff to prepare the Final Environmental Impact Report and complete the final findings and conditions of approval for the Commission's consideration.

34. On February 3, 2010, a continued public hearing was held. Staff informed the Commission that more time was required to complete the Final Environmental Impact Report. The Commission continued the project to March 10, 2010.

35. On March 10, 2010, the Commission considered the recommendation of staff and testimony of the applicant, closed the public hearing, adopted the Final Environmental Impact Report and Mitigation Monitoring Plan and approved Vesting Tentative Tracy Map No. 067861, Coastal Development Permit No. 200600007, Condition Use Permit No. 200600288, Parking Permit Case No. 20060002, and Variance Case No. 200600012.

36. Approval of this subdivision is conditioned on the subdivider's compliance with the attached conditions of approval as well as the conditions of approval for Coastal Development Permit No. 200600007, Condition Use Permit No. 200600288, Parking Permit Case No. 200600020, Variance Case No. 200600012 and the Mitigation Monitoring Program.

37. The subdivider has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice, as the proposed development is compatible with the subject parcel's, "Hotel," land use category. Compliance with the conditions of

approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan and Local Coastal Program policies.

38. The site is physically suitable for the density and type of development proposed and has access to a County-maintained street and County sewer and water services.

39. The design of the subdivision and the proposed improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the project conditions of approval.

40. The division of the development for the property in the manner set forth on this map will not unreasonable interfere with the free and complete exercise of public entity and/or public utility rights-of way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the tentative map provide adequate protection for any such easements.

41. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed subdivider by way of a 28 foot wide pedestrian promenade, provides reasonable public access to the ocean.

42. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials is the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

43. The Applicant submitted two separate preliminary geotechnical reports to County Department of Public Works as part of its application filing, the contents of which are compliant with the geotechnical and seismic engineering reporting requirements of the LCP. The Commission finds the reports fully analyze site geologic conditions, including potential geologic hazards and liquefaction, and that the DEIR includes mitigation measures that require conformance with all recommendations of the reports. Moreover, prior to initiation of the public hearings for this project, the associated project Vesting Tentative Tract Map went through the County's extensive Subdivision Committee process and has received sign-off from the Department of Public Works' Geotechnical & Soils Engineering Division (GMED). As a result of this extensive geotechnical review, the Commission finds the development will be based on thorough site-specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading, and that the project has been designed to utilize earthquake resistant construction and engineering practices, in full compliance with applicable County and state

regulations and ordinances. Consistent with LACC 22.46.1190.A.1, the Commission also finds that site development on Parcel 9U will occur in geologically safe areas.

REGIONAL PLANNING COMMISSION ACTION:

1. After review and consideration of the Final Environmental Impact Report and subject to the Board's final action, the Regional Planning Commission certifies that Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto and that the document reflects the independent judgment and analysis of the Commission and determines that the significant adverse effects of the project, as described in the Final Environmental Impact Report, have either been reduced to an acceptable level or are outweighed by specific social, economic, legal, technological or other considerations of the project as stated in the attached Findings of Fact and Statement of Overriding Considerations for the project, which findings and statement are incorporated herein by reference.

2. The Mitigation Monitoring Program for the proposed project incorporated in the Final EIR is approved and adopted and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during project implementation.

3. In view of the findings of fact and conclusions presented above, Vesting Tentative Tract Map No. 067861 is **APPROVED** subject to the attached conditions and recommendations of the Subdivision Committee.

Project No. TR067861-(4)
Coastal Development Permit No. RCDP200600007
Conditional Use Permit No. RCUP200600288
Parking Permit No. RPKP200600020
Variance No. RVAR200600012

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

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

SYNOPSIS:

The applicant, Woodfin Suite Hotels, is requesting approval for the development of a hotel on approximately 2.2 acres located on the northerly portion of the 3.66-acre Marina del Rey Parcel 9U. The 19-story hotel consists of 288 rooms, of which a minimum of 152 rooms will be conventional hotel suites and 136 will be timeshare suites. In conjunction with the primary hotel/timeshare use, the development includes the following accessory uses: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; hotel spa/fitness room; banquet and meeting rooms; pool; auxiliary uses such as administrative offices, laundry and storage). The project includes a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, 21 of which shall be paid public parking spaces and the balance of which are authorized to be valet-managed parking spaces. In addition to the hotel, the proposal also includes construction of a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, including public amenities. The project requires approximately 44,000 cubic yards of grading, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a landfill located in Los Angeles County. The subject Parcel 9U is located northeasterly of the intersection of Via Marina and Tahiti Way, with frontages on both Via Marina and Tahiti Way. Associated land use entitlements for this project consist of a **Coastal Development Permit** to authorize site preparation and the subsequent construction of the landside improvements on the northerly portion of Parcel 9U with associated project grading; **Conditional Use Permits** for the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of a full line of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the installation, maintenance and use of a Fire Department-required emergency rooftop helistop; a **Variance** for the reduction of the required setback from the pedestrian promenade (a zero-foot building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code); a **Parking Permit** to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces; and a **Vesting Tentative Tract Map** to authorize a condominium subdivision for the proposed 136 timeshare units.

PROCEEDINGS BEFORE THE COMMISSION:

October 29, 2008 Public Hearing

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

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

- Project No. R2006-03647-(4), is a request to demolish an existing 136-unit apartment complex located on Marina del Rey Parcel 10R (which abuts the subject Parcel 9U to the north and is located southeasterly of the intersection of Via Marina and Marquesas Way), and to construct a 400-unit apartment complex (including a total of 62 affordable housing units) and landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and appurtenant facilities and a new private boat anchorage on the subject parcel;

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

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

At the October 29, 2008 public hearing on the subject project and associated requested land use entitlements (and at each subsequent Commission hearing described below regarding the project), the Commission considered a single, comprehensive Environmental Impact Report evaluating the potential project-specific and cumulative environmental impacts associated with the subject project and the four above-described proposed development projects on Marina del Rey Parcels 10R and Parcel 9U.

Proponent Testimony

The project applicants testified in favor of the request.

Opposition Testimony

Sixteen (16) persons testified in opposition. Opposition testimony addressed the following issues:

a. The County is piecemealing development and needs to create a master plan for the Marina;
b. The Marina is too densely developed and needs more open space and parks;
c. The California Coastal Commission (CCC) has performed a periodic review of the Marina del Rey Local Coastal Program (LCP), and a comprehensive update of the plan should be done prior to the Regional Planning Commission approving any Marina projects;
d. The CCC has requested that all future amendments to the LCP be batched together; therefore, individual projects with plan amendments should not be approved by the Regional Planning Commission;
e. The traffic study in the DEIR is inadequate and antiquated;
f. The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services;
g. The shadow and wind studies in the DEIR are inadequate;
h. The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays;
i. The Marina should be dedicated to public recreation because this was its intended purpose;
j. The County needs to conduct a comprehensive review of the LCP prior to granting approval of any development permits in Marina del Rey;
k. The entirety of Parcel 9U should be developed as a public park;
l. The existing wetland on Parcel 9U should be considered an Environmentally Sensitive Habitat Area (ESHA);
m. The proposed timeshare units require an amendment to the LCP;
n. The LCP prohibits fractional ownership, such as the proposed timeshare units, because it inhibits public access to Marina del Rey;
o. The proposed hotel is out of character with the surrounding residential neighborhood;
p. More expensive hotel rooms are not needed in Marina del Rey. Developing Parcel 9U with a hotel will diminish opportunities for development of low-cost recreation facilities;
q. A better visualization of the proposed view corridor is needed to assess the potential visual impacts of the project;
r. The height of the proposed hotel will negatively impact sailing winds in Marina Basin B;
s. The hotel structure will cause shading of nearby residential areas; and
t. The proposed helistop will create noise intrusion into the Marina and surrounding residential areas.

At the conclusion of the October 29, 2008 hearing, the Commission directed staff to prepare a summary of the various concerns that were expressed by the testifiers and instructed the

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

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

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

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

August 8, 2009 Regional Planning Commission Field Trip

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

August 12, 2009 PUBLIC HEARING

On August 12, 2009, a duly noticed public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. During the

hearing, the Commission heard the staff presentation and testimony from the project applicant and interested members of the public.

Proponent Testimony

The project applicants testified in favor of the request.

Opposition Testimony

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

a. The RDEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in the City of Los Angeles). The proposed hotel building will block the Marina and mountain views that these condominiums currently enjoy;
b. The hotel project will create adverse shading impacts on the condominiums located westerly of the site;
c. The hotel site is too small to accommodate the proposed project;
d. The hotel project will only bring more disturbances, traffic and noise to the area;
e. The 21 parking spaces that are allocated in the hotel structure for the public park are not sufficient. The parking study for Parcel 9U does not include an analysis of public visitor use for the parcel, so how does it follow that 21 public parking spaces at 9U is sufficient? The DEIR does not analyze public parking requirements for the public anchorage, wetland park or promenade;
f. The parking reduction for the hotel will create traffic problems;
g. The proposed rooftop helistop will cause noise and safety problems;
h. The DEIR fails to address the fact that the concrete piling installed in the 1980s to support the prior, abandoned Parcel 9U hotel building foundation sank. The DEIR contains no analysis of the weight and height of hotel;
i. The project traffic study erroneously concludes that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of the proposed projects in the area;
j. The height of the proposed hotel structure is out of character with current neighboring residential development and will negatively impact sailing winds in Marina Basin B. The LCP prohibits projects that would significantly impede wind to boats in the Marina;
k. The LCP limits building height on the subject Parcel 9U to 65 feet;
l. There are insufficient controls to ensure the timely construction and completion of the proposed project; there is no assurance that the applicant will service its construction loan;
m. Timeshare units are not permitted in the LCP, are not permitted on publicly-owned land, and are contrary to the California Coastal Commission's Marina del Rey Periodic Review findings;

n. Timeshares are inconsistent with the LCP and will cater to out-of-towners instead of the local population the marina was originally intended to serve;
o. The existing wetland located on Parcel 9U cannot be relocated; the entirety of Parcel 9U should be considered an ESHA. The area where the hotel is proposed for development is an existing alkali wetland;
p. The Deputy Director of the California Coastal Commission has opined that local governments must provide an analysis of the supply and demand for timeshare projects, yet no such analysis has been provided by the applicant; an independent economic study should be prepared to determine if there is sufficient market demand for the proposed hotel/timeshare resort;
q. There is no discussion in the DEIR as to why the 1981 hotel failed;
r. Land in Marina del Rey is meant for public recreation and not a hotel;
s. The format of the RDEIR is difficult to read (Table 5.8-7). This table is wrong and underestimates wastewater generation by 7 million gallons;
t. The Coastal Act does not allow the proposed project to be built;
u. The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina;
v. The Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area, so the Planning Commission's approval of the project in advance of such an assessment would be premature;
w. The RDEIR should be updated and recirculated because it does not adequately analyze new information on global warming and resulting sea level rise;
x. The hearing violates the Brown Act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time;
y. Piecemealing the development of the Marina is in violation of State law including the Coastal Act and CEQA;
z. The public hearing was improperly noticed and is in violation of CEQA;
aa. Overall development in Marina del Rey should be guided by a master plan;
bb. The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
cc. The traffic study does not take into account the traffic on the west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina as an ingress and egress route;
dd. Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce; and
ee. Solid waste/landfill capacity is only available until 2017. The projects will last beyond 2017. What happens when landfill capacity is no longer available?

Following public testimony, there was insufficient time for the Commission to hear the applicant's rebuttal. The Commission directed staff and the applicant to prepare independent written responses to address the issues that were raised by the public and the Commissioners during the hearing. The public hearing was continued to October 14, 2009,

with the direction that staff and the applicant present responses to the public testimony received, and the public would then have an opportunity to comment on the reports.

October 14, 2009 Public Hearing

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

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

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

February 3, 2010

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

Findings

1. The applicant, Woodfin Suite Hotels, is requesting approval for the development of a hotel on approximately 2.2 acres located on the northerly portion of the 3.66-acre Marina del Rey Parcel 9U. The 19-story hotel consists of 288 rooms, of which a

minimum of 152 rooms will be conventional hotel suites and 136 will be timeshare suites. In conjunction with the primary hotel/timeshare use, the development includes the following accessory uses: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; hotel spa/fitness room; banquet and meeting rooms; pool; auxiliary uses such as administrative offices, laundry and storage). The project includes a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, 21 of which shall be paid public parking spaces and the balance of which are authorized to be valet-managed parking spaces. In addition to the hotel, the proposal also includes construction of a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, including public amenities. The project requires approximately 44,000 cubic yards of grading, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a landfill located in Los Angeles County. The subject Parcel 9U is located northeasterly of the intersection of Via Marina and Tahiti Way, with frontages on both Via Marina and Tahiti Way. Associated land use entitlements for this project consist of a Coastal Development Permit to authorize site preparation and the subsequent construction of the landside improvements on the northerly portion of Parcel 9U with associated project grading; Conditional Use Permits for the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of a full line of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the installation, maintenance and use of a Fire Department-required emergency rooftop helistop; a Variance for the reduction of the required setback from the pedestrian promenade (a zero-foot building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code); a Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces; and a Vesting Tentative Tract Map to authorize a condominium subdivision for the proposed 136 timeshare units. Collectively, the requested land use entitlements are referred to herein as the "Project Permits."

2. The 3.66-acre subject property, known as Marina del Rey "Parcel 9U," is located in the Playa del Rey Zoned District at the northeast corner of the intersection of Via Marina and Tahiti Way in the County of Los Angeles unincorporated community of Marina del Rey. Via Marina fronts the subject property to the west; Tahiti Way fronts the subject property to the south; Marina del Rey Parcel 10R (Neptune Marina Apartments & Anchorage) adjoins the subject property to the north; and Marina del Rey Parcel 8 (Bay Club Apartments & Anchorage) and Marina Basin B adjoin the subject property to the east.

3. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program (LCP). The subject parcel's existing land use designations per the LCP is "Hotel-Waterfont Overlay Zone" for the landside portion of the parcel and "Water" for the waterside portion of the parcel.

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

   North: Residential V (WOZ) (per MDR Specific Plan);

   South: Residential V (WOZ) (per MDR Specific Plan);

   West: City of Los Angeles, across Via Marina; and

   East: Residential III (WOZ) and Water (per MDR Specific Plan).

5. The subject property is currently vacant. A chain link fence is located on the parcel perimeter to prevent public access except for a waterfront sidewalk fronting the parcel bulkhead, located between the seawall and the chain link fence. A small, man-made depression and exposed building foundation piles are present on the southerly portion of the subject parcel, the remnants of grading excavation and foundation work are a result of an abandoned project from the 1980s. Seasonally, water ponds in the depression and an area of willow riparian vegetation can be present. This area has been defined as a jurisdictional resource and is subject to regulation by the United States Army Corps of Engineers, the California Regional Water Quality Control Board, and the California Coastal Commission.

6. Land uses on surrounding properties consist of the following:

   North: Multi-family residential (Neptune Marina Apartments & Anchorage);

   South: Multi-family residential (Marina Harbor Apartments);

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

   East: Multi-family residential apartments and private anchorage (Bay Club Apartments & Anchorage).

7. Previous project history on the subject site includes: (1) In March of 1983, the Regional Planning Commission approved a 300-room hotel complex. (2) In January of 1999, Conditional Use Permit No. 99-205 was filed for a 288 room hotel and a 527 unit residential complex. This application was denied due to inactivity.

8. Prior to the public hearing on the Project Permits and associated Draft Environmental Impact Report (DEIR) before the Commission, a legal notice was published in the local newspaper, *The Argonaut and La Opinion*, on September 2, 2008. Staff also mailed out 1,138 hearing notices on September 3, 2008 to property owners and tenants within 500 feet of the site and interested parties. The applicant posted a hearing notice sign on the subject property prior to 45 days before the public hearing.

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

10. Prior to the field trip and November 22, 2008 continued public hearing, the applicant and County Counsel determined that the DEIR needed to be updated and recirculated to address previous potential cumulative impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey. In addition, the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed project needed to be addressed in the DEIR. The item was taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided additional visual simulations and an updated shade and shadow study to assist in the analysis of the project.

11. The RDEIR was recirculated for public review and comment on June 11, 2009; a copy of this document was also provided to the Commission on this date. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR closed on July 27, 2009. The Commission scheduled a new public hearing on the Project Permits and RDEIR, to be held in the community of Marina del Rey at 6:00PM on Wednesday, August 12, 2009. The Commission also scheduled a field trip to survey the project sites and surrounding properties for 9:00AM on Saturday, August 8, 2009.

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

13. The Commission conducted a duly noticed field trip to the subject Parcel 9U and adjoining parcels on August 8, 2009 at 9:00AM. Commissioner Modugno was absent from the field trip; Commissioners Valadez, Bellamy, Helsley and Rew attended. The applicant and several interested members from the public were also in attendance. Staff gave the Commission a tour of the subject property and adjacent Parcels 10R and

FF (respective locations of the proposed 400-unit and126-unit apartment projects proposed by Legacy Partners Residential, Inc.). The Commission also walked the waterfront pedestrian promenade of the nearby, newly-constructed "Esprit" apartments on Parcel 12 at the terminus of Marquesas Way. The Commission concluded the field trip with a boat tour, which afforded the Commission an opportunity to view the subject property and adjacent parcels from the water.

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

15. The Commission held a continued public hearing on October 14, 2009 at the Regional Planning Commission's hearing chamber in downtown Los Angeles; all Commissioners were present. At the conclusion of the hearing, following the staff presentation and testimony from the applicant and public, Commissioner Valadez stated her opinion that the applicant had not provided sufficient evidence to justify the Commission's approval of the requested Variance allowing a zero-foot building setback from the waterfront pedestrian promenade. Commissioner Valadez indicated that, prior to the Commission acting on the requested building setback Variance, the applicant should be remanded back to the Department of Beaches & Harbors' Design Control Board (DCB), so that the DCB could evaluate an enhanced waterfront public promenade amenity plan to be submitted by the applicant. Commissioner Helsley concurred that the waterfront promenade amenity plan being proposed by the applicant warranted enhancement.

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

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

18. On March 10, 2010, the Commission voted to certify the FEIR for the project and approved the final findings and conditions for the Project Permits.

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

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

    a. Allegations that the DEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in the City of Los Angeles). The proposed hotel building will block the Marina and mountain views that these condominiums currently enjoy;
    b. The hotel project will create adverse shading impacts on the condominiums located westerly of the site;
    c. The hotel site is too small to accommodate the proposed project;
    d. The hotel project will only bring more disturbances, traffic and noise to the area;
    e. The 21 parking spaces that are allocated in the hotel structure for the public park is not sufficient. The parking study for Parcel 9U does not include an analysis of public visitor use for the parcel, so how does it follow that 21 public parking spaces at 9U is sufficient? The DEIR does not analyze public parking requirements for the public anchorage, wetland park or promenade;
    f. The parking reduction for the hotel will create traffic problems;
    g. The proposed rooftop helistop will cause noise and safety problems;
    h. The DEIR fails to address the fact that the concrete piling installed in the 1980s to support the prior, abandoned Parcel 9U hotel building foundation sank. The DEIR contains no analysis of the weight and height of hotel;
    i. The project traffic study erroneously concludes that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of the proposed projects in the area;
    j. The height of the proposed hotel structure is out of character with current neighboring residential development and will negatively impact sailing winds in Marina Basin B. The LCP prohibits projects that would significantly impede wind to boats in the Marina;
    k. The LCP limits building height on the subject Parcel 9U to 65 feet;
    l. There are insufficient controls to ensure the timely construction and completion of the proposed project; there is no assurance that the applicant will service its construction loan;
    m. Timeshare units are not permitted in the LCP, are not permitted on publicly-owned land, and are contrary to the California Coastal Commission's Marina del Rey Periodic Review findings;

n. Timeshares are inconsistent with the LCP and will cater to out-of-towners instead of the local population the marina was originally intended to serve;
o. The existing wetland located on Parcel 9U cannot be relocated; the entirety of Parcel 9U should be considered an ESHA. The area where the hotel is proposed for development is an existing alkali wetland;
p. The Deputy Director of the California Coastal Commission has opined that local governments must provide an analysis of the supply and demand for timeshare projects, yet no such analysis has been provided by the applicant; an independent economic study should be prepared to determine if there is sufficient market demand for the proposed hotel/timeshare resort;
q. There is no discussion in the DEIR as to why the 1981 hotel failed;
r. Land in Marina del Rey is meant for public recreation and not a hotel;
s. The format of the RDEIR is difficult to read (Table 5.8-7). This table is wrong and underestimates wastewater generation by 7 million gallons;
t. The Coastal Act does not allow the proposed project to be built;
u. The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina;
v. The Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area, so the Planning Commission's approval of the project in advance of such an assessment would be premature;
w. The RDEIR should be updated and recirculated because it does not adequately analyze new information on global warming and resulting sea level rise;
x. The hearing violates the Brown Act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time;
y. Piecemealing the development of the Marina is in violation of State law including the Coastal Act and CEQA;
z. The public hearing was improperly noticed and is in violation of CEQA;
aa. Overall development in Marina del Rey should be guided by a master plan;
bb. The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
cc. The traffic study does not take into account the traffic on the west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina as an ingress and egress route;
dd. Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce; and
ee. Insufficient analysis of the project's solid waste impacts in the DEIR.

21. The Commission has duly considered all of the issues and information contained in all of the oral testimony and written correspondence made in opposition to the proposed project during the public hearing process on the Project Permits, DEIR and RDEIR, as well as all of the oral testimony and written correspondence provided to the Commission

in response thereto by staff and the project applicant. For the reasons set forth in the following findings and explained in the County's detailed responses to all public written comments received by the Commission regarding the proposed project, all of which responses have been incorporated into the Final Environmental Impact Report (FEIR), the statements made against the project in the opposition testimony and correspondence fail to identify any substantial evidence that the FEIR does not meet the requirements of CEQA, and fail to identity any substantial evidence requiring recirculation of the FEIR pursuant to CEQA Guidelines section 15088.5. The Commission finds that there is no credible evidence in the record that the supposed environmental impacts set forth in the project opponents' testimony and correspondence will in fact occur, but there is credible evidence in the administrative record for this case rebutting such testimony and correspondence. The project opponents have offered no credible expert testimony or any credible evidence that the opponents' representatives, other than Mr. Vanderhook, are experts or have any bonafide expertise with respect to the subject matter of their testimony or correspondence. The Commission further finds that the opponents' oral testimony and written correspondence, including but not limited to Mr. Vanderhook's purported expert testimony, do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment and do not constitute substantial evidence.

22. The site plans and elevations depict a 19-story (225-foot-tall, exclusive of screened rooftop mechanical equipment, Fire Department-required emergency helistop, and elevator machine room), 288-room hotel and timeshare resort structure (a minimum of 152 conventional hotel suites and 136 timeshare suites) on the northerly approximately 2.2-acres of the subject parcel. The following accessory uses are noted on the floor plans submitted with the application: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; gift shop; spa; banquet and meeting rooms; pool; pre-function areas; and resort administrative offices and "back of house" areas (e.g., laundry and storage, etc.). The site plan also depicts a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, 21 of which are noted as fee-based "self-park" spaces and the balance of which are noted as valet-managed parking spaces. The site plan further depicts a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, including public amenities (shade benches, light standards, drinking fountains, decorative railing and paving, a water taxi gateway landing feature at the gangway entrance to the public anchorage that will front the landside parcel), and a fire lane (composed of a structural turf block material) abutting the hotel structure to the south.

23. The site plan also depicts an approximately 1.46-acre public wetland park located on the southerly portion of the parcel. As depicted on the approved wetland park exhibit in the administrative file for this case, the public park will consist of a newly established

"muted" tidal salt marsh in the center of the park, surrounded by a buffer of 25 feet from the actual wetland area toward both the proposed hotel/timeshare resort structure to the north and Tahiti Way on the south. The muted tidal salt marsh will be approximately 0.47 acres in size.

24. The site plan also depicts a public transient anchorage located on the waterside portion of Parcel 9U, adjacent to the parcel bulkhead, containing approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B. The public anchorage is depicted as containing approximately 542 lineal feet of new public dock area (it is estimated that the public anchorage will provide berthing for between seven and 11 transient vessels, depending on the sizes of the vessels utilizing the anchorage at any given time, plus additional area for dinghy docking at the north side of the anchorage). The new public boat and anchorage will be compliant with ADA and California Department of Boating & Waterways ("CA DB&W") standards.

25. The public anchorage located on the waterside portion of Parcel 9U will be developed by Legacy Partners Residential, Inc., the developer of the Neptune Marina Apartments Parcel FF project (located nearby the site on Marina Parcel FF at the northeasterly corner of the Via Marina/Marquesas Way intersection; see County Project No. R2006-03652-(4)). To account for the loss of "Open Space"-designated land that will occur as a result of Legacy Partners' proposed development of Parcel FF with an apartment building, thereby precluding the potential future development of a public park at that location, Legacy Partners has been conditioned to provide at least 50 percent of the funding required to develop the restored public wetland and upland park of 1.46 acres on the southerly portion of Marina del Rey Parcel 9U (the subject project applicant will provide the balance of the funding needed to develop the public wetland park on its parcel), as well as construct the public transient anchorage on the waterside portion of Parcel 9U. The applicant for the subject hotel/timeshare project will provide the remaining 50 percent of the funding for the wetland park.

26. The park area outside of the salt marsh will be planted in appropriate native vegetation and shall serve as a public open space area for the enjoyment of wildlife and biological resources reminiscent of the way Marina del Rey existed before the harbor was built. Appropriate interpretive signage will be installed to enhance the public's visiting experience. A permeable turf block area, which will include natural vegetation at the northerly end of the park, will provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching and maintenance/emergency vehicles. The development of the proposed public wetland park on the southerly-most 1.46-acres of Parcel 9U represents a unique opportunity for the County to provide the public a privately funded, ecologically themed park space on the westerly, predominately residential side of Marina del Rey.

27. The Marina del Rey Local Coastal Program (LCP) provides development guidelines for the unincorporated community of Marina del Rey. The Marina del Rey LCP consists of

two sets of inter-related requirements: the Marina del Rey Land Use Plan (land use policies; "LUP") and the Local Implementation Program or Specific Plan (development-specific requirements).

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

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

30. Section 22.46.1180.16.b of the Marina del Rey Specific Plan requires applicants for a hotel use to designate at least 25 percent of the land area of the site proposed for new hotel development for a lower cost overnight facility, such as a youth hostel, lower cost conference facility with overnight accommodations, or campground; however, subsection "v" of this same Code section expressly exempts applicant's on-site provision of such lower-cost overnight facilities in cases where it is demonstrated that a proposed hotel project of the same or lesser size on the same parcel paid a lower-cost overnight accommodation in-lieu fee, or its equivalent, within 20 years of the date of a subsequent hotel application for the same site.

31. Pursuant to Section 22.46.1180.16.b.v, the subject application is exempt from the lower-cost overnight facility provisions of the LCP, because the developer of a prior, larger (300 approved hotel rooms) hotel approved for development on the subject Parcel 9U (the Marina Plaza Hotel) has already fulfilled this obligation through its prior payment, within 20 years of the applicant's filing of the its January 199 development application for the subject parcel, of a lower-cost overnight accommodations "in-lieu fee." Records indicate that the developer of the Parcel 9U Marina Plaza Hotel paid a lower-cost overnight accommodations in-lieu fee in the amount of $365,000. These monies were utilized for the construction of an American Youth Hostels, Inc. ("AYH") youth hostel in the City of Santa Monica, which has been in operation since 1989 (see Coastal Commission Coastal Development Permit Application no. 5-86-175, American Youth Hostels, Inc., applicant).

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

33. The proposed development project conforms to the following phasing schedules in the LCP:

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

- There is sufficient traffic capacity in both the Marina del Rey internal system and the sub-regional highway system serving the Marina to accommodate the traffic generated by the planned development; and

- The project will be in full conformity with the build-out limitations of the LCP specified for the subject Development Zone 2 (Tahiti Development Zone), because the applicant is proposing development of 288 hotel and timeshare suites on the parcel and the subject Development Zone has 288 such units available for use.

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

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

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

    The approved traffic report for the project concludes that the proposed development will generate 102 p.m. peak hour trips. Therefore, the applicant has been conditioned to pay a total LCP-prescribed traffic impact fee of $580,380, of which $163,200 will be

allocated for Category 1 traffic improvements and $417,180 will be allocated for Category 3 improvements.

35. The proposed hotel and timeshare resort development is consistent with the subject parcel's applicable "Hotel-WOZ" land use designation in that:

    a. All proposed land uses (i.e., visitor-serving Hotel & Timeshare Resort with appurtenant uses) are permitted land uses in the LCP for the "Hotel" land use category; the proposed public wetland park on the southerly portion of the property is also a permitted land use;

    b. The proposed project is consistent with the Water Overlay Zone ("WOZ") development standards specified in the certified LCP;

    c. The project will not displace existing public recreation or visitor-serving uses. To the contrary, the project substantially enhances public recreational and visitor-serving opportunities at the site. The project will develop a visitor-serving resort with overnight lodging accommodations and accessory waterfront dining and other visitor-serving uses. The project will assist in developing a public wetland park and will construct a 28-foot-wide public pedestrian promenade along the Parcel 9U's entire water frontage. Currently, the vacant parcel is fenced-off from the public, which precludes any recreational or visitor-serving use of the site;

    d. The proposed development is in conformity with the front, rear and side yard setbacks specified in Section 22.46.1370, except as approved for modification pursuant to the promenade-adjacent yard reduction variance request filed with this application; and

    e. Consistent with Section 22.46.1370, the proposed development will not reduce the amount of land area devoted to existing public parks, boating or coastal-dependent marine commercial uses. The planned development will develop a new visitor-serving facility, where none now exist. The site will be improved with a hotel and timeshare resort, including a restaurant, cocktail lounge and improved pedestrian promenade. The project will also provide 50 percent of the funding required to develop a public wetland park on the southerly 1.46-acres of the subject parcel.

36. The proposed hotel and timeshare resort project to be consistent with the "Hotel" LCP land use designation of the subject Parcel 9U. The Commission has considered, and concurs with, the extensive analysis contained in the DEIR which explains that the timeshare element of the proposed hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified LCP. County Counsel has also opined that hotels with a timeshare component are a permitted use under the Marina del Rey LCP.

37. The proposed 136 timeshare units will be controlled by the conditions of approval in the project Coastal Development Permit designed to ensure that there is no discernible difference (in intensity of use or impacts to the physical environment) between units that are used as timeshares and those that are used as traditional hotel rooms in the project. Notwithstanding the fact that the LCP does not specifically call-out timeshares as a permitted use in the Hotel land use designation, as conditioned by the County for this particular hotel/timeshare resort project, the proposed timeshare use is a permissible use under the LCP's Hotel land use designation. Recreation and Visitor-Serving Facilities Policy #1 of the LUP lists "overnight lodging" as a qualifying visitor-serving use in accord with related Coastal Act provisions. As conditioned in the project Coastal Development Permit, the proposed timeshare component will be operated similarly to a conventional hotel and that the proposed timeshare use is a type of "overnight lodging" that is consistent with the overnight lodging policies of the LUP's Recreational & Visitor-Serving Facilities chapter.

38. During the hearing, some members of the public who testified in opposition to the project have asserted that timeshares imply exclusive ownership and do not represent a temporary use of facilities; however, the proposed timeshare use, as conditioned in the project Coastal Development Permit, will be a temporary use of facilities and virtually indistinguishable from the conventional hotel use in the project.

39. The Land Use Plan chapter of the LUP (Policies and Actions, Part 2 – Mapped Policy for the LUP) lists "hotel" as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. As conditioned in the project Coastal Development Permit, the project timeshares' owners' use of any individual timeshare suite would be acceptably limited in duration, and that the timeshare suites would represent overnight accommodations in a structure that provides dining and ancillary services, consistent with this LUP Section.

40. Land Use Plan Policy #7 of the LUP (Entitlements Process) incorporates, by reference, language from the Countywide General Plan and Title 22 of the County Code. Moreover, the Marina del Rey Specific Plan (Section 22.46.1030.A) states: "For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control." The Specific Plan does not specifically define overnight lodgings or hotel, but Title 22 defines a hotel as "any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied on a temporary basis by guests." The proposed timeshare use, as conditioned, to be consistent with this definition and therefore an allowable use on Parcel 9U.

41. The proposed development to conforms with the required 10 foot front and side yard setbacks specified in Section 22.46.1370, except as such has been modified pursuant

to the promenade-adjacent yard reduction Variance request the Commission has approved for this case.

42. The project is consistent with the 225-foot building height limitation of the subject Parcel 9U. Marina del Rey Specific Plan Section 22.46.1810 identifies the subject parcel as Height Category 5, with a building height not to exceed 225 feet if a view corridor is provided comprising at least 40 percent of the parcel's water frontage. The site plan depicts a view corridor over the southerly portion of the parcel comprising 40 percent of the Parcel 9U water frontage, in conformance with LCP view corridor requirements (pursuant to the LCP, parcels located between the water and the first public road must provide a view corridor allowing uninterrupted views of the harbor from the road to the waterside, at ground level). Moreover, consistent with Height Category 5 building height limitations, the project building elevations presented to the Commission indicate a maximum building height of 225 feet excluding the screened rooftop mechanical equipment, emergency helistop and elevator machine room.

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

44. Consistent with LCP requirements, the project has been designed so that planes of the exterior building walls will vary in depth and/or direction to avoid bulk and monotony, and will relate closely to the pedestrian promenade. The proposed hotel/timeshare tower has been oriented on the parcel and designed to avoid long, continuous blocking of water views. Over 40 percent of the parcel will be left open to allow unobstructed views from Via Marina to the water. Balconies, terraces and patios are encouraged in the LCP, and have been included within the subject hotel/timeshare resort. Outdoor dining facilities that do not interfere with public access ways are also encouraged in the LCP, to take advantage of water views and scenic vistas throughout Marina del Rey. The subject project provides a large outdoor dining terrace directly overlooking Marina waters with direct pedestrian access to the waterfront promenade and the public wetland park on the southerly portion of Parcel 9U. As noted, the DCB has reviewed and conceptually approved the proposed site design and architecture, consistent with LCP requirements.

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

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

47. The project landscaping along site perimeters will maintain a minimum width of eight feet and will allow visual access into the lot, as required by the LCP. Consistent with LCP landscaping requirements, the project has been designed so that any landscaped borders used to shield obtrusive uses have a minimum width of eight feet and consist of vegetation of sufficient density to hide the use.

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

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

50. Consistent with Shoreline Access Policy #2 of the LUP, the project greatly enhances public access to the waterfront by constructing a 28-foot-wide public pedestrian promenade along the entire water frontage of Parcel 9U; by developing a high-quality visitor-serving project which will attract the public to the shoreline; and by financing 50% of the cost of developing a public wetland park on the southerly portion of Parcel 9U. Public access from Via Marina to the waterfront will be provided along the perimeter of the adjacent public wetland park to be developed over the southerly portion of parcel. Moreover, the public will be able to access both the public waterfront promenade and adjacent wetland park at multiple access points to be provided within the hotel/timeshare resort facility. As noted, the subject parcel is presently fenced off from any public access or use except for a small sidewalk that fronts the parcel bulkhead.

51. Consistent with Shoreline Access Policy #3 of the LUP, the project design will vastly improve access to and along the shoreline through the provision of a 28-foot-wide waterfront pedestrian promenade and connection points thereto through the resort facility and the adjacent wetland park to be developed over the southerly portion of the parcel. As noted, except for a small sidewalk located between the seawall and perimeter site fencing, the parcel is currently inaccessible to the public due to fencing around the site perimeter. Development adjacent to the bulkhead (i.e., public promenade) will provide pedestrian access ways, benches and rest areas along the bulkhead. Conspicuous signage will be posted indicating the project's lateral access ways, the waterfront promenade and the wetland park as public.

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

53. Consistent with Shoreline Access Policy #10 of the LUP, the project will accommodate a shuttle stop and/or transit stop (at main motor court entrance drive), in the event a shuttle bus begins operations in the Marina in the future.

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

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

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

57. In conformance with Shoreline Access Policy #14 of the LUP, the applicant's development of a new 28-foot-wide public pedestrian promenade and shaded seating areas thereon, provision of a Marina basin-adjacent public wetland park on the southerly portion of the parcel, as well as an expansive waterfront outdoor dining area in the resort that will be conspicuously accessible to the pubic directly from the waterfront

pedestrian promenade, will afford the public substantial, high-quality viewing opportunities of the small craft harbor water areas.

58. Consistent with Recreation & Visitor-Serving Facilities Policy #2 of the LUP, the project provides high-Coastal Act-priority visitor-serving uses (overnight lodging, waterfront restaurant, cocktail lounge, pool, spa and meeting facilities) into the westerly side of Marina del Rey, which is presently dominated by lower-Coastal Act-priority multi-family residential use. The Applicant will assist the County with funds to develop a public wetland park on the southerly portion of the site, greatly enhancing the site's public recreational and resource opportunities. Further, the project provides substantially enhanced on-site recreational opportunities through its development of a new 28-foot-wide public pedestrian promenade along the entire waterfront of the parcel.

59. In conformance with Recreation & Visitor-Serving Facilities Policy #2 of the LUP (calling for the protection and advancement of additional low-cost visitor-serving facilities/uses in the Marina), the project will provide high-quality, lower-cost, visitor-serving uses, on what is currently a vacant parcel fenced-off from public use. The applicant will assist the County in developing a public wetland park on the southern portion of the parcel, which will include an educational signage program describing the wetland resources and a public pedestrian promenade along the entire bulkhead of the parcel. The project also provides the public free use of the 28-foot-wide waterfront pedestrian promenade. The public will also be invited to use the hotel/timeshare resort's restaurant and bar facilities, which will be directly accessible from the waterfront pedestrian promenade as well as the adjoining public wetland park.

60. In conformance with Recreation & Visitor-Serving Facilities Policy #6 of the LUP, and as outlined in the below findings regarding the applicant's requested Parking Permit, the project satisfies parking needs for all proposed uses.

61. Consistent with Recreation & Visitor-Serving Facilities Policy #7 of the LUP, the project parking facilities have been adequately integrated into the overall design of the project. As noted, the project, including the project parking design/layout, has been reviewed and conceptually approved by the DCB.

62. In conformance with Recreational Boating Policy #3 of the LUP, the applicant has been conditioned to ensure project construction is undertaken in a manner that ensures as minimal an impact as possible to existing boater facilities in the vicinity of the site.

63. Consistent with Marine Resources Policy #2 of the LUP (Reduction of contaminated run-off into Marina waters), the applicant has completed a drainage concept, which has been approved by the County Department of Public Works. To avoid adverse impacts on the local Marina and greater ocean waters, the applicant has been conditioned to comply with National Pollution Discharge Elimination System requirements of the

California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.

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

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

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

67. Land Use Plan Policy #1 of the LUP states: "The primary purpose of the Land Use Plan shall be to maintain Marina del 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 visitor-serving hotel/timeshare resort use directly advances this key Policy's stated "secondary purpose" of promoting the development of new visitor-serving facilities in the Marina. Consistent with this LUP Policy, the Commission also finds the applicant has been conditioned to ensure project construction will be coordinated in a manner to ensure that the development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities in the vicinity of the site, nor the ancillary uses which support these facilities.

68. The project implements Land Use Plan Policy #2 of the LUP (Maintenance of the physical and economic viability of the marina is a priority) through redeveloping Parcel 9U—which is currently vacant and all but fenced off from public use of any kind—with a high-quality, waterfront, visitor-serving hotel/timeshare resort containing the full complement of visitor/public-serving uses (hotel and timeshare suites, waterfront restaurant and bar accessible to the public, hotel spa accessible to the public, fully amenitized public waterfront pedestrian promenade, adjacent public wetland park, and direct access to the public anchorage abutting the parcel bulkhead). The project development will help to ensure maintenance of the physical and economic viability of the marina.

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

70. In conformance with Land Use Plan Policy #8 of the LUP ("Land Use Consistency), with approval of the applicant-requested promenade setback Variance for the project, the proposed project will satisfy all applicable policies and development standards of the certified LCP, including, but not limited to, permissible land use, building height, on-site parking, view corridors, lot coverage, provision of public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade, public boat anchorage, and public wetland park), and compliance with LCP requirements for adequate traffic capacity.

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

72. Consistent with Coastal Visual Resources Policy #2 of the LUP, the project's signage will be in keeping with the character of the neighborhood, will be consistent with the C-3 Zone (commercial) signage criteria applicable to the Hotel-designated parcel, and will be subject to final review and approval by the Design Control Board prior to installation, as called for in the LCP.

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

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

75. The project complies with the building Height Design Concept outlined in Coastal Visual Resources Policy #s 7 and 8 of the LUP. The proposed 225-foot building height (exclusive of screened rooftop mechanical equipment, emergency helistop and elevator machine room, which are by policy excluded from the County's calculation of building

height) is consistent with the applicable Height Category 5 for the subject parcel because the applicant is providing a view corridor over the southerly portion of the site comprising 40 percent of the parcel's water frontage.

76. Hotels within the LCP area located on the Marina's "non-mole" roads (such as Via Marina) are permitted a height limit of 225 feet (see LUP page 8-11). Building height design flexibility is provided in the LCP for seaward parcels along Via Marina, including Parcel 9U, allowing a maximum height of 225 feet when a 40 percent view corridor is provided (see LUP Policy 8b). Consistent with the certified LCP's "Modified Bowl" concept, the hotel/timeshare project provides a 40 percent view corridor over Parcel 9U as a trade-off for developing a taller building with a significantly smaller building footprint. The proposed hotel design offers a significantly wider water view corridor than the previous hotel (300-room Marina Plaza Hotel) that was approved for development on the site by the County and Coastal Commission in the 1980's. That prior-approved hotel spanned the entire parcel, offering only a scant view to the water, and also included a 9-story hotel tower.

77. The approved project is consistent with Coastal Visual Resources Policy #9 of the LUP (Evaluation of wind impacts). The well-qualified, licensed engineering firm of Rowan Williams Davies & Irwin Inc. (RWDI) performed a detailed wind study for the project (October 2005) using wind tunnel tests to simulate and measure before and post-development wind conditions in Basin B. The study concludes that there would be no significant effect on the general air circulation patterns in Basins A, B and C in the Marina as a result of development of the proposed project. The study reports there will be areas of altered wind speed and direction in Basin B adjacent to the proposed development, particularly when the winds are from the southwest, and also acknowledges there will be localized areas where changes in wind direction and speed occur at the west end of Basins B and C, in areas generally close to the proposed and future developments; however, due to the localized nature of these changes and the fact that the majority of sailors will be under power as they either dock at or leave berthing slips at the basins' terminuses, the report concludes the general air circulation pattern and the use of surface winds by birds within Basins A, B and C of Marina del Rey will not be significantly affected by the proposed development. RWDI's wind study for the project also concludes that the proposed development would not have any appreciable effect on winds utilized by birds during flight.

78. The Commission has reviewed RWDI's wind report for the project and deems it to constitute credible evidence substantiating that development of the subject project on Parcel 9U will not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel, nor adversely impact winds utilized by birds in flight.

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

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

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

82. The traffic report prepared for the project, which has been reviewed and approved by the County Department of Public Works' Traffic & Lighting Division and has been included as an appendix to the EIR, prescribes specific mitigation measures for the project's significant traffic impacts and cumulatively significant traffic impacts. The report finds that the development of the hotel/timeshare project alone would not result in any significant traffic impacts; however, development of the hotel/timeshare project in conjunction with the other project components would result in significant project-specific traffic impacts. The report identifies mitigation measures to reduce these impacts to less than significant. In conformance with Traffic Circulation Policy #1 of the LUP (Internal Transportation Improvements), the report concludes that, with implementation of the report's prescribed mitigation measures, the planned development will not exceed the capacity of the internal Marina del Rey street system. The report further finds that the prescribed traffic improvements will be appropriately funded through the applicant's payment of the LCP-prescribed "PM Peak Hour" traffic mitigation fee (a total traffic mitigation fee of $580,380, will be paid by the applicant for the project); in turn, the County will utilize $163,200 of the collected traffic mitigation fees to fund construction of "Category 1" ("System-wide") transportation improvements intended to mitigate traffic impacts internal to the Marina's local street network. The County Department of Public Works prefers to implement the Marina del Rey Transportation Improvement Program (TIP) roadway improvements at each intersection, which are funded by the trip

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

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

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

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

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

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

83. Consistent with Traffic Circulation Policy #3 of the LUP (Sub-regional Transportation Improvements), as outlined in the project traffic study, the applicant has been conditioned to make its fair share contribution, through payment of the prescribed traffic mitigation fee, to help fund construction of "Category 3" ("Sub-regional") transportation improvements, which are prescribed in the LCP. Category 3 fees in the amount of $417,180 will be paid to the County by the applicant, which fees will be utilized by the County, in consultation with appropriate agencies, to help fund construction of sub-regional transportation improvements intended to insure that this project and other Phase 2 developments do not exceed the capacity of the sub-regional street system. The County Department of Public Works prefers to implement the Marina del Rey Transportation Improvement Program (TIP) roadway improvements at each intersection, which are funded by the trip mitigation fees, as a single major project in order to minimize traffic disruptions and construction time. Therefore, the certified Environmental Impact Report recommends the applicant's payment of the above-described fee over the partial construction by the applicant of portions of the Traffic Improvement Program roadway improvements. However, should the County Director of Public Works decide that it is necessary to expedite roadway improvement construction at one or more intersection in order to assure that the mitigation occurs in phases coinciding with new development in Marina del Rey, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this project to less than significant levels:

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

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

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

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

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

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

88. Consistent with Public Works Policy #s 8 and 9 of the LUP (Fire access requirements and pedestrian promenades), the project's waterfront fire access lane (i.e., the 20-most inward feet from the building line on the pedestrian waterfront promenade) has been designed to maintain unimpeded access, clear to sky, with no benches, planters or fixed

objects. The seaward-most 8 feet (adjacent to the bulkhead) of the 28-foot-wide waterfront pedestrian promenade has been enhanced with landscaping, shade benches, light standards, drinking fountains and other pedestrian amenities, consistent with LCP requirements.

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

90. The applicant has requested a Variance authorizing a zero-foot building setback from the 28-foot-wide public waterfront pedestrian promenade, whereas Section 22.46.1370 (Hotel) of the Marina del Rey Specific Plan requires provision of a 10-foot building setback from the promenade.

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

92. As directed by the Commission at the October 14, 2009 continued public hearing, the applicant updated its promenade amenity plans for the project to include additional pedestrian-oriented details such as promenade seating with shade structures, bicycle racks, trash receptacles, drinking fountains, an enhanced paving pattern along the waterfront pedestrian promenade, and a water taxi gateway landing feature at the gangway entrance to the public anchorage that will front the landside parcel. The applicant also prepared two additional project renderings and a section better depicting the relationship of the resort's waterfront outdoor dining area to the adjacent public waterfront promenade, including a depiction of the grand stairway that will lead directly into the resort's outdoor dining area from the adjoining public waterfront pedestrian promenade.

93. The DCB reviewed the applicant's enhanced promenade amenity plans at its December 17, 2009 public meeting. Staff has transmitted the DCB's written review comments regarding the applicant's updated promenade amenity plans for Parcel 9U, which the Commission has reviewed and which are included in the administrative file for this case. The DCB's review comments indicate the DCB's approval of the applicant's updated promenade amenity plans, subject to the applicant's incorporation of the DCB's suggested modifications intended to further enhance this public space. As required by the LCP, the applicant has been conditioned to return to the DCB prior to issuance of a building permit for a final review of project signage, landscaping, public amenities (concerning final design details of the promenade seating and associated shade

structures, bike racks, promenade light standards, decorative paving and water taxi gateway landing feature), and building colors and materials.

94. There are special circumstances applicable to the subject property, including the LCP requirement for provision of public waterfront recreational space (i.e., 28-foot-wide waterfront pedestrian promenade), the relatively narrow depth of the parcel, the LCP requirement for provision of an expansive view corridor comprising 40 percent of the parcel's water frontage, and the physical limits of the land area available to the parcel due to it being abutted by water on one side, which justify the requested yard setback reduction variance at the public waterfront pedestrian promenade. Moreover, existing development on adjoining parcels eliminates the development alternative of acquiring additional property or adjusting lot lines to create additional developable area to accommodate the 10-foot yard setback adjacent to the promenade.

95. The Commission's review of the site plan shows a series of design features required by the Marina del Rey Specific Plan that limit the area available to the footprint of the proposed hotel/timeshare resort structure, and the resulting necessity to vary from setback standards at the location of the waterfront promenade. These required design regulations include the 28-foot-wide waterfront public pedestrian promenade, building height limitations, maintenance of public view corridors to the water from adjacent public streets and other specific requirements, which combine to restrict the portion of land area available for the footprint of the proposed building. The site is further constrained by applicant's proposal (in conjunction with a neighboring developer) to develop a public wetland park over the southerly approximately 1.46 acres of the 3.66-acre Parcel 9U. The DCB's December 17, 2009 review of the applicant's enhanced promenade amenity plans, combined with the final design review the applicant's promenade design and amenity plans will receive from the DCB after the applicant's obtainment of the Project Permits but prior to issuance of a project building permit, will ensure proper design and land use interface between the waterfront pedestrian promenade and approved structure, so that approval of the requested building setback variance will not prove materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

96. Pursuant to Section 22.46.1360 of the County Code, the applicant has requested Conditional Use Permits to authorize construction of a new parking structure to service the hotel/timeshare resort; the installation of signs; the installation and maintenance of a Fire Department-required emergency rooftop helistop; and the sale and service of a full line of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort.

97. Regarding the applicant's Conditional Use Permit request for construction of a parking structure to service the proposed development, the project parking facilities have been adequately integrated into the overall design of the project, consistent with Recreational & Visitor-Serving Facilities Policy #7 of the LUP. The project architect has designed the

structured parking facilities in a manner that ensures internal vehicular circulation and parking is appropriately controlled on-site, so as not to cause vehicular queuing onto Via Marina during high-use periods. Moreover, as part of its Parking Permit application, the applicant has submitted a shared-parking analysis, prepared by a licensed traffic and parking engineering firm, which concludes that sufficient on-site parking has been programmed for the project during peak use periods, to ensure that parking is contained on-site and does not spill over onto adjacent streets or neighborhoods. These measures will help to ensure that the project's structured parking facilities will not be materially detrimental to the enjoyment, use or valuation of property of other persons residing or working in the vicinity of the project site.

98. Regarding the applicant's Conditional Use Permit request for installation of project signage, project's signage will be in keeping with the character of the neighborhood and will be consistent with the C-3 Zone (commercial) signage criteria applicable to the Hotel-designated parcel. The DCB will again review the project, at the end of the land use entitlements process, to review the project's final design details, landscaping and signage. This review will include an analysis by the DCB to ensure that project signage is in conformance with the DCB's *Revised Permanent Sign Controls and Regulations*; the DCB will impose such conditions as may be needed to insure project signage is in compliance with these controlling signage regulations.

99. Regarding the applicant's Conditional Use Permit request for the installation, maintenance and use of an emergency helistop on the roof of the hotel tower, this use is a standard Code requirement imposed by the County Fire Department for high-rise structures. Conditions of approval of the Condition Use Permit limit use of the helistop to emergency/life safety situations only. Non-emergency use of the helistop will not be permitted, so concerns regarding noise intrusion into the surrounding neighborhood resulting from non-emergency use of the helistop are unfounded. The proposed helistop will not unduly adversely impact the health, peace, comfort or welfare of persons residing in the project vicinity, but may prove essential to protecting the health and welfare of persons utilizing the hotel/timeshare resort (in the event the helistop is utilized for emergency purposes).

100. Regarding the applicant's Conditional Use Permit request for the service of a full line of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort (i.e., in the resort restaurant, bar, meeting rooms, guest suites, and pool area), the patrons' on-site consumption of alcoholic beverages is an ordinary incidental use of high-quality hotel resort restaurants, lounges, pool areas, meeting rooms, and guest suites and significantly contributes to such businesses' success, thereby promoting the general welfare. Indeed, patrons expect to be able to purchase alcoholic beverages at the type of full-service resort being proposed. The conditions of approval imposed by the County per the CUP for alcohol service and those imposed by the State as part of the business' ABC license will work in concert to ensure that potential adverse impacts to the public welfare, health, comfort and/or safety are appropriately mitigated.

101. Because the service of alcoholic beverages for on-site consumption will be heavily regulated through the conditions of the County and State permits regulating same, the use at the location proposed will not adversely affect the economic welfare of the community or otherwise be materially detrimental to the use, enjoyment or valuation of property of persons either working or residing in the vicinity of the project site. Such activities will serve to make the resort competitive with other such establishments in the Marina del Rey vicinity (such as those offered nearby at the Marina del Rey Marriott Hotel, located at the corner of Via Marina and Admiralty Way) and will allow the resort to fulfill the expectations of its patrons.

102. The Commission further finds that the numerous County and State conditions of approval regulating the sale of alcoholic beverages at the resort will work to ensure that the service of alcoholic beverages on the premises will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or welfare. The public convenience and welfare will be positively served by providing a new high-quality restaurant and lounge on the western side of Marina del Rey, which is currently lacking such establishments. In addition, the proposed hotel/timeshare resort, with the requested service of a full line of alcoholic beverages for on-site consumption, will positively serve public welfare by generating additional jobs and sales tax revenues.

103. The sale of a full line of alcoholic beverages for on-site consumption at the hotel/timeshare resort's restaurant, lounge, meeting rooms, pool area and guest suites will in no way adversely impact sensitive uses such as churches or schools because no such uses exist within a 600-foot radius of the subject property. Moreover, although a public wetland park will be developed on the southerly portion of the subject property as part of this project, appropriate staff training, management controls and regulatory conditions will regulate the sale of alcoholic beverages at the resort establishments to ensure that the sale of alcoholic beverages on the premises will not adversely affect the public's use of the adjacent wetland park.

104. While there are existing apartments and condominiums located in the local project vicinity, the sale of alcoholic beverages for on-site consumption at the resort will be managed and regulated and will be sufficiently buffered from the nearby residential uses so as not to adversely affect the nearby residents.

105. The requested sale of a full line of alcoholic beverages for consumption on the premises will not result in an undue concentration of similar premises because no such other establishments sell alcoholic beverages for on-site or off-site consumption within a 500-foot radius of the subject property.

106. The proposed alcoholic beverage sales and service will be incidental to a resort restaurant, lounge, meeting rooms, pool area and guest suites. The approval of this use at the subject location will not adversely affect the economic welfare of the community.

107. As noted, the proposed site plan and development scheme has been reviewed and conceptually approved by the Marina del Rey Design Control Board, as required by the Marina del Rey Local Coastal Program. Moreover, the Applicant will again submit the project plans to the DCB for a "final" design review at the end of the regulatory process. This review will ensure that the proposed architecture, materials and exterior appearance of the proposed hotel/timeshare resort structure is complementary to and enhances the neighborhood aesthetic. There are no other commercial establishments in the local vicinity of the subject property. The exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

108. The applicant has requested a Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

109. Regarding the applicant's request for a Parking Permit to authorize reduced on-site parking via a shared-parking arrangement, Crain and Associates of Southern California, the applicant's licensed traffic and parking engineering consultant, prepared a detailed shared-parking study for the subject project, which study is included as an appendix to the project EIR. The shared-parking study notes that approximately 551 on-site parking spaces would be required for the proposed project if all proposed uses (i.e., primary hotel/timeshare use containing 288 guest rooms and accessory restaurant, lounge, sundry shop, spa, ballroom and meeting rooms) were parked to County Code requirements as "stand-alone" uses. During peak use periods, the applicant proposes to provide a maximum of 360 parking spaces on-site, 21 of which would be fee-based "self-park" spaces and the balance of which would be managed/parked by the resort's professional valet service. Therefore, if all of the uses proposed for the project (i.e., primary hotel/timeshare use and assortment of uses accessory thereto) were parked pursuant to the County Code as stand-alone uses, the project parking would be deficient by 191 parking spaces (i.e., 551 required - 360 provided = deficiency of 191 spaces).

110. The County Code acknowledges that stand-alone parking often does not reflect the true parking demand of a mixed-use development of the type being proposed, and therefore allows for alternative arrangements to be made of project uses on a shared-parking basis, subject to approval of a Parking Permit.

111. As detailed in the shared-parking study prepared for the project, the applicant's parking consultant determined that the maximum seasonal parking needs for the proposed project site will be approximately 339 parking spaces between 9:00 p.m. and 10:00 p.m. on a typical summer weekend evening, with the summer weekday parking peak being slightly lower, at 338 spaces.

112. Because the applicant is providing 360 parking spaces during peak use periods, whereas Crain & Associates' shared-parking analysis for the project shows only approximately 339 parking spaces will be needed at peak use periods, the study concludes that the project will be parked with a sufficient number of on-site parking spaces to service the project's uses at peak demand.

113. Based on the conclusions of the Crain and Associates' shared-parking study for the project, which the Commission has reviewed and deems as credible substantial evidence supporting the requested parking reduction, the applicant has provided sufficient justification that a parking reduction to a total of 360 on-site parking spaces is warranted in this instance and that there is no need for the number of parking spaces otherwise prescribed in the County Zoning Code. Based on this analysis, the Commission accepts the parking consultant's conclusion that no parking spillover onto area streets or into the nearby neighborhoods is anticipated, and no parking-related impacts are expected as a result of the proposed hotel/timeshare resort development on parcel 9U.

114. The applicant proposes to employ a professional valet company to manage the project's tandem parking spaces. The professionally managed tandem parking is pervasive across the Los Angeles region for commercial uses, and is an especially important component of conventional hotel/timeshare resort developments. As configured, and with the proposed valet service, the tandem parking area will constitute an alternate parking arrangement that, while not compromising vehicular ingress, egress and movement throughout the site, will enable the applicant to maximize on-site parking for the project. The professional valet service will also help to ensure the most efficient and safe flow of vehicles to and from the site, thereby reducing the potential for vehicular queuing onto Via Marina.

115. The Commission instructed the applicant to coordinate with the applicant for the proposed project on Parcel 10 to ensure consistency of the promenade amenities and to avoid a sharp demarcation of the promenade paving from one property to the next. In addition, if the County establishes a comprehensive design concept for promenades in Marina del Rey, the project shall implement said concept during final design review by the Design Control Board.

116. No conflicts will arise between the various uses justifying the shared parking facilities because all the uses are a part of the hotel/timeshare resort use and will be managed by the applicant. As noted, the shared parking study prepared by Crain and Associates of Southern California for the project determined that the maximum seasonal parking needs for the proposed project site will be approximately 339 parking spaces between 9:00 p.m. and 10:00 p.m. on a typical summer weekend evening, with the summer weekday parking peak being slightly lower, at 338 spaces. The project will provide 360 parking spaces; therefore, the applicant will be able to provide its patrons sufficient parking spaces during peak demand periods.

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

Regarding the Coastal Development Permit:

A. That the proposed project is in conformity with the certified Local Coastal Program; and

B. That the proposed project, being located between the nearest public road and the sea, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

Regarding the Conditional Use Permit:

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

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

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

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

Regarding the Variance:

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

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

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

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

Regarding the Parking Permit:

A. That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 of the Los Angeles County Code because of the use characteristics of the proposed uses, as outlined in the shared-parking analysis prepared for the project;

B. That there will be no conflicts arising from special parking arrangements allowing shared parking facilities and tandem spaces because uses sharing the proposed parking facilities operate at different times of the day and the proposed parking facility will employ professional parking valets;

C. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property; and

D. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in Title 22.

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

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

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

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Coastal Development Permit as set forth in Section 22.56.2410, Title 22, of the Los Angeles County Code (Zoning Ordinance), for a

Conditional Use Permit as set forth in Section 22.56.090 of the Zoning Ordinance, for a Variance as set forth in Section 22.56.290 of the Zoning Ordinance, and for a Parking Permit as set forth in Section 22.56.1020 of the Zoning Ordinance.

REGIONAL PLANNING COMMISSION ACTION:

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

2. In view of the findings of fact and conclusions presented above, Coastal Development Permit No. RCDP200600007, Conditional Use Permit No. RCUP200600288, Variance No. RVAR200600012 and Parking Permit No. RPKP200600020 are approved subject to the attached conditions.

VOTE

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

Dissenting:

Abstaining:

Absent:

Action Date: March 10, 2010

DEPARTMENT OF REGIONAL PLANNING
VESTING TENTATIVE TRACT MAP NO. 067861 **MAP DATE: 6-4-08**

DRAFT CONDITIONS:

1. Conform to the requirements of the Los Angeles County Code (Subdivision and Zoning Ordinances) and the requirements of the Marina del Rey Specific Plan. In addition, the Subdivider or successor in interest shall with the requirements of Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288, Variance No. 200600012, Parking Permit No. 200600020, and the adopted Mitigation Monitoring Program.

2. The subdivider shall submit evidence that the approved conditions for Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288, Variance No. 200600012, Parking Permit No. 200600020.

3. Show Via Marina as a dedicated street and Tahiti Way as a private and future street on the final map.

4. The subdivider or successor in interest Construct or bond with the Department of Public Works for driveway paving, a minimum of 28 feet to the satisfaction of the Department of Regional Planning and the Fire Department.

5. Show the driveway on the final map as a "Private Driveway and Fire Lane" or on a plat to be recorded concurrently with the final map and label as a "Private Driveway and Fire Lane."

6. Post the driveway with signs stating "No Parking" and provide for continued posting and enforcement of the restriction in a maintenance agreement or Covenants, Conditions and Restrictions. Submit a copy of the Covenants, Conditions, and Restrictions (CC&Rs) or maintenance agreement to be recorded to the Department of Regional Planning for review prior to final map approval. The subdivider or successor shall include provision in the CC&Rs or maintenance agreement stating that said document shall not be modified in any way without prior authorization from the Department of Regional Planning.

7. Submit a letter to the Department of Regional Planning agreeing to provide an adequate lighting system along all walkways to be constructed within the common areas to the satisfaction of the Department of Regional Planning.

8. Provide in the Covenants, Conditions and Restrictions a method for the continuous maintenance of the common areas, including the driveway and the lighting system along all walkways to the satisfaction of the Department of Regional Planning with a copy of the document to be recorded prior to filling of the final map.

9. This tract map is approved as a condominium project for a total of 136 timeshare units in one building. Place a note or notes on the final map to this effect to the satisfaction of the Department of Public Works and the Department of Regional Planning.

10. A final tract map is required for this land division. A waiver is not allowed.

11. The subdivider shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County.

12. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall pay the following supplemental deposits, from which actual costs shall be billed and deducted:

    1. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

    2. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

    The cost of the collection and duplication of records and other related documents will be paid by the permittee according to the Los Angeles County Code Section 2.170.010.

13. Except as expressly modified herein by the Regional Planning Commission, this approval is subject to all those conditions set forth in the attached reports recommended by the Los Angeles County Subdivision Committee that consists of the Department of Pubic Works, the Fire Department, the Department of Parks and Recreation and the Department of Health Services.

This grant authorizes a **Coastal Development Permit** for site preparation and construction on the northerly portion of Marina del Rey Parcel 9U of a 19-story (225-feet-tall, exclusive of screened rooftop mechanical equipment, helipad and elevator machine room), 288-room hotel and timeshare resort structure (a minimum of 152 conventional hotel suites and 136 timeshare suites) with the following accessory uses in conjunction with the primary hotel/timeshare use: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; resort spa and fitness room; banquet and meeting rooms; pool; pre-function areas; resort administrative offices and "back of house" areas (e.g., laundry and storage, etc.) ; and a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, containing shaded benches, light standards, trash receptacles, and drinking fountains within the seaward-most eight feet; and proposed construction of a water taxi gateway landing feature at the gangway entrance to the public anchorage that will front the landside parcel. The **Coastal Development Permit** grant also authorizes construction of a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, at least 21 of which shall be fee-based "self-park" spaces and the balance of which are authorized to be valet- managed parking spaces. This grant further authorizes **Conditional Use Permits** for the construction of a new parking structure to service the hotel/timeshare resort; the installation of signs; the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort; and for the construction and maintenance of an emergency rooftop helistop. This grant further authorizes a **Parking Permit** for reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces; a **Variance** permitting the elimination of the required 10-foot building setback from the waterfront pedestrian promenade; and a **Vesting Tentative Tract Map** authorizing a condominium subdivision for the proposed timeshare units, as all such improvements are depicted on the approved site plans, building elevations, parking plan, building cross-sections, and other approved plans, marked Exhibit "A" on file, subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 9, 11 and 34.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

5. This grant will expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 067861. Unless this grant is used within the time specified, the grant will expire. In the event that Vesting Tentative Tract Map No. 067861 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map unless it is consider used. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.

6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

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

8. **The grant to authorize the sale of alcoholic beverages for the proposed hotel will terminate on March 10, 2025**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application for alcohol sales shall be filed with the Department of Regional Planning at least six months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.

9. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statue, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **$4,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **30** annual inspections. Inspections shall be unannounced.

   If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently **$200** per inspection).

10. Within five (5) days of the approval date of this grant, the permittee shall cause a Notice of Determination to be posted in the office of the County Registrar/Recorder in compliance with Section 21152 of the Public Resources Code. Permittee shall remit applicable processing fees, payable to the County of Los Angeles, in connection with such filing. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is **$2,867.25** ($2,792.25 plus $75.00 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. If this grant is modified, the permittee shall reimburse the County all costs associated with the proceeding.

12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be

provided to the satisfaction of and within the time periods established by said Department.

13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

14. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

15. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.

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

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

18. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the property or provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

19. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

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

21. Within sixty (60) days of the Design Control Board's ("DCB") final design approval, permittee shall submit to the Director for review and approval three (3) copies of a

revised Exhibit "A", similar to that presented at the public hearing. This Revised Exhibit "A" submittal shall contain a full set of the approved site plan, floor plans, parking plan, roof plan, building elevations, building cross-sections, landscaping plan, and signage plan.

22. Within sixty (60) days of the DCB's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of signage plans depicting the location, size and height of all proposed signage, which signage shall be installed on the subject property in accordance with the requirements of Part 10 of Chapter 22.52 of the County Code. Review and approval of the DCB shall also be required and the Director shall not approve signage plans until the plans have been first approved by the DCB.

23. The permittee shall post signs conspicuously at the subject property's frontage on Via Marina notifying members of the public about the availability of the Project's twenty-one (21) public-access parking spaces, which the permittee shall continually maintain for the public's use within the Project parking structure. The permittee shall clearly paint "Public Parking Space" on each of the 21 public parking stalls and shall ensure that the valet parking management and valet staff are aware that said spaces are to be reserved for exclusive use by the visiting public. These 21 public parking spaces shall be sited within the parking garage in a location that is convenient to the visiting public (i.e., proximate to the parking garage entrance). The permittee shall include the public parking signs required by this condition in the signage plan package that is required to be submitted for approval by the DCB pursuant to condition no. 21 of this grant.

24. Within (60) days of the DCB's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of landscaping plans, which may be incorporated into the Exhibit "A," depicting the size, type and location of all proposed landscaping on the site as well as all proposed irrigation. Said plans shall also include details for the waterfront public pedestrian promenade, including surfacing materials, lighting, benches and other facilities proposed for the public promenade, and a planting plan that prohibits the use of exotic invasive plants [or that requires the use of plants compatible with the restored wetland and upland park]. The Director shall not approve landscaping plans until the plans have been first approved by the DCB.

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

    a. All graded material shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during

periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

b. Construction activity shall be restricted between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday. Written permission from the Department of Beaches and Harbors is required prior to any construction on Saturdays. No construction shall occur on Sundays and legal holidays. Grading, hauling and pile driving shall not commence before 8:00 a.m., Monday through Friday and shall not occur on Saturdays, Sundays or legal holidays.

c. During demolition and construction, the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise.

d. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. Parking of construction worker vehicles shall be on-site or at an adjacent off-site location approved by the Director and agreed to by the lessee of said property and restricted to areas buffered from residences located in the vicinity of the subject property, as approved by the Director. If the permittee chooses to provide parking for construction workers off-site, the permittee shall submit to the Director for review and approval plans for temporary construction worker parking and shall demonstrate that the use of the off-site parking spaces shall not interfere with parking spaces required for operation of any use or uses on the property to be used for temporary parking. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and the Department of Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.

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

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

g. Prior to any project construction activities, the permittee shall submit a site plan to the Director of Planning for approval, that depicts the following:

- The location of the staging area;
- Location and content of the required notice;
- The expected duration of construction activities.

The permittee shall post a notice in a conspicuous location at the staging site. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the Department of Regional Planning upon request.

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

i. Configure construction parking to minimize traffic interference.

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

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

iv. Consolidate truck deliveries when possible.

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

vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at (800) 242-4022 for daily forecasts.

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

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

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

i. The permittee shall develop and implement a dust control plan, as approved by the Director of Planning and the Director of Public Works, which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:

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

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

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

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

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

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

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

viii. Require construction vehicles to observe traffic speed limits of 15 mph or less on all unpaved roads.

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

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

26. The hotel/timeshare resort shall be limited to a maximum of 152 conventional hotel suites and 136 timeshare suites and is subject to the following additional restrictions:

a. Hotel and timeshare units shall be located on the same floors (2 through 19).

b. The hotel owner/operator shall retain control through lease, easements or other legal means of all structural elements, recreational amenities, meeting space, restaurants, "back of house" and other non-guest unit facilities. The hotel operator shall be the same entity for the management of both the traditional hotel guestrooms/units and the timeshare units.

c. The hotel and timeshare resort shall have an on-site hotel operator to manage rental/booking of all guestroom/units (both traditional hotel and timeshare guestrooms/units). Whenever a timeshare unit is not occupied, that unit shall be available for hotel rental by the general public through the hotel reservation system on the same basis as a traditional hotel room.

d. The hotel operator shall market and advertise all rooms to the general public. Timeshares users may also independently market and advertise their interval but all booking of reservations shall be made by and through the hotel operator.

e. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests/owners.

f. All guestrooms/unit keys shall be electronic and created by the hotel operator upon each new occupancy to control the use of the hotel and timeshare units.

g. Timeshare users shall not discourage rental of their interval or create disincentives meant to discourage rental of their interval.

h. All timeshare units rented as hotel units shall be rented at a rate similar to that charged by the hotel operator for the traditional hotel rooms of a similar class or amenity level.

i. The hotel operator shall maintain records of usage by timeshare users and renters and rates charged for all units, and shall be responsible for reporting Transient Occupancy Taxes ("TOT") based on records of use for all units.

j. Timeshare intervals shall be limited to sale in increments of one week, and stays by interval users shall be limited to no more than a total of four weeks annually. Timeshare users shall be required to participate in a major exchange program, such as RCI or Interval International.

k. No fee simple interest shall be conveyed to a timeshare participant.

l. Each timeshare program document shall include use restrictions, which shall include restrictions on exchange and use intervals, a limitation on interval ownership and use to a maximum of four weeks per year, conformity with the requirements of the lease agreement between the County of Los Angeles and the hotel/developer, and enforcement provisions.

m. The timeshare component shall remain a commercial use, and must comply with the timeshare laws governed by the California Department of Real Estate.

n. No portion of the timeshare units may be converted to any other type of limited-use overnight visitor accommodations or other project that differs from the approved timeshare component to an extent that causes it to be inconsistent with the conditions herein.

o. No portion of the traditional hotel units/rooms may be converted to any other type of ownership (e.g., limited use overnight visitor accommodations) without an amendment to the coastal development permit.

p. The hotel owner/operator shall be required to submit, prior to the issuance of a coastal development permit, for the review and approval of the Director of the Department of Beaches and Harbors of the County of Los Angeles, a Declaration of Restrictions which shall include all the specific restrictions listed in Sections (a) through (o), above.

q. The Declaration of Restrictions described above shall be recorded against the title to that portion of Parcel 9U containing the hotel and timeshare resort development.

r. The hotel owner and the operator, to the extent the hotel owner delegates this responsibility to the operator, or any successor-in-interest shall make all reasonable efforts to maintain the legal ability to ensure compliance with the terms and conditions stated above at all times during the life of the hotel and timeshare resort development, and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions.

s. The hotel owner/operator and any successor-in-interest hotel owner and operator shall obtain, prior to sale of individual timeshare units, a written acknowledgement from the buyer that occupancy by the timeshare owner is limited to a maximum of four weeks annually, and that there are further restrictions on use and occupancy in the Project coastal development permit and the timeshare program documents.

t. The hotel owner/operator and any successor-in-interest hotel owner and operator shall monitor and record hotel occupancy and use by the general public and the owners of timeshare intervals throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual guestroom/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth above. The hotel owner/operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the County upon request and to the auditor required below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the County of commencement of hotel operations.

u. Within 90 days of the end of the first calendar year of hotel operations, and within 90 days of the end of each succeeding calendar year, the hotel owner/operator shall retain an independent auditing company, approved by the Director of the Department of Beaches and Harbors of the County of Los Angeles, to perform an audit to evaluate compliance with these special conditions of the Project coastal

development permit approved regarding occupancy restrictions, notice, recordkeeping, and monitoring of the hotel and timeshare resort. The audit shall evaluate compliance by the hotel owner/operator and owners of timeshare units during the prior one-year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Director of the Department of Beaches and Harbors upon request, within six months after the conclusion of each one-year period of hotel operations. After the initial three calendar years, the one-year audit period may be extended to two years upon written approval of the Director of the Department of Beaches and Harbors. The Director of the Department of Beaches and Harbors may grant such approval if each of the previous audits reveals compliance with all restrictions imposed above.

v. If the hotel owner and the hotel operator at any point become separate entities, the hotel owner and the hotel operator shall be jointly and severally responsible for ensuring compliance with the requirements identified above. If the hotel owner and hotel operator become separate entities, they shall be jointly and severally liable for violations of the terms and conditions (restrictions) identified above.

27. The subject building shall not exceed a height of 225 feet. The approved accessory screened rooftop mechanical equipment and elevator machine room and emergency helipad, as depicted on the approved Roof Plan and Building Elevations (marked Exhibit "A") on file, shall be excluded from this 225-foot building height limitation.

28. Front and side yards shall be maintained at a minimum of ten (10) feet in width.

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

30. The permittee shall maintain a shuttle turn out area on Via Marina to the satisfaction of the Directors of Planning and Public Works.

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

32. A minimum of 360 parking spaces shall be provided on-site, developed in compliance with Chapter 22.52, Part 11 of the County Code and in substantial conformance with the approved parking plan on-file (marked Exhibit "A"). Of these 360 parking spaces, at least 21 shall be reserved at all times as fee-based "self-park" spaces open to the

general public. The balance of these parking spaces are authorized to be valet managed parking spaces for use by resort patrons. The County shall establish the hourly use fee for said 21 public self-park spaces in compliance with County policy and/or ordinance affecting same. On-street parking shall be prohibited, as shall parking in unmarked spaces and in access driveways.

33. The conditions and/or changes in the project, set forth in the Final Environmental Impact Report as necessary in order to assure the project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all of the mitigation measures included in the attached Mitigation Monitoring Program and Project Changes/Conditions due to Environmental Evaluation including submittal of a Mitigation Monitoring deposit in the amount of **$3,000** which shall be required prior to use of the grant and shall be utilized to defray costs associated with staff review and verification of the required mitigation monitoring reports. The mitigation monitoring reports shall be submitted to the Director as follows:

    a. At the time of building permit issuance, including verification of payment of applicable fees;

    b. Annually; and

    c. Additional reports as deemed necessary by the Department of Regional Planning.

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

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

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

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

38. The applicant shall provide signage at the bulkhead entrance and at conspicuous locations along the length of the promenade identifying the access ways as public. Benches shall be provided along the promenade.

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

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

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

42. The applicant shall prepare a Fire Safety Plan in accordance with Section 22.46.1180.A.15 of the County Code and obtain approval by the Fire Department prior to issuance of any building permits.

43. The permittee shall provide fire sprinklers and smoke detectors in the subject building to the satisfaction of the Los Angeles County Fire Department.

44. The permittee shall establish a functional Transportation Demand Management (TDM) program or shall participate in an existing TDM program. Viable TDM components may include, but shall not be limited to:

    -- Carpools;
    -- Ridesharing;
    -- Vanpools;
    -- Increase use of bicycles for transportation;
    -- Bicycle racks;
    -- Preferential parking for TDM participants;
    -- Incentives for TDM participants;
    -- Disincentives.

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

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

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

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

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

49. The rooftop helipad authorized under this grant shall be utilized for emergency purposes only and shall not be utilized by resort guests or others for non-emergency-related helicopter flight operations.

50. The service of a full-line of alcoholic beverages at the hotel/timeshare resort is limited to consumption on the premises only (the sale of alcoholic beverages on the premises for off-site consumption by patrons is strictly prohibited), and shall be further subject to all of the following restrictions:

    a. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the building or windows. Interior displays of alcoholic beverages or signs which may be visible to the exterior shall constitute a violation of this condition;

    b. Telephone numbers of local law enforcement and the California Department of Alcoholic Beverage Control shall be posted to all cashier areas where alcoholic beverages are sold on the premises;

    c. All sellers of alcoholic beverages must be at least 18 years old. The licensee, all managers and present and future employees who may be engaged to sell or serve alcoholic beverages on the premises shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control, which training shall be ongoing. The licensee shall display a certificate or plaque proximate to all areas where alcoholic beverages are sold on the premises indicating permittee's participation in this program;

d. The permittee shall provide adequate lighting in areas where alcoholic beverages are sold and consumed on the premises. Said lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons;

e. There shall be no coin-operated games or video machines maintained upon the premises at any time;

f. Any music, sound or noise emitted that is under the control of the permittee shall not exceed decibel levels that are permissible under the County's Noise Ordinance;

g. The permittee shall maintain on the premises and present upon request to any law enforcement officer, Department of Regional Planning Zoning Enforcement Inspector or CA ABC investigator a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the valet service used by the permittee;

h. No pay phone shall be maintained on the exterior of the premises;

i. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

j. The conditions of this grant shall be maintained at all times on-site and be immediately produced upon request of any County Sheriff, Department of Regional Planning Zoning Enforcement Inspector or CA ABC investigator. The resort management and all employees engaged in the sales and service of alcoholic beverages on the premises shall be knowledgeable of the conditions of this grant which pertain to the sale and service of alcoholic beverages;

51. The permittee shall comply with all conditions of Vesting Tentative Tract Map No. 067861, attached hereto and maintain in the case file.

52. Prior to operation, a valid business license shall be obtained for operation of the hotel and timeshare resort and shall remain in effect throughout the life of the grant.

53. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel No. 9U.

SZD:MRT
2/24/10

This grant authorizes a **Coastal Development Permit** for site preparation and construction on the northerly portion of Marina del Rey Parcel 9U of a 19-story (225-feet-tall, exclusive of screened rooftop mechanical equipment, helipad and elevator machine room), 288-room hotel and timeshare resort structure (a minimum of 152 conventional hotel suites and 136 timeshare suites) with the following accessory uses in conjunction with the primary hotel/timeshare use: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; resort spa and fitness room; banquet and meeting rooms; pool; pre-function areas; resort administrative offices and "back of house" areas (e.g., laundry and storage, etc.) ; and a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, containing shaded benches, light standards, trash receptacles, and drinking fountains within the seaward-most eight feet; and proposed construction of a water taxi gateway landing feature at the gangway entrance to the public anchorage that will front the landside parcel. The **Coastal Development Permit** grant also authorizes construction of a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, at least 21 of which shall be fee-based "self-park" spaces and the balance of which are authorized to be valet- managed parking spaces. This grant further authorizes **Conditional Use Permits** for the construction of a new parking structure to service the hotel/timeshare resort; the installation of signs; the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort; and for the construction and maintenance of an emergency rooftop helistop. This grant further authorizes a **Parking Permit** for reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces; a **Variance** permitting the elimination of the required 10-foot building setback from the waterfront pedestrian promenade; and a **Vesting Tentative Tract Map** authorizing a condominium subdivision for the proposed timeshare units, as all such improvements are depicted on the approved site plans, building elevations, parking plan, building cross-sections, and other approved plans, marked Exhibit "A" on file, subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 9, 11 and 34.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

5. This grant will expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 067861. Unless this grant is used within the time specified, the grant will expire. In the event that Vesting Tentative Tract Map No. 067861 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map unless it is consider used. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.

6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

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

8. **The grant to authorize the sale of alcoholic beverages for the proposed hotel will terminate on March 10, 2025**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application for alcohol sales shall be filed with the Department of Regional Planning at least six months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.

9. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statue, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **$4,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **30** annual inspections. Inspections shall be unannounced.

   If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently **$200** per inspection).

10. Within five (5) days of the approval date of this grant, the permittee shall cause a Notice of Determination to be posted in the office of the County Registrar/Recorder in compliance with Section 21152 of the Public Resources Code. Permittee shall remit applicable processing fees, payable to the County of Los Angeles, in connection with such filing. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is **$2,867.25** ($2,792.25 plus $75.00 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. If this grant is modified, the permittee shall reimburse the County all costs associated with the proceeding.

12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be

provided to the satisfaction of and within the time periods established by said Department.

13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

14. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

15. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.

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

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

18. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the property or provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

19. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

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

21. Within sixty (60) days of the Design Control Board's ("DCB") final design approval, permittee shall submit to the Director for review and approval three (3) copies of a

revised Exhibit "A", similar to that presented at the public hearing. This Revised Exhibit "A" submittal shall contain a full set of the approved site plan, floor plans, parking plan, roof plan, building elevations, building cross-sections, landscaping plan, and signage plan.

22. Within sixty (60) days of the DCB's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of signage plans depicting the location, size and height of all proposed signage, which signage shall be installed on the subject property in accordance with the requirements of Part 10 of Chapter 22.52 of the County Code. Review and approval of the DCB shall also be required and the Director shall not approve signage plans until the plans have been first approved by the DCB.

23. The permittee shall post signs conspicuously at the subject property's frontage on Via Marina notifying members of the public about the availability of the Project's twenty-one (21) public-access parking spaces, which the permittee shall continually maintain for the public's use within the Project parking structure. The permittee shall clearly paint "Public Parking Space" on each of the 21 public parking stalls and shall ensure that the valet parking management and valet staff are aware that said spaces are to be reserved for exclusive use by the visiting public. These 21 public parking spaces shall be sited within the parking garage in a location that is convenient to the visiting public (i.e., proximate to the parking garage entrance). The permittee shall include the public parking signs required by this condition in the signage plan package that is required to be submitted for approval by the DCB pursuant to condition no. 21 of this grant.

24. Within (60) days of the DCB's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of landscaping plans, which may be incorporated into the Exhibit "A," depicting the size, type and location of all proposed landscaping on the site as well as all proposed irrigation. Said plans shall also include details for the waterfront public pedestrian promenade, including surfacing materials, lighting, benches and other facilities proposed for the public promenade, and a planting plan that prohibits the use of exotic invasive plants [or that requires the use of plants compatible with the restored wetland and upland park]. The Director shall not approve landscaping plans until the plans have been first approved by the DCB.

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

    a. All graded material shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during

periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

b. Construction activity shall be restricted between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday. Written permission from the Department of Beaches and Harbors is required prior to any construction on Saturdays. No construction shall occur on Sundays and legal holidays. Grading, hauling and pile driving shall not commence before 8:00 a.m., Monday through Friday and shall not occur on Saturdays, Sundays or legal holidays.

c. During demolition and construction, the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise.

d. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. Parking of construction worker vehicles shall be on-site or at an adjacent off-site location approved by the Director and agreed to by the lessee of said property and restricted to areas buffered from residences located in the vicinity of the subject property, as approved by the Director. If the permittee chooses to provide parking for construction workers off-site, the permittee shall submit to the Director for review and approval plans for temporary construction worker parking and shall demonstrate that the use of the off-site parking spaces shall not interfere with parking spaces required for operation of any use or uses on the property to be used for temporary parking. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and the Department of Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.

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

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

g. Prior to any project construction activities, the permittee shall submit a site plan to the Director of Planning for approval, that depicts the following:
   - The location of the staging area;
   - Location and content of the required notice;
   - The expected duration of construction activities.

   The permittee shall post a notice in a conspicuous location at the staging site. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the Department of Regional Planning upon request.

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

i. Configure construction parking to minimize traffic interference.

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

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

iv. Consolidate truck deliveries when possible.

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

vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at (800) 242-4022 for daily forecasts.

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

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

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

i. The permittee shall develop and implement a dust control plan, as approved by the Director of Planning and the Director of Public Works, which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:

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

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

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

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

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

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

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

viii. Require construction vehicles to observe traffic speed limits of 15 mph or less on all unpaved roads.

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

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

26. The hotel/timeshare resort shall be limited to a maximum of 152 conventional hotel suites and 136 timeshare suites and is subject to the following additional restrictions:

a. Hotel and timeshare units shall be located on the same floors (2 through 19).

b. The hotel owner/operator shall retain control through lease, easements or other legal means of all structural elements, recreational amenities, meeting space, restaurants, "back of house" and other non-guest unit facilities. The hotel operator shall be the same entity for the management of both the traditional hotel guestrooms/units and the timeshare units.

c. The hotel and timeshare resort shall have an on-site hotel operator to manage rental/booking of all guestroom/units (both traditional hotel and timeshare guestrooms/units). Whenever a timeshare unit is not occupied, that unit shall be available for hotel rental by the general public through the hotel reservation system on the same basis as a traditional hotel room.

d. The hotel operator shall market and advertise all rooms to the general public. Timeshares users may also independently market and advertise their interval but all booking of reservations shall be made by and through the hotel operator.

e. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests/owners.

f. All guestrooms/unit keys shall be electronic and created by the hotel operator upon each new occupancy to control the use of the hotel and timeshare units.

g. Timeshare users shall not discourage rental of their interval or create disincentives meant to discourage rental of their interval.

h. All timeshare units rented as hotel units shall be rented at a rate similar to that charged by the hotel operator for the traditional hotel rooms of a similar class or amenity level.

i. The hotel operator shall maintain records of usage by timeshare users and renters and rates charged for all units, and shall be responsible for reporting Transient Occupancy Taxes ("TOT") based on records of use for all units.

j. Timeshare intervals shall be limited to sale in increments of one week, and stays by interval users shall be limited to no more than a total of four weeks annually. Timeshare users shall be required to participate in a major exchange program, such as RCI or Interval International.

k. No fee simple interest shall be conveyed to a timeshare participant.

l. Each timeshare program document shall include use restrictions, which shall include restrictions on exchange and use intervals, a limitation on interval ownership and use to a maximum of four weeks per year, conformity with the requirements of the lease agreement between the County of Los Angeles and the hotel/developer, and enforcement provisions.

m. The timeshare component shall remain a commercial use, and must comply with the timeshare laws governed by the California Department of Real Estate.

n. No portion of the timeshare units may be converted to any other type of limited-use overnight visitor accommodations or other project that differs from the approved timeshare component to an extent that causes it to be inconsistent with the conditions herein.

o. No portion of the traditional hotel units/rooms may be converted to any other type of ownership (e.g., limited use overnight visitor accommodations) without an amendment to the coastal development permit.

p. The hotel owner/operator shall be required to submit, prior to the issuance of a coastal development permit, for the review and approval of the Director of the Department of Beaches and Harbors of the County of Los Angeles, a Declaration of Restrictions which shall include all the specific restrictions listed in Sections (a) through (o), above.

q. The Declaration of Restrictions described above shall be recorded against the title to that portion of Parcel 9U containing the hotel and timeshare resort development.

r. The hotel owner and the operator, to the extent the hotel owner delegates this responsibility to the operator, or any successor-in-interest shall make all reasonable efforts to maintain the legal ability to ensure compliance with the terms and conditions stated above at all times during the life of the hotel and timeshare resort development, and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions.

s. The hotel owner/operator and any successor-in-interest hotel owner and operator shall obtain, prior to sale of individual timeshare units, a written acknowledgement from the buyer that occupancy by the timeshare owner is limited to a maximum of four weeks annually, and that there are further restrictions on use and occupancy in the Project coastal development permit and the timeshare program documents.

t. The hotel owner/operator and any successor-in-interest hotel owner and operator shall monitor and record hotel occupancy and use by the general public and the owners of timeshare intervals throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual guestroom/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth above. The hotel owner/operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the County upon request and to the auditor required below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the County of commencement of hotel operations.

u. Within 90 days of the end of the first calendar year of hotel operations, and within 90 days of the end of each succeeding calendar year, the hotel owner/operator shall retain an independent auditing company, approved by the Director of the Department of Beaches and Harbors of the County of Los Angeles, to perform an audit to evaluate compliance with these special conditions of the Project coastal

development permit approved regarding occupancy restrictions, notice, recordkeeping, and monitoring of the hotel and timeshare resort. The audit shall evaluate compliance by the hotel owner/operator and owners of timeshare units during the prior one-year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Director of the Department of Beaches and Harbors upon request, within six months after the conclusion of each one-year period of hotel operations. After the initial three calendar years, the one-year audit period may be extended to two years upon written approval of the Director of the Department of Beaches and Harbors. The Director of the Department of Beaches and Harbors may grant such approval if each of the previous audits reveals compliance with all restrictions imposed above.

v. If the hotel owner and the hotel operator at any point become separate entities, the hotel owner and the hotel operator shall be jointly and severally responsible for ensuring compliance with the requirements identified above. If the hotel owner and hotel operator become separate entities, they shall be jointly and severally liable for violations of the terms and conditions (restrictions) identified above.

27. The subject building shall not exceed a height of 225 feet. The approved accessory screened rooftop mechanical equipment and elevator machine room and emergency helipad, as depicted on the approved Roof Plan and Building Elevations (marked Exhibit "A") on file, shall be excluded from this 225-foot building height limitation.

28. Front and side yards shall be maintained at a minimum of ten (10) feet in width.

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

30. The permittee shall maintain a shuttle turn out area on Via Marina to the satisfaction of the Directors of Planning and Public Works.

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

32. A minimum of 360 parking spaces shall be provided on-site, developed in compliance with Chapter 22.52, Part 11 of the County Code and in substantial conformance with the approved parking plan on-file (marked Exhibit "A"). Of these 360 parking spaces, at least 21 shall be reserved at all times as fee-based "self-park" spaces open to the

general public. The balance of these parking spaces are authorized to be valet managed parking spaces for use by resort patrons. The County shall establish the hourly use fee for said 21 public self-park spaces in compliance with County policy and/or ordinance affecting same. On-street parking shall be prohibited, as shall parking in unmarked spaces and in access driveways.

33. The conditions and/or changes in the project, set forth in the Final Environmental Impact Report as necessary in order to assure the project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all of the mitigation measures included in the attached Mitigation Monitoring Program and Project Changes/Conditions due to Environmental Evaluation including submittal of a Mitigation Monitoring deposit in the amount of **$3,000** which shall be required prior to use of the grant and shall be utilized to defray costs associated with staff review and verification of the required mitigation monitoring reports. The mitigation monitoring reports shall be submitted to the Director as follows:

    a. At the time of building permit issuance, including verification of payment of applicable fees;

    b. Annually; and

    c. Additional reports as deemed necessary by the Department of Regional Planning.

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

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

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

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

38. The applicant shall provide signage at the bulkhead entrance and at conspicuous locations along the length of the promenade identifying the access ways as public. Benches shall be provided along the promenade.

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

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

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

42. The applicant shall prepare a Fire Safety Plan in accordance with Section 22.46.1180.A.15 of the County Code and obtain approval by the Fire Department prior to issuance of any building permits.

43. The permittee shall provide fire sprinklers and smoke detectors in the subject building to the satisfaction of the Los Angeles County Fire Department.

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

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

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

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

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

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

49. The rooftop helipad authorized under this grant shall be utilized for emergency purposes only and shall not be utilized by resort guests or others for non-emergency-related helicopter flight operations.

50. The service of a full-line of alcoholic beverages at the hotel/timeshare resort is limited to consumption on the premises only (the sale of alcoholic beverages on the premises for off-site consumption by patrons is strictly prohibited), and shall be further subject to all of the following restrictions:

    a. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the building or windows. Interior displays of alcoholic beverages or signs which may be visible to the exterior shall constitute a violation of this condition;

    b. Telephone numbers of local law enforcement and the California Department of Alcoholic Beverage Control shall be posted to all cashier areas where alcoholic beverages are sold on the premises;

    c. All sellers of alcoholic beverages must be at least 18 years old. The licensee, all managers and present and future employees who may be engaged to sell or serve alcoholic beverages on the premises shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control, which training shall be ongoing. The licensee shall display a certificate or plaque proximate to all areas where alcoholic beverages are sold on the premises indicating permittee's participation in this program;

d. The permittee shall provide adequate lighting in areas where alcoholic beverages are sold and consumed on the premises. Said lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons;

e. There shall be no coin-operated games or video machines maintained upon the premises at any time;

f. Any music, sound or noise emitted that is under the control of the permittee shall not exceed decibel levels that are permissible under the County's Noise Ordinance;

g. The permittee shall maintain on the premises and present upon request to any law enforcement officer, Department of Regional Planning Zoning Enforcement Inspector or CA ABC investigator a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the valet service used by the permittee;

h. No pay phone shall be maintained on the exterior of the premises;

i. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

j. The conditions of this grant shall be maintained at all times on-site and be immediately produced upon request of any County Sheriff, Department of Regional Planning Zoning Enforcement Inspector or CA ABC investigator. The resort management and all employees engaged in the sales and service of alcoholic beverages on the premises shall be knowledgeable of the conditions of this grant which pertain to the sale and service of alcoholic beverages;

51. The permittee shall comply with all conditions of Vesting Tentative Tract Map No. 067861, attached hereto and maintain in the case file.

52. Prior to operation, a valid business license shall be obtained for operation of the hotel and timeshare resort and shall remain in effect throughout the life of the grant.

53. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel No. 9U.

SZD:MRT
2/24/10

Project TR067861

Woodfin Hotel Suite and Timeshare Resort Project – Parcel 9U North
Mitigation Monitoring Plan

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

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

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.1-11. Roof drains shall be directed off the site.	Field inspections	Building and Safety	During plan check and on going during construction
	5.1-12. Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Van Beveren & Butelo report (**Draft EIR, Appendix 5.1, pages 14 - 35**).	Field inspections	Building and Safety	On going during construction
Consequences of liquefaction on the project site include liquefaction-induced ground subsidence and lateral spread or deformation toward the low-lying areas of the project site. Additionally, soils located on Parcel 9U are not suitable for support of the project.	**Liquefaction:** **5.1-13.** Proposed structures shall be designed in conformance with all recommendations included in the Van Beveren & Butelo report (**Draft EIR, Appendix 5.1, pages 14 - 35**).	Field inspections	Building and Safety	On going during construction
Methane is a natural bi-product of the microbial decomposition of organic matter in an anaerobic environment. In large concentrations, methane can be explosive and, since it is heavier than air, can displace atmospheric oxygen.	**Soil Gas** **5.1-14.** The County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2008 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports (**Draft EIR, Appendix 5.1**) shall be	Field inspection	Public Works and Building and Safety County Geologist	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	implemented.			
	5.1-18. There are several existing pile foundations on the site. Where the foundations are in the building area, they shall be cut off at least 5 feet below the bottom of the proposed mat or the proposed pile caps.	Field inspections	Building and Safety	During plan check and on going during construction
	5.1-19. A program of in-situ densification to improve the density of the granular estuary deposits to a minimum N-value of 20 shall be employed. Densification could be accomplished using stone-columns, where a vibrating probe is inserted into the ground and the densified soils are replaced with gravel. Van Beveren & Butelo anticipate that the probes will need to be spaced between 6 and 12 feet on centers to achieve the required minimum N-values. The densification should be performed throughout the estuary deposits to the surface of the dense sand and gravel, which was encountered in the explorations between Elevation –25 to –37 or 26 to 38 feet below the lowest parking level. The densification should be performed within the entire area of the tower and conference center and 15 feet beyond the building footprints in plan. If there is not sufficient space to permit the densification beyond the buildings, then Van Beveren & Butelo recommend that the soils within the building area be confined using a soil-cement column, where the on-site soils are mixed in place with cement to create a confinement around the site's perimeter. The soil-cement columns could be located on the property line. The densification will need to be evaluated by a test program using cone penetration tests (CPT). Van Beveren & Butelo recommend that the ground improvement program be initiated on a test area about 50 square feet. After the initial	Field inspections	Building and Safety	During plan check and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	ground improvement effort, the results should be evaluation using a CPT and the spacing of the probes be adjusted.			
	5.1-20. Foundations for the hotel/timeshare tower should extend through the existing fill and estuary deposits and into the underlying dense sand and gravel. Driven piles could be used, but the noise associated with pile driving may be a problem in this residential neighborhood. Auger-cast piles could be used as an option to the driven piles. Each method is described in detail in the Van Beveren & Butelo report (**Appendix 5.1**). Van Beveren & Butelo also recommend a mot foundation and specific retaining wall specifications that shall be integrated into the design of the conference center. These specifications can also be found in **Appendix 5.1**.	Field inspections	Building and Safety	During plan check and on going during construction
The project site is not located on expansive soils however; any import material shall be tested for expansion prior to importing.	**5.1-21.** Any import material shall be tested for expansion potential prior to importing. **5.1-22.** Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.	Expansion tests performed to verify expansion potential.	Department of Public Works Building and Safety	Grading completion
	5.1-23. Any additional recommendations pertinent to expansive soils as shall be carried out in accordance with the recommendations of the Van Beveren & Butelo Report, October 23, 2006.	Field inspections	Building and Safety	On going during construction
NOISE				
Construction Impacts Construction activity would occur as close as 50 feet from existing	**5.2-1.** All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and	The applicant shall submit an equipment log to ensure the equipment is properly maintained.	Department of Public Works Building and Safety	Log submitted quarterly and during field inspections

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
noise sensitive residential uses located east and west of the project site, or along the haul route. Uses at these locations could experience noise levels that reach up to 94 A-weighted decibels (dB(A)) for short time periods. These could be temporarily exposed to exterior noise levels that could exceed the County's Noise Control Ordinance standards for construction equipment noise.	air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as a plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residences. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.			
	5.2-2. All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.	Field inspection	Building and Safety	On going during construction
	5.2-3. The project applicant shall post a notice at the construction site that shall contain information on the type of project and anticipated duration of construction activity, locations of haul	Field inspection	Building and Safety	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.			
Because the use of pile driving equipment is required for foundation construction, vibration impacts that would occur are considered significant and unavoidable, but temporary in nature.	**Vibration Impacts** **5.2-4.** To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving. **5.2-5.** A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.	Field inspection	Building and Safety and Public Health	On going during construction
HYDROLOGY AND DRAINAGE				
During construction, grading/excavation operations and project construction could result in increased water and wind erosion and a potential for the discharge of sediment to the small-craft harbor during storm events resulting in increased sedimentation or erosion. Additionally, temporary de-watering	**5.3-1.** A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.	The applicant shall submit a final drainage plan and final grading plan	Department of Public Works	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
systems for the proposed partially subterranean parking garages also have the potential to discharge sediments from excavation areas directly to the small-craft harbor unless mitigated. Project applicant(s) would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for Parcel 9U pursuant to the National Pollutant Discharge Elimination System (NPDES) that would identify the various Best Management Practices (BMPs) that would be implemented at the construction site.				
AIR QUALITY				
Demolition, Excavation and Construction Impacts The emissions	**5.4-9.** Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:	The applicant shall submit a construction management plan to ensure minimal construction activity	Department of Public Works	Prior to issuance of a grading permit and on going

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

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.4-10. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD: a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more). b. Replace ground cover in disturbed areas as quickly as possible. c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications. d. Water active grading sites at least twice daily (SCAQMD Rule 403). e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded. g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code. h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and	The applicant shall submit a dust control plan to alleviate dust emissions. Field inspection	County of Los Angeles Department of Public Health and Building and Safety	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	any equipment leaving the site each trip. j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. k. Enforce traffic speed limits of 15 mph or less on all unpaved roads. l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.			
The project would generate GHG emissions, which would contribute to potential cumulative impacts of GHG emissions on global climate. These are not considered to be cumulatively considerable impacts.	**Global Climate Change** **5.4-11.** The project shall achieve energy efficiency equivalent to the California Energy Commission Tier II building energy use standards. **5.4-12.** The project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight. **5.4-13.** The project applicant shall use drought-tolerant landscaping from an approved plant list provided by the lead agency, County of Los Angeles, or other agency. **5.4-14.** The project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designated for future landscaping. The project applicant shall ensure landscaped areas comply with all requirements within Title 22 Part 21 of Chapter 22.523. **5.4-15.** The project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed. **5.4-16.** The project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the project. The project applicant will also provide residents	The applicant shall incorporate compliance with the County Green Building Ordinance with final project design plans	Building and Safety	Prior to issuance of building permit.

Impact		Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
		and hotel guests with information regarding local and regional public transportation services.			
BIOTA					
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, except nesting migratory birds when found nesting in project area landscape trees.	**5.5-4**	To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5 and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer	Qualified biologist to monitor construction activities and provide pre-construction nesting bird survey	Department of Regional Planning and Public Works	Prior to and during construction

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

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
VISUAL QUALITY				
The height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from Viewing Locations One, Two, and Three, would be out-of-character with surrounding land uses. As such, impacts are considered significant and mitigation is required..	**5.6-1.** A deed restriction shall be placed of the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space. **5.6-2.** On the street level of the project landscaping to the satisfaction of the County of Los Angeles Design Control Board shall be implemented to reduce visual impacts of the project when viewed from adjacent public rights of way. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies that could be incorporated into the design of the hotel structure and associated parking structure. **5.6-3.** Articulation and variations in color or building materials to the satisfaction of the County of Los Angeles Design Control Board shall be incorporated into the lower levels of the hotel and parking structure. These actions would reduce visual resource impacts on Via Marina.	Recordation of deed restriction over Parcel 9U for wetland park Approval of landscape and final design plans	Department of Regional Planning Design Control Board	Prior to issuance of building permit
TRAFFIC/ACCESS				
The project is expected to generate approximately 1,538 net new trips per day. Of this total, an estimated 117 trips would occur during the morning peak hour, and 102 new trips would occur during the evening peak hour. These new	**5.7-1.** Through the implementation of area traffic improvement measures recommended in the adopted Marina del Rey Specific Plan Transportation Improvement Program (TIP) project (i.e., existing + ambient growth + project) traffic related impacts would be reduced to a less than significant level. Based on the expected net project trip generation of 102 PM peak hour trips, the project would be required to pay $580,380 in trip mitigation fees. A portion of these fees is designated toward the Category 3 (regional) transportation improvements.	Submittal of plan review	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
trips would be added to the project area roadway network once the existing development is removed and the proposed project is completed and fully occupied. The incremental project traffic would significantly impact the (LOS) forecasts during the PM peak hours at three of the study intersections, Admiralty Way and Via Marina, Washington Blvd. at Ocean Avenue and Via Marina, and Admiralty Way and Mindanao Way. During the AM peak hour only the Admiralty Way/Mindanao intersection would be significantly affected.				
Cumulative Impacts The results of the cumulative development analysis show that the potential additional traffic	The intersection improvement measures recommended to address these cumulative traffic impacts, consistent with the detailed specific intersection improvement measures in the December 2007 Traffic Analysis prepared by Crain and Associates, include the intersections of: • Admiralty Way and Via Marina • Washington Boulevard and Via Marina/Ocean Avenue	The applicant shall pay fees to the transportation improvement fund.	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
resulting from area-wide development would significantly impact 12 of the 17 study intersections, resulting in several locations nearing or exceeding capacity. The proposed project would also contribute incrementally to these cumulative impacts.	• Admiralty Way and Palawan Way • Washington Boulevard and Palawan Way • Lincoln Boulevard and Washington Boulevard • Lincoln Boulevard and Marina Expressway (SR-90) • Lincoln Boulevard and Bali Way • Lincoln Boulevard and Mindanao Way • Lincoln Boulevard and Fiji Way • Admiralty Way and Bali Way • Admiralty Way and Mindanao Way • Marina Expressway (SR-90) Eastbound and Mindanao Way			
SEWER SERVICE				
The proposed development would generate an increase demand for sewage.	**5.8-1.** Prior to issuance of building permits, the Woodfin Suite Hotel and Timeshare Resort Project applicants shall demonstrate sufficient sewage capacity for the proposed project by providing a "will serve" letter from LACDPW's Sewer Maintenance Division.	The applicant shall submit a will serve letter from the Department of Public Works, Sewer Maintenance Division	Department of Public Works, Sewer Maintenance Division	Prior to the issuance of building permits
WATER SERVICE				
The proposed development of the project would increase the demand for water in the project area.	**5.9-10.** The Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.	The applicant shall submit a landscape plan	Department of Regional Planning	During plan check
Implementation of MWD 25-year comprehensive	**5.9-11.** The Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:	The applicant shall submit building plans incorporating water	Department of Public Works	Prior to the issuance of building

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Integrated Water Resources Plan (IRP)	• Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals; • Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and • Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.	conservation methods		permit
	5.9-12. Prior to the issuance of grading permits, the Woodfin Suite Hotel and Timeshare Resort Project applicant shall provide to the Los Angeles County Department of Regional Planning a letter from Marina del Rey Water System confirming that it is able to provide water service to the project phase under consideration.	The applicant shall submit water service letter from Marina del Rey Water System of ability to provide sufficient water supply	Department of Regional Planning	Prior to the issuance of grading permit
SOLID WASTE SERVICE				
Demolition of the existing structures would generate construction debris.	**5.10-9.** The Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.	The applicant shall submit a Recycling and Reuse Plan	Department of Public Works	Prior to issuance of demolition and grading permits
During project operation, Woodfin Hotel Suite and	**5.10-10.** To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Woodfin Suite Hotel and Timeshare	The applicant shall submit a solid waste management plan.	Department of Public Works	Prior to issuance of demolition and

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Timeshare Resort project would generate a net increase of solid waste generation beyond currently permitted landfill capacity.	Resort Project (Parcel 9U) applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.			grading permits
	POLICE PROTECTION			
Construction Impacts Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact.	**5.12-9.** As part of the building permit process, the County Sheriff's Department shall review the Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the project. **5.12-10.** During construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12.08 and 12.12 Los Angeles County Code).	The applicant shall submit site design to the County Sheriff's Department	County Sheriff's Department	Prior to issuance of demolition and grading permits
	FIRE PROTECTION			
Construction Impacts During construction, a	**5.13-9.** Applicants associated with the Woodfin Suite Hotel and Timeshare Resort Project shall submit and have approved by	The applicant shall submit a Fire Safe Plan	County of Los Angeles Fire	Prior to issuance of

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
large amount of wood framing and other flammable construction materials would be present on the project site(s). In addition, construction traffic would occur on and near the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would potentially slow emergency response times. However, no significant impacts will occur with implementation of standard County safety measures.	the County of Los Angeles Fire Department, a Fire Safe Plan. The Fire Safe Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans, defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval. **5.13-10.** During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department. **5.13-11.** Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval. **5.13-12.** The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows, and fire hydrants.		Department	building permits

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 4, 2010

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

FROM: Samuel Z. Dea
Section Head
Special Projects Section

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SD:MRT

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 25, 2010

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

FROM: Samuel Dea, Section Head
Special Projects Section

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

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

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

October 29, 2008 Public Hearing

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

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

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

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

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

August 8, 2009 Field Trip

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

August 12, 2009 Public Hearing

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

October 14, 2009 Public Hearing

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

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

February 3, 2010 Public Hearing

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

STAFF RECOMMENDATION
Item 6 Project No. R2006-03647
Approval
The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

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

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

STAFF RECOMMENDATION
Item 7 Project No. R2006-03652
Approval
The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600009-(4), Conditional Use Permit No. 200600290-(4) and Variance No. 200600014-(4) subject to the attached

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

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

STAFF RECOMMENDATION
Item 8 Project No. TR067861
Approval
The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

Staff recommends APPROVAL of Coastal Development Permit No. 200600007-(4), Conditional Use Permit No. 200600288-(4), Parking Permit No. 200600020-(4), Variance No. 200600012-(4), and Vesting Tentative Tract Map No. 067861.

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

STAFF RECOMMENDATION

Item 9a and 9b Project Nos. R2006-03643 and R2006-03644

Approval

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

Staff recommends APPROVAL of Coastal Development Permit No. 200600006-(4), and Coastal Approval in Concept 200602191.

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

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

SZD:mrt
02/25/10

Agenda Item Number 8

Project TR067861-(4)

Woodfin Hotel Suite and Timeshare Resort Project
Parcel 9U North

Permit Findings

Permit Conditions

Tract Findings

Tract Conditions

Mitigation Monitoring Program

Project No. TR067861-(4)
Coastal Development Permit No. RCDP200600007
Conditional Use Permit No. RCUP200600288
Parking Permit No. RPKP200600020
Variance No. RVAR200600012

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

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

SYNOPSIS:

The applicant, Woodfin Suite Hotels, is requesting approval for the development of a hotel on approximately 2.2 acres located on the northerly portion of the 3.66-acre Marina del Rey Parcel 9U. The 19-story hotel consists of 288 rooms, of which a minimum of 152 rooms will be conventional hotel suites and 136 will be timeshare suites. In conjunction with the primary hotel/timeshare use, the development includes the following accessory uses: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; hotel spa/fitness room; banquet and meeting rooms; pool; auxiliary uses such as administrative offices, laundry and storage). The project includes a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, 21 of which shall be paid public parking spaces and the balance of which are authorized to be valet-managed parking spaces. In addition to the hotel, the proposal also includes construction of a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, including public amenities. The project requires approximately 44,000 cubic yards of grading, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a landfill located in Los Angeles County. The subject Parcel 9U is located northeasterly of the intersection of Via Marina and Tahiti Way, with frontages on both Via Marina and Tahiti Way. Associated land use entitlements for this project consist of a **Coastal Development Permit** to authorize site preparation and the subsequent construction of the landside improvements on the northerly portion of Parcel 9U with associated project grading; **Conditional Use Permits** for the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of a full line of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the installation, maintenance and use of a Fire Department-required emergency rooftop helistop; a **Variance** for the reduction of the required setback from the pedestrian promenade (a zero-foot building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code); a **Parking Permit** to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces; and a **Vesting Tentative Tract Map** to authorize a condominium subdivision for the proposed 136 timeshare units.

PROCEEDINGS BEFORE THE COMMISSION:

October 29, 2008 Public Hearing

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

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

- Project No. R2006-03647-(4), is a request to demolish an existing 136-unit apartment complex located on Marina del Rey Parcel 10R (which abuts the subject Parcel 9U to the north and is located southeasterly of the intersection of Via Marina and Marquesas Way), and to construct a 400-unit apartment complex (including a total of 62 affordable housing units) and landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and appurtenant facilities and a new private boat anchorage on the subject parcel;

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

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

At the October 29, 2008 public hearing on the subject project and associated requested land use entitlements (and at each subsequent Commission hearing described below regarding the project), the Commission considered a single, comprehensive Environmental Impact Report evaluating the potential project-specific and cumulative environmental impacts associated with the subject project and the four above-described proposed development projects on Marina del Rey Parcels 10R and Parcel 9U.

Proponent Testimony

The project applicants testified in favor of the request.

Opposition Testimony

Sixteen (16) persons testified in opposition. Opposition testimony addressed the following issues:

a. The County is piecemealing development and needs to create a master plan for the Marina;
b. The Marina is too densely developed and needs more open space and parks;
c. The California Coastal Commission (CCC) has performed a periodic review of the Marina del Rey Local Coastal Program (LCP), and a comprehensive update of the plan should be done prior to the Regional Planning Commission approving any Marina projects;
d. The CCC has requested that all future amendments to the LCP be batched together; therefore, individual projects with plan amendments should not be approved by the Regional Planning Commission;
e. The traffic study in the DEIR is inadequate and antiquated;
f. The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services;
g. The shadow and wind studies in the DEIR are inadequate;
h. The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays;
i. The Marina should be dedicated to public recreation because this was its intended purpose;
j. The County needs to conduct a comprehensive review of the LCP prior to granting approval of any development permits in Marina del Rey;
k. The entirety of Parcel 9U should be developed as a public park;
l. The existing wetland on Parcel 9U should be considered an Environmentally Sensitive Habitat Area (ESHA);
m. The proposed timeshare units require an amendment to the LCP;
n. The LCP prohibits fractional ownership, such as the proposed timeshare units, because it inhibits public access to Marina del Rey;
o. The proposed hotel is out of character with the surrounding residential neighborhood;
p. More expensive hotel rooms are not needed in Marina del Rey. Developing Parcel 9U with a hotel will diminish opportunities for development of low-cost recreation facilities;
q. A better visualization of the proposed view corridor is needed to assess the potential visual impacts of the project;
r. The height of the proposed hotel will negatively impact sailing winds in Marina Basin B;
s. The hotel structure will cause shading of nearby residential areas; and
t. The proposed helistop will create noise intrusion into the Marina and surrounding residential areas.

At the conclusion of the October 29, 2008 hearing, the Commission directed staff to prepare a summary of the various concerns that were expressed by the testifiers and instructed the

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

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

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

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

August 8, 2009 Regional Planning Commission Field Trip

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

August 12, 2009 PUBLIC HEARING

On August 12, 2009, a duly noticed public hearing was held at Burton Chace Park in the community of Marina del Rey. All Commissioners were present at this hearing. During the

hearing, the Commission heard the staff presentation and testimony from the project applicant and interested members of the public.

Proponent Testimony

The project applicants testified in favor of the request.

Opposition Testimony

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

a. The RDEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in the City of Los Angeles). The proposed hotel building will block the Marina and mountain views that these condominiums currently enjoy;
b. The hotel project will create adverse shading impacts on the condominiums located westerly of the site;
c. The hotel site is too small to accommodate the proposed project;
d. The hotel project will only bring more disturbances, traffic and noise to the area;
e. The 21 parking spaces that are allocated in the hotel structure for the public park are not sufficient. The parking study for Parcel 9U does not include an analysis of public visitor use for the parcel, so how does it follow that 21 public parking spaces at 9U is sufficient? The DEIR does not analyze public parking requirements for the public anchorage, wetland park or promenade;
f. The parking reduction for the hotel will create traffic problems;
g. The proposed rooftop helistop will cause noise and safety problems;
h. The DEIR fails to address the fact that the concrete piling installed in the 1980s to support the prior, abandoned Parcel 9U hotel building foundation sank. The DEIR contains no analysis of the weight and height of hotel;
i. The project traffic study erroneously concludes that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of the proposed projects in the area;
j. The height of the proposed hotel structure is out of character with current neighboring residential development and will negatively impact sailing winds in Marina Basin B. The LCP prohibits projects that would significantly impede wind to boats in the Marina;
k. The LCP limits building height on the subject Parcel 9U to 65 feet;
l. There are insufficient controls to ensure the timely construction and completion of the proposed project; there is no assurance that the applicant will service its construction loan;
m. Timeshare units are not permitted in the LCP, are not permitted on publicly-owned land, and are contrary to the California Coastal Commission's Marina del Rey Periodic Review findings;

n. Timeshares are inconsistent with the LCP and will cater to out-of-towners instead of the local population the marina was originally intended to serve;
o. The existing wetland located on Parcel 9U cannot be relocated; the entirety of Parcel 9U should be considered an ESHA. The area where the hotel is proposed for development is an existing alkali wetland;
p. The Deputy Director of the California Coastal Commission has opined that local governments must provide an analysis of the supply and demand for timeshare projects, yet no such analysis has been provided by the applicant; an independent economic study should be prepared to determine if there is sufficient market demand for the proposed hotel/timeshare resort;
q. There is no discussion in the DEIR as to why the 1981 hotel failed;
r. Land in Marina del Rey is meant for public recreation and not a hotel;
s. The format of the RDEIR is difficult to read (Table 5.8-7). This table is wrong and underestimates wastewater generation by 7 million gallons;
t. The Coastal Act does not allow the proposed project to be built;
u. The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina;
v. The Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area, so the Planning Commission's approval of the project in advance of such an assessment would be premature;
w. The RDEIR should be updated and recirculated because it does not adequately analyze new information on global warming and resulting sea level rise;
x. The hearing violates the Brown Act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time;
y. Piecemealing the development of the Marina is in violation of State law including the Coastal Act and CEQA;
z. The public hearing was improperly noticed and is in violation of CEQA;
aa. Overall development in Marina del Rey should be guided by a master plan;
bb. The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
cc. The traffic study does not take into account the traffic on the west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina as an ingress and egress route;
dd. Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce; and
ee. Solid waste/landfill capacity is only available until 2017. The projects will last beyond 2017. What happens when landfill capacity is no longer available?

Following public testimony, there was insufficient time for the Commission to hear the applicant's rebuttal. The Commission directed staff and the applicant to prepare independent written responses to address the issues that were raised by the public and the Commissioners during the hearing. The public hearing was continued to October 14, 2009,

with the direction that staff and the applicant present responses to the public testimony received, and the public would then have an opportunity to comment on the reports.

October 14, 2009 Public Hearing

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

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

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

February 3, 2010

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

Findings

1. The applicant, Woodfin Suite Hotels, is requesting approval for the development of a hotel on approximately 2.2 acres located on the northerly portion of the 3.66-acre Marina del Rey Parcel 9U. The 19-story hotel consists of 288 rooms, of which a

minimum of 152 rooms will be conventional hotel suites and 136 will be timeshare suites. In conjunction with the primary hotel/timeshare use, the development includes the following accessory uses: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; hotel spa/fitness room; banquet and meeting rooms; pool; auxiliary uses such as administrative offices, laundry and storage). The project includes a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, 21 of which shall be paid public parking spaces and the balance of which are authorized to be valet-managed parking spaces. In addition to the hotel, the proposal also includes construction of a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, including public amenities. The project requires approximately 44,000 cubic yards of grading, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a landfill located in Los Angeles County. The subject Parcel 9U is located northeasterly of the intersection of Via Marina and Tahiti Way, with frontages on both Via Marina and Tahiti Way. Associated land use entitlements for this project consist of a Coastal Development Permit to authorize site preparation and the subsequent construction of the landside improvements on the northerly portion of Parcel 9U with associated project grading; Conditional Use Permits for the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of a full line of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the installation, maintenance and use of a Fire Department-required emergency rooftop helistop; a Variance for the reduction of the required setback from the pedestrian promenade (a zero-foot building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code); a Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces; and a Vesting Tentative Tract Map to authorize a condominium subdivision for the proposed 136 timeshare units. Collectively, the requested land use entitlements are referred to herein as the "Project Permits."

2. The 3.66-acre subject property, known as Marina del Rey "Parcel 9U," is located in the Playa del Rey Zoned District at the northeast corner of the intersection of Via Marina and Tahiti Way in the County of Los Angeles unincorporated community of Marina del Rey. Via Marina fronts the subject property to the west; Tahiti Way fronts the subject property to the south; Marina del Rey Parcel 10R (Neptune Marina Apartments & Anchorage) adjoins the subject property to the north; and Marina del Rey Parcel 8 (Bay Club Apartments & Anchorage) and Marina Basin B adjoin the subject property to the east.

3. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program (LCP). The subject parcel's existing land use designations per the LCP is "Hotel-Waterfont Overlay Zone" for the landside portion of the parcel and "Water" for the waterside portion of the parcel.

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

   North: Residential V (WOZ) (per MDR Specific Plan);

   South: Residential V (WOZ) (per MDR Specific Plan);

   West: City of Los Angeles, across Via Marina; and

   East: Residential III (WOZ) and Water (per MDR Specific Plan).

5. The subject property is currently vacant. A chain link fence is located on the parcel perimeter to prevent public access except for a waterfront sidewalk fronting the parcel bulkhead, located between the seawall and the chain link fence. A small, man-made depression and exposed building foundation piles are present on the southerly portion of the subject parcel, the remnants of grading excavation and foundation work are a result of an abandoned project from the 1980s. Seasonally, water ponds in the depression and an area of willow riparian vegetation can be present. This area has been defined as a jurisdictional resource and is subject to regulation by the United States Army Corps of Engineers, California Department of Fish and Game, the California Regional Water Quality Control Board, and the California Coastal Commission.

6. Land uses on surrounding properties consist of the following:

   North: Multi-family residential (Neptune Marina Apartments & Anchorage);

   South: Multi-family residential (Marina Harbor Apartments);

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

   East: Multi-family residential apartments and private anchorage (Bay Club Apartments & Anchorage).

7. Previous project history on the subject site includes: (1) In March of 1983, the Regional Planning Commission approved a 300-room hotel complex. (2) In January of 1999, Conditional Use Permit No. 99-205 was filed for a 288 room hotel and a 527 unit residential complex. This application was denied due to inactivity.

8. Prior to the public hearing on the Project Permits and associated Draft Environmental Impact Report (DEIR) before the Commission, a legal notice was published in the local newspaper, *The Argonaut and La Opinion*, on September 2, 2008. Staff also mailed out 1,138 hearing notices on September 3, 2008 to property owners and tenants within 500

feet of the site and interested parties. The applicant posted a hearing notice sign on the subject property prior to 45 days before the public hearing.

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

10. Prior to the field trip and November 22, 2008 continued public hearing, the applicant and County Counsel determined that the DEIR needed to be updated and recirculated to address previous potential cumulative impacts related to the proposed City of Los Angeles Dual Force Main alignment through Marina del Rey. In addition, the Los Angeles County Department of Public Works' Marina del Rey sewer upgrades associated with the proposed project needed to be addressed in the DEIR. The item was taken off calendar and a Recirculated Draft Environmental Impact Report (RDEIR) was prepared that addressed these issues and provided additional visual simulations and an updated shade and shadow study to assist in the analysis of the project.

11. The RDEIR was recirculated for public review and comment on June 11, 2009; a copy of this document was also provided to the Commission on this date. Revisions were made to the Project Description, Noise, Air Quality, Visual Quality, Traffic/Access, Sewer Service, and Solid Waste Service sections. The public review period for the RDEIR closed on July 27, 2009. The Commission scheduled a new public hearing on the Project Permits and RDEIR, to be held in the community of Marina del Rey at 6:00PM on Wednesday, August 12, 2009. The Commission also scheduled a field trip to survey the project sites and surrounding properties for 9:00AM on Saturday, August 8, 2009.

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

13. The Commission conducted a duly noticed field trip to the subject Parcel 9U and adjoining parcels on August 8, 2009 at 9:00AM. Commissioner Modugno was absent from the field trip; Commissioners Valadez, Bellamy, Helsley and Rew attended. The

applicant and several interested members from the public were also in attendance. Staff gave the Commission a tour of the subject property and adjacent Parcels 10R and FF (respective locations of the proposed 400-unit and126-unit apartment projects proposed by Legacy Partners Residential, Inc.). The Commission also walked the waterfront pedestrian promenade of the nearby, newly-constructed "Esprit" apartments on Parcel 12 at the terminus of Marquesas Way. The Commission concluded the field trip with a boat tour, which afforded the Commission an opportunity to view the subject property and adjacent parcels from the water.

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

15. The Commission held a continued public hearing on October 14, 2009 at the Regional Planning Commission's hearing chamber in downtown Los Angeles; all Commissioners were present. At the conclusion of the hearing, following the staff presentation and testimony from the applicant and public, Commissioner Valadez stated her opinion that the applicant had not provided sufficient evidence to justify the Commission's approval of the requested Variance allowing a zero-foot building setback from the waterfront pedestrian promenade. Commissioner Valadez indicated that, prior to the Commission acting on the requested building setback Variance, the applicant should be remanded back to the Department of Beaches & Harbors' Design Control Board (DCB), so that the DCB could evaluate an enhanced waterfront public promenade amenity plan to be submitted by the applicant. Commissioner Helsley concurred that the waterfront promenade amenity plan being proposed by the applicant warranted enhancement.

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

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

Modugno, seconded by Commissioner Bellamy, the Regional Planning Commission continued the public hearing to March 10, 2010.

18. On March 10, 2010, the Commission voted to certify the FEIR for the project and approved the final findings and conditions for the Project Permits.

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

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

    a. Allegations that the DEIR does not recognize the existence of the Marina Strand Colony (neighboring condominiums to the west in the City of Los Angeles). The proposed hotel building will block the Marina and mountain views that these condominiums currently enjoy;
    b. The hotel project will create adverse shading impacts on the condominiums located westerly of the site;
    c. The hotel site is too small to accommodate the proposed project;
    d. The hotel project will only bring more disturbances, traffic and noise to the area;
    e. The 21 parking spaces that are allocated in the hotel structure for the public park is not sufficient. The parking study for Parcel 9U does not include an analysis of public visitor use for the parcel, so how does it follow that 21 public parking spaces at 9U is sufficient? The DEIR does not analyze public parking requirements for the public anchorage, wetland park or promenade;
    f. The parking reduction for the hotel will create traffic problems;
    g. The proposed rooftop helistop will cause noise and safety problems;
    h. The DEIR fails to address the fact that the concrete piling installed in the 1980s to support the prior, abandoned Parcel 9U hotel building foundation sank. The DEIR contains no analysis of the weight and height of hotel;
    i. The project traffic study erroneously concludes that at Via Marina and Tahiti Way there will be virtually no traffic impact. The DEIR does not address cumulative impacts of the proposed projects in the area;
    j. The height of the proposed hotel structure is out of character with current neighboring residential development and will negatively impact sailing winds in Marina Basin B. The LCP prohibits projects that would significantly impede wind to boats in the Marina;
    k. The LCP limits building height on the subject Parcel 9U to 65 feet;
    l. There are insufficient controls to ensure the timely construction and completion of the proposed project; there is no assurance that the applicant will service its construction loan;

m. Timeshare units are not permitted in the LCP, are not permitted on publicly-owned land, and are contrary to the California Coastal Commission's Marina del Rey Periodic Review findings;
n. Timeshares are inconsistent with the LCP and will cater to out-of-towners instead of the local population the marina was originally intended to serve;
o. The existing wetland located on Parcel 9U cannot be relocated; the entirety of Parcel 9U should be considered an ESHA. The area where the hotel is proposed for development is an existing alkali wetland;
p. The Deputy Director of the California Coastal Commission has opined that local governments must provide an analysis of the supply and demand for timeshare projects, yet no such analysis has been provided by the applicant; an independent economic study should be prepared to determine if there is sufficient market demand for the proposed hotel/timeshare resort;
q. There is no discussion in the DEIR as to why the 1981 hotel failed;
r. Land in Marina del Rey is meant for public recreation and not a hotel;
s. The format of the RDEIR is difficult to read (Table 5.8-7). This table is wrong and underestimates wastewater generation by 7 million gallons;
t. The Coastal Act does not allow the proposed project to be built;
u. The proposed project violates the conditions of the property bond that was used to finance the original construction of the Marina;
v. The Coastal Commission stated that a cumulative impact assessment must be done on the 17 projects that are proposed for the Marina del Rey area, so the Planning Commission's approval of the project in advance of such an assessment would be premature;
w. The RDEIR should be updated and recirculated because it does not adequately analyze new information on global warming and resulting sea level rise;
x. The hearing violates the Brown Act because the County has a new policy that allows the Commission to stipulate that speakers can be given a set amount of time to speak on all agenda items rather than on subsequent agenda items for a set amount of time;
y. Piecemealing the development of the Marina is in violation of State law including the Coastal Act and CEQA;
z. The public hearing was improperly noticed and is in violation of CEQA;
aa. Overall development in Marina del Rey should be guided by a master plan;
bb. The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
cc. The traffic study does not take into account the traffic on the west side of the marina, which includes 469 condominiums and 700 Silver Strand homes that use Via Marina as an ingress and egress route;
dd. Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce; and
ee. Insufficient analysis of the project's solid waste impacts in the DEIR.

21. The Commission has duly considered all of the issues and information contained in all of the oral testimony and written correspondence made in opposition to the proposed project during the public hearing process on the Project Permits, DEIR and RDEIR, as well as all of the oral testimony and written correspondence provided to the Commission in response thereto by staff and the project applicant. For the reasons set forth in the following findings and explained in the County's detailed responses to all public written comments received by the Commission regarding the proposed project, all of which responses have been incorporated into the Final Environmental Impact Report (FEIR), the statements made against the project in the opposition testimony and correspondence fail to identify any substantial evidence that the FEIR does not meet the requirements of CEQA, and fail to identity any substantial evidence requiring recirculation of the FEIR pursuant to CEQA Guidelines section 15088.5. The Commission finds that there is no credible evidence in the record that the supposed environmental impacts set forth in the project opponents' testimony and correspondence will in fact occur, but there is credible evidence in the administrative record for this case rebutting such testimony and correspondence. The project opponents have offered no credible expert testimony or any credible evidence that the opponents' representatives, other than Mr. Vanderhook, are experts or have any bonafide expertise with respect to the subject matter of their testimony or correspondence. The Commission further finds that the opponents' oral testimony and written correspondence, including but not limited to Mr. Vanderhook's purported expert testimony, do not constitute substantial evidence, but instead consist entirely of argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment and do not constitute substantial evidence.

22. The site plans and elevations depict a 19-story (225-foot-tall, exclusive of screened rooftop mechanical equipment, Fire Department-required emergency helistop, and elevator machine room), 288-room hotel and timeshare resort structure (a minimum of 152 conventional hotel suites and 136 timeshare suites) on the northerly approximately 2.2-acres of the subject parcel. The following accessory uses are noted on the floor plans submitted with the application: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; gift shop; spa; banquet and meeting rooms; pool; pre-function areas; and resort administrative offices and "back of house" areas (e.g., laundry and storage, etc.). The site plan also depicts a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, 21 of which are noted as fee-based "self-park" spaces and the balance of which are noted as valet-managed parking spaces. The site plan further depicts a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, including public amenities (shade benches, light standards, drinking fountains, decorative railing and paving, a water taxi gateway landing feature at the gangway entrance to the public anchorage that will front the landside parcel), and a fire lane (composed of a structural turf block material) abutting the hotel structure to the south.

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

24. The site plan also depicts a public transient anchorage located on the waterside portion of Parcel 9U, adjacent to the parcel bulkhead, containing approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B. The public anchorage is depicted as containing approximately 542 lineal feet of new public dock area (it is estimated that the public anchorage will provide berthing for between seven and 11 transient vessels, depending on the sizes of the vessels utilizing the anchorage at any given time, plus additional area for dinghy docking at the north side of the anchorage). The new public boat and anchorage will be compliant with ADA and California Department of Boating & Waterways ("CA DB&W") standards.

25. The public anchorage located on the waterside portion of Parcel 9U will be developed by Legacy Partners Residential, Inc., the developer of the Neptune Marina Apartments Parcel FF project (located nearby the site on Marina Parcel FF at the northeasterly corner of the Via Marina/Marquesas Way intersection; see County Project No. R2006-03652-(4)). To account for the loss of "Open Space"-designated land that will occur as a result of Legacy Partners' proposed development of Parcel FF with an apartment building, thereby precluding the potential future development of a public park at that location, Legacy Partners has been conditioned to provide at least 50 percent of the funding required to develop the restored public wetland and upland park of 1.46 acres on the southerly portion of Marina del Rey Parcel 9U (the subject project applicant will provide the balance of the funding needed to develop the public wetland park on its parcel), as well as construct the public transient anchorage on the waterside portion of Parcel 9U. The applicant for the subject hotel/timeshare project will provide the remaining 50 percent of the funding for the wetland park.

26. The park area outside of the salt marsh will be planted in appropriate native vegetation and shall serve as a public open space area for the enjoyment of wildlife and biological resources reminiscent of the way Marina del Rey existed before the harbor was built. Appropriate interpretive signage will be installed to enhance the public's visiting experience. A permeable turf block area, which will include natural vegetation at the northerly end of the park, will provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching and maintenance/emergency vehicles. The development of the proposed public wetland park on the southerly-most 1.46-acres of Parcel 9U represents a unique opportunity for the County to provide the public a

privately funded, ecologically themed park space on the westerly, predominately residential side of Marina del Rey.

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

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

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

30. Section 22.46.1180.16.b of the Marina del Rey Specific Plan requires applicants for a hotel use to designate at least 25 percent of the land area of the site proposed for new hotel development for a lower cost overnight facility, such as a youth hostel, lower cost conference facility with overnight accommodations, or campground; however, subsection "v" of this same Code section expressly exempts applicant's on-site provision of such lower-cost overnight facilities in cases where it is demonstrated that a proposed hotel project of the same or lesser size on the same parcel paid a lower-cost overnight accommodation in-lieu fee, or its equivalent, within 20 years of the date of a subsequent hotel application for the same site.

31. Pursuant to Section 22.46.1180.16.b.v, the subject application to be exempt from the lower-cost overnight facility provisions of the LCP, because the developer of a prior, larger (300 approved hotel rooms) hotel approved for development on the subject Parcel 9U (the Marina Plaza Hotel) has already fulfilled this obligation through its prior payment, within 20 years of the applicant's filing of the subject zoning application, of a lower-cost overnight accommodations "in-lieu fee." Records indicate that the developer of the Parcel 9U Marina Plaza Hotel paid a lower-cost overnight accommodations in-lieu fee in the amount of $365,000. These monies were utilized for the construction of an American Youth Hostels, Inc. ("AYH") youth hostel in the City of Santa Monica, which has been in operation since 1989 (see Coastal Commission Coastal Development Permit Application no. 5-86-175, American Youth Hostels, Inc., applicant).

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

33. The proposed development project conforms to the following phasing schedules in the LCP:

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

    - There is sufficient traffic capacity in both the Marina del Rey internal system and the sub-regional highway system serving the Marina to accommodate the traffic generated by the planned development; and

    - The project will be in full conformity with the build-out limitations of the LCP specified for the subject Development Zone 2 (Tahiti Development Zone), because the applicant is proposing development of 288 hotel and timeshare suites on the parcel and the subject Development Zone has 288 such units available for use.

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

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

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

The approved traffic report for the project concludes that the proposed development will generate 102 p.m. peak hour trips. Therefore, the applicant has been conditioned to pay a total LCP-prescribed traffic impact fee of $580,380, of which $163,200 will be allocated for Category 1 traffic improvements and $417,180 will be allocated for Category 3 improvements.

35. The proposed hotel and timeshare resort development is consistent with the subject parcel's applicable "Hotel-WOZ" land use designation in that:

    a. All proposed land uses (i.e., visitor-serving Hotel & Timeshare Resort with appurtenant uses) are permitted land uses in the LCP for the "Hotel" land use category; the proposed public wetland park on the southerly portion of the property is also a permitted land use;

    b. The proposed project is consistent with the Water Overlay Zone ("WOZ") development standards specified in the certified LCP;

    c. The project will not displace existing public recreation or visitor-serving uses. To the contrary, the project substantially enhances public recreational and visitor-serving opportunities at the site. The project will develop a visitor-serving resort with overnight lodging accommodations and accessory waterfront dining and other visitor-serving uses. The project will assist in developing a public wetland park and will construct a 28-foot-wide public pedestrian promenade along the Parcel 9U's entire water frontage. Currently, the vacant parcel is fenced-off from the public, which precludes any recreational or visitor-serving use of the site;

    d. The proposed development is in conformity with the front, rear and side yard setbacks specified in Section 22.46.1370, except as approved for modification pursuant to the promenade-adjacent yard reduction variance request filed with this application; and

    e. Consistent with Section 22.46.1370, the proposed development will not reduce the amount of land area devoted to existing public parks, boating or coastal-dependent marine commercial uses. The planned development will develop a new visitor-serving facility, where none now exist. The site will be improved with a hotel and timeshare resort, including a restaurant, cocktail lounge and improved pedestrian promenade. The project will also provide 50 percent of the funding required to develop a public wetland park on the southerly 1.46-acres of the subject parcel.

36. The proposed hotel and timeshare resort project to be consistent with the "Hotel" LCP land use designation of the subject Parcel 9U. The Commission has considered, and concurs with, the extensive analysis contained in the DEIR which explains that the timeshare element of the proposed hotel/timeshare project is an allowable use on Parcel 9U and is consistent with the certified LCP. County Counsel has also opined

that hotels with a timeshare component are a permitted use under the Marina del Rey LCP.

37. The proposed 136 timeshare units will be controlled by the conditions of approval in the project Coastal Development Permit designed to ensure that there is no discernible difference (in intensity of use or impacts to the physical environment) between units that are used as timeshares and those that are used as traditional hotel rooms in the project. Notwithstanding the fact that the LCP does not specifically call-out timeshares as a permitted use in the Hotel land use designation, as conditioned by the County for this particular hotel/timeshare resort project, the proposed timeshare use is a permissible use under the LCP's Hotel land use designation. Recreation and Visitor-Serving Facilities Policy #1 of the LUP lists "overnight lodging" as a qualifying visitor-serving use in accord with related Coastal Act provisions. As conditioned in the project Coastal Development Permit, the proposed timeshare component will be operated similarly to a conventional hotel and that the proposed timeshare use is a type of "overnight lodging" that is consistent with the overnight lodging policies of the LUP's Recreational & Visitor-Serving Facilities chapter.

38. During the hearing, some members of the public who testified in opposition to the project have asserted that timeshares imply exclusive ownership and do not represent a temporary use of facilities; however, the proposed timeshare use, as conditioned in the project Coastal Development Permit, will be a temporary use of facilities and virtually indistinguishable from the conventional hotel use in the project.

39. The Land Use Plan chapter of the LUP (Policies and Actions, Part 2 – Mapped Policy for the LUP) lists "hotel" as a permissible land use category, and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel. As conditioned in the project Coastal Development Permit, the project timeshares' owners' use of any individual timeshare suite would be acceptably limited in duration, and that the timeshare suites would represent overnight accommodations in a structure that provides dining and ancillary services, consistent with this LUP Section.

40. Land Use Plan Policy #7 of the LUP (Entitlements Process) incorporates, by reference, language from the Countywide General Plan and Title 22 of the County Code. Moreover, the Marina del Rey Specific Plan (Section 22.46.1030.A) states: "For matters on which this Specific Plan is silent, other applicable provisions of Title 22 shall control." The Specific Plan does not specifically define overnight lodgings or hotel, but Title 22 defines a hotel as "any building containing six or more guest rooms or suites of guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied on a temporary basis by guests." The proposed timeshare use, as conditioned, to be consistent with this definition and therefore an allowable use on Parcel 9U.

41. The proposed development to conforms with the required 10 foot front and side yard setbacks specified in Section 22.46.1370, except as such has been modified pursuant to the promenade-adjacent yard reduction Variance request the Commission has approved for this case.

42. The project is consistent with the 225-foot building height limitation of the subject Parcel 9U. Marina del Rey Specific Plan Section 22.46.1810 identifies the subject parcel as Height Category 5, with a building height not to exceed 225 feet if a view corridor is provided comprising at least 40 percent of the parcel's water frontage. The site plan depicts a view corridor over the southerly portion of the parcel comprising 40 percent of the Parcel 9U water frontage, in conformance with LCP view corridor requirements (pursuant to the LCP, parcels located between the water and the first public road must provide a view corridor allowing uninterrupted views of the harbor from the road to the waterside, at ground level). Moreover, consistent with Height Category 5 building height limitations, the project building elevations presented to the Commission indicate a maximum building height of 225 feet excluding the screened rooftop mechanical equipment, emergency helistop and elevator machine room.

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

44. Consistent with LCP requirements, the project has been designed so that planes of the exterior building walls will vary in depth and/or direction to avoid bulk and monotony, and will relate closely to the pedestrian promenade. The proposed hotel/timeshare tower has been oriented on the parcel and designed to avoid long, continuous blocking of water views. Over 40 percent of the parcel will be left open to allow unobstructed views from Via Marina to the water. Balconies, terraces and patios are encouraged in the LCP, and have been included within the subject hotel/timeshare resort. Outdoor dining facilities that do not interfere with public access ways are also encouraged in the LCP, to take advantage of water views and scenic vistas throughout Marina del Rey. The subject project provides a large outdoor dining terrace directly overlooking Marina waters with direct pedestrian access to the waterfront promenade and the public wetland park on the southerly portion of Parcel 9U. As noted, the DCB has reviewed and conceptually approved the proposed site design and architecture, consistent with LCP requirements.

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

46. The proposed hotel structure will be fully sprinklered, in conformance with County Fire Department requirements. Emergency access to all structures and common areas of the project will be provided to the satisfaction of the County Fire Department. The

applicant has been conditioned to secure Fire Department approval of a "Fire Safety Plan" prior to issuance of a building permit.

47. The project landscaping along site perimeters will maintain a minimum width of eight feet and will allow visual access into the lot, as required by the LCP. Consistent with LCP landscaping requirements, the project has been designed so that any landscaped borders used to shield obtrusive uses have a minimum width of eight feet and consist of vegetation of sufficient density to hide the use.

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

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

50. Consistent with Shoreline Access Policy #2 of the LUP, the project greatly enhances public access to the waterfront by constructing a 28-foot-wide public pedestrian promenade along the entire water frontage of Parcel 9U; by developing a high-quality visitor-serving project which will attract the public to the shoreline; and by financing 50% of the cost of developing a public wetland park on the southerly portion of Parcel 9U. Public access from Via Marina to the waterfront will be provided along the perimeter of the adjacent public wetland park to be developed over the southerly portion of parcel. Moreover, the public will be able to access both the public waterfront promenade and adjacent wetland park at multiple access points to be provided within the

hotel/timeshare resort facility. As noted, the subject parcel is presently fenced off from any public access or use except for a small sidewalk that fronts the parcel bulkhead.

51. Consistent with Shoreline Access Policy #3 of the LUP, the project design will vastly improve access to and along the shoreline through the provision of a 28-foot-wide waterfront pedestrian promenade and connection points thereto through the resort facility and the adjacent wetland park to be developed over the southerly portion of the parcel. As noted, except for a small sidewalk located between the seawall and perimeter site fencing, the parcel is currently inaccessible to the public due to fencing around the site perimeter. Development adjacent to the bulkhead (i.e., public promenade) will provide pedestrian access ways, benches and rest areas along the bulkhead. Conspicuous signage will be posted indicating the project's lateral access ways, the waterfront promenade and the wetland park as public.

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

53. Consistent with Shoreline Access Policy #10 of the LUP, the project will accommodate a shuttle stop and/or transit stop (at main motor court entrance drive), in the event a shuttle bus begins operations in the Marina in the future.

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

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

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

57. In conformance with Shoreline Access Policy #14 of the LUP, the applicant's development of a new 28-foot-wide public pedestrian promenade and shaded seating areas thereon, provision of a Marina basin-adjacent public wetland park on the

southerly portion of the parcel, as well as an expansive waterfront outdoor dining area in the resort that will be conspicuously accessible to the pubic directly from the waterfront pedestrian promenade, will afford the public substantial, high-quality viewing opportunities of the small craft harbor water areas.

58. Consistent with Recreation & Visitor-Serving Facilities Policy #2 of the LUP, the project provides high-Coastal Act-priority visitor-serving uses (overnight lodging, waterfront restaurant, cocktail lounge, pool, spa and meeting facilities) into the westerly side of Marina del Rey, which is presently dominated by lower-Coastal Act-priority multi-family residential use. The Applicant will assist the County with funds to develop a public wetland park on the southerly portion of the site, greatly enhancing the site's public recreational and resource opportunities. Further, the project provides substantially enhanced on-site recreational opportunities through its development of a new 28-foot-wide public pedestrian promenade along the entire waterfront of the parcel.

59. In conformance with Recreation & Visitor-Serving Facilities Policy #2 of the LUP (calling for the protection and advancement of additional low-cost visitor-serving facilities/uses in the Marina), the project will provide high-quality, lower-cost, visitor-serving uses, on what is currently a vacant parcel fenced-off from public use. The applicant will assist the County in developing a public wetland park on the southern portion of the parcel, which will include an educational signage program describing the wetland resources and a public pedestrian promenade along the entire bulkhead of the parcel. The project also provides the public free use of the 28-foot-wide waterfront pedestrian promenade. The public will also be invited to use the hotel/timeshare resort's restaurant and bar facilities, which will be directly accessible from the waterfront pedestrian promenade as well as the adjoining public wetland park.

60. In conformance with Recreation & Visitor-Serving Facilities Policy #6 of the LUP, and as outlined in the below findings regarding the applicant's requested Parking Permit, the project satisfies parking needs for all proposed uses.

61. Consistent with Recreation & Visitor-Serving Facilities Policy #7 of the LUP, the project parking facilities have been adequately integrated into the overall design of the project. As noted, the project, including the project parking design/layout, has been reviewed and conceptually approved by the DCB.

62. In conformance with Recreational Boating Policy #3 of the LUP, the applicant has been conditioned to ensure project construction is undertaken in a manner that ensures as minimal an impact as possible to existing boater facilities in the vicinity of the site.

63. Consistent with Marine Resources Policy #2 of the LUP (Reduction of contaminated run-off into Marina waters), the applicant has completed a drainage concept, which has been approved by the County Department of Public Works. To avoid adverse impacts on the local Marina and greater ocean waters, the applicant has been conditioned to

comply with National Pollution Discharge Elimination System requirements of the California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.

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

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

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

67. Land Use Plan Policy #1 of the LUP states: "The primary purpose of the Land Use Plan shall be to maintain Marina del 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 visitor-serving hotel/timeshare resort use directly advances this key Policy's stated "secondary purpose" of promoting the development of new visitor-serving facilities in the Marina. Consistent with this LUP Policy, the Commission also finds the applicant has been conditioned to ensure project construction will be coordinated in a manner to ensure that the development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities in the vicinity of the site, nor the ancillary uses which support these facilities.

68. The project implements Land Use Plan Policy #2 of the LUP (Maintenance of the physical and economic viability of the marina is a priority) through redeveloping Parcel 9U—which is currently vacant and all but fenced off from public use of any kind—with a high-quality, waterfront, visitor-serving hotel/timeshare resort containing the full complement of visitor/public-serving uses (hotel and timeshare suites, waterfront restaurant and bar accessible to the public, hotel spa accessible to the public, fully amenitized public waterfront pedestrian promenade, adjacent public wetland park, and direct access to the public anchorage abutting the parcel bulkhead). The project development will help to ensure maintenance of the physical and economic viability of the marina.

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

70. In conformance with Land Use Plan Policy #8 of the LUP ("Land Use Consistency), with approval of the applicant-requested promenade setback Variance for the project, the proposed project will satisfy all applicable policies and development standards of the certified LCP, including, but not limited to, permissible land use, building height, on-site parking, view corridors, lot coverage, provision of public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade, public boat anchorage, and public wetland park), and compliance with LCP requirements for adequate traffic capacity.

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

72. Consistent with Coastal Visual Resources Policy #2 of the LUP, the project's signage will be in keeping with the character of the neighborhood, will be consistent with the C-3 Zone (commercial) signage criteria applicable to the Hotel-designated parcel, and will be subject to final review and approval by the Design Control Board prior to installation, as called for in the LCP.

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

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

75. The project complies with the building Height Design Concept outlined in Coastal Visual Resources Policy #s 7 and 8 of the LUP. The proposed 225-foot building height (exclusive of screened rooftop mechanical equipment, emergency helistop and elevator machine room, which are by policy excluded from the County's calculation of building

height) is consistent with the applicable Height Category 5 for the subject parcel because the applicant is providing a view corridor over the southerly portion of the site comprising 40 percent of the parcel's water frontage.

76. Hotels within the LCP area located on the Marina's "non-mole" roads (such as Via Marina) are permitted a height limit of 225 feet (see LUP page 8-11). Building height design flexibility is provided in the LCP for seaward parcels along Via Marina, including Parcel 9U, allowing a maximum height of 225 feet when a 40 percent view corridor is provided (see LUP Policy 8b). Consistent with the certified LCP's "Modified Bowl" concept, the hotel/timeshare project provides a 40 percent view corridor over Parcel 9U as a trade-off for developing a taller building with a significantly smaller building footprint. The proposed hotel design offers a significantly wider water view corridor than the previous hotel (300-room Marina Plaza Hotel) that was approved for development on the site by the County and Coastal Commission in the 1980's. That prior-approved hotel spanned the entire parcel, offering only a scant view to the water, and also included a 9-story hotel tower.

77. The approved project is consistent with Coastal Visual Resources Policy #9 of the LUP (Evaluation of wind impacts). The well-qualified, licensed engineering firm of Rowan Williams Davies & Irwin Inc. (RWDI) performed a detailed wind study for the project (October 2005) using wind tunnel tests to simulate and measure before and post-development wind conditions in Basin B. The study concludes that there would be no significant effect on the general air circulation patterns in Basins A, B and C in the Marina as a result of development of the proposed project. The study reports there will be areas of altered wind speed and direction in Basin B adjacent to the proposed development, particularly when the winds are from the southwest, and also acknowledges there will be localized areas where changes in wind direction and speed occur at the west end of Basins B and C, in areas generally close to the proposed and future developments; however, due to the localized nature of these changes and the fact that the majority of sailors will be under power as they either dock at or leave berthing slips at the basins' terminuses, the report concludes the general air circulation pattern and the use of surface winds by birds within Basins A, B and C of Marina del Rey will not be significantly affected by the proposed development. RWDI's wind study for the project also concludes that the proposed development would not have any appreciable effect on winds utilized by birds during flight.

78. The Commission has reviewed RWDI's wind report for the project and deems it to constitute credible evidence substantiating that development of the subject project on Parcel 9U will not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel, nor adversely impact winds utilized by birds in flight.

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

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

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

82. The traffic report prepared for the project, which has been reviewed and approved by the County Department of Public Works' Traffic & Lighting Division and has been included as an appendix to the EIR, prescribes specific mitigation measures for the project's significant traffic impacts and cumulatively significant traffic impacts. The report finds that the development of the hotel/timeshare project alone would not result in any significant traffic impacts; however, development of the hotel/timeshare project in conjunction with the other project components would result in significant project-specific traffic impacts. The report identifies mitigation measures to reduce these impacts to less than significant. In conformance with Traffic Circulation Policy #1 of the LUP (Internal Transportation Improvements), the report concludes that, with implementation of the report's prescribed mitigation measures, the planned development will not exceed the capacity of the internal Marina del Rey street system. The report further finds that the prescribed traffic improvements will be appropriately funded through the applicant's payment of the LCP-prescribed "PM Peak Hour" traffic mitigation fee (a total traffic mitigation fee of $580,380, will be paid by the applicant for the project); in turn, the County will utilize $163,200 of the collected traffic mitigation fees to fund construction of "Category 1" ("System-wide") transportation improvements intended to mitigate traffic impacts internal to the Marina's local street network. The County Department of Public Works prefers to implement the Marina del Rey Transportation Improvement Program (TIP) roadway improvements at each intersection, which are funded by the trip

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

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

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

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

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

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

83. Consistent with Traffic Circulation Policy #3 of the LUP (Sub-regional Transportation Improvements), as outlined in the project traffic study, the applicant has been conditioned to make its fair share contribution, through payment of the prescribed traffic mitigation fee, to help fund construction of "Category 3" ("Sub-regional") transportation improvements, which are prescribed in the LCP. Category 3 fees in the amount of $417,180 will be paid to the County by the applicant, which fees will be utilized by the County, in consultation with appropriate agencies, to help fund construction of sub-regional transportation improvements intended to insure that this project and other Phase 2 developments do not exceed the capacity of the sub-regional street system. The County Department of Public Works prefers to implement the Marina del Rey Transportation Improvement Program (TIP) roadway improvements at each intersection, which are funded by the trip mitigation fees, as a single major project in order to minimize traffic disruptions and construction time. Therefore, the certified Environmental Impact Report recommends the applicant's payment of the above-described fee over the partial construction by the applicant of portions of the Traffic Improvement Program roadway improvements. However, should the County Director of Public Works decide that it is necessary to expedite roadway improvement construction at one or more intersection in order to assure that the mitigation occurs in phases coinciding with new development in Marina del Rey, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this project to less than significant levels:

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

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

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

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

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

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

88. Consistent with Public Works Policy #s 8 and 9 of the LUP (Fire access requirements and pedestrian promenades), the project's waterfront fire access lane (i.e., the 20-most inward feet from the building line on the pedestrian waterfront promenade) has been designed to maintain unimpeded access, clear to sky, with no benches, planters or fixed

objects. The seaward-most 8 feet (adjacent to the bulkhead) of the 28-foot-wide waterfront pedestrian promenade has been enhanced with landscaping, shade benches, light standards, drinking fountains and other pedestrian amenities, consistent with LCP requirements.

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

90. The applicant has requested a Variance authorizing a zero-foot building setback from the 28-foot-wide public waterfront pedestrian promenade, whereas Section 22.46.1370 (Hotel) of the Marina del Rey Specific Plan requires provision of a 10-foot building setback from the promenade.

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

92. As directed by the Commission at the October 14, 2009 continued public hearing, the applicant updated its promenade amenity plans for the project to include additional pedestrian-oriented details such as promenade seating with shade structures, bicycle racks, trash receptacles, drinking fountains, an enhanced paving pattern along the waterfront pedestrian promenade, and a water taxi gateway landing feature at the gangway entrance to the public anchorage that will front the landside parcel. The applicant also prepared two additional project renderings and a section better depicting the relationship of the resort's waterfront outdoor dining area to the adjacent public waterfront promenade, including a depiction of the grand stairway that will lead directly into the resort's outdoor dining area from the adjoining public waterfront pedestrian promenade.

93. The DCB reviewed the applicant's enhanced promenade amenity plans at its December 17, 2009 public meeting. Staff has transmitted the DCB's written review comments regarding the applicant's updated promenade amenity plans for Parcel 9U, which the Commission has reviewed and which are included in the administrative file for this case. The DCB's review comments indicate the DCB's approval of the applicant's updated promenade amenity plans, subject to the applicant's incorporation of the DCB's suggested modifications intended to further enhance this public space. As required by the LCP, the applicant has been conditioned to return to the DCB prior to issuance of a building permit for a final review of project signage, landscaping, public amenities (concerning final design details of the promenade seating and associated shade

structures, bike racks, promenade light standards, decorative paving and water taxi gateway landing feature), and building colors and materials.

94. There are special circumstances applicable to the subject property, including the LCP requirement for provision of public waterfront recreational space (i.e., 28-foot-wide waterfront pedestrian promenade), the relatively narrow depth of the parcel, the LCP requirement for provision of an expansive view corridor comprising 40 percent of the parcel's water frontage, and the physical limits of the land area available to the parcel due to it being abutted by water on one side, which justify the requested yard setback reduction variance at the public waterfront pedestrian promenade. Moreover, existing development on adjoining parcels eliminates the development alternative of acquiring additional property or adjusting lot lines to create additional developable area to accommodate the 10-foot yard setback adjacent to the promenade.

95. The Commission's review of the site plan shows a series of design features required by the Marina del Rey Specific Plan that limit the area available to the footprint of the proposed hotel/timeshare resort structure, and the resulting necessity to vary from setback standards at the location of the waterfront promenade. These required design regulations include the 28-foot-wide waterfront public pedestrian promenade, building height limitations, maintenance of public view corridors to the water from adjacent public streets and other specific requirements, which combine to restrict the portion of land area available for the footprint of the proposed building. The site is further constrained by applicant's proposal (in conjunction with a neighboring developer) to develop a public wetland park over the southerly approximately 1.46 acres of the 3.66-acre Parcel 9U. The DCB's December 17, 2009 review of the applicant's enhanced promenade amenity plans, combined with the final design review the applicant's promenade design and amenity plans will receive from the DCB after the applicant's obtainment of the Project Permits but prior to issuance of a project building permit, will ensure proper design and land use interface between the waterfront pedestrian promenade and approved structure, so that approval of the requested building setback variance will not prove materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity or zone.

96. Pursuant to Section 22.46.1360 of the County Code, the applicant has requested Conditional Use Permits to authorize construction of a new parking structure to service the hotel/timeshare resort; the installation of signs; the installation and maintenance of a Fire Department-required emergency rooftop helistop; and the sale and service of a full line of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort.

97. Regarding the applicant's Conditional Use Permit request for construction of a parking structure to service the proposed development, the project parking facilities have been adequately integrated into the overall design of the project, consistent with Recreational & Visitor-Serving Facilities Policy #7 of the LUP. The project architect has designed the

structured parking facilities in a manner that ensures internal vehicular circulation and parking is appropriately controlled on-site, so as not to cause vehicular queuing onto Via Marina during high-use periods. Moreover, as part of its Parking Permit application, the applicant has submitted a shared-parking analysis, prepared by a licensed traffic and parking engineering firm, which concludes that sufficient on-site parking has been programmed for the project during peak use periods, to ensure that parking is contained on-site and does not spill over onto adjacent streets or neighborhoods. These measures will help to ensure that the project's structured parking facilities will not be materially detrimental to the enjoyment, use or valuation of property of other persons residing or working in the vicinity of the project site.

98. Regarding the applicant's Conditional Use Permit request for installation of project signage, project's signage will be in keeping with the character of the neighborhood and will be consistent with the C-3 Zone (commercial) signage criteria applicable to the Hotel-designated parcel. The DCB will again review the project, at the end of the land use entitlements process, to review the project's final design details, landscaping and signage. This review will include an analysis by the DCB to ensure that project signage is in conformance with the DCB's *Revised Permanent Sign Controls and Regulations*; the DCB will impose such conditions as may be needed to insure project signage is in compliance with these controlling signage regulations.

99. Regarding the applicant's Conditional Use Permit request for the installation, maintenance and use of an emergency helistop on the roof of the hotel tower, this use is a standard Code requirement imposed by the County Fire Department for high-rise structures. Conditions of approval of the Condition Use Permit limit use of the helistop to emergency/life safety situations only. Non-emergency use of the helistop will not be permitted, so concerns regarding noise intrusion into the surrounding neighborhood resulting from non-emergency use of the helistop are unfounded. The proposed helistop will not unduly adversely impact the health, peace, comfort or welfare of persons residing in the project vicinity, but may prove essential to protecting the health and welfare of persons utilizing the hotel/timeshare resort (in the event the helistop is utilized for emergency purposes).

100. Regarding the applicant's Conditional Use Permit request for the service of a full line of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort (i.e., in the resort restaurant, bar, meeting rooms, guest suites, and pool area), the patrons' on-site consumption of alcoholic beverages is an ordinary incidental use of high-quality hotel resort restaurants, lounges, pool areas, meeting rooms, and guest suites and significantly contributes to such businesses' success, thereby promoting the general welfare. Indeed, patrons expect to be able to purchase alcoholic beverages at the type of full-service resort being proposed. The conditions of approval imposed by the County per the CUP for alcohol service and those imposed by the State as part of the business' ABC license will work in concert to ensure that potential adverse impacts to the public welfare, health, comfort and/or safety are appropriately mitigated.

101. Because the service of alcoholic beverages for on-site consumption will be heavily regulated through the conditions of the County and State permits regulating same, the use at the location proposed will not adversely affect the economic welfare of the community or otherwise be materially detrimental to the use, enjoyment or valuation of property of persons either working or residing in the vicinity of the project site. Such activities will serve to make the resort competitive with other such establishments in the Marina del Rey vicinity (such as those offered nearby at the Marina del Rey Marriott Hotel, located at the corner of Via Marina and Admiralty Way) and will allow the resort to fulfill the expectations of its patrons.

102. The Commission further finds that the numerous County and State conditions of approval regulating the sale of alcoholic beverages at the resort will work to ensure that the service of alcoholic beverages on the premises will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or welfare. The public convenience and welfare will be positively served by providing a new high-quality restaurant and lounge on the western side of Marina del Rey, which is currently lacking such establishments. In addition, the proposed hotel/timeshare resort, with the requested service of a full line of alcoholic beverages for on-site consumption, will positively serve public welfare by generating additional jobs and sales tax revenues.

103. The sale of a full line of alcoholic beverages for on-site consumption at the hotel/timeshare resort's restaurant, lounge, meeting rooms, pool area and guest suites will in no way adversely impact sensitive uses such as churches or schools because no such uses exist within a 600-foot radius of the subject property. Moreover, although a public wetland park will be developed on the southerly portion of the subject property as part of this project, appropriate staff training, management controls and regulatory conditions will regulate the sale of alcoholic beverages at the resort establishments to ensure that the sale of alcoholic beverages on the premises will not adversely affect the public's use of the adjacent wetland park.

104. While there are existing apartments and condominiums located in the local project vicinity, the sale of alcoholic beverages for on-site consumption at the resort will be managed and regulated and will be sufficiently buffered from the nearby residential uses so as not to adversely affect the nearby residents.

105. The requested sale of a full line of alcoholic beverages for consumption on the premises will not result in an undue concentration of similar premises because no such other establishments sell alcoholic beverages for on-site or off-site consumption within a 500-foot radius of the subject property.

106. The proposed alcoholic beverage sales and service will be incidental to a resort restaurant, lounge, meeting rooms, pool area and guest suites. The approval of this use at the subject location will not adversely affect the economic welfare of the community.

107. As noted, the proposed site plan and development scheme has been reviewed and conceptually approved by the Marina del Rey Design Control Board, as required by the Marina del Rey Local Coastal Program. Moreover, the Applicant will again submit the project plans to the DCB for a "final" design review at the end of the regulatory process. This review will ensure that the proposed architecture, materials and exterior appearance of the proposed hotel/timeshare resort structure is complementary to and enhances the neighborhood aesthetic. There are no other commercial establishments in the local vicinity of the subject property. The exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

108. The applicant has requested a Parking Permit to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

109. Regarding the applicant's request for a Parking Permit to authorize reduced on-site parking via a shared-parking arrangement, Crain and Associates of Southern California, the applicant's licensed traffic and parking engineering consultant, prepared a detailed shared-parking study for the subject project, which study is included as an appendix to the project EIR. The shared-parking study notes that approximately 551 on-site parking spaces would be required for the proposed project if all proposed uses (i.e., primary hotel/timeshare use containing 288 guest rooms and accessory restaurant, lounge, sundry shop, spa, ballroom and meeting rooms) were parked to County Code requirements as "stand-alone" uses. During peak use periods, the applicant proposes to provide a maximum of 360 parking spaces on-site, 21 of which would be fee-based "self-park" spaces and the balance of which would be managed/parked by the resort's professional valet service. Therefore, if all of the uses proposed for the project (i.e., primary hotel/timeshare use and assortment of uses accessory thereto) were parked pursuant to the County Code as stand-alone uses, the project parking would be deficient by 191 parking spaces (i.e., 551 required - 360 provided = deficiency of 191 spaces).

110. The County Code acknowledges that stand-alone parking often does not reflect the true parking demand of a mixed-use development of the type being proposed, and therefore allows for alternative arrangements to be made of project uses on a shared-parking basis, subject to approval of a Parking Permit.

111. As detailed in the shared-parking study prepared for the project, the applicant's parking consultant determined that the maximum seasonal parking needs for the proposed project site will be approximately 339 parking spaces between 9:00 p.m. and 10:00 p.m. on a typical summer weekend evening, with the summer weekday parking peak being slightly lower, at 338 spaces.

112. Because the applicant is providing 360 parking spaces during peak use periods, whereas Crain & Associates' shared-parking analysis for the project shows only approximately 339 parking spaces will be needed at peak use periods, the study concludes that the project will be parked with a sufficient number of on-site parking spaces to service the project's uses at peak demand.

113. Based on the conclusions of the Crain and Associates' shared-parking study for the project, which the Commission has reviewed and deems as credible substantial evidence supporting the requested parking reduction, the applicant has provided sufficient justification that a parking reduction to a total of 360 on-site parking spaces is warranted in this instance and that there is no need for the number of parking spaces otherwise prescribed in the County Zoning Code. Based on this analysis, the Commission accepts the parking consultant's conclusion that no parking spillover onto area streets or into the nearby neighborhoods is anticipated, and no parking-related impacts are expected as a result of the proposed hotel/timeshare resort development on parcel 9U.

114. The applicant proposes to employ a professional valet company to manage the project's tandem parking spaces. The professionally managed tandem parking is pervasive across the Los Angeles region for commercial uses, and is an especially important component of conventional hotel/timeshare resort developments. As configured, and with the proposed valet service, the tandem parking area will constitute an alternate parking arrangement that, while not compromising vehicular ingress, egress and movement throughout the site, will enable the applicant to maximize on-site parking for the project. The professional valet service will also help to ensure the most efficient and safe flow of vehicles to and from the site, thereby reducing the potential for vehicular queuing onto Via Marina.

115. No conflicts will arise between the various uses justifying the shared parking facilities because all the uses are a part of the hotel/timeshare resort use and will be managed by the applicant. As noted, the shared parking study prepared by Crain and Associates of Southern California for the project determined that the maximum seasonal parking needs for the proposed project site will be approximately 339 parking spaces between 9:00 p.m. and 10:00 p.m. on a typical summer weekend evening, with the summer weekday parking peak being slightly lower, at 338 spaces. The project will provide 360 parking spaces; therefore, the applicant will be able to provide its patrons sufficient parking spaces during peak demand periods.

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

Regarding the Coastal Development Permit:

A. That the proposed project is in conformity with the certified Local Coastal Program; and

B. That the proposed project, being located between the nearest public road and the sea, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

Regarding the Conditional Use Permit:

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

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

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

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

Regarding the Variance:

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

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

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

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

Regarding the Parking Permit:

A. That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 of the Los Angeles County Code because of the use characteristics of the proposed uses, as outlined in the shared-parking analysis prepared for the project;

B. That there will be no conflicts arising from special parking arrangements allowing shared parking facilities and tandem spaces because uses sharing the proposed parking facilities operate at different times of the day and the proposed parking facility will employ professional parking valets;

C. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property; and

D. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in Title 22.

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

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

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

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Coastal Development Permit as set forth in Section 22.56.2410, Title 22, of the Los Angeles County Code (Zoning Ordinance), for a Conditional Use Permit as set forth in Section 22.56.090 of the Zoning Ordinance, for a Variance as set forth in Section 22.56.290 of the Zoning Ordinance, and for a Parking Permit as set forth in Section 22.56.1020 of the Zoning Ordinance.

REGIONAL PLANNING COMMISSION ACTION:

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

2. In view of the findings of fact and conclusions presented above, Coastal Development Permit No. RCDP200600007, Conditional Use Permit No. RCUP200600288, Variance No. RVAR200600012 and Parking Permit No. RPKP200600020 are approved subject to the attached conditions.

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: March 10, 2010

This grant authorizes a **Coastal Development Permit** for site preparation and construction on the northerly portion of Marina del Rey Parcel 9U of a 19-story (225-feet-tall, exclusive of screened rooftop mechanical equipment, helipad and elevator machine room), 288-room hotel and timeshare resort structure (a minimum of 152 conventional hotel suites and 136 timeshare suites) with the following accessory uses in conjunction with the primary hotel/timeshare use: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; resort spa and fitness room; banquet and meeting rooms; pool; pre-function areas; resort administrative offices and "back of house" areas (e.g., laundry and storage, etc.) ; and a 28-foot-wide public pedestrian promenade along the parcel's entire water frontage, containing shaded benches, light standards, trash receptacles, and drinking fountains within the seaward-most eight feet; and proposed construction of a water taxi gateway landing feature at the gangway entrance to the public anchorage that will front the landside parcel. The **Coastal Development Permit** grant also authorizes construction of a six-level parking garage adjoining the hotel/timeshare structure to the north accommodating 360 parking spaces, at least 21 of which shall be fee-based "self-park" spaces and the balance of which are authorized to be valet- managed parking spaces. This grant further authorizes **Conditional Use Permits** for the construction of a new parking structure to service the hotel/timeshare resort; the installation of signs; the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort; and for the construction and maintenance of an emergency rooftop helistop. This grant further authorizes a **Parking Permit** for reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces; a **Variance** permitting the elimination of the required 10-foot building setback from the waterfront pedestrian promenade; and a **Vesting Tentative Tract Map** authorizing a condominium subdivision for the proposed timeshare units, as all such improvements are depicted on the approved site plans, building elevations, parking plan, building cross-sections, and other approved plans, marked Exhibit "A" on file, subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 9, 11 and 34.

3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee

of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.

4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

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

5. This grant will expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 067861. Unless this grant is used within the time specified, the grant will expire. In the event that Vesting Tentative Tract Map No. 067861 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map unless it is consider used. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.

6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

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

8. **The grant to authorize the sale of alcoholic beverages for the proposed hotel will terminate on March 10, 2025.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application for alcohol sales shall be filed with the Department of Regional Planning at least six months prior to the

termination date of this permit, whether or not any modification of the use is requested at that time.

9. The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statue, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **$4,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **30** annual inspections. Inspections shall be unannounced.

   If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently **$200** per inspection).

10. Within five (5) days of the approval date of this grant, the permittee shall cause a Notice of Determination to be posted in the office of the County Registrar/Recorder in compliance with Section 21152 of the Public Resources Code. Permittee shall remit applicable processing fees, payable to the County of Los Angeles, in connection with such filing. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is **$2,867.25** ($2,792.25 plus $75.00 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. If this grant is modified, the permittee shall reimburse the County all costs associated with the proceeding.

12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.

13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

14. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

15. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.

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

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

18. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the property or provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

19. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

20. The subject facility shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate

water and sewage disposal facilities shall be provided to the satisfaction of said Department.

21. Within sixty (60) days of the Design Control Board's ("DCB") final design approval, permittee shall submit to the Director for review and approval three (3) copies of a revised Exhibit "A", similar to that presented at the public hearing. This Revised Exhibit "A" submittal shall contain a full set of the approved site plan, floor plans, parking plan, roof plan, building elevations, building cross-sections, landscaping plan, and signage plan.

22. Within sixty (60) days of the DCB's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of signage plans depicting the location, size and height of all proposed signage, which signage shall be installed on the subject property in accordance with the requirements of Part 10 of Chapter 22.52 of the County Code. Review and approval of the DCB shall also be required and the Director shall not approve signage plans until the plans have been first approved by the DCB.

23. The permittee shall post signs conspicuously at the subject property's frontage on Via Marina notifying members of the public about the availability of the Project's twenty-one (21) public-access parking spaces, which the permittee shall continually maintain for the public's use within the Project parking structure. The permittee shall clearly paint "Public Parking Space" on each of the 21 public parking stalls and shall ensure that the valet parking management and valet staff are aware that said spaces are to be reserved for exclusive use by the visiting public. These 21 public parking spaces shall be sited within the parking garage in a location that is convenient to the visiting public (i.e., proximate to the parking garage entrance). The permittee shall include the public parking signs required by this condition in the signage plan package that is required to be submitted for approval by the DCB pursuant to condition no. 21 of this grant.

24. Within (60) days of the DCB's final design approval, the permittee shall submit to the Director for review and approval three (3) copies of landscaping plans, which may be incorporated into the Exhibit "A," depicting the size, type and location of all proposed landscaping on the site as well as all proposed irrigation. Said plans shall also include details for the waterfront public pedestrian promenade, including surfacing materials, lighting, benches and other facilities proposed for the public promenade, and a planting plan that prohibits the use of exotic invasive plants [or that requires the use of plants compatible with the restored wetland and upland park]. The Director shall not approve landscaping plans until the plans have been first approved by the DCB.

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

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

    b. Project construction and appurtenant activities, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. Construction work shall not take place on Saturdays or Sundays. Grading, hauling and pile driving shall not commence before 8:00 a.m., Monday through Friday and shall not occur on Saturdays, Sundays or legal holidays.

    c. During demolition and construction, the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise.

    d. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby properties. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. Parking of construction worker vehicles shall be on-site or at an adjacent off-site location approved by the Director and agreed to by the lessee of said property and restricted to areas buffered from residences located in the vicinity of the subject property, as approved by the Director. If the permittee chooses to provide parking for construction workers off-site, the permittee shall submit to the Director for review and approval plans for temporary construction worker parking and shall demonstrate that the use of the off-site parking spaces shall not interfere with parking spaces required for operation of any use or uses on the property to be used for temporary parking. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and the Department of Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is

left stationary and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.

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

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

g. Prior to any project construction activities, the permittee shall submit a site plan to the Director of Planning for approval, that depicts the following:
   - The location of the staging area;
   - Location and content of the required notice;
   - The expected duration of construction activities.

   The permittee shall post a notice in a conspicuous location at the staging site. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the Department of Regional Planning upon request.

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

   i. Configure construction parking to minimize traffic interference.

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

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

   iv. Consolidate truck deliveries when possible.

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

   vi. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at (800) 242-4022 for daily forecasts.

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

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

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

i. The permittee shall develop and implement a dust control plan, as approved by the Director of Planning and the Director of Public Works, which includes the following measures recommended by the SCAQMD, or other measures of equivalent effectiveness approved by the SCAQMD:

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

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

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

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

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

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

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

viii. Require construction vehicles to observe traffic speed limits of 15 mph or less on all unpaved roads.

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

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

26. The hotel/timeshare resort shall be limited to a maximum of 152 conventional hotel suites and 136 timeshare suites and is subject to the following additional restrictions:

a. Hotel and timeshare units shall be located on the same floors (2 through 19).

b. The hotel owner/operator shall retain control through lease, easements or other legal means of all structural elements, recreational amenities, meeting space, restaurants, "back of house" and other non-guest unit facilities. The hotel operator

shall be the same entity for the management of both the traditional hotel guestrooms/units and the timeshare units.

c. The hotel and timeshare resort shall have an on-site hotel operator to manage rental/booking of all guestroom/units (both traditional hotel and timeshare guestrooms/units). Whenever a timeshare unit is not occupied, that unit shall be available for hotel rental by the general public through the hotel reservation system on the same basis as a traditional hotel room.

d. The hotel operator shall market and advertise all rooms to the general public. Timeshares users may also independently market and advertise their interval but all booking of reservations shall be made by and through the hotel operator.

e. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests/owners.

f. All guestrooms/unit keys shall be electronic and created by the hotel operator upon each new occupancy to control the use of the hotel and timeshare units.

g. Timeshare users shall not discourage rental of their interval or create disincentives meant to discourage rental of their interval.

h. All timeshare units rented as hotel units shall be rented at a rate similar to that charged by the hotel operator for the traditional hotel rooms of a similar class or amenity level.

i. The hotel operator shall maintain records of usage by timeshare users and renters and rates charged for all units, and shall be responsible for reporting Transient Occupancy Taxes ("TOT") based on records of use for all units.

j. Timeshare intervals shall be limited to sale in increments of one week, and stays by interval users shall be limited to no more than a total of four weeks annually. Timeshare users shall be required to participate in a major exchange program, such as RCI or Interval International.

k. No fee simple interest shall be conveyed to a timeshare participant.

l. Each timeshare program document shall include use restrictions, which shall include restrictions on exchange and use intervals, a limitation on interval ownership and use to a maximum of four weeks per year, conformity with the

requirements of the lease agreement between the County of Los Angeles and the hotel/developer, and enforcement provisions.

m. The timeshare component shall remain a commercial use, and must comply with the timeshare laws governed by the California Department of Real Estate.

n. No portion of the timeshare units may be converted to any other type of limited-use overnight visitor accommodations or other project that differs from the approved timeshare component to an extent that causes it to be inconsistent with the conditions herein.

o. No portion of the traditional hotel units/rooms may be converted to any other type of ownership (e.g., limited use overnight visitor accommodations) without an amendment to the coastal development permit.

p. The hotel owner/operator shall be required to submit, prior to the issuance of a coastal development permit, for the review and approval of the Director of the Department of Beaches and Harbors of the County of Los Angeles, a Declaration of Restrictions which shall include all the specific restrictions listed in Sections (a) through (o), above.

q. The Declaration of Restrictions described above shall be recorded against the title to that portion of Parcel 9U containing the hotel and timeshare resort development.

r. The hotel owner and the operator, to the extent the hotel owner delegates this responsibility to the operator, or any successor-in-interest shall make all reasonable efforts to maintain the legal ability to ensure compliance with the terms and conditions stated above at all times during the life of the hotel and timeshare resort development, and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions.

s. The hotel owner/operator and any successor-in-interest hotel owner and operator shall obtain, prior to sale of individual timeshare units, a written acknowledgement from the buyer that occupancy by the timeshare owner is limited to a maximum of four weeks annually, and that there are further restrictions on use and occupancy in the Project coastal development permit and the timeshare program documents.

t. The hotel owner/operator and any successor-in-interest hotel owner and operator shall monitor and record hotel occupancy and use by the general public and the owners of timeshare intervals throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual guestroom/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth above. The hotel owner/operator shall also maintain

documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the County upon request and to the auditor required below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the County of commencement of hotel operations.

u. Within 90 days of the end of the first calendar year of hotel operations, and within 90 days of the end of each succeeding calendar year, the hotel owner/operator shall retain an independent auditing company, approved by the Director of the Department of Beaches and Harbors of the County of Los Angeles, to perform an audit to evaluate compliance with these special conditions of the Project coastal development permit approved regarding occupancy restrictions, notice, recordkeeping, and monitoring of the hotel and timeshare resort. The audit shall evaluate compliance by the hotel owner/operator and owners of timeshare units during the prior one-year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Director of the Department of Beaches and Harbors upon request, within six months after the conclusion of each one-year period of hotel operations. After the initial three calendar years, the one-year audit period may be extended to two years upon written approval of the Director of the Department of Beaches and Harbors. The Director of the Department of Beaches and Harbors may grant such approval if each of the previous audits reveals compliance with all restrictions imposed above.

v. If the hotel owner and the hotel operator at any point become separate entities, the hotel owner and the hotel operator shall be jointly and severally responsible for ensuring compliance with the requirements identified above. If the hotel owner and hotel operator become separate entities, they shall be jointly and severally liable for violations of the terms and conditions (restrictions) identified above.

27. The subject building shall not exceed a height of 225 feet. The approved accessory screened rooftop mechanical equipment and elevator machine room and emergency helipad, as depicted on the approved Roof Plan and Building Elevations (marked Exhibit "A") on file, shall be excluded from this 225-foot building height limitation.

28. Front and side yards shall be maintained at a minimum of ten (10) feet in width.

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

30. The permittee shall maintain a shuttle turn out area on Via Marina to the satisfaction of the Directors of Planning and Public Works.

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

32. A minimum of 360 parking spaces shall be provided on-site, developed in compliance with Chapter 22.52, Part 11 of the County Code and in substantial conformance with the approved parking plan on-file (marked Exhibit "A"). Of these 360 parking spaces, at least 21 shall be reserved at all times as fee-based "self-park" spaces open to the general public. The balance of these parking spaces are authorized to be valet managed parking spaces for use by resort patrons. The County shall establish the hourly use fee for said 21 public self-park spaces in compliance with County policy and/or ordinance affecting same. On-street parking shall be prohibited, as shall parking in unmarked spaces and in access driveways.

33. The conditions and/or changes in the project, set forth in the Final Environmental Impact Report as necessary in order to assure the project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all of the mitigation measures included in the attached Mitigation Monitoring Program and Project Changes/Conditions due to Environmental Evaluation including submittal of a Mitigation Monitoring deposit in the amount of **$3,000** which shall be required prior to use of the grant and shall be utilized to defray costs associated with staff review and verification of the required mitigation monitoring reports. The mitigation monitoring reports shall be submitted to the Director as follows:

    a. At the time of building permit issuance, including verification of payment of applicable fees;

    b. Annually; and

    c. Additional reports as deemed necessary by the Department of Regional Planning.

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

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

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

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

38. The applicant shall provide signage at the bulkhead entrance and at conspicuous locations along the length of the promenade identifying the access ways as public. Benches shall be provided along the promenade.

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

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

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

42. The applicant shall prepare a Fire Safety Plan in accordance with Section 22.46.1180.A.15 of the County Code and obtain approval by the Fire Department prior to issuance of any building permits.

43. The permittee shall provide fire sprinklers and smoke detectors in the subject building to the satisfaction of the Los Angeles County Fire Department.

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

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

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

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

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

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

49. The rooftop helipad authorized under this grant shall be utilized for emergency purposes only and shall not be utilized by resort guests or others for non-emergency-related helicopter flight operations.

50. The service of a full-line of alcoholic beverages at the hotel/timeshare resort is limited to consumption on the premises only (the sale of alcoholic beverages on the premises for off-site consumption by patrons is strictly prohibited), and shall be further subject to all of the following restrictions:

a. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject building or at any location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the building or windows. Interior displays of alcoholic beverages or signs which may be visible to the exterior shall constitute a violation of this condition;

b. Telephone numbers of local law enforcement and the California Department of Alcoholic Beverage Control shall be posted to all cashier areas where alcoholic beverages are sold on the premises;

c. All sellers of alcoholic beverages must be at least 18 years old. The licensee, all managers and present and future employees who may be engaged to sell or serve alcoholic beverages on the premises shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the California Department of Alcoholic Beverage Control, which training shall be ongoing. The licensee shall display a certificate or plaque proximate to all areas where alcoholic beverages are sold on the premises indicating permittee's participation in this program;

d. The permittee shall provide adequate lighting in areas where alcoholic beverages are sold and consumed on the premises. Said lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons;

e. There shall be no coin-operated games or video machines maintained upon the premises at any time;

f. Any music, sound or noise emitted that is under the control of the permittee shall not exceed decibel levels that are permissible under the County's Noise Ordinance;

g. The permittee shall maintain on the premises and present upon request to any law enforcement officer, Department of Regional Planning Zoning Enforcement Inspector or CA ABC investigator a copy of the Business Permit, Insurance information and a valid emergency contact phone number for the valet service used by the permittee;

h. No pay phone shall be maintained on the exterior of the premises;

i. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;

j. The conditions of this grant shall be maintained at all times on-site and be immediately produced upon request of any County Sheriff, Department of Regional Planning Zoning Enforcement Inspector or CA ABC investigator. The resort management and all employees engaged in the sales and service of alcoholic beverages on the premises shall be knowledgeable of the conditions of this grant which pertain to the sale and service of alcoholic beverages;

51. The permittee shall comply with all conditions of Vesting Tentative Tract Map No. 067861, attached hereto and maintain in the case file.

52. Prior to operation, a valid business license shall be obtained for operation of the hotel and timeshare resort and shall remain in effect throughout the life of the grant.

53. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel No. 9U.

SZD:MRT
2/24/10

FINDINGS OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
FOR VESTING TENTATIVE TRACT MAP NO. 067861-(4)

1. The Regional Planning Commission ("Commission") of the County of Los Angeles has conducted duly noticed public hearings in the matter of Vesting Tentative Tract Map No. 067861 on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010 and March 10, 2010. Vesting Tentative Tract Map No. 067861 was heard concurrently heard with Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288, Parking Permit No. 200600020 and Variance No. 200600012.

2. Vesting Tentative Tract Map No. 067861 is a proposal to create 136 timeshare units which will be either for sale or for lease on approximately 3.66 acres.

3. Coastal Development Permit No. 200600007 is a request to authorize the site preparation and the construction of a 288 room hotel/timeshare resort, a six-level parking structure with approximately 360 spaces, a 28' wide pedestrian promenade and approximately 44,000 cubic yards of project grading with 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported for offsite disposal.

4. Conditional Use Permit No. 200600288 is a request to authorize the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the construction and maintenance of an emergency rooftop helistop.

5. Parking Permit No. 200600020 is a request to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces.

6. Variance No. 200600012 is request to allow a reduction of the required building setback from the required 28 foot wide pedestrian promenade. Current standards require uses to be setback 10' from the pedestrian promenade. The applicant is requesting a zero setback from the promenade.

7. The subject property is located in the unincorporated community of Marina del Rey, west of Interstate 405 (I-405), within the boundaries of the adopted Marina del Rey Specific Plan in the Playa Vista Zoned District.

8. The subject property is a rectangular shaped parcel with a total landside area of 3.66 acres. The site is currently vacant. The subject property contains a .43 acre wetland located on the southern portion of the property.

9. Access to the development will be from Via Marina, a Secondary Highway. Pedestrian access is proposed via the pedestrian promenade and Via Marina.

10. The subject property is currently vacant. The proposed hotel and timeshare resort would be located on the northern 2.19 acres of the property.

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

12. The subject property is zoned "Specific Plan" (SP) in the Marina del Rey Specific Plan area. The subject parcel's existing land use designations per the Local Coastal Program (LCP) is "Hotel-Waterfont Overlay Zone" for the landside portion of the parcel and "Water" for the waterside portion of the parcel.

13. The Specific Plan area is organized with land use categories and Development Zones that dictate the uses and intensities permitted on a parcel. The proposal to develop the proposed hotel and timeshare resort with 136 timeshare units, 152 conventional hotel rooms, a six-level parking structure, and a 28' wide pedestrian promenade and the following accessory uses in conjunction with the primary hotel/timeshare use: Restaurant with interior and outdoor terrace dining areas and kitchen; cocktail lounge; sundry shop; resort spa and fitness room; banquet and meeting rooms; pool; pre-function areas; resort administrative offices and "back of house" areas (e.g., laundry and storage), on the project site is consistent with the parameter established by the Specific Plan and the, "Hotel" land use category.

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

    North: Residential V (WOZ) (per MDR Specific Plan);

    South: Residential V (WOZ) (per MDR Specific Plan);

    West: City of Los Angeles, across Via Marina; and

    East: Residential III (WOZ) and Water (per MDR Specific Plan)

15. Land uses on surrounding properties consist of the following:

    North: Multi-family residential (Neptune Marina Apartments & Anchorage);

    South: Multi-family residential (Marina Harbor Apartments);

    West: Multi-family residential (condominiums in City of Los Angeles); and
    East: Multi-family residential apartments and private anchorage (Bay Club

Apartments & Anchorage).

16. Previous project history on the subject site includes: (1) In March of 1983, the Regional Planning Commission approved a 300-room hotel complex. (2) In January of 1999, Conditional Use Permit No. 99-205 was filed for a 288 room hotel and a 527 unit residential complex. This application was denied due to inactivity.

17. The project will have to comply with the Green Building and Drought Tolerant Landscaping requirements of the County's Green Building Program. The project is exempt from the Low Impact Development requirements.

18. The subject property is located at the northeast corner of Via marina and Tahiti Way, in Marina del Rey and in the Playa Vista Zoned District. The property is also known as Marina del Rey Parcel 9U.

19. The Regional Planning Commission finds the proposed subdivision and the provisions for its design and improvement are consistent with the density, goals and policies of the Marina del Rey Specific Plan.

20. The site is physically suitable for the type of development being proposed, since the property is relatively level and has an adequate building site to be developed in accordance with the grading ordinance; has access to a County-maintained street; will be served by public sewers; will be provided with water supplies and distribution facilities to meet anticipated domestic and fire protection needs; and will have flood hazards and geological hazards mitigated in accordance with the requirements of the Department of Public Works.

21. The design of the subdivision and the type of improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geologic and soils factors are addressed in the conditions of approval.

22. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and on the tentative map, provide adequate protection for any such easements.

23. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Control Board pursuant to Division 7 (Commencing with Section 13000) of the California Water Code.

24. This tract map has been submitted as a "Vesting" Tentative Map. As such, it is subject to the provisions of Sections 21.38.010 through 21.38.080 of the Los Angeles County Code (Subdivision Ordinance).

25. A Final EIR for the Woodfin Suite Hotel and Timeshare Resort project has been prepared in compliance with CEQA (Public Resources Code section 21000 *et seq.*), the state CEQA Guidelines, and the County Environmental Document Reporting Procedures and Guidelines. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Final EIR consists of the Draft EIR, Recirculated Draft EIR (RDEIR), the technical appendices to the Draft and Final EIR, the responses to comments, and revised Draft EIR pages.

26. A Mitigation Monitoring Plan consistent with the conclusions and recommendations of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Final EIR has been prepared. The Mitigation Monitoring Plan identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project is ensured, and its requirements have been incorporated into the conditions of approval for this project.

27. Mitigation measures which have been incorporated into the project, and included in the Mitigation Monitoring Plan, are listed in the Executive Summary of the Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Draft EIR, and include mitigation measures originally prescribed within the Specific Plan EIR.

28. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code. The current total fee amount is **$2,867.25** ($2,792.25 plus $75.00 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.

29. On October 29, 2008, the Commission conducted a public hearing on the proposed project. At that hearing, the Commission heard the staff presentation and testimony from the project applicants and interested members of the public. The hearing was continued to November 5, 2008 and staff was directed to determine possible hearing dates when the Commission could hold a hearing in the community of Marina del Rey.

30. On November 5, 2008, at the continued hearing, the Commission chose November 22, 2008 to hold the community hearing. Prior to the public hearing, it was determined that the Draft Environmental Impact Report (DEIR) needed to be recirculated to address previously unrecognized impacts

31. The Recirculated Draft Environmental Impact Report (RDEIR) was recirculated for public input on June 11, 2009. The public review period for the RDEIR closed on July 27, 2009, and a new public hearing was scheduled in the community of Marina del Rey on August 12, 2009.

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

33. On October 14, 2009, a continued public hearing was held. At the hearing, staff gave a presentation and testimony was heard from the project applicants and interested members of the public. Staff and the project applicants provided responses to the various statements that were made by members of the public in opposition of the project. The Commission continued the public hearing to February 3, 2010, and directed the applicants to return to the Design Control Board for additional review of the Variance request and instructed staff to prepare the Final Environmental Impact Report and complete the final findings and conditions of approval for the Commission's consideration.

34. On February 3, 2010, a continued public hearing was held. Staff informed the Commission that more time was required to complete the Final Environmental Impact Report. The Commission continued the project to March 10, 2010.

35. On March 10, 2010, the Commission considered the recommendation of staff and testimony of the applicant, closed the public hearing, adopted the Final Environmental Impact Report and Mitigation Monitoring Plan and approved Vesting Tentative Tracy Map No. 067861, Coastal Development Permit No. 200600007, Condition Use Permit No. 200600288, Parking Permit Case No. 20060002, and Variance Case No. 200600012.

36. Approval of this subdivision is conditioned on the subdivider's compliance with the attached conditions of approval as well as the conditions of approval for Coastal Development Permit No. 200600007, Condition Use Permit No. 200600288, Parking Permit Case No. 200600020, Variance Case No. 200600012 and the Mitigation Monitoring Program.

37. The subdivider has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice, as the proposed development is compatible with the subject parcel's, "Hotel," land use category. Compliance with the conditions of

approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan and Local Coastal Program policies.

38. The site is physically suitable for the density and type of development proposed and has access to a County-maintained street and County sewer and water services.

39. The design of the subdivision and the proposed improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geological and soils factors are addressed in the project conditions of approval.

40. The division of the development for the property in the manner set forth on this map will not unreasonable interfere with the free and complete exercise of public entity and/or public utility rights-of way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the tentative map provide adequate protection for any such easements.

41. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed subdivider by way of a 28 foot wide pedestrian promenade, provides reasonable public access to the ocean.

42. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials is the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

43. The Applicant submitted two separate preliminary geotechnical reports to County Department of Public Works as part of its application filing, the contents of which are compliant with the geotechnical and seismic engineering reporting requirements of the LCP. The Commission finds the reports fully analyze site geologic conditions, including potential geologic hazards and liquefaction, and that the DEIR includes mitigation measures that require conformance with all recommendations of the reports. Moreover, prior to initiation of the public hearings for this project, the associated project Vesting Tentative Tract Map went through the County's extensive Subdivision Committee process and has received sign-off from the Department of Public Works' Geotechnical & Soils Engineering Division (GMED). As a result of this extensive geotechnical review, the Commission finds the development will be based on thorough site-specific geologic and soils studies, including specific geotechnical studies related to mitigation of liquefaction and lateral spreading, and that the project has been designed to utilize earthquake resistant construction and engineering practices, in full compliance with applicable County and state

regulations and ordinances. Consistent with LACC 22.46.1190.A.1, the Commission also finds that site development on Parcel 9U will occur in geologically safe areas.

REGIONAL PLANNING COMMISSION ACTION:

1. After review and consideration of the Final Environmental Impact Report and subject to the Board's final action, the Regional Planning Commission certifies that Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto and that the document reflects the independent judgment and analysis of the Commission and determines that the significant adverse effects of the project, as described in the Final Environmental Impact Report, have either been reduced to an acceptable level or are outweighed by specific social, economic, legal, technological or other considerations of the project as stated in the attached Findings of Fact and Statement of Overriding Considerations for the project, which findings and statement are incorporated herein by reference.

2. The Mitigation Monitoring Program for the proposed project incorporated in the Final EIR is approved and adopted and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during project implementation.

3. In view of the findings of fact and conclusions presented above, Vesting Tentative Tract Map No. 067861 is **APPROVED** subject to the attached conditions and recommendations of the Subdivision Committee.

DEPARTMENT OF REGIONAL PLANNING
VESTING TENTATIVE TRACT MAP NO. 067861 **MAP DATE: 6-4-08**

DRAFT CONDITIONS:

1. Conform to the requirements of the Los Angeles County Code (Subdivision and Zoning Ordinances) and the requirements of the Marina del Rey Specific Plan. In addition, the Subdivider or successor in interest shall with the requirements of Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288, Variance No. 200600012, Parking Permit No. 200600020, and the adopted Mitigation Monitoring Program.

2. The subdivider shall submit evidence that the approved conditions for Coastal Development Permit No. 200600007, Conditional Use Permit No. 200600288, Variance No. 200600012, Parking Permit No. 200600020.

3. Show Via Marina as a dedicated street and Tahiti Way as a private and future street on the final map.

4. The subdivider or successor in interest Construct or bond with the Department of Public Works for driveway paving, a minimum of 28 feet to the satisfaction of the Department of Regional Planning and the Fire Department.

5. Show the driveway on the final map as a "Private Driveway and Fire Lane" or on a plat to be recorded concurrently with the final map and label as a "Private Driveway and Fire Lane."

6. Post the driveway with signs stating "No Parking" and provide for continued posting and enforcement of the restriction in a maintenance agreement or Covenants, Conditions and Restrictions. Submit a copy of the Covenants, Conditions, and Restrictions (CC&Rs) or maintenance agreement to be recorded to the Department of Regional Planning for review prior to final map approval. The subdivider or successor shall include provision in the CC&Rs or maintenance agreement stating that said document shall not be modified in any way without prior authorization from the Department of Regional Planning.

7. Submit a letter to the Department of Regional Planning agreeing to provide an adequate lighting system along all walkways to be constructed within the common areas to the satisfaction of the Department of Regional Planning.

8. Provide in the Covenants, Conditions and Restrictions a method for the continuous maintenance of the common areas, including the driveway and the lighting system along all walkways to the satisfaction of the Department of Regional Planning with a copy of the document to be recorded prior to filling of the final map.

9. This tract map is approved as a condominium project for a total of 136 timeshare units in one building. Place a note or notes on the final map to this effect to the satisfaction of the Department of Public Works and the Department of Regional Planning.

10. A final tract map is required for this land division. A waiver is not allowed.

11. The subdivider shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County.

12. In the event that any claim, action, or proceeding as described above is filed against the County, the subdivider shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall pay the following supplemental deposits, from which actual costs shall be billed and deducted:

    1. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

    2. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

    The cost of the collection and duplication of records and other related documents will be paid by the permittee according to the Los Angeles County Code Section 2.170.010.

13. Except as expressly modified herein by the Regional Planning Commission, this approval is subject to all those conditions set forth in the attached reports recommended by the Los Angeles County Subdivision Committee that consists of the Department of Pubic Works, the Fire Department, the Department of Parks and Recreation and the Department of Health Services.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – SUBDIVISION
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The following reports consisting of 11 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.

2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.

3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.

4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Undergrounding of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.

5. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.

Rev'd 07-30-2008

6. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.

7. Place time-share resort/condominium notes on the final map to the satisfaction of Public Works.

8. Quitclaim or relocate easements running through proposed structures.

9. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of Public Works.

10. Reserve reciprocal easements for drainage, ingress/egress, sewer, water, utilities, and maintenance purposes, etc., in documents over the private driveways to the satisfaction of Public Works.

11. A final tract map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.

12. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.

13. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.

14. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of $2,000 (Minor Land Divisions) or $5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 67861

TENTATIVE MAP DATE: 6/04/08
EXHIBIT MAP DATE: 6/04/08

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.
2. Obtain approval or letter of non-jurisdictional from the State Department of Fish and Game.
3. Obtain approval or letter of non-jurisdictional from the State Water Resources Control Board.
4. Obtain approval or letter of non-jurisdictional from the Corps of Engineers.
5. Provide a permit from Department of Public Works for proposed outlets through the marina bulkhead to the satisfaction of the Department of Public Works and Department of Beaches and Harbor.
6. Obtain and provide all applicable permits.

Prior to Building Permit:

1. Provide SUSMP for rood drains (separate from site) as proposed on Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.

Name Lizbeth Cardoza AS Date 7/03/08 Phone (626) 458-4921

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
__ Geologist
__ Soils Engineer
1 GMED File
1 Subdivision

TENTATIVE TRACT 67861
SUBDIVIDER Woodfin Suite Hotels, LLC
ENGINEER Hunsaker & Associates
GEOLOGIST Van Beveren & Butelo
SOILS ENGINEER Van Beveren & Butelo

TENTATIVE MAP DATED Rev. 6/4/08
LOCATION Via Marina and Tahiti Way, Marina Del Rey
GRADING BY SUBDIVIDER [Y]
REPORT DATE 2/18/04, 10/23/06
REPORT DATE 6/30/08, 5/16/08, 1/7/08, 10/23/06, 2/18/04

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (http://www.dpw.lacounty.gov/gmed/manual.pdf).

2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at http://www.dpw.lacounty.gov/gmed/manual.pdf).

4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).

5. The Soils Engineering review dated 7/3/08 is attached.

THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:

- The subdivider is advised that approval of this division of land is contingent upon the installation and use of a sewer system.
- Groundwater is less than 10 feet from the ground surface on lot 1

Prepared by Michael Montgomery Reviewed by _____ Date 7/3/08

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 12.0
Job Number GMPH
Sheet 1 of 1

Hotel Buildings and Parking Structure
Tract Map (Tract) 67861
Location Via Mariana and Tahiti Way, Marina Del Rey
Developer/Owner Woodfin Suite Hotels, LLC
Engineer/Architect ----
Soils Engineer Van Beveren & Butelo, Inc. (04-012.3)
Geologist Same as above

DISTRIBUTION:
___ Drainage
___ Grading
1 Geo/Soils Central File
___ District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Review of:
Tentative (Tract) Map Dated by Regional Planning 6/4/08
Soils Engineering and Geologic Report Dated 6/30/08, 5/16/08, 1/7/08, 10/23/06
Previous Review Sheet Dated 6/23/08

ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below:

REMARKS:

1. At the grading plan stage, submit 40-scale grading plans and/or foundation plans to the Soils Section for verification of compliance with County codes and policies.

2. At the grading plan stage, submit a grading plan and/or foundation plan geotechnical report to the Soils Section for verification that the proposed work complies with County codes and policies. The geotechnical report must describe proposed work shown on the plans and include performance criteria, ground modification procedures, testing, monitoring, etc..

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:
ON-SITE SOILS ARE SEVERELY CORROSIVE TO CONCRETE AND FERROUS METALS.

REGISTERED PROFESSIONAL ENGINEER
YOSHIYA MORISAKU
No. 67587
Exp. 6/30/09
CIVIL
STATE OF CALIFORNIA

Reviewed by _____ Date 7/3/08
Yoshiya Morisaku

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – GRADING
TRACT MAP NO. 67861

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Submit the following agency approvals:

   a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP) by the Storm Drain and Hydrology Section of Land Development Division.

   b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).

   c. A permit or a letter of non-jurisdiction from the State of California Regional Water Quality Control Board.

   d. A permit or a letter of non-jurisdiction from the State of California Department of Fish and Game.

   e. A permit or a letter of non-jurisdiction from the Army Corps of Engineers.

   f. A permit/letter of non-jurisdiction may be required from State of California Coastal Commission.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

3. A maintenance agreement may be required for privately maintained drainage devices.

4. Provide a draft copy of the CC&Rs

MOH
JF

Name David Esfandi Date June 26, 2008 Phone (626) 458-4921

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – ROAD
TRACT NO. 67861 (Rev)

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Dedicate the right to restrict vehicular access along the property frontage on Via Marina.

2. The exhibit map is not necessarily approved as shown.

3. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

4. Provide a property return radius of 27 feet at the intersection of Via Marina and Tahiti Way plus additional right of way for corner- cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works. The delineation of the corner-cut off on the tentative map is not necessarily approved.

5. The proposed property line corner cut off and ramps at the intersection of Via Marina and Tahiti Way are not necessarily approved as shown on the map.

6. The proposed median opening for the driveway on Via Marina is not necessarily approved as shown.

7. Provide 5 feet of additional right of way (6 feet from the curb face) on Tahiti Way along the property frontage and construct a minimum of 5 feet sidewalk to the satisfaction of Public Works. Additional right of way will be required for sidewalk pop-outs in the vicinity of any above ground utilities/ obstructions to meet Americans with Disabilities act (ADA) requirements.

8. Provide additional right of way for a standard 8 feet parkway on Via Marina along the property frontage.

9. Construct parkway improvements (sidewalk, driveway, etc.) that either serve or form a part of a Pedestrian Access Route to meet current ADA requirements along the property frontage on Via Marina to the satisfaction of Public Works. A minimum width of 5 feet sidewalk is required along the property frontage. Additional sidewalk pop-outs in the vicinity of any above ground utilities/obstructions will be necessary to meet Americans with Disabilities act (ADA) requirements

10. Reconstruct the existing curb ramp at the Via Marina and Tahiti Way intersection to meet current ADA requirements to the satisfaction of Public Works.

11. Remove the existing chain link fence from the dedicated right of way along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

12. Provide adequate landing area with three percent grade (or to the satisfaction of Public Works) on the subterranean driveway exit and provide adequate sight distance from the subterranean driveway exit to the sidewalk (both directions) to the satisfaction of Public Works. Line of sight shall not be impaired by any proposed wall and/or landscaping adjacent to the driveway exit and line of sight easement dedication may be required.

13. Plant street trees along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

14. Underground all new utility lines to the satisfaction of Public Works and Southern California Edison.

15. Comply with the mitigation measures identified in the attached June 12, 2008 letter from our Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008 letter, to the satisfaction of Public Works. Additional signing and striping and/or signal plans may be required. Also, please note that a superseding letter may prompt the need to modify, add, or remove project conditions.

16. Comply with the conditions for Conditional Use permit (CUP) 2006-06216.

17. Comply with any additional requirements from City of Los Angeles where applicable.

18. Provide detailed Signing and Striping Plans on Via Marina along the roperty frontage to the satisfaction of Public Works.

19. Provide a detailed traffic signal modification plan for the intersection of Via Marina and Tahiti Way if any traffic signal equipment is impacted by the modification to north east corner of the intersection.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 67861(Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Relocate all proposed improvements outside of existing sanitary sewer easements dedicated to Los Angeles County.

2. A sewer area study for the proposed subdivision (PC12086AS, dated 07-03-2008) was reviewed and approved. No additional mitigation measures are required. The approved sewer area study shall remain valid for two years after initial approval of the tentative map. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. If applicable, provide a digital copy (PDF Format) of the approved area study and approved sewer improvement plans.

4. Proposed 8" sewer alignment on Via Marina shall correspond with the above approved area study.

Prepared by Tony Khalkhali Phone (626) 458-4921 Date 06-30-2008
tr67861s-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total commercial and fire flows.

2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each building.

3. If needed, easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

4. Submit landscape and irrigation plans for each commercial/open space/graded slope lot/ in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

Prepared by Lana Radle Phone (626) 458-4921 Date 06-30-2008

tr67861w-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – GRADING
TRACT MAP NO. 67861

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Submit the following agency approvals:

   a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP) by the Storm Drain and Hydrology Section of Land Development Division.

   b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).

   c. A permit or a letter of non-jurisdiction from the State of California Regional Water Quality Control Board.

   d. A permit or a letter of non-jurisdiction from the State of California Department of Fish and Game.

   e. A permit or a letter of non-jurisdiction from the Army Corps of Engineers.

   f. A permit/letter of non-jurisdiction may be required from State of California Coastal Commission.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

3. A maintenance agreement may be required for privately maintained drainage devices.

4. Provide a draft copy of the CC&Rs

MDh
JF

Name David Esfandi Date June 26, 2008 Phone (626) 458-4921

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – ROAD
TRACT NO. 67861 (Rev)

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Dedicate the right to restrict vehicular access along the property frontage on Via Marina.

2. The exhibit map is not necessarily approved as shown.

3. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

4. Provide a property return radius of 27 feet at the intersection of Via Marina and Tahiti Way plus additional right of way for corner- cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works. The delineation of the corner-cut off on the tentative map is not necessarily approved.

5. The proposed property line corner cut off and ramps at the intersection of Via Marina and Tahiti Way are not necessarily approved as shown on the map.

6. The proposed median opening for the driveway, on Via Marina is not necessarily approved as shown.

7. Provide 5 feet of additional right of way (6 feet from the curb face) on Tahiti Way along the property frontage and construct a minimum of 5 feet sidewalk to the satisfaction of Public Works. Additional right of way will be required for sidewalk pop-outs in the vicinity of any above ground utilities/ obstructions to meet Americans with Disabilities act (ADA) requirements.

8. Provide additional right of way for a standard 8 feet parkway on Via Marina along the property frontage.

9. Construct parkway improvements (sidewalk, driveway, etc.) that either serve or form a part of a Pedestrian Access Route to meet current ADA requirements along the property frontage on Via Marina to the satisfaction of Public Works. A minimum width of 5 feet sidewalk is required along the property frontage. Additional sidewalk pop-outs in the vicinity of any above ground utilities/obstructions will be necessary to meet Americans with Disabilities act (ADA) requirements

10. Reconstruct the existing curb ramp at the Via Marina and Tahiti Way intersection to meet current ADA requirements to the satisfaction of Public Works.

11. Remove the existing chain link fence from the dedicated right of way along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

12. Provide adequate landing area with three percent grade (or to the satisfaction of Public Works) on the subterranean driveway exit and provide adequate sight distance from the subterranean driveway exit to the sidewalk (both directions) to the satisfaction of Public Works. Line of sight shall not be impaired by any proposed wall and/or landscaping adjacent to the driveway exit and line of sight easement dedication may be required.

13. Plant street trees along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

14. Underground all new utility lines to the satisfaction of Public Works and Southern California Edison.

15. Comply with the mitigation measures identified in the attached June 12, 2008 letter from our Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008 letter, to the satisfaction of Public Works. Additional signing and striping and/or signal plans may be required. Also, please note that a superseding letter may prompt the need to modify, add, or remove project conditions.

16. Comply with the conditions for Conditional Use permit (CUP) 2006-06216.

17. Comply with any additional requirements from City of Los Angeles where applicable.

18. Provide detailed Signing and Striping Plans on Via Marina along the roperty frontage to the satisfaction of Public Works.

19. Provide a detailed traffic signal modification plan for the intersection of Via Marina and Tahiti Way if any traffic signal equipment is impacted by the modification to north east corner of the intersection.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 67861(Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Relocate all proposed improvements outside of existing sanitary sewer easements dedicated to Los Angeles County.

2. A sewer area study for the proposed subdivision (PC12086AS, dated 07-03-2008) was reviewed and approved. No additional mitigation measures are required. The approved sewer area study shall remain valid for two years after initial approval of the tentative map. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. If applicable, provide a digital copy (PDF Format) of the approved area study and approved sewer improvement plans.

4. Proposed 8" sewer alignment on Via Marina shall correspond with the above approved area study.

Prepared by Tony Khalkhali Phone (626) 458-4921 Date 06-30-2008
tr67861s-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total commercial and fire flows.

2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each building.

3. If needed, easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

4. Submit landscape and irrigation plans for each commercial/open space/graded slope lot/ in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

Prepared by Lana Radle Phone (626) 458-4921 Date 06-30-2008

tr67861w-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 67861

TENTATIVE MAP DATE: 6/04/08
EXHIBIT MAP DATE: 6/04/08

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.
2. Obtain approval or letter of non-jurisdictional from the State Department of Fish and Game.
3. Obtain approval or letter of non-jurisdictional from the State Water Resources Control Board.
4. Obtain approval or letter of non-jurisdictional from the Corps of Engineers.
5. Provide a permit from Department of Public Works for proposed outlets through the marina bulkhead to the satisfaction of the Department of Public Works and Department of Beaches and Harbor.
6. Obtain and provide all applicable permits.

Prior to Building Permit:

1. Provide SUSMP for road drains (separate from site) as proposed on Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.

Name Lizbeth Cordova RE Date 7/03/08 Phone (626) 458-4921

Sheet 1 of 1

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
__ Geologist
__ Soils Engineer
1 GMED File
1 Subdivision

TENTATIVE TRACT 67861
SUBDIVIDER Woodfin Suite Hotels, LLC
ENGINEER Hunsaker & Associates
GEOLOGIST Van Beveren & Butelo
SOILS ENGINEER Van Beveren & Butelo

TENTATIVE MAP DATED Rev. 6/4/08
LOCATION Via Marina and Tahiti Way, Marina Del Rey
GRADING BY SUBDIVIDER [Y]
REPORT DATE 2/18/04, 10/23/06
REPORT DATE 6/30/08, 5/16/08, 1/7/08, 10/23/06, 2/18/04

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (http://www.dpw.lacounty.gov/gmed/manual.pdf).

2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at http://www.dpw.lacounty.gov/gmed/manual.pdf).

4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other ___ structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).

5. The Soils Engineering review dated 7/3/08 is attached.

THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:

- The subdivider is advised that approval of this division of land is contingent upon the installation and use of a sewer system.
- Groundwater is less than 10 feet from the ground surface on lot 1

Prepared by Michael Montgomery Reviewed by _____ Date 7/3/08

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 12.0
Job Number GMPH
Sheet 1 of 1

Hotel Buildings and Parking Structure
Tract Map (Tract) 67861
Location Via Mariana and Tahiti Way, Marina Del Rey
Developer/Owner Woodfin Suite Hotels, LLC
Engineer/Architect ---
Soils Engineer Van Beveren & Butelo, Inc. (04-012.3)
Geologist Same as above

DISTRIBUTION:
___ Drainage
___ Grading
1 Geo/Soils Central File
___ District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Review of:
Tentative (Tract) Map Dated by Regional Planning 6/4/08
Soils Engineering and Geologic Report Dated 6/30/08, 5/16/08, 1/7/08, 10/23/06
Previous Review Sheet Dated 6/23/08

ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below:

REMARKS:

1. At the grading plan stage, submit 40-scale grading plans and/or foundation plans to the Soils Section for verification of compliance with County codes and policies.

2. At the grading plan stage, submit a grading plan and/or foundation plan geotechnical report to the Soils Section for verification that the proposed work complies with County codes and policies. The geotechnical report must describe proposed work shown on the plans and include performance criteria, ground modification procedures, testing, monitoring, etc..

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:
ON-SITE SOILS ARE SEVERELY CORROSIVE TO CONCRETE AND FERROUS METALS.

REGISTERED PROFESSIONAL ENGINEER
YOSHIYA MORISAKU
No. 67557
Exp. 6/30/09
CIVIL
STATE OF CALIFORNIA

Reviewed by _____ Date 7/3/08
Yoshiya Morisaku

NOTICE: Public safety, relative to geotechnical subsurface explorations, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

P:\Yosh\67861TentT, Via Marina and Tahiti Wy, Marina Del Rey, MP-A_5

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Subdivision: TR 67861 Map Date June 04, 2008 - Ex. A

C.U.P. _____ Vicinity Map 0439C

☐ **FIRE DEPARTMENT HOLD** on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881-2404.

☒ Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.

☒ Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.

☐ Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.

☒ The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.

☒ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.

☐ This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).

☒ Provide Fire Department or City approved street signs and building access numbers prior to occupancy.

☐ Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.

☐ The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.

☐ These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.

☐ The Fire Department has no additional requirements for this division of land.

Comments: **Submit verification that the proposed alternate all weather access surface will be capable to support 75,000lbs prior to Final Map Clearance. The driveways width as shown on the site plan filed in our office are adequate, a copy of the site plan is attached to this report.**
THIS PROJECT IS CLEARED FOR PUBLIC HEARING.

By Inspector: *Juan C. Padilla* Date July 2, 2008

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNINCORPORATED

Subdivision No. TR 67861 Tentative Map Date June 04, 2008 - Ex. A

Revised Report _____

☐ The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.

☐ The required fire flow for public fire hydrants at this location is 3500 gallons per minute at 20 psi for a duration of 3 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ The required fire flow for private on-site hydrants is ____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing ____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

☒ Fire hydrant requirements are as follows:

Install 2 public fire hydrant(s). Verify / Upgrade existing ____ public fire hydrant(s).

Install ____ private on-site fire hydrant(s).

☒ All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
- ☒ Location: As per map on file with the office.
- ☐ Other location: ____

☒ All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.

☐ The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.

☐ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.

☐ Hydrants and fire flows are adequate to meet current Fire Department requirements.

☐ Upgrade not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: **Install 2 new public fire hydrants as shown on the exhibit map or site plan. The required fire hydrants shall be installed and tested or bonded for prior to Final Map clearance.**

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Juan C. Padilla Date July 2, 2008

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION REPORT

Tentative Map #	67861	DRP Map Date: 06/04/2008	SCM Date: 07/07/2008	Report Date: 07/02/2008
Park Planning Area #	18B	DEL AIR / MARINA DEL REY		Map Type: REV. (REV RECD)

Total Units [0] = Proposed Units [0] + Exempt Units [0]

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

1) the dedication of land for public or private park purpose or,
2) the payment of in-lieu fees or,
3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	0.00
IN-LIEU FEES:	$0

Conditions of the map approval:

The park obligation for this development will be met by:

This project is exempt from park obligation requirements because:

Non-residential subdivision.

Trails:

No trails.

Comments:

Exempt: Non-residential Subdivision

Contact Patrocenia T. Sobrepeña, Departmental Facilities Planner I, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, California, 90020 at (213) 351-5120 for further information or an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements contact Trail Coordinator at (213) 351-5135.

By: _____
James Barber, Developer Obligations/Land Acquisitions

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LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION WORKSHEET

Tentative Map # 67861	DRP Map Date:06/04/2008	SMC Date:07/07/2008	Report Date: 07/02/2008
Park Planning Area # 18B	DEL AIR / MARINA DEL REY		Map Type:REV. (REV RECD)

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

(P)eople x (0.003) Goal x (U)nits = (X) acres obligation

(X) acres obligation x RLV/Acre = In-Lieu Base Fee

Where: P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census*. Assume * people for detached single-family residences; Assume * people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume * people for apartment houses containing five or more dwelling units; Assume * people for mobile homes.

Goal = The subdivision ordinance allows for the goal of 3.0 acres of park land for each 1,000 people generated by the development. This goal is calculated as "0.0030" in the formula.

U = Total approved number of Dwelling Units.

X = Local park space obligation expressed in terms of acres.

RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units [0] = Proposed Units [0] + Exempt Units [0]

	People*	Goal 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	3.08	0.0030	0	0.00
M.F. < 5 Units	2.93	0.0030	0	0.00
M.F. >= 5 Units	1.56	0.0030	0	0.00
Mobile Units	2.99	0.0030	0	0.00
Exempt Units			0	
			Total Acre Obligation =	**0.00**

Park Planning Area = **18B DEL AIR / MARINA DEL REY**

Goal	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.00	$387,087	**$0**

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
			Total Provided Acre Credit:	**0.00**	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	In-Lieu Fee Due
0.00	0.00	0.00	0.00	$387,087	**$0**

Supv D N/A
July 02, 2008 10:22:30
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COUNTY OF LOS ANGELES
Public Health

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

JONATHAN E. FREEDMAN
Acting Chief Deputy

ANGELO J. BELLOMO, REHS
Director of Environmental Health

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

Land Use Program
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5380 • FAX (626) 813-3016

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

Gloria Molina
First District

Yvonne B. Burke
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

July 7, 2008

RFS No.08-0017434

Tract Map No. 067861

Vicinity: Marina Del Rey

Tentative Tract Map Date: June 4, 2008 (2nd Revision)

The County of Los Angeles Department of Public Health has no objection to this subdivision and **Vesting Tentative Tract Map 067861** is cleared for public hearing. The following conditions still apply and are in force:

1. Potable water will be supplied by the **Marina Del Rey Water System**, a public water system.

2. Sewage disposal will be provided through the public sewer and wastewater treatment facilities of the **Los Angeles County Sanitation District** as proposed.

If you have any questions or need additional information, please contact me at (626) 430-5380.

Respectfully,

Becky Valenti, E.H.S. IV
Land Use Program

Project TR067861

Woodfin Hotel Suite and Timeshare Resort Project – Parcel 9U North
Mitigation Monitoring Plan

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

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

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.1-11. Roof drains shall be directed off the site.	Field inspections	Building and Safety	During plan check and on going during construction
	5.1-12. Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Van Beveren & Butelo report (**Draft EIR, Appendix 5.1, pages 14 - 35**).	Field inspections	Building and Safety	On going during construction
Consequences of liquefaction on the project site include liquefaction-induced ground subsidence and lateral spread or deformation toward the low-lying areas of the project site. Additionally, soils located on Parcel 9U are not suitable for support of the project.	**Liquefaction:** **5.1-13.** Proposed structures shall be designed in conformance with all recommendations included in the Van Beveren & Butelo report (**Draft EIR, Appendix 5.1, pages 14 - 35**).	Field inspections	Building and Safety	On going during construction
Methane is a natural bi-product of the microbial decomposition of organic matter in an anaerobic environment. In large concentrations, methane can be explosive and, since it is heavier than air, can displace atmospheric oxygen.	**Soil Gas** **5.1-14.** The County Building and Safety, as defined in Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2008 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports (**Draft EIR, Appendix 5.1**) shall be	Field inspection	Public Works and Building and Safety County Geologist	During construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	implemented.			
	5.1-18. There are several existing pile foundations on the site. Where the foundations are in the building area, they shall be cut off at least 5 feet below the bottom of the proposed mat or the proposed pile caps.	Field inspections	Building and Safety	During plan check and on going during construction
	5.1-19. A program of in-situ densification to improve the density of the granular estuary deposits to a minimum N-value of 20 shall be employed. Densification could be accomplished using stone-columns, where a vibrating probe is inserted into the ground and the densified soils are replaced with gravel. Van Beveren & Butelo anticipate that the probes will need to be spaced between 6 and 12 feet on centers to achieve the required minimum N-values. The densification should be performed throughout the estuary deposits to the surface of the dense sand and gravel, which was encountered in the explorations between Elevation –25 to –37 or 26 to 38 feet below the lowest parking level. The densification should be performed within the entire area of the tower and conference center and 15 feet beyond the building footprints in plan. If there is not sufficient space to permit the densification beyond the buildings, then Van Beveren & Butelo recommend that the soils within the building area be confined using a soil-cement column, where the on-site soils are mixed in place with cement to create a confinement around the site's perimeter. The soil-cement columns could be located on the property line. The densification will need to be evaluated by a test program using cone penetration tests (CPT). Van Beveren & Butelo recommend that the ground improvement program be initiated on a test area about 50 square feet. After the initial	Field inspections	Building and Safety	During plan check and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	ground improvement effort, the results should be evaluation using a CPT and the spacing of the probes be adjusted.			
	5.1-20. Foundations for the hotel/timeshare tower should extend through the existing fill and estuary deposits and into the underlying dense sand and gravel. Driven piles could be used, but the noise associated with pile driving may be a problem in this residential neighborhood. Auger-cast piles could be used as an option to the driven piles. Each method is described in detail in the Van Beveren & Butelo report (**Appendix 5.1**). Van Beveren & Butelo also recommend a mot foundation and specific retaining wall specifications that shall be integrated into the design of the conference center. These specifications can also be found in **Appendix 5.1**.	Field inspections	Building and Safety	During plan check and on going during construction
The project site is not located on expansive soils however; any import material shall be tested for expansion prior to importing.	**5.1-21.** Any import material shall be tested for expansion potential prior to importing. **5.1-22.** Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.	Expansion tests performed to verify expansion potential.	Department of Public Works Building and Safety	Grading completion
	5.1-23. Any additional recommendations pertinent to expansive soils as shall be carried out in accordance with the recommendations of the Van Beveren & Butelo Report, October 23, 2006.	Field inspections	Building and Safety	On going during construction
NOISE				
Construction Impacts Construction activity would occur as close as 50 feet from existing	**5.2-1.** All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and	The applicant shall submit an equipment log to ensure the equipment is properly maintained.	Department of Public Works Building and Safety	Log submitted quarterly and during field inspections

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
noise sensitive residential uses located east and west of the project site, or along the haul route. Uses at these locations could experience noise levels that reach up to 94 A-weighted decibels (dB(A)) for short time periods. These could be temporarily exposed to exterior noise levels that could exceed the County's Noise Control Ordinance standards for construction equipment noise.	air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as a plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residences. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.			
	5.2-2. All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.	Field inspection	Building and Safety	On going during construction
	5.2-3. The project applicant shall post a notice at the construction site that shall contain information on the type of project and anticipated duration of construction activity, locations of haul	Field inspection	Building and Safety	On going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.			
Because the use of pile driving equipment is required for foundation construction, vibration impacts that would occur are considered significant and unavoidable, but temporary in nature.	**Vibration Impacts** **5.2-4.** To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving. **5.2-5.** A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.	Field inspection	Building and Safety and Public Health	On going during construction
HYDROLOGY AND DRAINAGE				
During construction, grading/excavation operations and project construction could result in increased water and wind erosion and a potential for the discharge of sediment to the small-craft harbor during storm events resulting in increased sedimentation or erosion. Additionally, temporary de-watering	**5.3-1.** A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.	The applicant shall submit a final drainage plan and final grading plan	Department of Public Works	Prior to issuance of demolition and grading permits

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
systems for the proposed partially subterranean parking garages also have the potential to discharge sediments from excavation areas directly to the small-craft harbor unless mitigated. Project applicant(s) would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) for Parcel 9U pursuant to the National Pollutant Discharge Elimination System (NPDES) that would identify the various Best Management Practices (BMPs) that would be implemented at the construction site.				
AIR QUALITY				
Demolition, Excavation and Construction Impacts The emissions	**5.4-9.** Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:	The applicant shall submit a construction management plan to ensure minimal construction activity	Department of Public Works	Prior to issuance of a grading permit and on going

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

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	5.4-10. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD: a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more). b. Replace ground cover in disturbed areas as quickly as possible. c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications. d. Water active grading sites at least twice daily (SCAQMD Rule 403). e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. f. Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded. g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code. h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and	The applicant shall submit a dust control plan to alleviate dust emissions. Field inspection	County of Los Angeles Department of Public Health and Building and Safety	Prior to issuance of a grading permit and on going during construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	any equipment leaving the site each trip. j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. k. Enforce traffic speed limits of 15 mph or less on all unpaved roads. l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.			
The project would generate GHG emissions, which would contribute to potential cumulative impacts of GHG emissions on global climate. These are not considered to be cumulatively considerable impacts.	**Global Climate Change** **5.4-11.** The project shall achieve energy efficiency equivalent to the California Energy Commission Tier II building energy use standards. **5.4-12.** The project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight. **5.4-13.** The project applicant shall use drought-tolerant landscaping from an approved plant list provided by the lead agency, County of Los Angeles, or other agency. **5.4-14.** The project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designated for future landscaping. The project applicant shall ensure landscaped areas comply with all requirements within Title 22 Part 21 of Chapter 22.523. **5.4-15.** The project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed. **5.4-16.** The project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the project. The project applicant will also provide residents	The applicant shall incorporate compliance with the County Green Building Ordinance with final project design plans	Building and Safety	Prior to issuance of building permit.

Impact		Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
		and hotel guests with information regarding local and regional public transportation services.			
BIOTA					
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, except nesting migratory birds when found nesting in project area landscape trees.	**5.5-4**	To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5 and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer	Qualified biologist to monitor construction activities and provide pre-construction nesting bird survey	Department of Regional Planning and Public Works	Prior to and during construction

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

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
VISUAL QUALITY				
The height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from Viewing Locations One, Two, and Three, would be out-of-character with surrounding land uses. As such, impacts are considered significant and mitigation is required..	**5.6-1.** A deed restriction shall be placed of the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space. **5.6-2.** On the street level of the project landscaping to the satisfaction of the County of Los Angeles Design Control Board shall be implemented to reduce visual impacts of the project when viewed from adjacent public rights of way. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies that could be incorporated into the design of the hotel structure and associated parking structure. **5.6-3.** Articulation and variations in color or building materials to the satisfaction of the County of Los Angeles Design Control Board shall be incorporated into the lower levels of the hotel and parking structure. These actions would reduce visual resource impacts on Via Marina.	Recordation of deed restriction over Parcel 9U for wetland park Approval of landscape and final design plans	Department of Regional Planning Design Control Board	Prior to issuance of building permit
TRAFFIC/ACCESS				
The project is expected to generate approximately 1,538 net new trips per day. Of this total, an estimated 117 trips would occur during the morning peak hour, and 102 new trips would occur during the evening peak hour. These new	**5.7-1.** Through the implementation of area traffic improvement measures recommended in the adopted Marina del Rey Specific Plan Transportation Improvement Program (TIP) project (i.e., existing + ambient growth + project) traffic related impacts would be reduced to a less than significant level. Based on the expected net project trip generation of 102 PM peak hour trips, the project would be required to pay $580,380 in trip mitigation fees. A portion of these fees is designated toward the Category 3 (regional) transportation improvements.	Submittal of plan review	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
trips would be added to the project area roadway network once the existing development is removed and the proposed project is completed and fully occupied. The incremental project traffic would significantly impact the (LOS) forecasts during the PM peak hours at three of the study intersections, Admiralty Way and Via Marina, Washington Blvd. at Ocean Avenue and Via Marina, and Admiralty Way and Mindanao Way. During the AM peak hour only the Admiralty Way/Mindanao intersection would be significantly affected.				
Cumulative Impacts The results of the cumulative development analysis show that the potential additional traffic	The intersection improvement measures recommended to address these cumulative traffic impacts, consistent with the detailed specific intersection improvement measures in the December 2007 Traffic Analysis prepared by Crain and Associates, include the intersections of: • Admiralty Way and Via Marina • Washington Boulevard and Via Marina/Ocean Avenue	The applicant shall pay fees to the transportation improvement fund.	Department of Public Works	Prior to construction

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
resulting from area-wide development would significantly impact 12 of the 17 study intersections, resulting in several locations nearing or exceeding capacity. The proposed project would also contribute incrementally to these cumulative impacts.	• Admiralty Way and Palawan Way • Washington Boulevard and Palawan Way • Lincoln Boulevard and Washington Boulevard • Lincoln Boulevard and Marina Expressway (SR-90) • Lincoln Boulevard and Bali Way • Lincoln Boulevard and Mindanao Way • Lincoln Boulevard and Fiji Way • Admiralty Way and Bali Way • Admiralty Way and Mindanao Way • Marina Expressway (SR-90) Eastbound and Mindanao Way			
SEWER SERVICE				
The proposed development would generate an increase demand for sewage.	**5.8-1.** Prior to issuance of building permits, the Woodfin Suite Hotel and Timeshare Resort Project applicants shall demonstrate sufficient sewage capacity for the proposed project by providing a "will serve" letter from LACDPW's Sewer Maintenance Division.	The applicant shall submit a will serve letter from the Department of Public Works, Sewer Maintenance Division	Department of Public Works, Sewer Maintenance Division	Prior to the issuance of building permits
WATER SERVICE				
The proposed development of the project would increase the demand for water in the project area.	**5.9-10.** The Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.	The applicant shall submit a landscape plan	Department of Regional Planning	During plan check
Implementation of MWD 25-year comprehensive	**5.9-11.** The Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:	The applicant shall submit building plans incorporating water	Department of Public Works	Prior to the issuance of building

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Integrated Water Resources Plan (IRP)	• Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals; • Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixtures; and • Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.	conservation methods		permit
	5.9-12. Prior to the issuance of grading permits, the Woodfin Suite Hotel and Timeshare Resort Project applicant shall provide to the Los Angeles County Department of Regional Planning a letter from Marina del Rey Water System confirming that it is able to provide water service to the project phase under consideration.	The applicant shall submit water service letter from Marina del Rey Water System of ability to provide sufficient water supply	Department of Regional Planning	Prior to the issuance of grading permit
SOLID WASTE SERVICE				
Demolition of the existing structures would generate construction debris.	**5.10-9.** The Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.	The applicant shall submit a Recycling and Reuse Plan	Department of Public Works	Prior to issuance of demolition and grading permits
During project operation, Woodfin Hotel Suite and	**5.10-10.** To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Woodfin Suite Hotel and Timeshare	The applicant shall submit a solid waste management plan.	Department of Public Works	Prior to issuance of demolition and

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
Timeshare Resort project would generate a net increase of solid waste generation beyond currently permitted landfill capacity.	Resort Project (Parcel 9U) applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.			grading permits
	POLICE PROTECTION			
Construction Impacts Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact.	**5.12-9.** As part of the building permit process, the County Sheriff's Department shall review the Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the project. **5.12-10.** During construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12.08 and 12.12 Los Angeles County Code).	The applicant shall submit site design to the County Sheriff's Department	County Sheriff's Department	Prior to issuance of demolition and grading permits
	FIRE PROTECTION			
Construction Impacts During construction, a	**5.13-9.** Applicants associated with the Woodfin Suite Hotel and Timeshare Resort Project shall submit and have approved by	The applicant shall submit a Fire Safe Plan	County of Los Angeles Fire	Prior to issuance of

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
large amount of wood framing and other flammable construction materials would be present on the project site(s). In addition, construction traffic would occur on and near the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would potentially slow emergency response times. However, no significant impacts will occur with implementation of standard County safety measures.	the County of Los Angeles Fire Department, a Fire Safe Plan. The Fire Safe Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans, defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval. **5.13-10.** During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department. **5.13-11.** Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval. **5.13-12.** The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows, and fire hydrants.		Department	building permits

FINDINGS OF FACT and
STATEMENT of OVERRIDING CONSIDERATIONS
regarding NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL
AND TIMESHARE RESORT PROJECT

PROJECT NUMBERS: R2006-03643-(4)
R2006-03644-(4)
R2006-03647-(4)
R2006-03652-(4)
TR067861-(4)

COASTAL DEVELOPMENT PERMITS: RCDP200600006-(4)
RCDP200600007-(4)
RCDP 200600008-(4)
RCDP 200600009-(4)

CONDITIONAL USE PERMITS: RCUP200600288-(4)
RCUP200600289-(4)
RCUP200600290-(4)

TENTATIVE TRACT MAP: TR067861-(4)

LOCAL COASTAL PLAN AMENDMENTS: RPA200600013-(4)
RPA200600014-(4)

VARIANCES: RVAR200600012-(4)
RVAR200600013-(4)
RVAR200600014-(4)

PARKING PERMIT: RPKP200600020-(4)

STATE CLEARINGHOUSE NUMBER: 2007031114

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2007031114) FOR THE NEPTUNE MARINA APARTMENTS AND ANCHORAGE/WOODFIN SUITE HOTEL AND TIMESHARE RESORT PROJECT (COUNTY PROJECT NUMBERS R2006-03643-(4), R2006-03644-(4), and R2006-03647-(4), R2006-03652-(4))

The Regional Planning Commission ("Commission") of the County of Los Angeles ("County") hereby certifies the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project Final Environmental Impact Report, State Clearinghouse Number 2007031114, which consists of the Draft Environmental Impact Report ("Draft EIR") dated September 2008, Technical Appendices to the Draft EIR dated September 2008, the Re-Circulated Draft Environmental Impact Report ("Recirculated Draft EIR") dated June 2009, and the Final Environmental Impact Report, including Responses to Comments dated February 2010, collectively referred to as the "FEIR," and finds that the FEIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) ("CEQA"). The Commission further hereby certifies that it has received, reviewed and considered the information contained in the FEIR, the applications for Coastal Development Permit Nos. RCDP200600006-(4), RCDP200600007-(4), RCDP200600008-(4), and RCDP200600009-(4), Conditional Use Permit Nos. RCUP200600288-(4), RCUP200600289-(4), and RCUP200600290-(4), Tentative Tract Map No. TR067861-(4), Local Coastal Plan Amendment Nos. RPA200600013-(4) and RPA200600014-(4), Variance Nos. RVAR200600012-(4), RVAR200600013-(4) and RVAR200600014-(4), and Parking Permit No. RPKP200600020-(4) (collectively, the "Project Approvals"), to permit demolition of all existing of all existing landside improvements on Parcels FF, 10R and 9U and subsequent construction of a 400-unit, multi-family residential apartment community comprised of three structures, 174 boat spaces, a 126-unit, multi-family residential apartment community comprised of a single structure, a 19-story suite hotel and timeshare resort including 288 hotel and timeshare suites and accessory uses, a restored wetland and upland park, and a public anchorage (collectively, the "Project), all hearings, and submissions of testimony from officials and departments of the County,

the Applicant (as defined below), the public and other municipalities and agencies, and all other pertinent information in the record of proceedings. Concurrently with the adoption of these findings, the Commission adopts the Mitigation Monitoring and Reporting Plan attached as Exhibit A to these findings.

Having received, reviewed, and considered the foregoing information, as well as any and all other information in the record, the Commission hereby makes findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

(a) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
(b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,
(c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

BACKGROUND

The Environmental Impact Report Process

Applicants Legacy Partners Residential, Inc and Hardage Group (individually, referred to as an "Applicant" and collectively, the "Applicants") propose redevelopment of existing uses and located on three underutilized contiguous parcels, which the Applicants lease from the County within Marina del Rey. The 17.71- acre area (13.03 landside acres and 4.68 waterside or submerged acres) is identified as Parcel 10R (12 acres composed of 7.32 landside acres and 4.68 waterside or submerged acres), Parcel FF (2.05 acres), and Parcel 9U (3.66 acres) in the Marina del Rey Specific Plan and is located in the western portion of the Marina del Rey small-craft harbor in the unincorporated community of Marina del Rey. Regional access to the site is provided by Lincoln Boulevard, the Marina Freeway/Expressway, and the San Diego Freeway.

The Applicants initially proposed the Project in December, 2006. The County completed an Initial Study of the Project on March 22, 2007 and determined that an Environmental Impact Report ("EIR") was required. In order to provide a more

conservative assessment, the County required all Project components to be analyzed in a single Draft EIR that analyzed the potential impacts of all of the components combined together as a single project, as well as analyzing the potential impacts of each Project component individually. Potentially significant environmental impacts addressed in the Draft EIR include geotechnical and soil resources, hydrology and water quality, air quality, noise, land use, biota, visual quality, traffic/access, sewage disposal, education, police protection, fire protection, water service, parks and recreation, solid waste, and population and housing. The Draft EIR analyzed both individual component, combined Project and cumulative effects of the Project together with related projects on these topics and identified a variety of mitigation measures to minimize, reduce, avoid, or compensate for the potential adverse effects of the proposed Project.

The Draft EIR also analyzed a number of potential alternatives to the proposed Project, including (1) No Project/No Development Alternative, (2) No Project/No Amendment Alternative, (3) Increased Structure Height on Parcels 10R and FF, (4) Density Bonus Associated with Affordable Housing Requirements, (5) Reduced Density on Parcels 10R, FF, and 9U, (6) Residential-Sized Building Height on Parcel 9U, (7) Marine Oriented Commercial on Parcel 9U, (8) RV Resort on Parcels 10R, FF, and 9U, and (9) Marina Plaza Alternative. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project. The range of reasonable alternatives has permitted a reasoned choice to be made by the Commission in directing specific changes to the Project. The Commission has reviewed each of the alternatives and recommends approval of the Project, as revised during the public hearing process.

After conducting its own independent departmental review and analysis of the proposed Project through the screen check process, the Los Angeles County Department of Regional Planning circulated copies of the preliminary Draft EIR to all affected County agencies. Interested County agencies provided written comments on the document, and those comments were incorporated into and made part of the Draft EIR.

The Draft EIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on September 8, 2008, when a notice of completion was sent to the State Clearinghouse, and ended on October 22, 2008. The public review period lasted 45 days. A Publication Notice for the Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers and was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the Draft EIR were also made available at the Regional Planning Department and in local public libraries.

An initial public hearing on the project and the Draft EIR was held before the Commission on October 29, 2008. At the conclusion of that hearing, the Commission continued the public hearing to November 5, 2008, in order to schedule a field trip to the project site and nearby parcels and to allow for a local public hearing in Marina del Rey. The Commission scheduled its field trip and continued public hearing in Marina del Rey for November 22, 2008. On November 12, 2008, the applicants for the Project requested the Commission take the continued November 22, 2008 hearing and field trip off its hearing calendar. This request was based on the recommendation of County staff that certain sections of the Draft EIR be revised and recirculated due to new information that was not previously analyzed and which could have potential impacts not addressed in the original Draft EIR.

A Recirculated Draft EIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on June 9, 2009, when a notice of completion was sent to the State Clearinghouse, and ended on July 23, 2009. The public review period lasted 45 days. A Publication Notice for the Recirculated Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers and was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the Draft EIR were also made available at the Regional Planning Department and in local public libraries.

The Commission conducted a duly noticed field trip to the subject property on August 8, 2009 The Commission held duly noticed hearings on the Project, the Draft EIR and the Recirculated Draft EIR on August 12, 2009 and October 14, 2009. , Detailed responses to the comments received regarding the Project and the analyses of the Draft EIR and Recirculated Draft EIR were prepared with assistance of a private consultant and reviewed and revised as necessary to reflect the County's independent judgment on issues raised. These Responses to Comments are embodied in the Final EIR ("FEIR").

On March 3, 2010, the Commission made the following environmental findings and certified the FEIR and adopted orders approving the Coastal Development Permits, Conditional Use Permits, Tentative Tract Map, , and Variance.

The FEIR has been prepared by the County in accordance with CEQA, as amended, and State and County Guidelines for implementation of CEQA. More specifically, the County has relied on Section 15084(d)(3) of the State CEQA Guidelines, which allow acceptance of drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The Department of Regional Planning, acting for the County, has revised and edited as necessary the submitted drafts to reflect its own independent judgment, including reliance on County technical personnel from other departments.

Section 1 of these findings discusses the potential environmental effects of the Project which are not significant or which have been mitigated to a less than significant level. In addition, this section discusses the potential environmental effects of the Project components combined, as well as individually. Section 2 of these findings discusses the significant environmental effects of the Project which cannot be feasibly mitigated to a level of insignificance. In addition, this section discusses the potential environmental effects of the Project components combined, as well as individually. Section 3 discusses the growth-inducing impacts of the Project. Section 4 discusses the alternatives to the Project discussed in the Draft EIR and FEIR. Section 5 discusses the Mitigation Monitoring Program for the Project. Section 6 contains the Statement of Overriding Considerations. Section 7 contains the findings pursuant to CEQA Guidelines

sections 15091 and 15092. Section 8 contains the findings pursuant to Public Resources Code section 21082.1(c)(3). Section 9 identifies the custodian of the record upon which these findings are based. Section 10 discusses the de minimis impacts on fish and wildlife. Section 11 discusses the relationship between and among these findings, the Draft EIR, the Recirculated Draft EIR, and the FEIR. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

SECTION 1

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

All FEIR mitigation measures (as set forth in the Mitigation Monitoring Plan attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Project Coastal Development Permit, Conditional Use Permit, Plan Amendment, and Variance. In addition, the other conditions of approval for the Coastal Development Permit, Conditional Use Permit, Plan Amendment, and Variance further mitigate the potential effects of the Project.

The Commission has determined, based on the FEIR, that Project design features, mitigation measures, and conditions of approval will reduce Project-specific impacts concerning Geotechnical Resources and Soils, Operational Noise, Hydrology and Drainage, Operational Air Quality, Biota, Traffic, Sewer Service, Water Service, Solid Waste, Education, Police Services, Fire Services, Library Services, Parks and Recreation, Population and Housing, and Land Use and Planning to less than significant levels. The Commission has further determined, based on the FEIR, that there are no significant cumulative impacts, or that Project design features, mitigation measures, and conditions of approval will reduce the Project's contribution to less than cumulatively considerable levels, concerning Geotechnical Resources and Soils, Operational Noise, Hydrology and Drainage, Operational Air Quality, Biota, Sewer Service, Water Service, Education, Police Services, Fire Services, Library Services, and Parks and Recreation.

Project Impacts

1. Geotechnical and Soil Resources

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Project site, although the Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Project, potential geotechnical and soil resource impacts from the proposed Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Project site is

located within 7 km of a major fault and is therefore subject to significant ground shaking. The Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Project is not anticipated to endure issues related to soil erosion or topsoil due to the Project covering the site with non-erosive surfaces including pavement, structures, and permanent vegetation. The site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. As the 1.46 acre-wetland park and public-serving boat slips will involve only minor ground alterations and small structures, there is no potential for significant geologic impacts with respect to these Project components. The above finding is made in that the following measures will be made conditions of the Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report and the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo Report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report and the Van Beveren & Butelo report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Neptune Marina Parcel 10R Project

Potential Effect

The Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Project site, although the Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project, potential geotechnical and soil resource impacts from the Parcel 10R Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will

reduce impacts from ground shaking to less than significant levels. The Parcel 10R Project site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Parcel 10R Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Parcel 10R Project is not anticipated to endure issues related to soil erosion or topsoil due to the plans to cover the site with non-erosive surfaces including pavement, structures, and permanent vegetation prior to operation. The site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Parcel 10R Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the Parcel 10R Project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the Project 10R Project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Parcel FF Project site, although the Parcel FF Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Parcel FF Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Parcel FF Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project, potential geotechnical and soil resource impacts from the Parcel FF Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Parcel FF Project

site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Parcel FF Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Parcel FF Project is not anticipated to endure issues related to soil erosion or topsoil due to plans to cover the site with non-erosive surfaces including pavement, structures, and permanent vegetation prior to operation. The Parcel FF Project site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Parcel FF Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the Parcel FF Project from flooding, ponding, or inundation by poor or improper surface drainage.
- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.

- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 5.1 to the Draft EIR.
- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas

well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report, attached as Appendix 5.1 to the Draft EIR, shall be incorporated.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project site is located in an active or potentially active fault zone due to a potential active offshore fault two miles west of the Woodfin Suite Hotel and Timeshare Resort Project site, although the Woodfin Suite Hotel and Timeshare Resort Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Woodfin Suite Hotel and Timeshare Resort Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Woodfin Suite Hotel and Timeshare Resort Project will entail substantial grading, removing existing topsoil, and surficial wind and water erosion would increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project, potential geotechnical and soil resource impacts from the Woodfin Suite Hotel and Timeshare Resort Project will be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the Uniform Building Code and the Los Angeles County Building Code for seismic safety.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 5.1 of the Draft EIR. Compliance with applicable building codes and seismic safety standards will reduce impacts from ground shaking to less than significant levels. The Woodfin Suite Hotel and Timeshare Resort Project site is located within 7 km of a major fault and is therefore subject to significant ground shaking. The Woodfin Suite Hotel and Timeshare Resort Project site is also subject to threat from tsunami due to its location approximately .25 miles from the shore, although living areas will contain a finished floor elevation greater than anticipated wave and run-up heights in the event of a tsunami. The Woodfin Suite Hotel and Timeshare Resort Project is not anticipated to endure issues related to soil erosion or topsoil due to the design that includes covering the site with non-erosive surfaces including pavement, structures, and permanent vegetation as part of the Woodfin Suite Hotel and Timeshare Resort Project. The Woodfin Suite Hotel and Timeshare Resort site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, necessitating the need for mitigation for potential liquefaction and soil gas buildup. The above finding is made in that the following measures will be made conditions of the Woodfin Suite Hotel and Timeshare Resort Project approval so as to mitigate the identified impacts:

Mitigation Measures:

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2007 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Precautions shall be taken during the performance of site clearing, excavations, and grading to protect the project from flooding, ponding, or inundation by poor or improper surface drainage.

- Temporary provisions shall be made during the rainy season to adequately direct surface drainage away from and off the project site. Where low areas cannot be avoided, pumps shall be kept on hand to continually remove water during periods of rainfall.
- Where necessary during periods of rainfall, the contractor shall install checkdams, desilting basins, rip-rap, sand bags, or other devices or methods necessary to control erosion and provide safe conditions, in accordance with site conditions and regulatory agency requirements.
- Following periods of rainfall and at the request of the geotechnical consultant, the contractor shall make excavations in order to evaluate the extent of rain-related subgrade damage.
- Positive measures shall be taken to properly finish grade improvements so that drainage waters from the lot and adjacent areas are directed off the lot and away from foundations, slabs and adjacent property.
- For earth areas adjacent to the structures, a minimum drainage gradient of 2 percent is required.
- Drainage patterns approved at the time of fine grading shall be maintained throughout the life of the proposed structures.
- Landscaping shall be kept to a minimum and where used, limited to plants and vegetation requiring little watering as recommended by a registered landscape architect.
- Roof drains shall be directed off the site.
- Proposed structures shall be designed in conformance with any additional recommendations pertinent to soil erosion in accordance with the recommendations of the Van Beveren & Butelo report included as Appendix 5.1 to the Draft EIR.

Liquefaction and Soil Gas

- As required by the Los Angeles County Department of Building and Safety and Los Angeles County Building Code Section 110.4, buildings or structures adjacent

to or within 200 feet (60.96 meters) of active, abandoned, or idle oil or gas well(s) shall be provided with methane gas-protection systems. For soil gas safety, the recommendations in the April 18, 2009 Carlin Environmental Consulting report and the August 23, 2006 and May 3, 2008 Methane Specialist reports, included as Appendix 5.1 to the Draft EIR, shall be implemented.

- There are several existing pile foundations on the site. Where the foundations are in the building area, they shall be cut off at least 5 feet below the bottom of the proposed mat or the proposed pile caps.
- A program of in-situ densification to improve the density of the granular estuary deposits to a minimum N-value of 20 shall be employed. Densification could be accomplished using stone columns, where a vibrating probe is inserted into the ground and the densified soils are replaced with gravel. Van Beveren & Butelo anticipate that the probes will need to be spaced between 6 and 12 feet on centers to achieve the required minimum N-values. The densification should be performed throughout the estuary deposits to the surface of the dense sand and gravel, which was encountered in the explorations between Elevation –25 to –37 feet or 26 to 38 feet below the lowest parking level. The densification should be performed within the entire area of the tower and conference center and 15 feet beyond the building footprints in plan. If there is not sufficient space to permit the densification beyond the buildings, then Van Beveren & Butelo recommend that the soils within the building area be confined using a soil-cement column, where the on-site soils are mixed in place with cement to create a confinement around the site's perimeter. The soil-cement columns could be located on the property line. The densification will need to be evaluated by a test program using cone penetration tests (CPT). Van Beveren & Butelo recommend that the ground improvement program be initiated on a test area about 50 square feet. After the initial ground improvement effort, the results should be evaluation using a CPT and the spacing of the probes be adjusted.

- Foundations for the hotel/timeshare tower should extend through the existing fill and estuary deposits and into the underlying dense sand and gravel. Driven piles could be used, but the noise associated with pile driving may be a problem in this residential neighborhood. Auger-cast piles could be used as an option to the driven piles. Each method is described in detail in the Van Beveren & Butelo report, located in Appendix 5.1 of the Draft EIR. Van Beveren & Butelo also recommend a mat foundation and specific retaining wall specifications that shall be integrated into the design of the conference center. These specifications can also be found in Appendix 5.1 of the Draft EIR.

Expansive Soils

- Any import material shall be tested for expansion potential prior to importing.
- Expansion index tests shall be performed at the completion of grading if silty subgrade soils are exposed to verify expansion potential.
- Any additional recommendations pertinent to expansive soils as shall be carried out in accordance with the recommendations of the Van Beveren & Butelo Report, October 23, 2006.

General Mitigation Measures

- Mitigation measures are applicable to the proposed project, but do not specifically fall into any threshold category as defined above. The project shall incorporate any additional mitigation measures are defined in the Van Beveren & Butelo Report, October 23, 2006, included in Appendix 5.1 to the Draft EIR.

2. Hydrology and Drainage

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Project draining into the Marina during construction. The Project's post-development activities could

potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to less than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and drainage impacts are discussed in section 5.3 of the Draft EIR. As the 1.46 acre-wetland park and public-serving boat slips will involve only minor ground alterations and small structures, there is no potential for significant hydrology and drainage impacts with respect to these Project components.

On- and/or Off-site Flooding

A minimal increase in total site runoff during a 25-year storm event would occur as a result of development of the Neptune Marina Apartments and the Anchorage/Woodfin Suite Hotel and Timeshare Resort Project. Under existing conditions, runoff during a 25-year storm event from Parcel 10R is approximately 16.0 cubic feet per second (cfs) and sheetflows to Basin B. Existing runoff from Parcel FF is approximately 4.0 cfs and sheetflows directly to Basin C, also via a series of catch basins. Existing runoff from a portion of Parcel 9U is approximately 5.2 cfs and collects in a man-made depression situated in the southern portion of the parcel. The rest of Parcel 9U sheetflows directly into Basin B and is approximately 1.3 cfs.

Project operation would result in no alteration of surface flows for Parcels 10R and FF. Runoff from the northern portion of Parcel 9U would be 7.8 cfs and would be routed to Marina del Rey Basin B via an on-site storm drain system. No runoff would be directed to the wetland/upland area to the south. No flood hazard to the small-craft

harbor would occur because the elevation of the bulkhead is substantially (greater than 8 feet) above the tidal elevation. Construction of the partially subterranean parking facilities may require de-watering during excavation only.

Increased Sedimentation and Erosion

Project applicant(s) would be required to prepare a SWPPP for Parcels 10R, FF, and 9U pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site. Upon completion of the Project, Parcels 10R, FF, and 9U would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

The applicant(s) will install debris booms around all waterside construction areas to capture and control floating debris, and debris catchers would be used in places where falling debris is unavoidable. Siltation collars would be employed around individual piles during pile removal to reduce and/or prevent sediment from crossing into surrounding waters. The project applicants would also comply with the National Pollutant Discharge Elimination System (NPDES) and Regional Water Quality Control Board (RWQCB) requirements governing activities within the small-craft harbor.

Mitigation Measures Already Incorporated into the Project:

- Waterside demolition of the boat anchorages for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project (Parcel 10R only) would employ debris booms around all waterside construction areas to capture and control floating debris.
- Debris catchers will be utilized in places where falling debris is unavoidable.
- Siltation collars will be placed around piles prior to removal to reduce and/or prevent sediment from costing into surrounding waters.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the

satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Project site.

Mitigation Measures Already Incorporated into the Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Mitigation Measures:

- Small-craft harbor lease agreements for the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.

Implementation of the Project with the Mitigation Measures already included as part of the Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Parcel 10R Project draining into the Marina during construction. The Parcel 10R Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to lessen

than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

No increase in total site runoff during a 25-year storm event would occur as a result of development of the Parcel 10R Project. No flood hazard to the Parcel 10R Project site from the small-craft harbor would occur because the elevation of the bulkhead is substantially greater (greater than 8 feet) above the tidal elevation.

Increased Sedimentation and Erosion

The Parcel 10R Project applicant would be required to prepare a SWPPP pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site including the temporary dewatering of subterranean parking areas. Upon completion of the Parcel 10R Project, the Parcel 10R Project site would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

The applicant(s) will install debris booms around all waterside construction areas to capture and control floating debris, and debris catchers would be used in places where falling debris is unavoidable. Siltation collars would be employed around individual piles during pile removal to reduce and/or prevent sediment from crossing into surrounding waters. The Parcel 10R Project applicants would also comply with the (NPDES) and (RWQCB) requirements governing activities within the small-craft harbor.

Mitigation Measures Already Incorporated into the Parcel 10R Project:

- Waterside demolition of the boat anchorages for Parcel 10R would employ a debris boom around all waterside construction areas to capture and control floating debris.
- Debris catchers will be utilized in places where falling debris is unavoidable.
- Siltation collars will be placed around piles prior to removal to reduce and/or prevent sediment from costing into surrounding waters.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Parcel 10R Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Parcel 10R Project site.

Mitigation Measures Already Incorporated into the Parcel 10R Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to

the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Mitigation Measures:

- Small-craft harbor lease agreements for the Parcel 10R Project shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.

Implementation of the Parcel 10R Project with the Mitigation Measures already included as part of the Parcel 10R Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Parcel FF Project draining into the Marina during construction. The Parcel FF Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to lessen than significant levels. Therefore, no unavoidable significant project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

No increase in total site runoff during a 25-year storm event would occur as a result of the Parcel FF Project. Existing runoff from the Parcel FF Project site is approximately 4.0 cfs and sheetflows directly to Marina del Rey Basin C via a series of catch basins. Future on-site storm drainage improvements would be designed to accommodate post-development flows during a 25-year storm event and would, per normal practice, be approved by the Los Angeles County Department of Public Works prior to grading. No flood hazard to Parcel FF Project from the small-craft harbor would occur because the elevation of the bulkhead is substantially (greater than eight feet) above the tidal elevation.

Increased Sedimentation and Erosion

Project applicant(s) would be required to prepare a SWPPP for Parcel FF Project pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site. Upon completion of the Parcel FF Project, the Parcel FF Project would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project site. These plans shall be prepared to the

satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Parcel FF Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Parcel FF Project site.

Mitigation Measures Already Incorporated into the Parcel FF Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor form the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Implementation of the Parcel FF Project with the Mitigation Measures already included as part of the Parcel FF Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Woodfin Suite Hotel and Timeshare Resort Project draining into the Marina during construction. The Woodfin Suite Hotel and Timeshare Resort Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require NPDES permit compliance.

Finding

Implementation of the identified mitigation measures in accordance with the Los Angeles County Department of Public Works and Regional Water Quality Control Board requirements would reduce erosion, sedimentation, and water quality impacts to less than significant levels. Therefore, no unavoidable significant Woodfin Suite Hotel and Timeshare Resort Project-specific impacts are anticipated.

Facts

Hydrology and Drainage impacts are discussed in section 5.3 of the Draft EIR.

On- and/or Off-site Flooding

A minimal (1.3 cfs) increase in total site runoff during a 25-year storm event would occur as a result of the development of the Woodfin Suite Hotel and Timeshare Resort. No runoff from the Woodfin Suite Hotel and Timeshare Resort would be directed to the proposed wetland situated to the south. The storm drain system would be designed to accommodate post-development flows during a 25-year storm event and, per normal practice, would be approved by the Los Angeles County Department of Public Works prior to grading. No flood hazard to the Woodfin Suite Hotel and Timeshare Resort Project from the small-craft harbor would occur because the elevation of the bulkhead is substantially (greater than eight feet) above the tidal elevation.

Increased Sedimentation and Erosion

The Woodfin Suite Hotel and Timeshare Resort Project applicant would be required to prepare a SWPPP pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site including the temporary dewatering of subterranean parking areas. Upon completion of the Woodfin Suite Hotel and Timeshare Resort Project, the Woodfin Suite Hotel and Timeshare Resort Project site would be covered with non-erosive surfaces including roofs, pavement, and/or permanent vegetation, which would reduce sediment in site runoff.

Mitigation Measures:

- A final drainage plan and final grading plan (including an erosion control plan if required) shall be prepared by each applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project site. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

The purpose of the County's review of the final drainage and grading plans (and erosion control plan, if required) is to confirm that the Project's final drainage and grading details are consistent with the approved Concept plans, which show that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project sites.

Surface and Groundwater Quality

Temporary dewatering systems for the partially subterranean parking structures may require a NPDES permit for groundwater discharge from the RWQCB to ensure all water discharged to the small-craft harbor would meet all NPDES requirements.

The applicant(s) would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Woodfin Suite Hotel and Timeshare Resort Project, the applicant(s) will be required to address long-term monitoring and implementation of best management practices on the Woodfin Suite Hotel and Timeshare Resort Project site.

Mitigation Measures Already Incorporated into the Woodfin Suite Hotel and Timeshare Resort Project:

- The applicant must obtain NPDES permits for groundwater discharge from the Regional Water Quality Control Board prior to discharge of groundwater into the small-craft harbor from the dewatering activities during subterranean parking garage excavation. The applicant is required to satisfy all applicable requirements of the NPDES program for construction and demolition activity to the satisfaction of the Los Angeles County Department of Public Works. These requirements currently include preparation of a SWPPP containing design features and BMPs appropriate and applicable to the construction activities.

Best Management Practices:

- The County will require BMPs to minimize pollutants entering the small-craft harbor. Public education and participation activities will also make information regarding water quality and BMPs available to renters. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean up activities, street and storm drain maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project with the Mitigation Measures already included as part of the Woodfin Suite Hotel and Timeshare Resort Project, the Mitigation Measures, and the Best Management Practices would result in a less than significant impact to the environment.

3. **Biota**

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction and operation of the Project. Operation of the Project would result in a less than significant impact and would actually improve biotic resources by restoring the area through a Public Wetland Park.

Facts

Biota impacts are discussed in section 5.5 of the Draft EIR. Parcels 10R and FF are presently developed as an apartment complex and surface parking lot, respectively, and no natural biotic communities are present. Parcel 9U is a vacant undeveloped lot. In these undeveloped areas, a ruderal and a man-made wetland vegetation/habitat is present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Project site.

As part of the proposed development on Parcels 10R and FF, existing uses would be removed and replaced with similar land uses but at a greater density. Development associated with Woodfin Suite Hotel/Timeshare Resort (Parcel 9U) would occur on a vacant lot now typified by ruderal vegetation. Development of Parcels 10R, FF, and the Woodfin Suite Hotel/Timeshare Resort on Parcel 9U would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation on Parcels 10R, FF, and Woodfin Suite Hotel/Timeshare Resort Parcel 9U are not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The South-Central portion of Parcel 9U is an excavated depression that supports a mixture of native and non-native plant species that exhibit a range relative to their wetland indicator status and is considered to be special status. The Project includes a

restoration plan for this wetland area. Development of the Parcel 9U project would not result in significant direct or indirect impacts to biological resources. Therefore, no mitigation is proposed, as none is necessary to reduce impacts to a less than significant level as this Project component is sufficient to mitigate for the loss of the man-made wetland habitat. The features of the restored wetland and upland park will become requirements under the coastal development permit.

Construction and operation of the wetland park would occur on a vacant lot now typified by ruderal and willow riparian vegetation on an existing man-made berm. Similar to development associated with Neptune Marina Parcels 10R and FF and the northern portion of Parcel 9U, development would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation of the wetland park is not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The Project site is highly developed and no portion of the Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. With the requested entitlement, the Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan. As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.

Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for the new boat spaces This impact is considered potentially significant due to: (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment. If placed in such a manner (i.e., from the water surface to the sea-floor and enclosing as small an area as possible) the proposed use of siltation collars would reduce the potential impacts to less than significant and limit the

extent of the turbidity. The use of a debris boom during removal and replacement of the new dock facilities should effectively reduce or eliminate altogether the amount of floating debris entering the main channel of the small-craft harbor. The proposed utilization of a vessel to recover floating material will further reduce this potential impact.

Other potential construction-related impacts may include the disturbance of the existing marine biological community via the removal of solid, high-relief substrate (pilings) and the epibiota attached to them. Pile-associated and demersal (bottom-oriented) fish would be expected to leave the area during construction and move to other portions of the small-craft harbor. These impacts are not considered significant since the pilings will be replaced, and there are no known sensitive, rare, threatened, or endangered plant, invertebrate or fish taxa in the project area. Re-colonization of the sea floor and new concrete pilings would be expected, and the biological community associated with those habitats is expected to be similar to that which currently exists within one to three years of completion of in-water construction.

In addition to marine sediment resuspension, onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts: Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description, (i.e., siltation collars and debris booms) would serve to mitigate

project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in place, the piles are extracted. During this process, turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction.
- In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor.
- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.

- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-

construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Parcel 10R Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act. The Parcel 10R Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with

local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction and operation of the Project.

Facts

Biota impacts are discussed in pages 5.5-45 to 5.5-52 of the Draft EIR. Parcel 10R is presently developed as an apartment complex, and no natural biotic communities are present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Parcel 10R.

As part of the proposed development on Parcel 10R, existing uses would be removed and replaced with similar land uses but at a greater density. Development of Parcel 10R would not directly impact terrestrial special-status plant or animal species. As such, direct impacts on terrestrial special status species associated with construction and operation on Parcel 10R are not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.

The Parcel 10R Project site is highly developed and no portion of the Parcel 10R Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. No wetlands occur on Parcel 10R; thus, the Parcel FF Project would not affect any wetlands. Parcel 10R is not a wildlife corridor. With the requested entitlement, the Parcel 10R Project is also

consistent with the applicable policies including the Marina del Rey Local Coastal Plan As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.,.

Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the removal of the existing pilings and placement of the new pilings for the new boat spaces. This impact is considered potentially significant due to: (1) the reported use of the water area by the endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to further the aforementioned re-suspension and increase the area potentially affected by the sediment. If placed in such a manner (i.e., from the water surface to the sea-floor and enclosing as small an area as possible) the proposed use of siltation collars would reduce the potential impacts to less than significant and limit the extent of the turbidity. The use of a debris boom during removal and replacement of the new dock facilities should effectively reduce or eliminate altogether the amount of floating debris entering the main channel of the small-craft harbor. The proposed utilization of a vessel to recover floating material will further reduce this potential impact.

Other potential construction-related impacts may include the disturbance of the existing marine biological community via the removal of solid, high-relief substrate (pilings) and the epibiota attached to them. Pile-associated and demersal (bottom-oriented) fish would be expected to leave the area during construction and move to other portions of the small-craft harbor. These impacts are not considered significant since the pilings will be replaced, and there are no known sensitive, rare, threatened, or endangered plant, invertebrate or fish taxa in the project area. Re-colonization of the sea floor and new concrete pilings would be expected, and the biological community associated with those habitats is expected to be similar to that which currently exists within one to three years of completion of in-water construction.

In addition to marine sediment resuspension, onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within

the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Parcel 10R Project approval so as to mitigate the identified impacts: Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description (i.e., siltation collars and debris booms) would serve to mitigate project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small-craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in place, the piles are extracted. During this process, turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB Los Angeles Region staff prior to construction.

- In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small-craft harbor.
- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.
- To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence

of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Parcel FF Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Parcel FF Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

No special-status plant or animal species were observed or are known to occur on or significantly utilize the Parcel FF site. Therefore, no significant impact to biota resources would occur.

Facts

Biota impacts are discussed in pages 5.5-53 to 5.5-55 of the Draft EIR. No natural biotic communities are located on the Parcel FF site. As proposed, the Parcel FF Project would not result in the removal of any defined special-status habitat due to the lack of habitat on the site. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on terrestrial or marine portions of the Parcel FF.

No wetlands occur on the Parcel FF site, thus, the Parcel FF Project would not affect any wetlands. Parcel FF is not a wildlife corridor. With the requested entitlement, the Parcel FF Project is also consistent with the applicable policies including

the Marina del Rey Local Coastal Plan. As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.

Onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

No special-status plant or animal species are known to occur on or significantly use Parcel FF, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees. The following mitigation measures are included to ensure a less than significant impact.

Mitigation Measures Recommended by the EIR:

- To avoid impacts to native nesting birds (California Fish and Game Code (Section 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and

juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Woodfin Suite Hotel and Timeshare Resort Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Woodfin Suite Hotel and Timeshare Resort Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

Implementation of Woodfin Suite Hotel and Timeshare Resort Project features would reduce impacts to a less than significant level.

Facts

Biota impacts are discussed in pages 5.5-56 to 5.5-58 of the Draft EIR. As proposed, the Woodfin Suite Hotel/Timeshare Resort Project would not result in the removal of any defined special-status habitat due to the lack of habitat on the site on the northern portion of Parcel 9U. Impacts to the wetland portion of Parcel 9U are discussed below. No wetlands occur on the northern portion of the Woodfin Suite Hotel/Timeshare Resort Project site, thus, the Woodfin Suite Hotel/Timeshare Resort Project would not affect any wetlands. The Woodfin Suite Hotel/Timeshare Resort Project would impact less than 2.2 acres of ornamental and disturbed/ruderal habitat and is not a wildlife corridor. Development of the Woodfin Suite Hotel/Timeshare

Resort Project will, with the requested entitlement, be consistent with the land use plan for the site.

Onshore sediments could be transported to small-craft harbor waters by storm water, thus increasing turbidity within the construction area. During storms, the small-craft harbor receives runoff from the site through two existing storm drains. The potential addition of construction-related sediments to on-site runoff is not considered significant, but could occur over a period of one year or more.

No special-status plant or animal species are known to occur on or significantly use the northern portion of the Woodfin Suite Hotel/Timeshare Resort site, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees. The following mitigation measures are included to ensure a less than significant impact should species use the site.

Mitigation Measures Recommended by the EIR:

- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the

surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

Wetland Park Project

Potential Effect

The Public Wetland Park Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Public Wetland Park Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Public Wetland Park Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

Potential impacts to biota from the Public Wetland Park are less than significant level during construction of the Project. Operation of the Pubic Wetland Project would result in a less than significant impact and would actually improve biotic resources by restoring the area through the Public Wetland Park.

Facts

Biota impacts are discussed in pages 5.5-59 to 5.5-67 of the Draft EIR. The Public Wetland Park portion of Parcel 9U remains as a vacant undeveloped lot. In these undeveloped areas, a ruderal and a man-made wetland vegetation/habitat is present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence.

Construction and operation of the wetland park would occur on a vacant lot now typified by ruderal and willow riparian vegetation on an existing man-made berm. The South-Central potion of Parcel 9U is an excavated depression that supports a mixture of native and non-native plant species that exhibit a range relative to their wetland

indicator status and is considered to be special status. The Public Wetland Park Project includes restoration of this degraded wetland in accordance with the restoration plan incorporated as Appendix 5.5 of the DEIR. This plan includes establishment of a muted tidal regime that will substantially enhance the hydrologic, biogeochemical and habitat functions of the degraded wetland, and will include the establishment of coastal salt marsh vegetation with a variable buffer that will be planted with native vegetation. The minimum buffer, as measured from the edge of the salt marsh will be 25 feet; however, the buffer between the salt marsh and hotel landscaping will be effectively larger due to the installation of turfblock vegetated with native grasses between the native buffer plantings and the hotel. Including the turfblock area, the setback buffer ranges from approximately 53 to 82 feet, with an average of about 66 feet between the wetland and hotel. Mr. Tony Bomkamp, a Senior Biologist and Restoration Ecologist at Glenn Lukos Associates, Inc. has determined that this buffer is sufficient to ensure that the hotel/timeshare and other uses on Parcel 9U will not significantly impact the restored wetland.

Development of the Public Wetland Park Project would not result in significant direct or indirect impacts to biological resources and would provide improved habitat. Therefore, no mitigation is proposed, as none is necessary to reduce impacts to a less than significant level, as this Public Wetland Park Project component is sufficient to mitigate for the loss of the man-made wetland habitat. The features of the restored wetland and upland park will become requirements under the coastal development permit.

The Public Wetland Park Project site is highly developed and no portion of the Public Wetland Park Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. The Public Wetland Park Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan and the RWQCB Water Quality Control Plan, and would therefore not result in a significant land use impact. Compliance with all permitting requirements will reduce all impacts to less than significant levels.

Public-Serving Boat Space Project

Potential Effect

The Public-Serving Boat Space Project could have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Public-Serving Boat Space Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Public-Serving Boat Space Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the measures identified in this section, conditions of approval, and mitigation measures included in the project design, potential impacts to biota would be reduced to a less than significant level by implementing measures to ensure minimal invasiveness to plant and animal species, as well as aquatic species, during construction of the Public-Serving Boat Space Project.

Facts

Biota impacts are discussed in pages 5.5-68 to 5.5-75 of the Draft EIR. The Public-Serving Boat Space Project area is presently developed as a dock with space for boats. Potentially significant impacts to the existing water quality and the associated marine infauna could result from the re-suspension of sediments associated with the placement of the new pilings for the new public-serving boat spaces. This impact is considered potentially significant due to (1) the reported use of the water area by the Endangered brown pelican and California least tern; and (2) the re-suspension of contaminants within the sediments at the site. Anchoring of work vessels would be expected to

further the aforementioned re-suspension and increase the area potentially affected by the sediment.

The Public-Serving Boat Space Project is waterside and no portion of the Public Serving Boat Space Project would interfere with movement patterns associated with the existing ground-dwelling fauna currently. The Public-Serving Boat Space Project is also consistent with the applicable policies including the Marina del Rey Local Coastal Plan and the RWQCB Water Quality Control Plan, and would therefore not result in a significant land use impact.

Compliance with all permitting requirements and implementation of mitigation measures and project design mitigation measures will reduce all impacts to less than significant levels. The above finding is made in that the following measures will be made conditions of Public-Serving Boat Space Project approval so as to mitigate the identified impacts:

Mitigation Measures Already Incorporated into the Project: As proposed, the project will be responsive to water quality mitigation measures required by state and local agencies (reference EIR Section 5.3). Construction techniques defined in Section 3.0 of the Draft EIR, Project Description, would serve to mitigate project related sedimentation and surface debris impacts to the marine environment. Also, waterside development activities will be suspended during the March to September breeding season of the California least tern, as long as it is known that the species is still nesting in the Venice Beach habitat.

Mitigation Measures Recommended by the EIR:

- Waterside development and construction activities will be curtailed during the March to September California least tern breeding season, as long as it is known that the species is still nesting in the Venice Beach habitat.
- To avoid impacts to native nesting birds (California Fish and Game Code Sections 3503, 3503.5, and 3513), the applicant and/or its contractors shall retain a qualified biologist to conduct nest surveys in potential nesting trees within the project site and the median of Via Marina and Marquesas Way prior to

construction or site preparation activities. Specifically, within 30 days of ground disturbance activities associated with construction or grading, a qualified biologist shall conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human-habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing

offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are not considered significant.

4. Traffic and Access

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project will contain 526 apartment units and 288 hotel/timeshare rooms and is located in an area with known congestion problems at roadways and/or intersections. The Project may result in hazardous traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access points for the sites may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate material amounts of traffic and therefore do not have the potential to have

significant traffic impacts. As the parking for the Public Wetland Park would exceed County requirements, and the Public Serving Boat Spaces would only be accessible by water, neither would have the potential to result in significant parking impacts.

Finding

Prior to mitigation, Project traffic could produce significant direct traffic impacts at four nearby intersections: Admiralty Way and Via Marina; Washington Boulevard and Via Marina/Ocean Avenue; Lincoln Boulevard and Mindanao Way, and Admiralty Way and Mindanao Way. Mitigation measures would reduce these potential impacts to a less than significant level.

The project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would be less than significant; however, significant impacts would remain if implementation of the prescribed mitigation measures is delayed or the measures are not implemented.

Facts

Traffic/access impacts are discussed at pages 5.7-1 to 5.7-94 of the Recirculated Draft EIR. Upon completion, the Project will generate approximately 3,104 net new daily trips, with approximately 253 net new AM peak hour trips and 228 net new PM peak hour trips. For Project traffic only, at the 17 intersections evaluated, the Project would, after mitigation, result in a less than significant impact on all intersections. . Prior to mitigation, only one intersection (Admiralty Way/Mindanao Way) would result in a significant impact in the AM peak hour. In the PM peak hour, four intersections (Admiralty Way/Via Marina, Washington Boulevard/Ocean Avenue/Via Marina, Lincoln Boulevard/Mindanao Way, and Admiralty Way/Mindanao Way) are significantly impacted prior to mitigation. These impacts would be fully mitigated through the

implementation of area traffic improvement measures indicated in the Traffic section of the Recirculated Draft EIR as well as the adopted Marina del Rey Specific Plan Transportation Improvement Plan. The Transportation Improvement Plan includes specific detailed transportation and circulation improvements designed to fully mitigate the traffic generation of the Phase II development of Marina del Rey. .Short-term impacts may occur if the Project becomes operational prior to implementation of the planned traffic improvements proposed at these intersections.

According to the traffic distribution for the Project that was reviewed and agreed to by the County Department of Public Works, Traffic, and Lighting Division, approximately five percent of the project traffic is anticipated to access and depart from the Project using Via Dolce. Based on the trip generation for the Project, the Project would generate about eight net trips (about one trip every 7.5 minutes) during the AM peak hour and six net trips (about one trip every 10 minutes) during the PM peak hour to the traffic on Via Dolce. The segment of the roadway west of Via Marina currently carries about 288 trips during the AM peak hour and 236 trips during the PM peak hour. The Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below its capacity, no significant project or cumulative traffic impact is expected to occur on this roadway.

One Congestion Management Program intersection, Lincoln Boulevard and Marina Expressway, was identified in the project area. The Project is not expected to add 50 or more trips to this intersection during either the AM or PM weekday peak hours. However, this intersection was included as a study intersection and analyzed due to its close proximity to the project site. In addition, a traffic analysis is also required at all mainline freeway monitoring locations where the project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours. A review of the Project's net trip generation assignments indicates that the Project is not expected to add substantial traffic volumes to the regional transportation system. The maximum amount of project traffic added to any particular freeway segment would occur along the eastbound Marina Expressway/Freeway east of Mindanao Way during the AM peak

hour. During this time, the Project would add approximately 71 trips, which is substantially less than the Los Angeles Congestion Management Program threshold of 150 peak hour trips added to any freeway segment in a single direction.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Project is a part. Parcel 9U is located in DZ 2 and that portion of Project is consistent with the original development allowances and trip cap for DZ 2. The cap for DZ 2 is 200.89 PM peak hour trips, 200.89 trips are currently available, and the DZ 2 portion of the Project would require 101.66 PM peak hour trips. Parcels 10R and FF are located in DZ 3. DZ 3 currently has a cap of 180.5 PM peak hour trips, while, after taking into account existing dwelling units in DZ 3, -39.12 PM peak hour trips are available. After transfer of 36.51 PM peak hour trips from DZ 1 and 89.65 PM peak hour trips from DZ 2, 131.19 PM peak hour trips would be available in DZ 3, of which the DZ 3 portion of the Project would require 126.16 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

Potential impacts from the Venice Dual Force Sewer Main Project Via Marina alignment are speculative because the County has filed for declaratory relief against the Via Marina alignment of the Project; as a result, the Project is on hold until trial and a final alignment has thus yet to be determined. There is also no indication that the Project construction and construction of the Venice Dual Force Sewer Main will be completed concurrently. The Venice Dual Force Sewer Main Project will also use designated staging and roadway areas for its construction, and those impacts have been analyzed in a separate environmental document pursuant to CEQA. In addition, the Project is required to coordinate with other area projects, including the Venice Dual Force Sewer Main Project, as part of the required mitigation for the Project. Thus, if and when the Venice Dual Force Sewer Main Project is implemented, the Project will

coordinate with the Venice Dual Force Sewer Main Project to ensure minimal impacts to traffic in the immediate area.

A total of 1,510 parking spaces will be provided for resident, guest, and visitor parking for the 526 apartment units, 174 boat slips, and 288 guest rooms and uses ancillary to the Hotel/Timeshare resort. The amount of parking provided for all uses exceeds County parking requirements. The parking provided for the 526 apartment units and 174 boat slips meets County parking requirements for stand-alone facilities. The parking provided for the Hotel/Timeshare resort use meet County parking requirements for shared use of Hotel/Timeshare facilities and ancillary uses such as a sundry shop, spa, ballroom, meeting rooms, and a restaurant. Parking for the Public Wetland Park exceeds County requirements. As all parking provided in the Project is in excess of County requirements, the Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

The project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 228 net-new PM peak-hour trips, the Project shall be required to pay $1,297,320.

The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, Applicant's payment of the above-described fee is recommended mitigation over the partial construction by the Applicant of portions of the significant TIP roadway improvements.

However, should the County decide that some roadway improvement measures are necessary immediately, the following measure is recommended to reduce the significant project traffic impact identified in the traffic study prepared for this Project to less than significant levels:

- **Admiralty Way and Via Marina** – Reconstruct the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina, instead of widening the south side of Admiralty Way to accommodate a triple westbound left turn movement, and two lanes eastbound on Admiralty Way with a right-turn merge lane from northbound Via Marina as proposed under the Marina del Rey TIP Category 1 improvement. This improvement is identified in the Marina del Rey TIP as a Category 3 improvement, and will enhance traffic flow within the Marina.
- **Washington Boulevard and Via Marina/Ocean Avenue** – No feasible physical improvements are identified in the TIP that remain available to mitigate this potential direct project traffic impact. However, the County of Los Angeles Department of Public Works has identified an improvement at the nearby intersection of Washington Boulevard and Palawan Way that would provide additional egress from the Marina, reducing traffic volumes on the northbound approach of Via Marina at this intersection, and providing mitigation for the impacts. The proposed improvement would reconstruct the intersection of Washington Boulevard and Palawan Way to allow for dual northbound left-turns onto westbound Washington Boulevard, and install a new traffic signal at that intersection. The improvement will provide an additional means of accessing westbound Washington Boulevard from westbound Admiralty Way, reducing the existing high northbound volumes at Washington Boulevard and Via Marina/Ocean Avenue. (See "Washington Boulevard and Palawan Way" below for additional details.) It should be noted that this improvement is not included in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified

traffic mitigation fees. The project's fair share proportion is 18.4 percent or approximately $61,180 as determined by the County.

- **Lincoln Boulevard and Mindanao Way** – Widen the west side of Lincoln Boulevard both north and south of Mindanao Way, and relocate and narrow the median island on Lincoln Boulevard to provide a right-turn lane in the northbound direction. This improvement is identified in the Marina del Rey TIP as a Category 1 improvement, and will enhance traffic flow within the Marina.
- **Admiralty Way and Mindanao Way** – Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way and modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way, has already been approved as part of a previous project (Esprit I Apartments), and would mitigate to less than significance the combined traffic impacts of both projects. It should be noted that this improvement is not included in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified traffic mitigation fees. The project's fair share proportion would be negotiated between the Project applicants and the County.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project will contain 400 apartment units and is located in an area with known congestion problems at roadways and/or intersections. The Parcel 10R Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Parcel 10R Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour

vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Parcel 10R Project, as well as participation in the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Parcel 10R Project are less than significant.

The Parcel 10R Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-51 to 5.7-60 of the Recirculated Draft EIR. Upon completion, the Parcel 10R Project will generate approximately 1,017 net new daily trips, with approximately 92 net new AM peak hour trips and 85 net new PM peak hour trips. For Parcel 10R Project traffic only, at the 17 intersections evaluated, the Parcel 10R Project would result in a less than significant impact at all intersections. Based on the trip generation for the Parcel 10R Project, the Parcel 10R Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project impact is expected to occur on this roadway.

The Parcel 10R Project would not add 50 or more trips to any Congestion Management Program intersection. The Parcel 10R Project's maximum peak hour generation (92 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Parcel 10R Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey second generation development, of which Parcel 10R is a part. Parcel 10R is located in DZ 3. The Project would transfer development allowances for Parcel 10R of approximately 261 dwelling units (out of a total of 275 available dwelling units) from the abutting DZ 2. The transfer of 261 dwelling units from DZ 2 plus the 3 remaining allowable units for DZ 3 would allow for the development increase of 264 dwelling units on Parcel 10R. In addition, the Project would transfer development allowances from the remaining 14 dwelling units within DZ 2, and transfer 112 dwelling units from nearby DZ 1 into DZ 3. Thus, the proposed residential development allowance transfers from DZ 1 and DZ 2 would permit the entire proposed Parcel 10R and FF development within DZ 3 to be consistent with the development allowances described in the Marina Del Rey LUP.

A total of 908 parking spaces will be provided for resident, guest, and visitor parking for the 400 apartment units and 174 boat slips. The amount of parking provided for all uses exceeds County parking requirements for stand-alone parking facilities. As all parking provided in the Parcel 10R Project is in excess of County requirements, the Parcel 10R Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Parcel 10R Project approval so as to mitigate the identified impacts:

The Parcel 10R Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 85 net-new PM peak-hour trips, the Parcel 10R Project shall be required to pay $483,650.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project will contain 126 apartment units is located in an area with known congestion problems at roadways and/or intersections. The Parcel FF Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Parcel FF Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Parcel FF Project, as well as participation in the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Parcel FF Project are less than significant.

The Parcel FF Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-61 to 5.7-69 of the Recirculated Draft EIR. Upon completion, the Parcel FF Project will generate approximately 499 net new daily trips, with approximately 44 net new AM peak hour trips and 41 net new PM peak hour trips. For Parcel FF Project traffic only, at the 17 intersections evaluated, the

Parcel FF Project would result in a less than significant impact to all intersections. Based on the trip generation for the Parcel FF Project, the Parcel FF Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project traffic impact is expected to occur on this roadway.

The Parcel FF Project would not add 50 or more trips to any Congestion Management Program intersection. The Project's maximum peak hour generation (44 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Parcel FF Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Parcel FF Project is a part. Parcel FF is located in DZ 3. DZ 3 currently has a cap of 180.5 PM peak hour trips, while, after taking into account existing dwelling units in DZ 3, -39.12 PM peak hour trips are available. After transfer of 36.51 PM peak hour trips from DZ 1 and 89.65 PM peak hour trips from DZ 2, 131.19 PM peak hour trips would be available in DZ 3, of which the Project would require 41 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Parcel FF Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

A total of 242 parking spaces will be provided for resident, guest, and visitor parking for the 126 apartment units. The amount of parking provided for all uses exceeds County parking requirements for stand-alone parking facilities. As all parking provided in the Parcel FF Project is in excess of County requirements, the Parcel FF Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Parcel FF Project approval so as to mitigate the identified impacts:

The Parcel FF Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee structure is currently $5,690 per PM peak-hour trip. Based on the expected Project trip generation of 41 net-new PM peak-hour trips, the Parcel FF Project shall be required to pay $233,290.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project will contain 288 hotel and timeshare suites and is located in an area with known congestion problems at roadways and/or intersections. The Woodfin Suite Hotel and Timeshare Resort Project may result in hazards traffic conditions due to high density development with a single access point, and may result in parking problems with a subsequent impact on traffic conditions. The single access point for the site may result in inadequate access during an emergency, resulting in problems for emergency vehicles or residents/employees in the area. The Woodfin Suite Hotel and Timeshare Resort Project may exceed the Congestion Management Program Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a Congestion Management Program highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link.

Finding

With implementation of conditions of approval and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project, as well as participation in

the Marina del Rey Specific Plan Transportation Improvement Program, traffic impacts from the Woodfin Suite Hotel and Timeshare Resort Project are less than significant.

The Woodfin Suite Hotel and Timeshare Resort Project would be required to pay the traffic mitigation fees to the County of Los Angeles pursuant to the Marina del Rey Specific Plan Transportation Improvement Program (TIP). This fee is intended to address regionally significant impacts and/or impacts resulting from cumulative development in and around the Marina, by providing "fair share" contributions to planned roadway improvements identified in the Marina del Rey Land Use Plan (LUP). After payment of mitigation fees, impacts for the Woodfin Suite Hotel and Timeshare Resort Project would remain less than significant.

Facts

Traffic/access impacts are discussed at pages 5.7-70 to 5.7-79 of the Recirculated Draft EIR. Upon completion, the Woodfin Suite Hotel and Timeshare Resort Project will generate approximately 1,538 net new daily trips, with approximately 117 net new AM peak hour trips and 102 net new PM peak hour trips. For Woodfin Suite Hotel and Timeshare Resort Project traffic only, at the 17 intersections evaluated, the Woodfin Suite Hotel and Timeshare Resort Project would result in a less than significant impact at all intersections. Based on the trip generation for the Woodfin Suite Hotel and Timeshare Resort Project, the Woodfin Suite Hotel and Timeshare Resort Project's contribution to traffic on Via Dolce will be minimal and the peak-hour traffic volumes are and would continue to be well below the capacity of Via Dolce. Thus, no significant project traffic impact is expected to occur on this roadway.

The Woodfin Suite Hotel and Timeshare Resort Project would not add 50 or more trips to any Congestion Management Program intersection. The Woodfin Suite Hotel and Timeshare Resort Project's maximum peak hour generation (117 trips) is less than the Congestion Management Program threshold of 150 peak hour trips. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project would not result in a significant impact to the regional transportation system.

The Local Coastal Plan establishes a PM peak hour vehicle trip cap for Marina del Rey Second Generation Development, of which the Woodfin Suite Hotel and Timeshare Resort Project is a part. Parcel 9U is located in DZ 2 and that portion of Woodfin Suite Hotel and Timeshare Resort Project is consistent with the original development allowances and trip cap for DZ 2. The cap for DZ 2 is 200.89 PM peak hour trips, 200.89 trips are currently available, and the DZ 2 portion of the Woodfin Suite Hotel and Timeshare Resort Project would require 101.66 PM peak hour trips. The Local Coastal Plan identifies a series of mitigation measures to address the impacts of traffic generated by new development. Among other things, the Woodfin Suite Hotel and Timeshare Resort Project, as well as other projects, will be assessed a trip fee of $5,690 per PM peak hour trip generated. This money will be used to build the infrastructure necessary to accommodate additional traffic flows.

A total of 556 parking spaces will be provided for resident, guest, and visitor parking for the 288 hotel/timeshare units and appurtenant hotel uses. The amount of parking provided for all uses exceeds County parking requirements using the County's shared parking requirements. As all parking provided in the Woodfin Suite Hotel and Timeshare Resort Project is in excess of County requirements, the Woodfin Suite Hotel and Timeshare Resort Project will not result in a significant parking impact.

The above finding is made in that the following mitigation measures will be made conditions of Woodfin Suite Hotel and Timeshare Resort Project approval so as to mitigate the identified impacts:

The Woodfin Suite Hotel and Timeshare Resort Project Applicant shall pay the traffic mitigation fee imposed by the County of Los Angeles Department of Public Works, pursuant to the Marina del Rey Specific Plan Transportation Improvement Program ("TIP"). This fee is intended to fund the roadway improvements described in the TIP, by providing "fair share" contributions toward the improvements, based on the amount of PM peak hour trips generated by each new Marina del Rey development project. These improvements address local traffic generated in and confined to the Marina, as well as trips, which leave the Marina (regional trips). The County's traffic mitigation fee

structure is currently $5,690 per PM peak-hour trip. Based on the expected Woodfin Suite Hotel and Timeshare Resort Project trip generation of 102 net-new PM peak-hour trips, the Woodfin Suite Hotel and Timeshare Resort Project shall be required to pay $580,380.

5. Sewer Service

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project is served by a community sewage system, and the Project could create capacity problems at the treatment plant due to an increase in population in the area. The Project could create capacity problems in the sewer lines serving the Project due to an increase in population in the area. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate material amounts of wastewater and therefore do not have the potential to have significant sewer service impacts.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-1 to 5.8-25 of the Recirculated Draft EIR. Operation of the Project would generate approximately 160,096 gallons per day (gpd) of wastewater. This represents a net increase of 139,696 gpd when compared to existing uses on the Project site. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Project. In

addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Project. The Project will include abandonment of a portion of existing sewer mains, and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare resort Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impacts associated with the increased population and resulting Sewer Service impact caused by the Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Project applicants shall demonstrate sufficient sewage capacity for the Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the proposed project are less than significant.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project is served by a community sewage system, and the Parcel 10R Project could create capacity problems at the treatment plant due to an increase in population in the area. The Parcel 10R Project could create capacity problems in the sewer lines serving the Parcel 10R Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project will reduce the

potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts for the Parcel 10R Project are discussed at pages 5.8-13 to 5.8-16 of the Recirculated Draft EIR. Operation of the Parcel 10R Project would generate approximately 67,700 gallons per day (gpd) of wastewater. This represents a net increase of 47,300 gpd when compared to existing uses on the Parcel 10R Project site. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Parcel 10R Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Parcel 10R Project. The Parcel 10R Project will include abandonment of a portion of existing sewer mains and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Parcel 10R Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Parcel 10R Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Parcel 10R Project applicants shall demonstrate sufficient sewage capacity for the Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the Parcel 10R Project are less than significant.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project is served by a community sewage system, and the Parcel FF Project could create capacity problems at the treatment plant due to an increase in population in the area. The Parcel FF Project could create capacity problems in the sewer lines serving the Parcel FF Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-16 to 5.8-18 of the Recirculated Draft EIR. Operation of the Parcel FF Project would generate approximately 21,000 gallons per day (gpd) of wastewater. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Project. The Parcel FF Project will include abandonment of a portion of existing sewer mains and new sewer mains would be built. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Parcel FF Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Parcel FF Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Parcel FF Project applicants shall demonstrate sufficient sewage capacity for the Parcel FF Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the proposed project are less than significant.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project is served by a community sewage system, and the Woodfin Suite Hotel and Timeshare Resort Project could create capacity problems at the treatment plant due to an increase in population in the area. The Woodfin Suite Hotel and Timeshare Resort Project could create capacity problems in the sewer lines serving the Woodfin Suite Hotel and Timeshare Resort Project due to an increase in population in the area.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project will reduce the potential sewer service impacts identified in the Final Environmental Impact Report to a less than significant level.

Facts

Sewer service impacts are discussed at pages 5.8-19 to 5.8-21 of the Recirculated Draft EIR. Operation of the Woodfin Suite Hotel and Timeshare Resort Project would generate approximately 71,396 gallons per day (gpd) of wastewater. The sewage produced by the hotel and the public-serving anchorage sewer pump serving four pumpout stations can be accommodated by the current wastewater infrastructure.

Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Woodfin Suite Hotel and Timeshare Resort Project. In addition, the existing County 15-inch sewer main and City of Los Angeles downstream facilities have existing sufficient capacity to serve the Woodfin Suite Hotel and Timeshare Resort Project. Further, the applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities. The Woodfin Suite Hotel and Timeshare Resort Project shall design and construct all sewer lines to the specifications and standards defined by the Los Angeles County Department of Public Works.

To mitigate impact associated with the increased population and resulting Sewer Service impacts caused by the Woodfin Suite Hotel and Timeshare Resort Project, the following Mitigation Measure will be implemented.

Mitigation Measure:

- Prior to issuance of building permits, the Woodfin Suite Hotel and Timeshare Resort Project applicants shall demonstrate sufficient sewage capacity for the Woodfin Suite Hotel and Timeshare Resort Project by providing a "will serve" letter from Los Angeles County's Department of Public Works' Sewer Maintenance Division.

With incorporation of this mitigation measure, potential impacts from the Woodfin Suite Hotel and Timeshare Resort Project are less than significant.

6. Water Service

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service

the increase in demand caused by the Project. Construction and operation of the Public Wetland Park and Public-Serving Boat Spaces would not generate demand for material amounts of water and therefore do not have the potential to have significant water service impacts.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-1 to 5.9-38 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Project would consume approximately 107,320 gallons of water per day ("gpd"). This represents a net increase of approximately 91,000 gpd over existing water use on the Project site. However, sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;

- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Parcel 10R Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-28 to 5.9-30 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Parcel 10R Project would consume approximately 48,000 gallons of water per day ("gpd"). This represents a net increase of approximately 31,680 gpd over existing water use on the Parcel 10R Project site. However, sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del

Rey, including the Parcel 10R Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Parcel 10R shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Parcel 10R shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Neptune Marina Parcel 10R applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Parcel FF Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-31 to 5.9-33 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Parcel FF Project would consume approximately 15,120 gallons of water per day ("gpd"). Sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Parcel FF Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- The Neptune Marina Parcel FF shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Neptune Marina Parcel FF shall incorporate into the building plans water conservation measures as outlined in the following items:

Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;

- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and

Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.

- Prior to the issuance of grading permits, the Neptune Marina Parcel FF applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration.

Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Facts

Water service impacts are discussed in pages 5.9-34 to 5.9-38 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

The Woodfin Suite Hotel and Timeshare Resort Project would consume approximately 44,200 gallons of water per day ("gpd"). Sources of water have been determined and are adequate to serve existing uses and projected growth in Marina del Rey, including the Woodfin Suite Hotel and Timeshare Resort Project. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following mitigation measures will be incorporated into the Woodfin Suite Hotel and Timeshare Resort Project approvals so as to mitigate the identified impacts: Mitigation Measures:

- The Woodfin Suite Hotel and Timeshare Resort Project shall meet the County Efficient Landscape Ordinance since landscaped areas exceed 2,500 square feet in area.
- The Woodfin Suite Hotel and Timeshare Resort Project shall incorporate into the building plans water conservation measures as outlined in the following items:
- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
- Title 24, California Administrative Code which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for pipe insulation which can reduce water used before hot water reaches equipment or fixutures, and
- Government Code Section 7800 which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.
- Prior to the issuance of grading permits, the Woodfin Suite Hotel and Timeshare Resort Project applicants shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 confirming that it is able to provide water service to the project phase under consideration in accordance with the water supply analysis in the EIR.

7. Education

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District. The Woodfin Hotel and Timeshare Resort, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant education impacts.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Project. The implementation of a mitigation measure requiring payment of school fees by the Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-1 to 5.11-18 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Project is expected to generate 90 new students, an increase of 27 students over the current site condition. Of the additional new students, 13 are expected to use primary schools, 6 are expected to use secondary schools, and 8 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Parcel 10R Project. The implementation of a mitigation measure requiring payment of school fees by the Parcel 10R Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-12 to 5.11-13 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Parcel 10R Project is expected to generate 71 new students, an increase of 8 students over the current site condition. Of the additional new students, 4 are expected to use primary schools, 1 is expected to use secondary schools, and 3 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Parcel 10R Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of

project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could create capacity problems for schools at the District level due to the addition of apartment units to be served by the Los Angeles Unified School District.

Finding

Existing capacity within the Los Angeles Unified School District exists to accommodate the additional student population that will be generated by the Parcel FF Project. The implementation of a mitigation measure requiring payment of school fees by the Parcel FF Project developer would reduce impacts to a less than significant level.

Facts

Education impacts are discussed in pages 5.11-14 to 5.11-15 of the Draft EIR. Primary, secondary, and high school educational services are provided to the area by the Los Angeles Unified School District.

The Parcel FF Project is expected to generate 19 new students. Of the new students, 9 are expected to use primary schools, 4 are expected to use secondary schools, and 6 are expected to use high schools. The Los Angeles Unified School District schools that serve the area are: Coeur d'Alene Elementary School (capacity for 27 additional students available); Marina del Rey Middle School (capacity for 400 additional students available); and Venice Senior High School (capacity for 502 additional students available). Thus, the existing schools in the District serving the area have adequate capacity to serve the students generated by the Parcel FF Project. Moreover, no significant impacts to the Los Angeles Unified School District would occur with implementation of the required payment of school fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- Pursuant to Government Code Section 65995, the developer is required to pay statutory school fees to the LAUSD for the purpose of mitigating the impact of project-generated new students on school facilities. Developer fees are $3.60 per square foot of new residential use. Payment of this fee is deemed to be full and complete mitigation of Project impacts.

8. Police Protection

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features and the reduction in the number of boat spaces available will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-1 to 5.12-32 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Project has been designed with security features intended to deter crime and reduce demand for police services. In addition, the reduction in the number of available boat slips will likely result in decreased police protection demand due to the overall reduction of users on-

site. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Prior to construction, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall install navigational aids such as buoys and lights as defined by the U.S. Coast Guard to ensure safe access within all channels of the small-craft harbor.
- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features and the reduction in the number of boat spaces available will reduce potential impacts to police protection

services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-12 to 5.12-15 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Project has been designed with security features intended to deter crime and reduce demand for police services. In addition, the reduction in the number of available boat slips will likely result in decreased police protection demand due to the overall reduction of users on-site. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Prior to construction, the Neptune Marina Parcel 10R Project shall install navigational aids such as buoys and lights as defined by the U.S. Coast Guard to ensure safe access within all channels of the small-craft harbor.
- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Parcel 10R Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-12 to 5.12-15 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Parcel FF Project area.

The Parcel FF Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Parcel FF Project has been designed with security features intended to deter crime and reduce demand for police services. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Parcel FF Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.

- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Woodfin Suite Hotel and Timeshare Resort Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-20 to 5.12-23 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Woodfin Suite Hotel and Timeshare Resort Project could result in a potential increased demand for police services due to the increased population that would be residing on-site. However, the Woodfin Suite Hotel and Timeshare Resort Project has been designed with security features intended to deter crime and reduce demand for police services. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Woodfin Suite Hotel and Timeshare Resort Project site design during the planning and building plan-check process with respect to lighting,

landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.

- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

1.46 Acre Restored Wetland and Public Upland Park Project

Potential Effect

The 1 Public Wetland Park Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if the 1. park's demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of the small park will likely result in a minimal increase in demand to services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol. However, due to the lack of permanent residents on the site and the size of the park, the operation of the small park would result in a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-24 to 5.12-26 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Public Wetland Park would likely result in minimal increase in demand for police services due to public use of the park by visitors and transients. However, no significant impact is expected from this slight increase. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the approval process, the County Sheriff's Department shall review the 1.46-acre public park site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

Public-Serving Boat Spaces Project

Potential Effect

The Public-Serving Boat Spaces could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if the Public-Serving Boat Spaces' demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of the Public-Serving Boat Spaces will likely result in a minimal increase in demand to services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol. However, due to the lack of permanent residents using the facility, the operation of the Public-Serving Boat Spaces would result in a less than significant impact.

Facts

Police protection impacts are discussed in pages 5.12-27 to 5.12-29 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The Public-Serving Boat Spaces would likely result in a minimal increase in demand for police services due to public use of the facility by visitors and transients. However, no significant impact is expected from this slight increase. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- As part of the building permit process, the County Sheriff's Department shall review the Public-Serving Boat Space Project site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Subsequent to Sheriff's Department review, comments regarding safety design techniques shall be incorporated into the design of the Project.
- During Construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12. 08 and 12.12 Los Angeles County Code).

9. Fire Protection

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives. The Public Wetland Park and Public-Serving Boat Spaces would only not result in any habitable structures and therefore do not have the potential to have significant fire protection impacts.

Finding

The existing fire protection infrastructure for both landside and waterside uses is adequate to accommodate the Project. Thus, implementation of the Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-1 to 5.13-32 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Project area.

The Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Project site. However, the Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Project approvals so as to mitigate the identified impacts: Mitigation Measures:

- Applicants associated with the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and timeshare Resort Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.
- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.

- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Parcel 10R Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure for both landside and waterside uses is adequate to accommodate the Parcel 10R Project. Thus, implementation of the Parcel 10R Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-14 to 5.13-19 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Parcel 10R Project area.

The Parcel 10R Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Parcel 10R Project site. However, the Parcel 10R Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Parcel 10R Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Neptune Marina Parcel 10R Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a

Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safety Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.

- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safety Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Parcel FF Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure is adequate to accommodate the Parcel FF Project. Thus, implementation of the Parcel FF Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-20 to 5.13-24 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Parcel 10R Project area.

The Parcel FF Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Parcel FF Project site. However, the Parcel FF Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Parcel FF Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Neptune Marina Parcel FF Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.
- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Woodfin Suite Hotel and Timeshare Resort Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure is adequate to accommodate the Woodfin Suite Hotel and Timeshare Resort Project. Thus, implementation of the Woodfin Suite Hotel and Timeshare Resort Project will result in a less than significant impact.

Facts

Fire protection impacts are discussed in pages 5.13-25 to 5.13-28 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Woodfin Suite Hotel and Timeshare Resort Project area.

The Woodfin Suite Hotel and Timeshare Resort Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Woodfin Suite Hotel and Timeshare Resort Project site. However, the Woodfin Suite Hotel and Timeshare Resort Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Woodfin Suite Hotel and Timeshare Resort Project design includes on-site water improvements to ensure adequate fire flow. The above finding is made in that the following mitigation measures will be incorporated into the Woodfin Suite Hotel and Timeshare Resort Project approvals so as to mitigate the identified impacts:

Mitigation Measures:

- Applicants associated with the Woodfin Suite Hotel and Timeshare Resort Project shall submit and have approved by the County of Los Angeles Fire Department prior to project approval, a Fire Safety Plan. The Fire Safety Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant

will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safety Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval.

- During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department.
- Consistent with the Fire Safety Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval.
- The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows and fire hydrants.

10. Library Services

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library. The Woodfin Hotel and Timeshare Resort, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant library impacts.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Project. The implementation of

a mitigation measure requiring payment of library fees by the Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-1 to 5.14-15 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Project would result in a population increase of 585 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Parcel 10R Project. The implementation of a mitigation measure requiring payment of library fees by the Parcel 10R Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-9 to 5.14-10 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Parcel 10R Project would result in a population increase of 396 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Parcel 10R Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel 10R Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Parcel 10R Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could excess demand for library services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the Los Angeles County Library.

Finding

Existing capacity exists within the area-serving library to accommodate the additional library demand that will be generated by the Parcel FF Project. The implementation of a mitigation measure requiring payment of library fees by the Parcel FF Project developer would reduce impacts to a less than significant level.

Facts

Library service impacts are discussed in pages 5.14-11 to 5.14-12 of the Draft EIR. The Los Angeles County Public System's Lloyd Taber Marina del Rey Library ("the Library") provides library services to the area. The County uses the service level planning guidelines of 0.50 gross square feet and 2.75 items per capita, and the Library is large enough to accommodate an additional 7,339 residents based on its current facilities and existing population in the Marina del Rey area. The Parcel FF Project would result in a population increase of 189 persons, which can easily be absorbed within the current Library resources available. Thus, the existing Library in the area has adequate capacity to serve the residents generated by the Parcel FF Project. Moreover, no significant impacts to the Los Angeles County Public Library system would occur with implementation of the required payment of library fees. The above finding is made in that the following mitigation measure will be incorporated into Parcel FF Project approvals so as to mitigate the identified impacts:

Mitigation Measure:

- The Neptune Marina Parcel FF Project applicant shall pay the library mitigation impact fee in effect at the time building permits for the project are issued ($772.00 per residential unit as of July 1, 2007). Fees are paid to Los Angeles County to offset the demand for library items and building square footage generated by the proposed project.

11. <u>Parks and Recreation</u>

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey. The Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant parks and recreation impacts.

Finding

The Park Planning Area in which the Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Project is subject to the requirements of the Marina del Rey Specific Plan that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The Project includes a Waterfront Stroll Promenade, public wetland park, and public-serving anchorage. These features, combined with the payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, would reduce potential Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed in pages 5.15-1 to 5.14-18 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 1.77 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons. As an alternative to parkland dedication, applicants of residential projects can make payment into the Coastal Improvement Fund for parkland dedication or provide other recreational improvements within Marina del Rey. The Project includes a publicly-accessible Waterfront Stroll Promenade with public access to the waterfront, a public wetland park with restored wetlands, and a public-

serving anchorage to allow the public access to use of boat slips. The Project also includes additional recreational facilities available to Project residents including a resident's fitness center, media theater room, recreational lounge, game room, business center, outdoor pool, and 174 boat docks. In addition, the Woodfin Suite Hotel and Timeshare Resort would include a restaurant and bar, business center, meeting rooms, sundry shop, exercise room and spa, outdoor pool, and dining terrace.

While the Project would technically fall 0.31 acres shy of meeting the required parkland per new resident standard, additional recreational components, as well as the payment of fees to the Coastal Improvement Fund, less any credit the applicant may be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D), would mitigate Project impacts to a less than significant level. Thus, with the implementation of proposed park and recreation improvements, and payment of the required fees, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Parcel 10R Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Parcel 10R Project is subject to the requirements of the Marina del Rey Specific Plan

that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, less any credit due to eligibility per LACC 22.46.1950.D, would reduce potential Parcel 10R Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed on page 5.15-11 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 1.20 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons.

The Project developer would be required to pay fees to the Coastal Improvement Fund, less any credit the applicant ay be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D). With this required payment, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Parcel FF Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Parcel FF Project is subject to the requirements of the Marina del Rey Specific Plan

that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof. The payment of fees for parkland dedication as required by the Marina del Rey Specific Plan, less any credit due to eligibility per LACC 22.46.1950.D, would reduce potential Parcel FF Project impacts to a less than significant level.

Facts

Park and recreation impacts are discussed on pages 5.15-1 5.15-15 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Project would require a parkland dedication of 0.57 acres using the specific plan requirement of 3.0 acres of parkland per 1,000 persons.

The Project developer would be required to pay fees to the Coastal Improvement Fund, less any credit the applicant ay be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D). In addition, the Parcel FF Project would include or the developer of the Parcel FF Project would participate in the funding of public and private recreational facilities. Accompanying the change of Open Space designated land use of Parcel FF by the Marina del Rey Specific Plan, as Parcel FF would instead by developed with an apartment building, the developer of Parcel FF would fund one-half the cost of a public wetland and upland park of approximately 1.46 acres within the southern portion of Parcel 9U, while the developer of the remainder of Parcel 9U would fund the other half of the cost of the public wetland and upland park.

Additional recreational components and features of the Parcel FF Project would help to further offset potential recreational demands of the new residents. The location of the public wetland park and buffer area, immediately adjacent to the planned Waterfront Stroll Promenade, as well as the public dock accessible to between 7 and 11 transient vessels, and would represent a significant public boater-serving amenity, as no

such purely public anchorage currently exists on the eastern residential side of Marina del Rey. The combination of benefits to the public from these habitat and public access and recreation improvements accomplish all of the County's objectives otherwise associated with the future park site on Parcel FF.

Parcel 9U, the site of the new public park, is similarly situated to and in close proximity to Parcel FF. Moreover, Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value—a restored wetland and upland, fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher-quality views of the basin. The Park on Parcel 9U would also better integrate with other pubic uses, including the public amenities associated with the hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B. Therefore, the Parcel FF Project would facilitate, rather than impede, the development of future public parkland.

The Parcel FF Project's additional recreational components, as well as the payment of fees to the Coastal Improvement Fund, less any credit the applicant may be eligible for under Section 22.46.1950 C (1) of the County Zoning Code, which provides residential developers a credit against the calculated Coastal Improvement Fund fee at the rate of $2.30 for every square foot of improved public open space, as indicated in the specific plan (Section 22.46.1950.D), mitigates any potential impacts. Thus, with the implementation of proposed park and recreation improvements and payment of required fees, no significant impact to the County of Los Angeles Department of Beaches and Harbors' provision of parks and recreation facilities would occur.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could create excess demand for park services, exceeding acceptable service ratios, due to the addition of apartment units to be served by the County of Los Angeles Department of Beaches and Harbors, which operates parks and recreational facilities in Marina del Rey.

Finding

The Park Planning Area in which the Woodfin Suite Hotel and Timeshare Resort Project is located, Park Planning Area 28, currently has a shortage of improved park and recreational facilities. However, the Woodfin Suite Hotel and Timeshare Resort Project is not subject to the requirements of the Marina del Rey Specific Plan that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication, or some combination thereof, due to the fact that the Woodfin Suite Hotel and Timeshare Resort is a non-residential use.

Therefore, the Woodfin Suite Hotel and Timeshare Resort Project would result in a less than significant impact to park and recreation resources in the area.

Facts

Park and recreation impacts are discussed on pages 5.15-16 to 5.15-18 of the Draft EIR. The County of Los Angeles Department of Beaches and Harbors operates parks and recreational facilities within Marina del Rey. Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would require no parkland dedication due to the fact that it does not include residential uses.

The Woodfin Suite Hotel and Timeshare Resort Project would include the funding of one-half the cost of a public wetland and upland park on the southern portion of Parcel 9U, and would include a Waterfront Stroll Promenade providing public access to the Waterfront. In addition, the Woodfin Suite Hotel and Timeshare Resort would include a restaurant and bar, a business center, meeting rooms, a sundry shop, an exercise room and spa, an outdoor pool, and a dining terrace, and all ground-level uses on the Woodfin Suite Hotel and Timeshare Resort Project would be open to the public. Thus, impacts from the Woodfin Suite Hotel and Timeshare Project would be less than significant.

12. Population and Housing

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing. The Woodfin Suite Hotel and Timeshare Resort Project, Public Wetland Park and Public-Serving Boat Spaces would not add any permanent population and therefore do not have the potential to have significant population and housing impacts.

Finding

The Project would not exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Project are discussed on pages 5.16-1 to 5.16-15. The net increase in persons anticipated as part of the Project results in 4.0 percent of the projected increase in population for the area from 2000-2010 and 7.9 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 10.4 percent of the projected increase in housing units for the area from 2000-2010 and 8.2 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

All relocations involved in implementation of the Project would be conducted in a manner consistent with the Mello Act's inclusionary and replacement housing regulations. In addition, adequate three-month notice will be provided to boat

anchorage tenants and information regarding alternative arrangements will be made. Thus, no significant impact will occur and no mitigation is required.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could cumulatively exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing.

Finding

The Parcel 10R Project would not cumulatively exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Parcel 10R Project are discussed on pages 5.16-9 to 5.16-11. The net increase in persons anticipated as part of the Project results in 2.7 percent of the projected increase in population for the area from 2000-2010 and 5.3 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 7.1 percent of the projected increase in housing units for the area from 2000-2010 and 3.5 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

All relocations involved in implementation of the Project would be conducted in a manner consistent with the Mello Act's inclusionary and replacement housing regulations. In addition, adequate three-month notice will be provided to boat anchorage tenants and information regarding alternative arrangements will be made. Thus, no significant impact will occur and no mitigation is required.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could cumulatively exceed official regional or local population projections, could induce substantial direct or indirect growth in an area, or could displace substantial numbers of people, necessitating the construction of replacement housing.

Finding

The Parcel FF Project would not cumulatively exceed official regional or local population projections, and would not induce substantial direct or indirect growth in an area. The Project would not displace any people or necessitate the construction of replacement housing. Thus, no significant impact will occur with implementation of the Project.

Facts

Population and housing impacts of the Parcel FF Project are discussed on pages 5.16-12 to 5.16-13. The net increase in persons anticipated as part of the Project results in 1.3 percent of the projected increase in population for the area from 2000-2010 and 2.5 percent of the projected increase in population for 2010-2020 according to the Southern California Association of Governments. The Project impacts are well within the estimated population increases from the area and the census tract and would not result in a significant impact.

The net increase in housing units anticipated as part of the Project results in 3.4 percent of the projected increase in housing units for the area from 2000-2010 and 2.6 percent of the projected increase in housing units for the area from 2010-2020 according to the Southern California Association of Governments. The Project impacts

are well within the estimated housing unit increases for the area and the census tract and would not result in a significant impact.

There are no housing units or residents on the Neptune Marina Parcel FF site. Therefore, no displacement of people or housing would occur. Thus, no significant impact will occur and no mitigation is required.

13. Land Use and Planning

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could physically divide a community, conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Project would be consistent with the existing County of Los Angeles General Plan land use designations for the project site. More specific land use guidance is provided in the County's Marina del Rey Local Coastal Program, which is made up of the Marina Del Rey Land Use Plan and Specific Plan. The majority of the individual components of the Project, including the hotel/timeshare, wetland park and public boat slips, and marina components are fully consistent with the Marina del Rey Specific Plan Land Use Plan and the Marina del Rey Specific Plan. The Neptune Marina Parcels 10R and FF, while consistent with most of the policies, goals and requirements of the Marina Del Rey Land Use Plan and Specific Plan, require amendments to the Land Use Plan and Specific Plan. The proposed amendments to the Marina del Rey Land Use Plan and Specific Plan would be consistent with the policies of the Coastal Act. With the California Coastal Commission's certification of the requested amendments, the Project would be consistent with the certified Local Coastal Program (LCP). The individual components of the Project would also require approval of Coastal Development Permits; Conditional

Use Permits; Variances; a Tentative Map; and/or a Parking Permit. No mitigation measures are required and all impacts are less than significant.

Facts

Development of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not physically divide the community of Marina del Rey. As noted earlier, the project site is located in the western portion of the Marina del Rey small-craft harbor area and is currently developed with some housing, boat anchorage, and surface parking. Parcel 9U is an undeveloped vacant lot. High-density residential uses occur or are being constructed to the east, west, and south of the project site. West of the project site is the main collector road for the west side of Marina del Rey, Via Marina. Across this road, high-density residential land uses also occur. Further north of the site, high-density visitor-serving commercial land uses are present. The Project would continue the development of residential and commercial uses that currently border the site. The existing roadway infrastructure in Marina del Rey would provide access to the project site. The hotel proposed on Parcel 9U would be 225-feet tall (exclusive of appurtenant, screened rooftop equipment, parapets and architectural features) and considerably taller than nearby structures. This height is consistent with the height provisions for this parcel in the LCP. While this relative height difference, would create a conspicuous contrast to the surrounding residential structures, it would not physically divide the existing community. Therefore, the Project does not have the potential to divide the existing community.

Parking Policy No. 12 of Chapter 2 of the LUP (page 2-8) states that public parking spaces lost due to the conversion of parking lots shall be replaced elsewhere in the Marina on a 0.5:1 (50 percent) basis. The County is proposing an amendment to the LCP, consisting of modifications to the LUP and Specific Plan to allow deferral of construction of the 103 "replacement" parking spaces (i.e., 50 percent of the existing 206 spaces) until these replacement parking spaces can be provided for by the County at an alternate location in the Marina. This LCP amendment will also request authorization to allow tenants to occupy the new Parcel FF apartment building prior to construction of

replacement parking spaces elsewhere in the Marina. The Applicant will deposit funds sufficient to construct the replacement parking with the County prior to issuance of a building permit. The County will use these funds to construct new parking at a location that better serves visitor-serving uses. As the current parking lot is underutilized, no short-term parking impacts would result from this proposed modification.

The Neptune Marina Apartments and Anchorage/Woodfin Suites Hotel and Timeshare Resort Project would require the transfer of 387 total development allotment credits from the neighboring Tahiti and Bora Bora Development Zones (DZs) into the Marquesas DZ to accommodate the proposed residential development on Parcels 10R and FF. There is a clear precedent for such inter-development zone transfers on the western side of Marina del Rey (See Goldrich & Kest Industries' LCP amendment approval at Marina Parcel 20, certified by the Coastal Commission, which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ). Redevelopment of the Project site as proposed would improve the public's coastal recreational opportunities, consistent with the relevant policies of the Coastal Act , with the creation of the wetland and upland park.

As with the Parcel 20 LCP amendment, a traffic analysis has been prepared which has determined that the traffic and circulation impacts of the proposed inter-DZ transfer of excess development units are insignificant. The Project's development of new housing units, after approval of the transfer of development credits, are consistent with the Marina del Rey Land Use Plan and the policy objectives of the Plan.

The Marina del Rey LUP designates Parcel FF as Open Space. An amendment to the Marina del Rey LUP is proposed to construct and operate the 126 apartment units on Parcel FF. As discussed above, as an offset for precluding the potential future development of a park on Parcel FF, the developer will fund 50% of the costs of developing a public wetland park on the southerly 1.46 acres of Parcel 9U. The development of a public park on Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value (a restored wetland park), fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher quality

views of the basin and the water. The park on Parcel 9U would also better integrate with other public uses than would a park on Parcel FF, including the public amenities associated with the proposed hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B.

Development proposed for Parcel 9U is consistent with provisions of the certified LCP. As defined in the Marina del Rey Land Use Plan, the Tahiti DZ calls for a hotel with a maximum of 288 rooms and a maximum height of 225 feet. The Woodfin Suites Hotel and Timeshare Resort project is planned on the northern portion of Parcel 9U, fronts on Via Marina, and is limited to a building height of 225 feet. Moreover, the development of a public park on Parcel 9U is in conformance with the parcel's "Hotel-Waterfront Overlay Zone" land use designation per the LCP (inasmuch as parks are a permitted land use in the Hotel land use category). LUP Section C.8 Land Use Plan lists hotel as a permissible land use category and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that are complementary to a hotel. The Woodfin Suite Hotel and Timeshare Resort will be a full-service facility, with a single set of support facilities (check-in desk, reception, restaurants, cocktail lounge, etc.) for both timeshare and hotel users. Therefore, there will be no distinction in terms of services between hotel patrons and timeshare patrons. Key points regarding the operational aspects of the proposed timeshare use are the following :

- The timeshare suites will not be in a separate tower from the hotel suites; rather, both the hotel and timeshare suites will be on same floors (4 through 19).
- Rental of both the timeshare suites and hotel suites will be handled in a similar manner by on-site management (electronic keys issued by the front desk, concierge services, housekeeping, and front desk check-in/out).
- Timeshares will be made available to the general public through the hotel reservation system when not used by timeshare vacationers.
- Timeshare vacationers may make their unused timeshare suites available to the

general public.

- Timeshare suites will be marketed through an exchange program and through the hotel, and will be rented at comparable rates to equivalent hotel suites.
- Timeshare suites will be sold in one-week intervals.
- Stays in the timeshare suites would be limited to no more than a total of four weeks annually.
- The Woodfin timeshare component will remain a commercial use and will comply with the timeshare laws governed by the California Department of Real Estate.

The timeshare portion of the proposed development on Parcel 9U is consistent with the LCP, which recognizes overnight lodgings as a primary visitor-serving use in accord with Section 30213 of the CCA. There is no discernible difference in intensity of use or impacts to the physical environment between units that are used as timeshares and those that are used as traditional hotel rooms. All project impacts have been fully analyzed and the Woodfin Suite Hotel and Timeshare Resort will not result in any impacts to the physical environment based on timeshare or hotel units.

The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade), provision of adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. (Mello Act). The project applicant would be conditioned by the County to provide both replacement and inclusionary affordable housing units on site in compliance with the State Mello Act and the County's Marina del Rey Mello Act Policy. Upon approval of the requested LCP amendments for the Neptune Marina Apartment portions of the Project, the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not conflict with any applicable land use plan, policy, or regulation as discussed in Table 5.17.1 of the Draft EIR which provides detailed analysis of the consistency with

specific policies in applicable land use plans.

Development of the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project would not conflict with any habitat conservation plan or natural community conservation plan because no such plans are applicable to the project site or its vicinity. No mitigation measures are required and impacts would be less than significant.

Neptune Marina Parcel 10R

Potential Effect

The Parcel 10R Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel 10R Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Parcel 10R Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel 10R Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Parcel 10R Project would not physically divide the community of Marina del Rey. The Parcel 10R Project would redevelop an existing residential development, and the existing roadway infrastructure in Marina del Rey would provide access to the Parcel 10R Project site. The Parcel 10R Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

The Parcel 10R Project would exceed the Marquesas DZ residential allotment by 261 units and an amendment of the Local Coastal Plan would be required in order to authorize the transfer of the required residential development credits from the adjacent DZs to the Marquesas DZ. As indicated in the Traffic analysis included in the Recirculated Draft EIR, this transfer of residential credits would not result in significant

environmental impacts. Therefore, the Parcel 10R Project would not be in conflict with applicable land use policies and would not result in a physical impact to the land as a result of the consistency.

Development of the Parcel 10R Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Parcel 10R Project site or its vicinity. Therefore, no significant impact would result from the Parcel 10R Project.

Neptune Marina Parcel FF

Potential Effect

The Parcel FF Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel FF Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Parcel FF Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Parcel FF Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Parcel FF Project would not physically divide the community of Marina del Rey. The existing roadway infrastructure in Marina del Rey would provide access to the Parcel FF Project site. The Parcel FF Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

The Parcel FF Project would exceed the Marquesas DZ residential allotment by 126 units and an amendment of the Local Coastal Plan would be required in order to authorize the transfer of the required residential development credits from the adjacent DZs to the Marquesas DZ. As indicated in the Traffic analysis included in the Recirculated Draft EIR, this transfer of residential credits would not result in significant

environmental impacts. Therefore, the Parcel FF Project would not be in conflict with applicable land use policies and would not result in a physical impact to the land as a result of the consistency.

The Marina del Rey LUP currently designates Parcel FF as Open Space. To address the Parcel FF Project's loss of Open Space-designated land and potential public park, the Parcel FF Project developer has proposed to relocate the potential future public park space contemplated in the LCP on Parcel FF to the southerly portion of Parcel 9U. The development of a public park on Parcel 9U is superior to Parcel FF in that it provides a park with greatly enhanced habitat value (a restored wetland park), fronts a more heavily traveled street (Via Marina), and provides for more expansive and higher quality views of the basin and the water. The park on Parcel 9U would also better integrate with other public uses than would a park on Parcel FF, including the public amenities associated with the proposed hotel and timeshare resort, the waterfront public pedestrian promenade on Parcel 9U, and the public-serving anchorage adjacent to the Parcel 9U bulkhead within Basin B. The proposed benefits to the public from the improvements meet the intent and spirit of the LUP. Therefore, there is no conflict with applicable plans, policies, or regulations and this impact is considered less than significant.

Development of the Parcel FF Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Parcel FF Project site or its vicinity. Therefore, no significant impact would result from the Parcel FF Project.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Woodfin Suite Hotel and Timeshare Resort Project, or could conflict with an applicable habitat conservation plan or natural community conservation plan.

Finding

The Woodfin Suite Hotel and Timeshare Resort Project would not physically divide a community, conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Woodfin Suite Hotel and Timeshare Resort Project, and would not conflict with an applicable habitat conservation plan or natural community conservation plan.

Facts

Development of the Woodfin Suite Hotel and Timeshare Resort Project would not physically divide the community of Marina del Rey. The Woodfin Suite Hotel and Timeshare Resort Project would occupy the northernmost portion of Parcel 9U, while the Public Wetland Park would occupy the southern portion of Parcel 9U and the public-serving boat anchorage would connect the Parcel with the Marina del Rey Basin B. The Hotel on the northern portion of Parcel 9U would be 225 feet tall (exclusive of appurtenant, screened rooftop equipment, parapets, and architectural features) and considerably taller than nearby structures. this relative height difference, while consistent with the LCP, would create a conspicuous contrast to the surrounding lower residential structures; however, it would not divide the community. In addition, the Woodfin Suite Hotel and Timeshare Resort Project site does not include the addition of new roadways and would not divide an existing community and would therefore not result in the physical division of the community.

Development proposed for the Woodfin Suite Hotel and Timeshare Resort Project is consistent with provisions of the certified LCP. As defined in the Marina del Rey Land Use Plan, the Tahiti DZ calls for a hotel with a maximum of 288 rooms and a maximum height of 225 feet. The Woodfin Suites Hotel and Timeshare Resort project is planned on the northern portion of Parcel 9U, fronts on Via Marina, and is limited to a building height of 225 feet. Moreover, the development of a public park on Parcel 9U is in conformance with the parcel's "Hotel-Waterfront Overlay Zone" land use designation per the LCP (inasmuch as parks are a permitted land use in the Hotel land use category). LUP Section C.8 Land Use Plan lists hotel as a permissible land use category and

designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that are complementary to a hotel. The Woodfin Suite Hotel and Timeshare Resort will be a full-service facility, with a single set of support facilities (check-in desk, reception, restaurants, cocktail lounge, etc.) for both timeshare and hotel users. Therefore, there will be no distinction in terms of services between hotel patrons and timeshare patrons. Key points regarding the operational aspects of the proposed timeshare use are the following:

- The timeshare suites will not be in a separate tower from the hotel suites; rather, both the hotel and timeshare suites will be on same floors (4 through 19).
- Rental of both the timeshare suites and hotel suites will be handled in a similar manner by on-site management (electronic keys issued by the front desk, concierge services, housekeeping, and front desk check-in/out).
- Timeshares will be made available to the general public through the hotel reservation system when not used by timeshare vacationers.
- Timeshare vacationers may make their unused timeshare suites available to the general public.
- Timeshare suites will be marketed through an exchange program and through the hotel, and will be rented at comparable rates to equivalent hotel suites.
- Timeshare suites will be sold in one-week intervals.
- Stays in the timeshare suites would be limited to no more than a total of four weeks annually.
- The Woodfin timeshare component will remain a commercial use and will comply with the timeshare laws governed by the California Department of Real Estate.

The timeshare portion of the proposed development on Parcel 9U is consistent with the LCP, which recognizes overnight lodgings as a primary visitor-serving use in accord with Section 30213 of the CCA. There is no discernible difference in intensity of use or impacts to the physical environment between units that are used as timeshares and those that are used as traditional hotel rooms. All project impacts have been fully analyzed and the Woodfin Suite Hotel and Timeshare Resort will not result in any

impacts to the physical environment based on timeshare or hotel units.

The Woodfin Suite Hotel and Timeshare Resort Project meets all applicable policies and development standards of the certified LCP, including, but not limited to, adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space (waterfront public pedestrian promenade), provision of adequate traffic capacity and provisions for affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government Code Section 66590, et seq. (Mello Act). The Woodfin Suite Hotel and Timeshare Resort project would not conflict with any applicable land use plan, policy, or regulation as discussed in Table 5.17.1 of the Draft EIR, which provides detailed analysis of the consistency with specific policies in applicable land use plans.

Development of the Woodfin Hotel and Timeshare Resort Project would not conflict with any habitat conservation plan or natural community conservation plan as no such plans as no such plans are applicable to the Woodfin Hotel and Timeshare Resort Project site or its vicinity. Therefore, no significant land use impact would result from the Woodfin Hotel and Timeshare Resort Project.

Cumulative Impacts

(1) Cumulative Geotechnical and Soil Resources

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project site. These related projects, in conjunction with the Project, may potentially result in cumulative geotechnical and soil resource impacts.

Finding

The Project and the related projects will not cause any cumulative geotechnical and soils resource impacts through compliance with current building and seismic safety codes and other applicable laws and regulations.

Facts

Cumulative geotechnical and soil resource impacts are discussed at section 5.1.5 of the Draft EIR. Geotechnical impacts are generally site specific rather than cumulative

in nature. Each development site is subject to, at a minimum, uniform development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. Development of each development projects are pending or approved in the vicinity of the Project site would have to be consistent with Los Angeles County or other applicable governmental requirements as they pertain to protection against known geologic hazards.

(2) Cumulative Hydrology and Water Quality

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project. These projects, in conjunction with the Project, could have a significant cumulative impact on hydrology and drainage.

Finding

The Project and related Projects would meet the local jurisdiction and Regional Water Quality Control Board water quality requirements. The cumulative impacts of the Project and related projects with respect to hydrology and water quality are not significant.

Facts

Cumulative hydrology and water quality impacts are discussed at section 5.3.4 of the Draft EIR. All cumulative projects within the tributary watershed are required to meet the same general flood control and water quality requirements as the Project. The requirements will be identified by the local jurisdiction and the Regional Water Quality Control Board and will include prohibitions on significant increases in post-development stormwater flows and stormwater velocities into the small craft harbor. Since the Project would not represent a significant change in hydrological or drainage conditions, its contribution to cumulative impacts is negligible. Other projects can be expected to be similarly conditioned such that no significant cumulative impacts will occur.

(3) Cumulative Biota Effects

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the potential impacts to naturally occurring plants and animals, resulting in a potentially significant cumulative impact to biota in the Marina del Rey area.

Finding

As with the Project, each related project is required to ensure that adequate precautions are taken to protect naturally occurring plants and animals in the project area. As such, cumulative impacts to biota would be less than significant.

Facts

Cumulative effects to biota are discussed on page 5.5-76 of the Draft EIR. Cumulative or other related projects currently proposed in the Marina del Rey area that would affect the terrestrial or marine environments are proposed in a highly urbanized environment and/or involve the re-use of existing land uses and/or the replacement of boat spaces. Due to the urban character of the area in which the related projects occur, no special status species, naturally occurring special status habitat or wetlands are known to occur. With respect to marine avian species, the species forage over a large area and many forage areas are available throughout the area. Therefore, cumulative impacts are less than significant.

(4) Cumulative Sewer/Wastewater Disposal

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of effluent requiring collection and treatment, resulting in a potentially significant cumulative impact to sewer services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in the local and trunk sewer lines and receiving wastewater treatment plant exists to accommodate the effluent generated by that use. Additionally, each project is required to pay a connection fee used to fund expenses needed to accommodate

growth. As such, cumulative impacts to sewage collection, treatment and disposal would be less than significant.

Facts

Cumulative sewer service impacts are discussed at pages 5.8-22 to 5.8-25 of the Recirculated Draft EIR. Treatment capacity at the Hyperion Treatment Plant is available to serve the wastewater that is estimated to be generated by cumulative projects within Marina del Rey. The City of Los Angeles has adopted an Integrated Resources Plan that provides for implementation of improvement to increase capacity to 100 mgd as demand increases. In addition, each future project is required to provide adequate capacity to convey sewage to a safe point of discharge and pay fees to connect to the sewage system. In this manner, the existing sewage collection and conveyance system would be upgraded to accommodate sewage created by the development of future projects and a significant cumulative impact avoided.

Section C.12 of the Marina del Rey Land Use Plan (the "LUP") addressed potential impacts on sewer capacity resulting from full buildout under the LUP. The LUP contains policies and actions to assure that there is proof of availability of adequate sewer facilities. The County consulted with the City of Los Angeles as part of the LUP process, and as a result the City has taken future development under the LUP in account in planning for sewer capacity infrastructure improvements. These improvements include, among other things, the upgrading of the force main from the City's Venice Pumping Station to accommodate additional flows from future development in the Marina.

(5) Cumulative Water Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase development intensity and water demand, resulting in a potentially significant cumulative impact to water services.

Finding

Feasible mitigation measures such as constructing waterline improvements, implementation of water efficient landscaping, and water conservation measures to address the impact of the Project and the related projects would reduce cumulative those impacts to a less than significant level.

Facts

Cumulative water service impacts are discussed on section 5.9.4 of the Draft EIR. Prior to the issuance of grading permits, the applicant for each future project within Marina del Rey shall provide to the Los Angeles County Department of Regional Planning a letter from Water Works District No. 29 stating that the District is able to provide water service to the project under consideration. Both the County and the Metropolitan Water District (MWD) are implementing plan, programs and strategies to assure the continued reliability of water supply. These plans include the Integrated Resources Plan, the Five Year Supply Plan, the Report on Metropolitan Water Supplies: A Blueprint for Water Reliability, the Urban Water Management Plan, the Water Surplus and Drought Management Plan, and the Water Supply Allocation Plan.

At present several on-going programs have been proposed to address the environmental concerns within the Delta. These programs include the CALFED Bay-Delta Program, the Delta Vision Process, and the Bay-Delta Conservation Plan. The CALFED Bay-Delta Program is a unique collaboration among 23 state and federal agencies that came together with a mission to improve California's water supply and the ecological health of the Delta. The CALFED Bay-Delta Program includes various program plans on an annual basis which address key Delta issues, including water quality, levee system, water supply, ecosystem restoration, and science. The program plans describe what was accomplished in the past year, strategically plan for future implementation actions, identify problems and propose steps for resolving issues, identify available funding and additional funding needs, and ensure cross-program integration and balance. Implementation of the CALFED Bay-Delta Program has resulted in an investment of

three billion dollars on a variety of projects and programs to being addressing water supply, water quality, ecosystem, and levee stability programs.

To guide future development of the CALFED Bay-Delta Program and identify a strategy for managing the Delta as a sustainable resource, in September 2006, Governor Schwarzenegger established by Executive Order a Delta Vision Process. The Delta Vision Process entailed the completion of two work products as prepared by phase. The Phase I work product was the Delta Vision Report (January 2008), which includes long-term strategic solutions for the conflicts in the Delta as recommended by the Delta Vision task force established by Governor Schwarzenegger. The Phase II work product was the Delta Strategic Plan (October 2008), which assesses alternative implementing measures and management practices to implement the Delta Vision Report recommendations.

In addition, specific recommendations of the Delta Vision Committee, chaired by the State Secretary for Resources, were set forth as part of the Delta Vision Committee Implementation Report in December, 2008. The Report included a list of recommended near-term actions and timelines necessary to achieve Delta sustainability. The Bay-Delta Conservation Plan (BDCP) is being developed under the aegis of the California Resources Agency to provide for the recovery of endangered and sensitive species and their habitats in the Delta in a way that also will provide for the protection and restoration of water supplies. Completion of the BCDP is just one of the recommendations from the Delta Vision Committee discussed above. The BDCP is being developed under the Federal ESA and the California Natural Community Conservation Planning Act (NCCPA) and will undergo extensive environmental analysis that will include opportunities for public review and comment. The BDCP will identify and implement conservation strategies to improve the overall ecological health of the Delta; identify and implement ecologically friendly ways to move fresh water through and/or around the Delta; address toxic pollutants, invasive species, and impairments to water quality; and provide a framework to implement the plan over time. MWD is one of the parties that are drafting the BDCP to provide State and federal ESA coverage for its SWP operations.

A draft EIR/EIS evaluating the environmental impacts of the BDCP is expected to be ready for public review and comment by early 2010.

At the regional and local levels, numerous water decision-makers are actively addressing the threats facing the Delta. MWD is engaged in planning processes that will identify local solutions that, when combined with the rest of its supply portfolio, will ensure a reliable long-term water supply for its member agencies. In the near-term MWD will continue to rely on the plans and policies and outlined it is Regional Urban Water Management Plan and Integrated Water Resource Plans to address water supply shortages and interruptions (including potential shutdowns of SWP pumps) to meet water demands. Campaigns for voluntary conservation, curtailment of replenishment water, and agricultural water delivery are some of the actions outlined in the RUWMP. If necessary, reduction in municipal and industrial water use and mandatory water allocation could be implemented.

MWD has also been developing agreements, programs, and taking efforts to provide additional water supply reliability for the entire southern California region. Programs include the Arvin-Edison/Metropolitan Water Management Program; the Semitropic/MWD Groundwater Storage and Exchange Program; the California Aqueduct Dry-Year Transfer Program; purchase, storage and exchange programs in the Sacramento and San Joaquin Valleys; the MWD/Coachella Desert Water Agency Exchange and Advance Delivery Agreement; and other agreements.

With these and other programs, MWD's storage capacity has increased to five million acre-feet. Approximately 674,000 acre-feet of stored water is emergency storage that is reserved for use in the event of supply interruptions from earthquakes or similar emergencies, as well as extended drought.

In response to the drought conditions as well as the Delta Smelt issue for the State Water Project, the Governor declared a State of Emergency-Water Shortage on February 27. 2009. In response to the Governor's declaration, Department of Water Resources (DWR) has established a 2009 Drought Water Bank. DWR will purchase water from willing sellers primarily from water suppliers upstream of the Delta. This water will

be transferred using SWP or CVP facilities to water suppliers that are at risk of experiencing water shortages in 2009 due to drought conditions and that require supplemental water supplies to meet anticipated demands. MWD is seeking to purchase up to 300,000 AF from the Drought Water Bank. Purchases will be contingent on acquisition from the DWR of supplies from willing sellers.

Climate change may also affect California's water supply. Potential impacts of climate change on California's water resources include increases in temperature that could result in drought, stressed cold-water species in rivers, and increased demand for irrigation; changes in precipitation patterns that could lead to floods, lowered groundwater table, a reduction in snowpack, and decreased hydroelectric power; and changes in sea levels that could increase pressure on Delta levees. The impact of climate change on California's water supply has been the subject of DWR's July 2006 report entitled "Progress on Incorporating Climate Change into Management of California's Water Resources," which found that climate change may have a significant effect on California's future water resources and demand. This report also examined the potential impacts of selected climate change scenarios on operations of the State Water Project (SWP) and Central Valley Project, Delta water quality, flood management and evapotranspiration.

The effects and potential future effects of climate change are part of the uncertainties water managers face as they plan for the future. The draft California Water Plan 2009 prepared by DWR promotes ways to develop a common approach for addressing uncertainty and risk in the State's future water supplies. The new approach incorporates consideration of uncertainty, risk, and sustainability into planning for the future. Additionally, the DWR prepared in October 2008, the Climate Change Adaption Strategies for California's Water, which presents 10 climate change adaption strategies for California's water. These strategies include: (1) provide sustainable funding for Statewide and Integrated Regional Water Management; (2) fully develop the potential of integrate regional water management; (3) aggressively increase water use efficiency; (4) practice and promote integrated flood management; (5) enhance and sustain

ecosystems; (6) expand water storage and conjunctive management of surface and groundwater resources; (7) fix Delta water supply, quality, and ecosystem conditions; (8) preserve, upgrade, and increase monitoring, data analysis, and management; (9) Plan for and adapt to sea level rise; and (10) identify and fund focused climate change impacts and adaption research and analysis.

MWD also recognizes that climate change will require water suppliers to develop new, alternative water supplies and to focus on water use efficiency. In March 2002, MWD's Board of Directors adopted climate change policy principles that relate to water resources. These principles are reflected in MWD's water supply planning efforts, including the IRP. Further, in response to climate change and uncertainty, MWD's 2005 RUWMP incorporated three basic elements to promote adaptability and flexibility, important in addressing impacts of climate change: conservation; groundwater recharge; and water recycling.

More recently, MWD approved criteria to further explain its position on the conveyance options that are currently being discussed to remedy the Delta, which include addressing projected sea level rise and change in inflows due to climate change. MWD's criteria provide that, "whatever option is chosen, it should provide water supply reliability, improve export water quality, allow flexible pumping operations in a dynamic fishery environment, enhance the Delta ecosystem, reduce seismic risks, and reduce climate change risks." (Report for Metropolitan Water District of Southern California Board Meeting September 11, 2007 Agenda Item 8-4, emphasis added.) MWD has demonstrated a commitment to addressing climate change by evaluating the vulnerability of its water systems to global warming impacts and has developed appropriate response strategies and management tools that account for the impacts of climate change on future water supplies.

Based on the water supply planning requirements imposed on its member agencies and ultimate customers, such as the requirements to adopt urban water management plans, water supply assessments and written verifications, MWD has adopted a series of official reports on the state of its water supplies. As described

below, MWD has consistently stated that its water supplies are fully reliable to meet the demands of its customers, in all hydrologic conditions through at least 2030.

In March 2003, MWD published a document entitled the Report on Metropolitan Water Supplies: A Blueprint for Water Reliability (Blueprint Report). The objective of the Blueprint Report was to provide member agencies, retail water utilities, cities and counties within the MWD service area with information that may assist in their preparation of urban water management plans, water supply assessments and written verifications. The Blueprint Report stated that the approach taken to evaluate water supplies and demands was consistent with MWD's 2000 Regional UWMP. MWD utilized SCAG's regional growth forecast in calculating regional water demands for its service area.

The Blueprint Report fully discusses MWD's historical and projected deliveries of Colorado River and SWP water. The conclusion of the Blueprint Report and supplemental information published by MWD, such as its Integrated Resources Plan Update and annual Implementation Reports, is that with its current water supply portfolio and planned actions, MWD will have sufficient water to deliver to LADWP to meet all of the water demands in the LADWP service area, for the next 20 years.

By comparing total projected water demands and conservatively estimating water supplies over the next 20 years, MWD has found that if its supply programs were implemented under its IRP "[b]ased on water supplies that are currently available, Metropolitan already has in place the existing capability to...[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) over the next 20 years" in average, wet, multiple dry- and single dry years. (Report on Metropolitan Water Supplies: A Blueprint for Water Reliability, March 2003, (Blueprint Report), p. 24-35.) In multiple dry years, MWD reports that it will "[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) even under the repeat of the worst multiple-year drought event over the next 15 years," while in a single dry-year it can "[m]eet 100 percent of its member agencies' projected supplemental demands (consumptive and replenishment) even

under the repeat of the worst single-year drought event over the next 15 years." (*Id.*) MWD's additional reserve supplies will provide a "'margin of safety' to guard against uncertainties in demand projections and risks in fully implementing all supply programs under development." (*Id.*)

Based on all or the foregoing, the Commission finds that the water supply from MWD to be reliable.

On the local level, grading permits for the Project shall not be issued until such time that the District indicates that the distribution system and water supply are adequate to serve the project under review. Alternatively, the applicant of each future project under consideration Marina del Rey may construct that phased improvement identified in the Water Works District No. 29 Backbone Water Distribution Master Plan that provides sufficient water supply and fire flows to accommodate the project under consideration. With these measures, cumulative impacts with respect to water service would be less than significant.

(6) Cumulative Public Services (Fire Protection, Police Protection, Education, Library Services, and Parks and Recreation)

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the potential impacts to public services including fire protection, police protection, education, library services, and parks and recreation resulting in a potentially significant cumulative impact to public services in the Marina del Rey area.

Finding

As with the Project, each related project is required to ensure that adequate fire protection, police protection, education, library services, and parks and recreation can service that related project, and all required mitigation measures must be taken to ensure a minimal impact. As such, cumulative impacts to public services would be less than significant.

Facts

Implementation of the Project in conjunction with the related projects studied in the Draft EIR sections 5.11, 5.12, 5.13, 5.14, and 5.15 would increase the demand for fire protection, police protection, education, library services, and parks and recreation. However, as the Project's impacts with respect to public services are less than significant, its contribution to cumulative impacts would be less than significant. With respect to fire protection, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services. In addition, compliance with fire codes and other safety measures, along with implementation of fire service and traffic mitigation measures, reduce any cumulative impacts to a less than significant level. With respect to police protection, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services. In addition, the County Sheriff's Department reviews all plans with respects to lighting, landscaping, building access, visibility, street circulation, building design, and defensible space, which would reduce any cumulative impacts to a less than significant level. With respect to educational impacts, each related project developer or applicant would be required to pay developer fees to LAUSD, which, under Government Code section 65995, is deemed to be full and complete mitigation of school facility impacts, reducing all impacts to education to a less than significant level. With respect to library services, payment of library mitigation fees by related projects on a project-by-project basis will ensure that a less than significant cumulative impact on library services. With respect to parks and recreation, each project is subject to payment of fees or dedication of parkland pursuant to the Marina del Rey Specific Plan, which ensures a less than significant impact from cumulative impacts.

SECTION 2

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS WHICH CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The County has determined that, although FEIR mitigation measures, design features included as part of the Project, and conditions of approval imposed on the

Project will reduce the following effects, these effects cannot be feasibly or effectively mitigated to less than significant levels. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 6).

1. Noise

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Construction Related Effects

Implementation of the Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-1 to 5.2-86. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Project construction noise would be limited to normal working hours when

many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the project site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the project site must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the

County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.

- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.
- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Neptune Marina Parcel 10R Project

Potential Construction Related Effects

Implementation of the Parcel 10R Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Parcel 10R Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-30 to 5.2-36. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Parcel 10R Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Parcel 10R Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Parcel 10R Project construction activities, especially pile driving, would significant and unavoidable vibration impacts.

Noise level increases generated by Parcel 10R Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Parcel 10R Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel 10R as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during

weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.

- The Parcel 10R Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.
- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Neptune Marina Parcel FF Project

Potential Construction Related Effects

Implementation of the Parcel FF Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Parcel FF Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-37 to 5.2-42. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Parcel FF Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Parcel FF Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Parcel FF Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Parcel FF Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel FF Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-

site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel FF as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Parcel FF Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of

construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Construction Related Effects

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Woodfin Suite Hotel and Timeshare Resort Project operation would be associated with vehicular traffic.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-43 to 5.2-48. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Woodfin Suite Hotel and Timeshare Resort Project during construction stages would occur periodically

throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Woodfin Suite Hotel and Timeshare Resort Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Woodfin Suite Hotel and Timeshare Resort Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by Woodfin Suite Hotel and Timeshare Resort Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Woodfin Suite Hotel and Timeshare Resort Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Woodfin Suite Hotel and Timeshare Resort Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on Parcel 9U as far as feasible from existing residences. With regard to operations, all point sources of noise occurring on the Parcel must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Woodfin Suite Hotel and Timeshare Resort Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

- To the extent feasible, the project developer shall utilize cast-in-drilled-hole or auger cast piles in lieu of pile driving.
- A certified structural engineer shall be retained to submit evidence that pile driving activities would not result in any structural damage to nearby structures.

Wetland Park Project (Parcel 9U)

Potential Construction Related Effects

Implementation of the Wetland Park Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Wetland Park Project operation would be associated with intermittent sounds associated with human activity, including talking and domestic animals.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-49 to 5.2-51. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Wetland Park Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Wetland Park Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Wetland Park Project construction activities, especially pile

driving, would significant and unavoidable vibration impacts. Noise level increases generated by operation of the Wetland Park Project would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Wetland Park Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the Wetland Park Project site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring in the Wetland Park must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood

fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.

- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.
- The Wetland Park Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

Public-Serving Boat Space Project

Potential Construction Related Effects

Implementation of the Public-Serving Boat Space Project would generate construction-related noise and vibration.

Potential Operation Related Effects

The primary source of noise during Public-Serving Boat Space Project operation would be associated with intermittent sounds associated with human activity, including talking and domestic animals, as well as noise from boat engines.

Finding

The construction-related noise impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation-related noise impacts would be less than significant.

Facts

Noise impacts are discussed in the Recirculated Draft EIR pages 5.2-52 to 5.2-54. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Public-Serving Boat Space Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Public-Serving Boat Space Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels. Public-Serving Boat Space Project construction activities, especially pile driving, would significant and unavoidable vibration impacts. Noise level increases generated by operation of the Public-Serving Boat Space Project would be in amounts hardly perceptible to the human ear.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Public-Serving Boat Space Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Public-Serving Boat Space Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the site as far as feasible from existing residences. With regard to operations, all point sources of noise occurring in the boat spaces must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code.

Mitigation Measures:

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory mufflers, as feasible. Stationary source noises (such as generators and air compressors) within 100 feet of residential land uses shall be completely enclosed in temporary portable noise structures, such as plywood fence or acoustic noise curtain. If determined necessary and feasible by the County of Los Angeles Building and Safety Division, temporary sound walls shall be constructed between the construction activity and nearby occupied residence. The sound walls shall be continuous with no breaks, and shall be of such height to break the line-of-sight to the first floor occupants of the nearby residences.
- All exterior construction activity, including grading, transport of material or equipment and warming-up of equipment, shall be limited to between the hours of 8:00 AM to 5:00 PM, except for concrete pours, and shall not occur during

weekend periods unless approved by the Los Angeles County Department of Public Works. Construction activity associated with pile driving shall be limited to the hours of 8:00 AM and 4:30 PM. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Los Angeles County Building and Safety Division. The County building official or a designee should spot check and respond to complaints.

- The Public-Serving Boat Space Project applicant shall post a notice at the construction site that shall contain information on the type of project, anticipated duration of construction activity, locations of haul routes, and shall provide a phone number where people can register questions and complaints. The applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Public Health.

2. Air Quality

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Construction-Related Effects

Implementation of the Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. Project-

related traffic would also generate emissions. In addition, the Project has the potential to alter wind patterns in the Marina.

Finding

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval and design features such as development and implementation of a construction management plan incorporated into the Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at pages 5.4-71 to 5.4-72 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on those pages.

Facts

Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Project. In addition, localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}"), particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"), and nitrogen dioxide ("NO_2"). Recommended thresholds for operational emissions would not be exceeded.

The RWDI wind study concludes that the Project will not affect key wind patterns in the Marina. The Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
  - Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).

- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

- In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

Neptune Marina Parcel 10R

Potential Construction-Related Effects

Implementation of the Parcel 10R Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Parcel 10R Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Parcel 10R Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

and design features such as development and implementation of a construction management plan incorporated into the Parcel 10R Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Parcel 10R Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at page 5.4-85 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on that page.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Parcel 10R Project. In addition, localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}") and particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"). Recommended thresholds for operational emissions would not be exceeded.

Operation of the Parcel 10R Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Parcel 10R Project study area.

The RWDI wind study concludes that the Parcel 10R Project will not affect key wind patterns in the Marina. The Parcel 10R Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing conditions. The change in wind patterns caused by the Parcel 10R Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
  - Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).

- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

- In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

Neptune Marina Parcel FF

Potential Construction-Related Effects

Implementation of the Parcel FF Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Parcel FF Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Parcel FF Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval

and design features such as development and implementation of a construction management plan incorporated into the Parcel FF Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Parcel FF Project will have a less-than-significant effect on wind patterns in the Marina.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Parcel FF Project. Localized ambient air quality impacts would occur during Parcel FF Project construction for particulate matter less than 10 microns in diameter ("PM_{10}") and particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"). Recommended thresholds for operational emissions would not be exceeded.

Operation of the Parcel FF Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Parcel FF Project study area.

The RWDI wind study concludes that the Parcel FF Project will not affect key wind patterns in the Marina. The Parcel FF Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Parcel FF Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel FF Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate $PM_{2.5}$ and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
    - Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
    - Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
    - Replace ground cover in disturbed areas as quickly as possible.
    - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
    - Water active grading sites at least twice daily (SCAQMD Rule 403).
    - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
    - Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
    - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
    - Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
    - Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
    - Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.

- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Construction-Related Effects

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

The Woodfin Suite Hotel and Timeshare Resort Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the consumption of natural gas for space heating, water heating, and cooking, the operation of gasoline powered maintenance equipment, and the use of consumer products such as hair sprays, lighters, and household cleaners. The Woodfin Suite Hotel and Timeshare Resort Project has the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified in the Recirculated Draft EIR cannot be mitigated to a less than significant level. However, conditions of approval and design features such as development and implementation of a construction management plan incorporated into the Woodfin Suite Hotel and Timeshare Resort Project would reduce, to the extent feasible, the adverse environmental effects. Operation-related impacts would be less than significant. The Woodfin Suite Hotel and Timeshare Resort Project will have a less-than-significant effect on wind patterns in the Marina. The mitigation measures set forth at page 5.4-112 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on that page.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds with respect to oxides of nitrogen ("NO_x") during construction of the Woodfin Suite Hotel and Timeshare Resort Project. Localized ambient air quality impacts would occur during project construction for particulate matter less than 10 microns in diameter ("PM_{10}"), particulate matter less than 2.5 microns in diameter ("$PM_{2.5}$"), and Nitrogen Dioxide ("NO_2"). Recommended thresholds for operational emissions would not be exceeded.

The RWDI wind study concludes that the Woodfin Suite Hotel and Timeshare Resort Project will not affect key wind patterns in the Marina. The Woodfin Suite Hotel and Timeshare Resort Project will produce similar wind conditions over a majority of the areas of Marina del Rey as the existing condition. The change in wind patterns caused by the Woodfin Suite Hotel and Timeshare Resort Project in a small area of the Marina will not be significant due to boaters' use of power engines in this location. The overall wind conditions predicted with the proposed and expected future developments are similar to those presently experienced in and around the Marina and, therefore, the general air circulation patterns and the use of surface winds by birds will not be affected.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Woodfin Suite Hotel and Timeshare Resort Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Those that could be feasibly implemented during the development of the project to mitigate NO_x, $PM_{2.5}$, and PM_{10} emissions are as follows:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
    - Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
    - Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:

- Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
- Replace ground cover in disturbed areas as quickly as possible.
- Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
- Water active grading sites at least twice daily (SCAQMD Rule 403).
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
- Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

***Wetland Park Project* Potential Construction-Related Effects**

Implementation of the Wetland Park Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

The Wetland Park Project-related traffic will generate pollutant emissions. Area source emissions would be generated by the operation of gasoline powered maintenance equipment, and the use of equipment such as landscape maintenance equipment. . The Wetland Park Project will not involve the construction of new structures and therefore does not have the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified would be less than significant. Operation-related impacts would be less than significant. The mitigation measures set forth at pages 5.4-122 to 5.4-123 of the Recirculated Draft EIR are rejected as infeasible for the reasons set forth on those pages.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Project. In addition, localized ambient air quality impacts would be less than significant during project construction. Recommended thresholds for operational emissions would not be exceeded.

Operation of the Wetland Park Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Restored Wetland and Upland Buffer Project study area.

Although the Wetland Park Project would not result in any significant air quality impacts, following measures are recommended:

Mitigation for Demolition, Excavation/Grading and Construction Impacts:

The SCAQMD has prepared a list of measures to reduce the impacts of construction-related emissions to the greatest extent possible. Even though the Restored Wetland and Upland Buffer Project would not result in any significant air quality impacts, the following measures are recommended to reduce NO_x, $PM_{2.5}$, and PM_{10} emissions:

- Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
    - Configure construction parking to minimize traffic interference.
    - Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
    - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
    - Reroute construction trucks away from congested streets.
    - Consolidate truck deliveries when possible.
    - Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
    - Maintain equipment and vehicle engines in good condition and in proper tune according to manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
    - Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
    - Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.

- Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

- Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
  - Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
  - Replace ground cover in disturbed areas as quickly as possible.
  - Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
  - Water active grading sites at least twice daily (SCAQMD Rule 403).
  - Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - Provide temporary wind fencing consisting of 3- to 5-foot barriers with 50 percent or less porosity along the perimeter of sites that have been cleared or are being graded.
  - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
  - Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).

- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
- Enforce traffic speed limits of 15 mph or less on all unpaved roads.
- Pave construction roads when the specific roadway path would be utilized for 120 days or more.

Public-Serving Boat Space Project

Potential Construction-Related Effects

Implementation of the Public-Serving Boat Space Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of air pollutants generated by on-site stationery sources, heavy equipment, construction vehicle use, and energy use.

Potential Operation-Related Effects

Public-Serving Boat Space Project-related traffic will generate pollutant emissions. Minimal area source emissions would be generated by the use of the site. The Public-Serving Boat Space Project will not involve the construction of new structures and therefore does not have the potential to alter wind patterns in the Marina.

Finding

The construction-related air quality impacts identified would be less than significant. Operation-related impacts would be less than significant.

Facts

Air quality impacts are discussed in section 5.4 of the Recirculated Draft EIR. Construction emissions would not exceed Southern California Air Quality Management District ("SCAQMD") regional significance thresholds during construction of the Public-Serving Boat Space Project. In addition, localized ambient air quality impacts would be

less than significant during Project construction. Recommended thresholds for operational emissions would not be exceeded.

3. Visual Quality

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

The Project could potentially obstruct views, including views of coastal areas. The Project could also be considered out of character with existing adjacent development. The Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. Although the Woodfin Suites Hotel and Timeshare Resort's height is fully consistent with LCP, it could be considered to be out of character with existing adjacent development. Therefore, the Commission conservatively considers the Project to have a significant impact to visual character. The Project would not result in significant sun shadow, light, or glare impacts.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. Neptune Marina Parcel 10R is presently developed with two-story wood and stucco structure with areas of surface parking and mature landscaping. The structure was constructed in the early 1960s as part of the Phase I Marina del Rey development. The apartment buildings are low-lying and rectangular in nature and are typical of other existing development on the west side of the small-craft harbor. Generally, the buildings extend in a linear fashion along the frontage of the waterfront, and in most case completely obscure water views for viewers on peripheral roadways. Along the waterfront between the existing structures and the Marina is a narrow concrete sidewalk. This existing sidewalk is accessible to the public and provides extensive views of the Marina.

Neptune Marina Parcel FF site is presently developed as an approximately 2.05-acre surface parking lot. Surrounding the western and northern portion of the parking lot (west of the existing driveway) is a screened chain-link fence. The intention of the fence is to obscure views of the parking lot from adjacent roadways. A fence that permits filtered view is present east of the parking lot, and glimpses of the parking lot and Marina are available from Marquesas Way. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Parcel 9U is presently an undeveloped lot. Vegetation on Parcel 9U consists generally of low annual grasses and summer flowering forbs. However, in the south-central portion of the site, a small, man-made depression, the remnant of an abandoned construction project, is present where water ponds seasonally. In this location the vegetation now consists of a taller willow thicket of approximately 0.5 acre. Due to the lack of development at this location, boat masts in the western portion of Marina del Rey Basin B are visible form Via Marina. Existing residential uses are present to the north, south, and west. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Project would require the removal of all existing structures, the existing surface parking lot, and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the Project site. Screened chain-link fencing would likely be installed that would surround the perimeter of the Project site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the project and changes in the visual character of the Project site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Project site will be

altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Neptune Marina Parcels 10R, FF, and 9U incorporate six view corridors. To further ensure visual resource protection, the Marina del Rey LUP requires the Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Project site.

Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of a given parcel's water frontage and the proposed building height. Based on the length of the Project's water frontage and the proposed building heights, the Land Use Plan requires 567 feet of view corridor. As proposed, the Project would provide 602.5 linear feet of view corridor, exceeding the amount of view corridor required under the Land Use Plan. The Project would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development standards under it purview. Therefore, project impact to visual corridors and view form scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The Neptune Marina Project (Parcels 10R and FF) proposes development of apartment structures that would be fully compatible, in terms of height, scale, and visual qualities, with apartment structures either under construction (on Parcel 12) or soon to be constructed (Parcel 15, 100, and 101) on adjacent parcels. The visual character of the proposed Neptune Marina Project is expected to be representative of other future new development in the Marina as future (Phase II) projects recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program (LCP), is intentionally designed to result in a marked intensification of existing land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments.

While the height of the proposed structures would alter the visual character of the property, the design is consistent with the Marina del Rey Local Coastal Plan. The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort structures would not result in a significant intensification of development on the project sites, but are compliant with past California Coastal Commission approvals, the Local Coastal Plan-proscribed building height standards and are consistent with the County's desire to recycle Phase I Marina development and intensify land uses within the Marina. However, the Woodfin Suite Hotel and Timeshare Resort building could appear out of character in comparison to immediately adjacent use in terms of height and mass, as the structure will dominate a larger percentage of the available viewshed. In contrast, the hotel building would occupy only a very small portion of the viewshed available from more distant locations, such as Mother's Beach or Fisherman's Village, and the panoramic view from these locations includes other structures of similar size, height, and mass. Consequently, there are significant visual character impacts from immediately adjacent locations, but no significant visual character impacts from more distant viewing locations.

To mitigate impact associated with the height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from certain viewing locations, the following Mitigation Measures will be implemented.

Mitigation Measures:

- A deed restriction shall be placed on the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space.
- On the street level of the project landscaping, to the satisfaction of the County of Los Angeles Design Control Board, shall be implemented to reduce visual impacts of the project when viewed from adjacent rights of way. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies incorporated into the design of the hotel structure and associated parking structure.
- Articulation and variations in color or building materials shall be incorporated into the lower levels of the hotel and parking structure to reduce visual impacts on Via Marina.

With incorporation of these mitigation measures, potential impacts from the proposed project remain significant after mitigation.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.1.4 of the Recirculated Draft EIR, the project would cast shadows only on small portions of the south facing facades of the existing and proposed residential uses across Marquesas Way from Parcel 10R and adjacent to Parcel FF and only during the winter months. The Woodfin Suite Hotel and Timeshare Resort would cast shadows in the non-winter months on small portions of the existing residential uses to the west, but the duration of these shadows would be limited (i.e., less than two hours). Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, the Project's shade and shadow impacts would be less than significant.

Structures proposed on the project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are

intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, this project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the project's glare impacts would also be less than significant.

Neptune Marina Parcel 10R Project

Potential Effect

The Parcel 10R Project could potentially obstruct views, including views of coastal areas. The Parcel 10R Project could also be considered out of character with existing adjacent development. The Parcel 10R Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Parcel 10R Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. The Parcel 10R Project would be in character with existing adjacent development. The Parcel 10R Project would not result in significant sun shadow, light, or glare impacts. Therefore, impacts to visual resources would be less than significant.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. The Parcel 10R Project is presently developed with two-story wood and stucco structure with areas of surface parking and mature landscaping. The structure was constructed in the early 1960s as part of the Phase I Marina del Rey development. The apartment buildings are low-lying and rectangular in nature and are typical of other existing development on the west side of the small-craft harbor. Generally, the buildings extend in a linear fashion along the frontage of the waterfront, and in most case completely obscure water views for viewers on peripheral roadways. Along the waterfront between the existing structures and the Marina is a narrow concrete sidewalk. This existing sidewalk is accessible to the public and provides extensive views of the Marina.

Construction Impacts

Development of the Parcel 10R Project would require the removal of all existing structures and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the Parcel 10R Project site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Parcel 10R Project site will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with the provisions of the Land Use Plan, the Parcel 10R Project incorporates four view corridors. Of the four view corridors, three allow vistas of Marina del Rey Basin B from Marquesas Way (southerly) and one corridor allows vistas of Marina del Rey Basin B from Via Marina (easterly). Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires a total of 360 feet of view corridor. As proposed, the Parcel 10R Project would provide 388.5 linear feet of view corridor, and would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

Development on Parcel 10R would replace existing structures and no visibility of the Marina is available from Via Marina adjacent to Parcel 10R. As such, development on Parcel 10R would not affect a defined Scenic Highway. Consistent with the requirements of the Marina del Rey Land Use Plan, and in conformance with the Design Control Board, the project incorporates four view corridors that would enhance visibility of the Marina from Parcel 10R. Because this project is consistent with all development requirements defined in the Marina del Rey Land Use Plan, impacts associated with this visual resource criterion are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The three structures proposed as part of the Parcel 10R Project would not exceed 60 feet (exclusive of appurtenant, screened rooftop equipment). This height, as well as the mass and design, are in character with adjacent existing development. Proposed building heights on Parcel 10R would be complaint with the height standards as defined in the Marina del Rey Land Use Plan. The visual character of the proposed Parcel 10R Project is expected to be representative of other future new development in the Marina as future ("Phase II") project recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program ("LCP"), is intentionally designed to result in a marked intensification of existing land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments.

The proposed apartment structures would be considered in character with the contemporary structures present or under construction within the Marina as well as existing, older residential structures in the vicinity of the Project site. Further, the Project's architecture has been approved by the Design Review Board and is considered to be in character with the contemporary structures present, under construction, or

planned within the Marina. Thus, impacts related to height, bulk, or other features are considered less than significant.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.2.4 of the Recirculated Draft EIR, the Parcel 10R Project would cast shadows only on small portions of the south facing facades of the existing and proposed residential uses across Marquesas Way and only during the winter months. Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, Parcel 10R Project shade and shadow impacts would be less than significant.

Structures proposed on the Parcel 10R Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, the Parcel 10R Project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the Project's glare impacts would also be less than significant.

Neptune Marina Parcel FF Project

Potential Effect

The Parcel FF Project could potentially obstruct views, including views of coastal areas. The Parcel FF Project could also be considered out of character with existing adjacent development. The Parcel FF Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Parcel FF Project would not significantly obstruct views and therefore would not result in significant view blockage impacts. The Parcel FF Project would be in character with existing adjacent development. The Parcel FF Project would not result in significant sun shadow, light, or glare impacts. Therefore, impacts to visual resources would be less than significant.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. The Parcel FF Project site is presently developed as an approximately 2.05-acre surface parking lot. Surrounding the western and northern portion of the parking lot (west of the existing driveway) is a screened chain-link fence. The intention of the fence is to obscure views of the parking lot from adjacent roadways. A fence that permits filtered view is present east of the parking lot, and glimpses of the parking lot and Marina are available from Marquesas Way. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Parcel FF Project would require the removal of the existing surface parking lot and earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As the structures are constructed and become finished, the scale of the Parcel FF Project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Parcel FF Project will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Parcel FF Project incorporates one view corridor that allows views of Marina del Rey Basin C from Marquesas Way (northerly). Provisions of the

Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires 53 feet of view corridor. As proposed, the Parcel FF Project would provide 60 linear feet of view corridor, and would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways. To further ensure visual resource protection, the Marina del Rey LUP requires the Parcel FF Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Parcel FF Project site. The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Parcel FF Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development standards under it purview. Therefore, project impact to visual corridors and view form scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The structure proposed as part of the Parcel FF Project would not exceed 55 feet in height (exclusive of appurtenant, screened rooftop equipment). This height, as well as the mass and design, are in character with adjacent existing development. Proposed building height of the Parcel FF Project is complaint with the height standards as defined in the Marina del Rey Land Use Plan. The visual character of the proposed the Parcel FF Project is expected to be representative of other future new development in the Marina as future (Phase II) projects recycle and redevelop existing land uses. The ongoing and proposed replacement of Phase I Marina development, consistent with the Marina's "Phase II" development pursuant to the provisions of the certified Local Coastal Program (LCP), is intentionally designed to result in a marked intensification of existing

land uses, with denser, larger, and taller residential, hotel, and visitor-serving commercial developments. Further, the Project's architecture has been conceptually approved by the Design Control Board and is considered in character with the contemporary structures, under construction structures, and proposed structures within the Marina. As such, impacts are not considered significant.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.3.4 of the Recirculated Draft EIR, the Parcel FF Project would cast shadows only on the garages of the existing residential structures situated north of Parcel FF (Parcel 15) and, if that Parcel is redeveloped, on the lower portion of part of the south-facing façade of the proposed new development and only during the winter months. Given the limited extent and duration of the shadows, the project would not result in substantial sun shadow problems. Therefore, the Parcel FF Project's shade and shadow impacts would be less than significant.

Structures proposed on the Parcel FF Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, the Parcel FF Project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the Parcel FF Project's glare impacts would also be less than significant.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

The Woodfin Suite Hotel and Timeshare Resort Project could potentially obstruct views, including views of coastal areas. The Woodfin Suite Hotel and Timeshare Resort Project could also be considered out of character with existing adjacent development. The Woodfin Suite Hotel and Timeshare Resort Project also has the potential to create substantial sun shadow, light, or glare problems.

Finding

The Woodfin Suite Hotel and Timeshare Resort Project would not significantly obstruct view and therefore would not result in significant view blockage impacts. Although the Woodfin Suites Hotel and Timeshare Resort Project's height is fully consistent with LCP, it could be considered to be out of character with existing adjacent development. Therefore, the Commission conservatively considers the Woodfin Suite Hotel and Timeshare Resort Project to have a significant impact to visual character. The Woodfin Suite Hotel and Timeshare Resort Project would not result in significant sun shadow, light, or glare impacts.

Facts

Visual quality impacts are discussed in chapter 5.6 of the Recirculated Draft EIR. Parcel 9U is presently an undeveloped lot. Vegetation on Parcel 9U consists generally of low annual grasses and summer flowering forbs. However, in the south-central portion of the site, a small, man-made depression, the remnant of an abandoned construction project, is present where water ponds seasonally. In this location the vegetation now consists of a taller willow thicket of approximately 0.5 acre. Due to the lack of development at this location, boat masts in the western portion of Marina del Rey Basin B are visible form Via Marina. Existing residential uses are present to the north, south, and west. Panoramic views of the Marina are available from a publicly accessible sidewalk adjacent to the parking lot.

Construction Impacts

Development of the Woodfin Suite Hotel and Timeshare Resort Project would require earth movement to allow construction of the partially subterranean parking lots, landscaped areas, develop drainage patterns, and provide for necessary infrastructure. During this time, construction workers and equipment will be visible throughout the site. Screened chain-link fencing would likely be installed that would surround the perimeter of the site and would obscure direct vistas of the initial phases of construction and on-site staging areas. During construction, frames of the structures would be raised and finished, and hardscape and landscaping would be completed. As

the structures are constructed and become finished, the scale of the Woodfin Suite Hotel and Timeshare Resort Project and changes in the visual character of the site would become evident. The duration of these construction activities would be approximately 30 months. Although the visual character of the Woodfin Suite Hotel and Timeshare Resort Project site will be altered from its current condition, this impact is not considered significant due to its short-term nature and the urbanized visual character of the surroundings.

Substantial Visibility from, or Obstruction of Views from, a Scenic Highway, or Location within a Scenic Corridor or other Viewshed Impact

To protect and enhance visibility of the Marina and consistent with provisions of the Marina del Rey LUP, the Woodfin Suite Hotel and Timeshare Resort Project incorporates a substantial 154-foot view corridor. Provisions of the Land Use Plan tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and the proposed building height, the Land Use Plan requires 154 feet of view corridor. As proposed, the Woodfin Suite Hotel and Timeshare Resort Project would provide 154 linear feet of view corridor through the Parcel 9U public park/wetland situated south of the structure. The Woodfin Hotel and Timeshare Resort Project would therefore be consistent with the Land Use Plan provisions that call for public and private views of the Marina from perimeter roadways.

To further ensure visual resource protection, the Marina del Rey LUP requires the Woodfin Suite Hotel and Timeshare Resort Project site plan and architectural design to be reviewed by the Design Control Board and to incorporate view corridors that do not presently exist on the Woodfin Suite Hotel and Timeshare Resort Project site. The Design Control Board also has the authority to regulate signage, building architectural design, site planning, and façade design for all new development proposals. The Design Control Board reviewed and conceptually approved the Project on June 29, 2006 and, as part of that action, ensured compliance with the development standard and policies (inclusive of view corridors) outlined in the Land Use Plan with the development

standards under it purview. Therefore, project impact to visual corridors and view from scenic highways as defined in the Marina del Rey LUP are not considered significant.

Out of Character Use in Comparison to Adjacent Uses because of Height, Bulk, or Other Features

The proposed Woodfin Suite Hotel and Timeshare Resort Project building would appear taller than other immediately adjacent existing or proposed structures when the views are not obstructed by structures, landscaping, or distance. The Woodfin Suite Hotel and Timeshare Resort Project is consistent with the stated height guidelines as approved by the California Coastal Commission and the County of Los Angeles as defined in the Marina del Rey Land Use Plan. The height of the Woodfin Suite Hotel and Timeshare Resort Project would be a dominant visual element as seen from immediately adjacent viewing locations, but would only be another structure in the panoramic view that comes from more distant viewing locations such as Mother's Beach and Fisherman's Village.

Site development of the Woodfin Suite Hotel and Timeshare Resort Project would not alter any defined significant visual features, especially of the scenic Marina. The Woodfin Suite Hotel and Timeshare Resort Project on Parcel 9U would not eliminate views of the Marina from the distant viewing locations across the Marina from the Woodfin Suite Hotel and Timeshare Resort Project site. While the height of the Woodfin Suite Hotel and Timeshare Resort Project would alter the visual character of the property, the design is consistent with the Marina del Rey Local Coastal Plan. The Woodfin Suite Hotel and Timeshare Resort Project structures would not result in a significant intensification of development on the Woodfin Suite Hotel and Timeshare Resort Project site, but are compliant with past California Coastal Commission approvals, the Local Coastal Plan-prescribed building height standards and are consistent with the County's desire to recycle Phase I Marina development and intensify land uses within the Marina. Nonetheless, the Woodfin Suite Hotel and Timeshare Resort Project could appear out of character in comparison to immediately adjacent use in terms of height and mass, as the structure will dominate a larger percentage of the

available viewshed. In contrast, the hotel tower occupies only a very small portion of the viewshed available from more distant locations, such as Mother's Beach or Fisherman's Village, and the panoramic view from these locations includes other structures of similar size, height, and mass. Consequently, the Commission conservatively finds significant visual character impacts from immediately adjacent locations, but no significant visual character impacts from more distant viewing locations.

To mitigate impact associated with the height and mass of the proposed Woodfin Suite Hotel and Timeshare Resort Project from certain viewing locations, the following Mitigation Measures will be implemented.

Mitigation Measures:

- A deed restriction shall be placed on the southern portion of Parcel 9U requiring that the wetland park be retained as natural open space.
- On the street level of the project landscaping, to the satisfaction of the County of Los Angeles Design Control Board, shall be implemented to reduce visual impacts of the project when viewed from adjacent rights of way. Further, if approved by the Design Control Board, areas of landscaping shall be included on terraces and balconies incorporated into the design of the hotel structure and associated parking structure.
- Articulation and variations in color or building materials shall be incorporated into the lower levels of the hotel and parking structure to reduce visual impacts on Via Marina.

With incorporation of these mitigation measures, potential impacts from the Woodfin Suite Hotel and Timeshare Resort Project remain significant after mitigation.

Project Likelihood to Create Substantial Sun Shadow, Light, or Glare Problems

As indicated in Chapter 5.6.3.3.4.4 of the Recirculated Draft EIR, the Woodfin Suite Hotel and Timeshare Resort Project building would cast shadows in the non-winter months on small portions of the existing residential uses to the west across Via Marina, but the duration of these shadows would be limited (i.e., less than two hours). Given

the limited extent and duration of the shadows, the Woodfin Suite Hotel and Timeshare Resort Project would not result in substantial sun shadow problems. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project's shade and shadow impacts would be less than significant.

Structures proposed on the Woodfin Suite Hotel and Timeshare Resort Project site use a variety of exterior surface treatments. To reduce potential glare or reflectivity impacts, these surfaces are intended to be non-reflective or oriented in a way that would result in limited off-site glare or reflectivity impacts. To verify limiting glare or reflectivity issues, this project has been reviewed and approved by the County of Los Angeles Design Control Board that is intended to review project design issues. Thus, the project's glare impacts would also be less than significant.

4. Solid Waste Service

Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project

Potential Effect

Implementation of the Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity. Construction and operation of the Wetland Park Project and Public-Serving Boat Spaces would not generate material amounts of solid waste and therefore do not have the potential to have a solid waste impact.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Project will reduce the Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Project.

Facts

Solid waste impacts are discussed at pages 5.10-1 to 5.10-35 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 14,650 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste

requiring disposal. Approximately 198,450 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the project will not result in a significant solid waste impact during construction.

During operation, the Project would generate a net increase of solid waste generation of approximately 3,076 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0006 percent of the remaining capacity at County landfills, the Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.

- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.
- If hazardous materials are encountered during demolition, the Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.

Neptune Marina Parcel 10R Project

Potential Effect

Implementation of the Parcel 10R Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Parcel 10R Project will reduce the Parcel 10R Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Parcel 10R Project.

Facts

Solid waste impacts are discussed at pages 5.10-20 to 5.10-24 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 13,300 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste requiring disposal. Approximately 124,650 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Parcel 10R Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50

percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Parcel 10R Project will not result in a significant solid waste impact during construction.

During operation, the Parcel 10R Project would generate a net increase of solid waste generation of approximately 1,692 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Parcel 10R Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Parcel 10R Project's solid waste only confirmed through 2017; therefore even though the Project's solid waste represents only .00035 percent of the remaining capacity at County landfills, the Parcel 10R Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel 10R Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- If hazardous materials are encountered during demolition, the Neptune Marina Project Parcel 10R applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.
- The Neptune Marina Project Parcel 10R shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.

- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

Neptune Marina Parcel FF Project

Potential Effect

Implementation of the Parcel FF Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Parcel FF Project will reduce the Parcel FF Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Parcel FF Project.

Facts

Solid waste impacts are discussed at pages 5.10-25 to 5.10-28 of the Recirculated Draft EIR. Demolition of existing uses would generate approximately 1,350 cubic yards ("cy") of solid waste, and construction debris would create additional solid waste requiring disposal. Approximately 31,600 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Parcel FF Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Parcel FF Project will not result in a significant solid waste impact during construction.

During operation, the Parcel FF Project would generate a net increase of solid waste generation of approximately 808 pounds per day over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Parcel FF Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Parcel FF Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0002 percent of the remaining capacity at County landfills, the Parcel FF Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Parcel FF Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- The Neptune Marina Project Parcel FF shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.
- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs

contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

- If required, during demolition the Neptune Marina Project Parcel FF applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County.

Woodfin Suite Hotel and Timeshare Resort Project (Parcel 9U)

Potential Effect

Implementation of the Woodfin Suite Hotel and Timeshare Resort Project would generate a net increase of solid waste, which will increase demand on limited landfill capacity.

Finding

Implementation of measures identified in this section, conditions of approval, and design features incorporated into the Woodfin Suite Hotel and Timeshare Resort Project will reduce the Woodfin Suite Hotel and Timeshare Resort Project's potential construction impact, although a significant and unavoidable impact will remain with regard to operation of the Woodfin Suite Hotel and Timeshare Resort Project.

Facts

Solid waste impacts are discussed at pages 5.10-29 to 5.10-32 of the Recirculated Draft EIR. Construction debris would create solid waste requiring disposal. Approximately 42,200 cy of earth material would also be exported from the site to be used as cover material at Puente Hills Landfill in the City of Industry. The Woodfin Suite Hotel and Timeshare Resort Project will comply with existing County laws requiring recycling and reuse of construction debris. This will reduce construction and demolition debris by 50 percent. The one-time disposal of this debris could be accommodated by existing landfills. Therefore, the Woodfin Suite Hotel and Timeshare Resort Project will not result in a significant solid waste impact during construction.

During operation, the Woodfin Suite Hotel and Timeshare Resort Project would generate a net increase of solid waste generation of approximately 576 pounds per day

over existing on-site uses. This quantity represents a worst-case scenario with no recycling. However, the Woodfin Suite Hotel and Timeshare Resort Project would include adequate areas for collecting and loading recyclable materials in accordance with the County's model ordinance. This will reduce operational solid waste by approximately 50 percent. County landfills and county-contracted landfills have sufficient capacity to accommodate the Woodfin Suite Hotel and Timeshare Resort Project's solid waste only confirmed through 2017; therefore, even though the Project's solid waste represents only .0001 percent of the remaining capacity at County landfills, the Woodfin Suite Hotel and Timeshare Resort Project is conservatively assumed to have a significant and unavoidable operational solid waste impact.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Woodfin Suite Hotel and Timeshare Resort Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

- The Woodfin Suite Hotel and Timeshare Resort shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project proponent shall also provide a Waste Management Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Waste Management Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the Certificate of Occupancy.
- To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project applicants. This plan shall be reviewed and approved by the LACDPW. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles SRRE. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site residents.

Cumulative Effects

(1) Cumulative Noise

Potential Effect

Significant cumulative noise impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once the related projects are constructed and operational.

Finding

The Project and related projects will comply with local noise ordinances. However cumulative construction noise impacts will result in a significant and unavoidable cumulative construction noise impact due to neighboring construction projects. Cumulative construction traffic noise will exceed applicable thresholds of significance, resulting in an unavoidable cumulative construction traffic impact due to shared haul routes and the number of truck trips required for the Project and neighboring projects. Cumulative construction vibration impacts will result in a significant and unavoidable cumulative construction impact. The cumulative impacts of the operation of the Project and related projects with respect to noise are not significant.

Facts

Cumulative noise impacts are discussed at pages 5.2-74 to 5.2-84 of the Recirculated Draft EIR. All construction activities would be subject to the requirements of the "County of Los Angeles Construction Equipment Noise Standards" and the Noise Control Ordinance of the County of Los Angeles (LACC 12.08.440) or similar ordinances in other jurisdictions. Compliance with the County's Noise Ordinance, along with incorporation of mitigation recommended as part of each project's environmental review, would reduce cumulative construction-related noise impacts, but not to a less-than-significant level. Resulting impacts from construction noise, truck haul trip noise, and vibration would therefore be significant and unavoidable during the construction phase of the Project when analyzed with neighboring projects. There are no known

mitigation measures that would mitigate these potential cumulative significant impacts to a less than significant level.

Under the adopted threshold of significance, significant cumulative operational noise impacts will occur if cumulative traffic increases noise levels at noise-sensitive land uses 5 dB(A) or more, if noise levels remain within the normally acceptable range, or 3 dB(A) if noise levels change from normally acceptable to conditionally acceptable. In this case, cumulative operational noise increases from traffic along the identified road segments adjacent to sensitive land uses would be less than 3 dB(A) at all locations. Therefore, cumulative operational noise impacts will be less than significant.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(2) Cumulative Air Quality

Potential Effect

Significant cumulative construction air quality impacts could occur as a result of construction activity taking place within Marina del Rey, as well as increased vehicle traffic generated by cumulative development, once the Project is constructed and operational. Significant cumulative air quality impacts could also contribute to global climate change.

Finding

The Project will result in a cumulative air quality impact using the emission-based thresholds for project-specific impact which are considered to cause a cumulatively considerable increase in emissions for NO_x, as well as local NO_2, PM_{10} and $PM_{2.5}$, during construction, which would result in a significant and unavoidable construction air quality impact. The Project will not result in any significant operational air quality impacts. Further, the Project would not result in a cumulative air quality impact to global climate change.

Facts

Cumulative air quality impacts are discussed at pages 5.4-128 to 5.4-139 of the Draft EIR. While the Project does not create a cumulative air quality impact using two of the methods generally used for analysis pursuant to the *CEQA Air Quality Handbook*, using an emissions-based threshold as suggested by SCAQMD staff, construction of the Project would result in daily construction emissions of NO_x, as well as local NO_2, PM_{10} and $PM_{2.5}$, that exceed the thresholds of significance recommended by the SCAQMD during peak construction activities. There are no known mitigation measures that would mitigate these potential cumulative significant impacts to a less than significant level. Because the basin is in nonattainment for ozone, and because NO_x is a precursor to ozone, construction of the Project would generate a cumulatively considerable contribution, and this is considered a significant and unavoidable construction impact.

Operation of the Project would not cause exceedances of the threshold of significance for any of the five air emissions evaluated using the SCAQMD's methodology and would not result in significant carbon monoxide hotspot impacts at affected intersections in the Project study area. Operation of the Project would also result in a less than significant impact to Global Climate Change after mitigation. Therefore, the Project's contribution to cumulative Global Climate Change impacts would not be considerable.

Mitigation for Global Climate Change Impacts:

- The Project shall achieve energy efficiency equivalent to California Energy Commission Tier II building energy use standards.
- The Project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight.
- The Project applicant shall use drought-tolerant landscaping from an approved plant list proved by the lead agency, the County of Los Angeles, or other agency.
- The Project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designed for future landscaping. The project

applicant shall ensure landscaped areas comply with all requirements within Title 22 Part 21 of Chapter 22.523.

- The Project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed.
- The Project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the Project. The Project applicant will also provide resident and hotel guests with information regarding local and regional public transportation services.

The wind study by RWDI attached as an appendix to the Draft EIR expressly considered potential cumulative impacts from the Project and expected future development in the area. The analysis shows that the Project and related projects will not affect existing wind conditions in Marina Del Rey.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(3) Cumulative Visual Quality

Potential Effect

As Phase II Marina del Rey development becomes more prominent, the existing visual character of the Marina del Rey community will be altered. Larger, in many cases, taller, structures will become more commonplace in the Marina, which will increase development intensity. The potential exists that, when all Phase II development is viewed cumulatively, including the height and design changes proposed as part of the Project, impacts to visual quality within the Marina del Rey community could be considered significant, given the intensification of development that will occur.

Finding

The Project has received conceptual approval from the Design Review Board and will be constructed to not exceed the height requirements and is designed to meet the massing and height requirements after the changes discussed in the Recirculated Draft EIR pages 5.6-1 to 5.6-126. Related projects are expected to also conform to height requirements and be reviewed an approved by the Design Review Board. The Project,

however, will result in a significant impact on visual resources, and, when considered cumulatively with the potential removal of trees related to the Force Main Project, the Project is considered to create a potential cumulative impact on visual resources.

Facts

Cumulative visual quality impacts are discussed at pages 5.6-122 to 5.6-124 of the Recirculated Draft EIR. Only those related projects in the immediate Project vicinity could potentially result in cumulative visual quality impacts. The rest of the related projects are located sufficiently away from the Project site so as not to result in changes to the visual environment within which the Project is located. Those related projects within the immediate Project vicinity will be required to comply with the certified LCP's height, density, view corridor and other requirements intended to reduce visual quality impacts and will be subject to design review by the DCB to further reduce such impacts. However, the Force Main Project could result in the removal of trees which could incrementally increase the visual quality impacts caused by the Project.

Development of the Project and the related projects would introduce new or expanded sources of artificial light. As the Project area is highly urbanized, the additional light sources represented by these projects are not of a sufficient magnitude to alter the existing artificial light environment that currently exists in the area. As a result, cumulative light impacts are concluded to be less than significant.

No cumulative shade/shadow impacts would occur, relative to sensitive uses, since no related projects are located adjacent to the Project site or in close enough proximity to result in cumulative shadows. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(4) Cumulative Traffic/Access

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of traffic in and out of the

area both on a temporary basis during Project construction and on a long-term basis during Project operation.

Finding

Construction

Construction activity from other nearby projects, such as the City of Los Angeles' proposed Venice Dual Force Main Sewer upgrade project, the Espirit II project, and The Shores project could potentially may occur during the same time period that the Project is actively under demolition or construction. These potential simultaneous construction activities could limit access along both Via Marina and Marquesas Way. According to the City of Los Angeles, construction of the Venice Dual Force Main Sewer upgrade project will begin in August 2010. Construction of that portion of the Dual Force Main adjacent to the Project will take up to 29 weeks. As construction of the Project is not expected to commence until May 2011, it is reasonably foreseeable that construction of such portion of the Venice Pumping Plant Dual Force Main project would be complete prior to commencement of construction of the proposed project. Moreover, the Espirit II and The Shores projects have not moved forward due to lack of financing, and there are currently no plans for commencement of construction of these projects. Therefore, it is speculative to assume overlapping construction of these projects and the Projects.

Moreover, the County is opposed to the Venice Dual Force Main Sewer upgrade project's preferred Via Marina alignment and has demanded that the City chose the environmentally superior route down Pacific Avenue. The Via Marina alignment would run in and beneath County roads and highways and would utilize a portion of a County-owned parking lot for construction staging. The County has not agreed that the City may construct the proposed sewer upgrade in and beneath the County's highways or use the parking lot for staging and has not granted the City any proprietary interests or rights that would allow such construction and staging. The County contends that the City has not complied with the requirements of Public Utilities Code Sections 10101 to 10105 and has brought an action in the Los Angeles Superior

Court to quiet title and for declaratory relief. Therefore, the actual alignment of the sewer upgrade project is uncertain at this time.

Under the preferred alignment, the Venice Dual Force Main Sewer upgrade project would be constructed in Via Marina, the consequence of which would be the temporary reduction to a single travel lane in each direction on portions of Via Marina, which may result in delays during the day, including peak commuting periods. Although the Final EIR for the Venice Dual Force Main Sewer upgrade project found no significant construction traffic impacts, a supplemental traffic study prepared after completion of the Final EIR indicates that segments and intersections along Via Marina may be temporarily and adversely impacted during construction due to temporary lane closures. Therefore, under the very conservative assumption of concurrent construction, there is a potential for a cumulative construction traffic impacts. However, the combined short-term traffic due to the construction activities of the Venice Dual Force Main project and the peak level of activity of the proposed project would be lower than that of the completed project. Further, such impacts would be temporary and of short duration. In addition, as a project design feature Worksite Traffic Control (WTC) Plans will be developed and approved for the Project. In the unlikely event that there is concurrent construction, the WTC Plans will also coordinate with the construction activities of the Venice Dual Force Main project, the Espirit II project, and The Shores project, as applicable, to minimize any short-term construction traffic impacts. The WTC Plans will also ensure that resident and emergency access will not be impeded, and that pedestrian safety will be maintained.

Operation

As with the Project, each related project is required to ensure mitigation for Project impacts including traffic and parking. However, based on conservative assumptions regarding ambient growth and related projects and the inability to accurately quantify the benefits of certain mitigation measures, the Commission

conservatively finds that the Project will make a considerable contribution to a cumulative impact on area traffic.

Facts

Cumulative traffic impacts are discussed at pages 5.7-80 to 5.7-94 of the Recirculated Draft EIR. The analysis shows that the project traffic, together with the related projects and cumulative growth, would result in significant impacts at twelve of the study intersections as set forth in Table 5.7-25 of the Recirculated Draft EIR. The cumulative mitigation measures include measures specifically identified in the TIP, including funding for larger long-term improvements such as widening the Lincoln Boulevard Corridor and the planned Marina Expressway (SR-90) extension to Admiralty Way that will increase area-wide traffic capacity and help alleviate existing and future congestion in the study area. However, if these or other equally effective measures are not installed, significant cumulative traffic impacts would remain.

Pursuant to *State CEQA Guidelines* Section 15130(d), the project's cumulative impacts may be found to be less than cumulatively considerable/less than significant because they are consistent with (and indeed less severe than predicted in) the cumulative traffic analysis in the Certified LCP (a "comparable programmatic plan...") that is hereby incorporated by reference.

As to intersections within the County and LCP, the Project's significant cumulative impacts are rendered less than cumulatively considerable (less than significant) because the Project is required to pay the Marina del Rey traffic fees (i.e., its fair share contribution toward improvements designed to alleviate the cumulative impacts at the five intersections within Marina del Rey and that are controlled by the LACDPW). As such, all impacts can be reduced to a level of less than significant with implementation of identified mitigation measures. However, if these or other equally effective measures are not installed, significant cumulative traffic impacts would remain. Furthermore, as the precise benefits of the SR-90 extension cannot be quantified at this time, it is conservatively concluded that significant cumulative impacts will remain at the following intersections even with implementation of the SR-90

extension: Lincoln Boulevard and Washington Boulevard; Lincoln Boulevard and Marina Expressway; Lincoln Boulevard and Bali Way; Lincoln Boulevard and Mindanao Way; and Lincoln Boulevard and Fiji Way.

Mitigation Measures:

- **Admiralty Way and Via Marina** – Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a through roadway with the southern leg of Via Marina. As described above, the northern leg of Via Marina, south of Washington Boulevard, will intersect into Admiralty Way in a "T" configuration. The striping for turning movements at the configured intersection will be constructed as dual left and dual/triple right-turning movements. This improvement is identified in the Marina del Rey TIP as Category 3 improvement, and will enhance traffic flow within the Marina.
- **Washington Boulevard and Via Marina/Ocean Avenue** – No feasible physical improvements are identified in the TIP that remain available to mitigate this potential direct project traffic impact. However, the County of Los Angeles Department of Public Works has identified an improvement at the nearby intersection of Washington Boulevard and Palawan Way that would provide additional egress from the Marina, reducing traffic volumes on the northbound approach of Via Marina at this intersection, and providing mitigation for the cumulative impacts. The proposed improvement would reconstruct the intersection of Washington Boulevard and Palawan Way to allow for dual northbound left-turns onto westbound Washington Boulevard, and install a new traffic signal at that intersection. The improvement will provide an additional means of accessing westbound Washington Boulevard from westbound Admiralty Way, reducing the existing high northbound volumes at Washington Boulevard and Via Marina/Ocean Avenue. (See "Washington Boulevard and Palawan Way" below for additional details.)
- In addition, the Marina del Rey TIP also identified an improvement at the intersection of Via Marina and Admiralty Way that will enhance traffic flow

between Admiralty Way and Via Marina south of Admiralty Way within the Marina, reducing the northbound right-turn traffic volumes on Via Marina at Washington Boulevard. This improvement would reconstruct the Admiralty Way/Via Marina intersection to realign Admiralty Way as a through roadway with the southern leg of Via Marina. The northern leg of Via Marina, south of Washington Boulevard, will intersect into Admiralty Way in a "T" configuration. The striping for turning movements at the reconfigured intersection will be constructed as dual left and dual/triple right-turning movements. As a result, northbound traffic volumes on Via Marina would need to turn left (instead of making a through movement) at Admiralty Way to access eastbound Washington Boulevard. Due to the high left-turn volume on northbound Via Marina at Admiralty Way, some of these traffic volumes would reroute along eastbound Admiralty Way and turn left at Palawan Way.

- **Admiralty Way and Palawan Way** – Restripe the southbound approach to convert the through lane into a left/through shared lane. Restripe the northbound approach to provide an exclusive left-turn only lane, in addition to a shared right-turn/through lane. In addition, add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way. These measures are identical to or consistent with the improvements in the Marina del Rey TIP.
- **Washington Boulevard and Palawan Way** – Install a new traffic signal at this intersection (as described above as in-lieu mitigation for the cumulative impact at Washington Boulevard and Via Marina/Ocean Avenue). The south leg of the intersection should be realigned to reduce the angle of the northbound right-turn only lane, and provide a more perpendicular approach, and provide northbound dual left-turn lanes. While this improvement is currently being investigated by the County for implementation as a new TIP-type measure, funded by fair share contributions by projects within Marina del Rey, it is not currently included in the TIP improvement program. As such, the proposed

project would be conditioned to contribute fair share funding to this improvement above and beyond the previously identified traffic mitigation fees. Cost estimates for this traffic signal improvement are currently being finalized, but are expected to be approximately $332,500, with a project responsibility of approximately $61,180. If the measure is not implemented by the time the anticipated cumulative traffic growth occurs, a temporary significant cumulative impact would remain. Furthermore, if this measure or another measure of equal effectiveness are not implemented (because the County is unable to formally establish an enforceable TIP-type mechanism for collecting fair share contributions or otherwise), a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Washington Boulevard** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the key intersection of Lincoln Boulevard and Washington Boulevard. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. This measure is identified in Appendix G of the Marina del Rey Local Implementation Program and must have approval by the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not implemented, a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Marina Expressway (SR-90)** – Extend Route 90 to connect to Admiralty Way across Lincoln Boulevard. The extension would reconstruct and expand the at-grade intersection, providing additional capacity for all approaches. This improvement is currently included in the TIP roadway improvements funded by the trip fee. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. Furthermore, if the extension of the SR-90 is not constructed at all (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not implemented, a significant cumulative traffic impact would remain at this location.
- **Lincoln Boulevard and Bali Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Bali Way. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must receive approval from the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.

- **Lincoln Boulevard and Mindanao Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Mindanao Way, which currently provides direct access from the SR-90 to Admiralty Way in the Marina, by providing a direct access alternative route. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must have approval by the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.
- **Lincoln Boulevard and Fiji Way** – No feasible physical improvements are currently available to mitigate this potential cumulative impact. However, regional transportation improvements being considered include the future extension of the Marina Freeway (SR-90) westward to connect with Admiralty Way. The extension, slated for completion by the year 2016, will help alleviate traffic congestion in the area, including at the intersection of Lincoln Boulevard and Fiji Way. However, it should be noted that a temporary cumulative traffic impact would remain at this location if the extension of the SR-90 or another measure of equal effectiveness is not implemented by the time the anticipated cumulative traffic growth occurs. The SR-90 extension is identified in Appendix G of the Marina del Rey Local Implementation Program and must receive approval

from the Board of Supervisors, the City of Los Angeles, and Caltrans. Furthermore, if the extension of the SR-90 is not constructed (due to not having concurrent approval by the Board of Supervisors, the City of Los Angeles, and Caltrans, or for other reasons) or another measure of equal effectiveness is not identified, a significant cumulative traffic impact would remain at this location.

- **Admiralty Way and Bali Way** – Add a third westbound through lane to Admiralty Way within the existing right-of-way by moving the median and restriping Admiralty Way, as identified in the TIP as Category 1 improvement.
- **Admiralty Way and Mindanao Way** – Widen northbound Admiralty Way to provide a right-turn lane at Mindanao Way, as identified in the TIP. In addition, install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way and modify the traffic signal to provide a westbound right-turn phase concurrent with the southbound left-turn movement. The dual left-turn lanes on Admiralty Way will enhance egress from the Marina at Mindanao Way, and has already been approved as part of a previous project (Marina Two). It should be noted that the installation of dual left-turn lanes on Admiralty Way and the traffic signal modification is not identified in the TIP. As such, the proposed project would be conditioned to contribute "fair share" funding to this non-TIP improvement above and beyond the previously identified traffic mitigation fees. The project's "fair share" proportion would be negotiated between the proposed project and the County.
- **Marina Expressway (SR-90) Eastbound and Mindanao Way** – Restripe the westbound approach of Mindanao Way at the eastbound Marina Expressway to provide two through lanes and one free-right-turn lane. This improvement is not identified in the TIP. As such, the proposed project would be conditioned to contribute fair share funding to this non-TIP improvement above and beyond the previously identified traffic mitigation fees. The project's fair share proportion would be negotiated between the proposed project and Caltrans. If the measure is not implemented by the time the anticipated cumulative traffic growth occurs, a

temporary significant cumulative impact would remain. Furthermore, if this measure or another measure of equal effectiveness are not implemented (because the County and/or Caltrans is unable to formally establish an enforceable TIP-type mechanism for collecting fair share contributions or otherwise), a significant cumulative traffic impact would remain at this location.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(5) Cumulative Solid Waste Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of solid waste requiring collection and disposal, resulting in a potentially significant cumulative impact to solid waste services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in landfills exists to accommodate the refuse generated by that use. However, due to the inability to guarantee adequate landfill space beyond 2017, the Project is found to have a significant and unavoidable impact on solid waste.

Facts

Cumulative Solid Waste impacts are discussed on pages 5.10-33 to 5.10-35 of the Recirculated Draft EIR. Build out of the Project and related projects would generate solid waste, and other pending projects within the County would generate solid waste beyond amounts generated by the Project and the identified related projects. It is reasonable to assume that market forces that drive the waste disposal industry will place pressure on the industry and governmental agencies to continually identify new economically feasible means of waste disposal in the future to accommodate this growth. However, because an adequate supply of landfill space has not been approved for beyond 2017 and because existing hazardous waste management facilities in the County are deemed inadequate, the cumulative increase in solid and hazardous waste

generation would cause a significant impact unless additional landfill space or other disposal alternatives are approved. There are no known mitigation measures that would mitigate these potential Project and cumulative significant impacts to a less than significant level. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(6) Cumulative Population and Housing

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, could induce substantial population growth in an area either directly or indirectly, or displace substantial units of housing, necessitating the need for replacement housing.

Finding

Due to anticipated growth from the Project and related projects, the Project is expected to have a significant and unavoidable cumulative impact on population and housing due to projected growth in population to 2010 as well as available housing units.

Facts

Combined, it is projected that the Project and related projects could increase the subregion's population by approximately 16,767 residents, a 14% increase above the projected population growth for 2010, and approximately 76% of the projected 2020 increase. As the Project will not be built out until 2013, and construction of many of the related projects has yet commenced, the 2020 projections are the most appropriate comparison. However, to provide a conservative analysis chapter 5.16 of the Draft EIR was not updated. Under this conservative approach, population growth associated with the Project and the related projects is considered significant in the short term, as the amount of growth projected for the subregion is would be exceeded in the year 2010. However, in the longer term, anticipated population growth is consistent with 2020 projections. Combined, it is projected that the Project and related project could

increase the number of housing units in the subregion by approximately 11,789 units. As such, the projected number of housing units for the subregion for 2010 would be exceeded, and the growth of housing units associated with the Project and related projects are considered substantial. While population growth increase would remain within SCAG projections through the year 2020, the cumulative impact on the growth of housing units is conservatively considered significant for this reason. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

(7) Cumulative Land Use and Planning

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, could result in a substantial adverse physical impact associated with increased development density.

Finding

The Project could contribute to significant and unavoidable cumulative impacts with respect to noise, air quality, visual resources, population, traffic and solid waste. As a result, cumulative impacts to land use and planning are considered significant and unavoidable.

Facts

As discussed in these findings, the Project will result in cumulative impacts to noise, air quality, visual resources, population, traffic and solid waste. While mitigation measures have been required to reduce these cumulative impacts, they cannot be reduced to a less than significant level. The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

SECTION 3

GROWTH INDUCING IMPACTS OF THE PROJECT

Potential Effect

Development of the Project has the potential to induce growth by fostering economic or population growth or construction of additional housing either directly or indirectly.

Finding

The proposed Project does not meet a growth-inducing criterion specified under CEQA, and, therefore, the proposed Project is not considered to be growth inducing.

Facts

Growth inducing impacts are discussed at pages 8.0-1 to 8.0-6 of the Draft EIR. The following facts support the above finding:

(1) Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth. A network of electricity, water, sewer, stormwater, communication, roads and other supporting infrastructure for the Project is already in place. The Project would connect to existing infrastructure, with some off-site improvements necessary to meet Project demands. Off-site improvements include traffic capacity enhancing improvements at area intersection and new water lines to accommodate necessary water flows. These improvements would serve the Project, but would also allow for more intensive development on other Marina del Rey parcels that could utilize these infrastructure components. However, these improvements and the associated increase in development intensity are consistent with already adopted and approved policies of the Marina del Rey Land Use Plan that promote recycling of Phase I Marina del Rey development with more intensive uses. In addition, no new service lines (e.g., storm drain, electricity, telephone, roadways, etc.) other than those required to serve the proposed uses are to be constructed. Therefore, the Project would not induce growth through introduction or expansion of infrastructure.

(2) Urbanization of Land in Remote Locations

The Project is a redevelopment of improved property and is situated in an existing developed urban community. As a result, the proposed Project will not

"leapfrog" over any undeveloped area or introduce development into a previously undeveloped area.

(3) Economic Growth

Project development would increase population, housing and employment opportunities within Marina del Rey. Short-term construction employment opportunities, however, are likely to be filled by the existing Los Angeles metropolitan labor market. Moreover, increases in population, housing and employment generated by the Project at completion would not result in increases above that anticipated by SCAG or planned for in the Marina del Rey Specific Plan. On those bases, the Project is not considered growth inducing. Rather, it can be considered growth accommodating.

(4) Precedent Setting Action

The Project requires a number of discretionary actions on the part of the Los Angeles County Department of Regional Planning, Regional Planning Commission and the Board of Supervisors. Certain Project components (Neptune Marina Parcels 10R and FF) also require amendments to the Marina del Rey Specific Plan and Marina del Rey Land Use Plan. For Parcel 10R, this change would allow the transfer of excess dwelling units between zones, allowing for greater contiguity between projects and unity in Project design. For Parcel FF, this change would allow development of Parcel FF as a residential use, while placing a park, the desired use for Parcel FF under the Land Use Plan, in a more accessible and sensible portion of the Project. Without the financial construction volunteered by the developer applicants, Parcel FF would remain a parking lot and would not have the potential to become a park or transfer the rights of the site to another location where a park would be built. Displaced parking from the Parcel FF site would be replaced pursuant to County Policy requirements. These amendments do not propose an overall increase in development intensity in the Marina, and the changes to Parcel FF will result in additional public benefits due to the waterside Public Wetland Park.

Approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each

project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the Project is not growth inducing under this criterion.

SECTION 4

FINDINGS REGARDING ALTERNATIVES

Alternatives to the Project described in the Draft EIR were analyzed and considered. The alternatives discussed in the Draft EIR and Final EIR constitutes a reasonable range of alternatives necessary to permit a reasoned choice. The Final EIR concluded that the "No Project/No Development" Alternative was the environmentally superior alternative. However, as specified in the *State CEQA Guidelines* section 15126.d.2, if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the remaining alternatives considered, the "RV Resort," Alternative 8, was considered the environmentally superior alternative. However, these alternatives and the other alternatives analyzed in the Draft EIR and Final EIR are rejected as infeasible for the specific economic, legal, social, technological, and/or other considerations set forth below.

Alternatives Considered But Not Evaluated.

The County Department of Regional Planning, as lead agency, considered a number of potential alternatives that the Department rejected as infeasible and therefore did not analyze in detail in the EIR. The rejected potential alternatives included increasing affordable housing associated with residential development proposed on Parcels 10R and FF to qualify for a 35% density bonus, alternative sites for the Woodfin Suite Hotel and Timeshare Resort Project, alternative sites for the Parcel 10R and Parcel FF Projects, and development of all of Parcel 9U as a public park. The Commission rejects these potential alternatives as infeasible for the reasons set forth at Pages 6.0-1 to 6.0-5 of the Draft EIR.

Commenters to the Draft EIR and Recirculated Draft EIR suggested that Parcel FF be developed as a public park instead of an apartment project. The Commission finds that there is no current or forthcoming proposal—public or private—to develop a public park at Parcel FF. The Commission also finds that development of a public wetland park on the southerly 1.46-acres of Parcel 9U is a superior alternative to the development of a public park on Parcel FF. In light of current budgetary constraints, the County does not have the financial resources to undertake such development. Moreover, Parcel 9U provides a more expansive waterfront viewing opportunity along a far more heavily traveled street—Via Marina versus the Marquesas Way mole road—and would thus provide a larger, higher-quality waterfront park area to a greater number of visitors and passersby, consistent with the policies and objectives of the LCP and the Coastal Act. In addition, the restoration of the degraded wetland on Parcel 9U will provide superior habitat value. Further, developing Parcel FF with a park would not meet the following basic project objectives:

- Create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities.
- Provide for additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act.
- Replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public.
- Restore and enhance the existing artificially-created wetland by creating a wetland park.
- Generate additional revenues to the County in the form of increase ground rents, fees and tax revenues.

The Commission therefore rejects this potential alternative development of Parcel FF as infeasible.

Alternative 1, The "No Project/No Development" Alternative

Description of Alternative

Under this alternative, the Project site would remain in its present condition with site improvements as they currently exist.

Comparison of Effects

None of the potential Project-related impacts identified in the Final EIR would occur under the "No Project/No Development" alternative. The selection of the "No Project/No Development" alternative, however, is not consistent with policies defined in the Marina del Rey Specific Plan. The Specific Plan is directed towards guiding and encouraging recycling, intensification, or conversion of Phase I development consistent with policies that place high priority on development of boating and visitor-serving facilities. The purpose behind encouraging the change and expansion of selected land uses within Marina del Rey includes implementation of the policies of the California Coastal Act, encouragement of controlled change over the next thirty years rather than face the prospect of major simultaneous change when the bulk of the leases expire after the year 2020, correcting existing problems and replacing physically obsolete structures. The objectives are designed to build upon the success of existing uses in Marina del Rey via the creation of opportunities for selective reconstruction at higher intensities and enhancing visitor-serving uses, public access and coastal views.

Finding

The "No Project/No Development" alternative is rejected as infeasible because it fails to meet any of the Project objectives identified in the Draft EIR, would not provide any of the Project benefits as set forth herein, and is not consistent with the policies defined in the Marina del Rey Land Use Plan ("LUP").

Facts

The "No Project/No Development" alternative would fail to create an integrated, self-contained recreational Marina community with contemporary boating facilities. This Alternative would fail to create a public park in a location that provides convenient

parking, public access, and expansive and higher quality views of the basin; the Alternative would also fail to allow integration with other public uses and amenities. This Alternative would fail to improve public coastal recreational opportunities and improved public pedestrian access to the waterfront. This Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views consistent with the residential building-out framework for Marina del Rey specified in the Local Coastal Program. This Alternative would fail to provide additional needed affordable housing in or near the Coastal Zone in compliance with the Mello Act, and would fail to develop an apartment project of sufficient density to support the construction of on-site replacement housing and inclusionary affordable units in compliance with the Mello Act. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water and an additional high-value visitor-serving use in the Coastal Zone in compliance with the Coastal Act. The Alternative would fail to replace existing non-ADA compliant boating facilities with new, state-of-the-art facilities, would fail to replace existing aging housing with new, high-quality housing, and would also fail to restore and enhance the existing artificially-created wetland by creating a wetland park. The Alternative would also fail to generate additional revenues to the County in the form of increased ground rents, fees, and tax revenues. Finally, the Proposed Project would be superior to the "No Project/No Development" Alternative in the context of biological resources due to the inclusion of wetland restoration in the Proposed Project that would not take place if the Project was not implemented.

Alternative 2, The "No Project/No Amendment" Alternative

Description of Alternative

Under the "No Project/No Amendment" Alternative, the project site would be developed within the provisions defined as part of the Marina del Rey Land Use Plan. Parcel 10R, located within the Marquesas DZ, is presently developed with 136

apartment units and 198 boat spaces. Without an amendment to the Land Use Plan, the maximum permitted development that could occur on Parcel 10R would be 139 apartment units and 274 boat spaces. Parcel FF, is presently a surface parking lot. Without an amendment to the Land Use Plan, Parcel FF could be used for open viewing areas, promenades, bikeways, beaches, parks, picnic facilities, nature/interpretive centers, surface parking, or landscaping, although a portion of the Land Use Plan contemplates Parcel FF as a public park with a portion of residential development. However, other than the Project there is no current or forthcoming proposal—public or private—to develop Parcel FF. In light of current budgetary constraints, the County does not have the financial resources to undertake such alternative development. Parcel 9U is presently vacant. Without an amendment to the Land Use Plan, Parcel 9U could be used for a 225-foot high building with 360 parking spaces.

Comparison of Effects

The Project would be superior to this Alternative with respect to biota and parks and recreation. The Alternative would result in comparable impacts as the Project with respect to hydrology and drainage. The Alternative would result in reduced impacts to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), population and housing, public services, public utilities, traffic, and land use.

Finding

The Alternative is rejected because it fails to meet many of the Project objectives. The Alternative would fail to create an integrated, self-contained recreational Marina boating community with contemporary on-water facilities to the same extent as the Project. The Alternative would fail to enhance habitat value by not restoring the existing degraded wetland on Parcel 9U. The Alternative would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities because it would not include a public park. The Alternative would fail to improve public coastal recreational opportunities and provide improved public

pedestrian access to the extent of the Project due to the lack of cohesiveness of the site plan and the lack of inclusion of a public promenade in the Alternative. The Alternative would fail to provide coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan to the extent of the Project due to the reduced development that would be allowed under the Alternative. The Alternative would fail to provide for additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act, to the extent of the Project due to reduced potential for housing under the Alternative. The Alternative would fail to develop an apartment project of sufficient density to support the construction of on-site replacement and inclusionary affordable units in compliance with the County's Mello Act policy to the same extent as the Project due to the reduction in the number of units built under the Alternative. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilities future relocation of public parking in another area of the Marina which will better serve the public due to the limited uses allowed on the Parcel FF site under the Marina del Rey Land Use Plan, which does not currently allow residential uses on Parcel FF. The Alternative would fail to restore and enhance the existing artificially created wetland by creating a wetland park as no wetland park would be built under the Alternative. The Alternative would also fail to generate additional revenues to the County to the same extent as the Project. The level of ground rent is calculated based substantially on the value of the developed Project. With fewer units, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. . The Alternative also fails to provide the other Project benefits discussed herein. For these reasons, the Alternative is rejected as infeasible.

Facts

Under this Alternative, there would be less development on the Project site impacting visual resources, but the development on Parcel 9U of up to 225 feet would still create a significant impact. As a result, while impacts to visual resources would be

reduced under this Alternative, the impacts would, like the Project, still be significant. With respect to air quality, the reduced amount of development would reduce construction air quality impacts, but not to a less than significant level. As a result, the Project and the Alternative would result in a significant impact to air quality during construction. During operation, the Alternative would result in fewer residents and therefore fewer impacts to operational air quality, and, like the Project, would result in a less than significant impact to air quality during operation. Development under this Alternative would not include the Public Wetland Park that is included as part of the Project although the Project and the Alternative would not have any other impacts to biota. As a result, the Alternative would have greater impacts to biota than the Project due to lack of the Public Wetland Park in the Alternative design. Development of the Project site under this Alternative would require less grading than the Project due to the reduced amount of development under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project and, like the Project, are less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar in this regard. This Alternative would reduce the noise impacts over the Project as less development on site would result in less grading and construction, creating less noise. However, like the Project, construction noise levels would still create a significant impact. In operation, the Alternative would result in less traffic and, like the Project, would result in a less than significant impact. The Alternative would include less housing than the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of less housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public services (Fire Protection, Police Protection, Education, Library Services), as the development in the Alternative would be lesser, and less impactful, than the Project. Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would result in impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative would result in reduced traffic when compared to the Project, due to its reduced size, resulting in a less than significant impact for both. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative. With regard to park and recreational impacts, while the Project includes a public park, the Alternative would not. As a result, the Project is considered superior to the Alternative due to the improved access to park and recreational facilities that would result from the Project, although both the Project and the Alternative would have a less than significant impact.

Alternative 3, The "Increased Structure Height" Alternative (applicable only to Parcels 10R and FF)

Under this Alternative, the Project components would remain the same, except that height would be increased on Parcels 10R and FF to accommodate above ground parking, which would reduce air quality impacts from grading to create subterranean parking as part of the Project. In the Project, Buildings 1, 2, and 4 would be up to 55 feet in height and Building 3 would be up to 60 feet in height. In the Alternative, Buildings 1-4 would be up to 75 feet in height.

Comparison of Effects

The Alternative would result in greater impacts to visual resources than the Project. The Alternative would result in less construction noise impacts than the Project. The remainder of impacts from the Alternative would be comparable to the impacts of the Project.

Finding

The Increased Structure Height alternative is rejected as infeasible because it fails to reduce the impacts to construction air quality to a less than significant impact while it increases already significant impacts to visual resources in the area, resulting in greater environmental impacts to the site than the Project. In addition, because the increase in visual quality impacts from the Alternative would be permanent while the increased air quality impacts from the Project would be during construction only, it is preferable to select the project that would result in fewer long-term impacts, namely, the Project.

Facts

Under this Alternative, impacts to visual resources would be greater than the Project due to the increase in height resulting from the addition of above ground parking, incrementally increasing already significant impacts to visual resources when compared to the Project. Short-term air quality impacts related to construction of the Alternative would be reduced when compared to the Project due to a reduction in grading, but, like the Project, the Alternative would still result in a significant impact to air quality. Operational impacts to air quality would be the same in both the Project and the Alternative due to the comparable amount of traffic produced by both, resulting in a less than significant impact. Both the Project and Alternative would have the same less than significant effect on biota, as both would include the same amount of development and the same features, including the Public Wetland Park, and would not have any other effects on biota in the area. The Project's impacts are considered less than significant with respect to geotechnical and soil resources, and while the Alternative would have fewer impacts due to the reduced amount of grading required with elimination of the subterranean parking features, impacts of the Project and the Alternative would remain the same, less than significant. Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, impacts of

both the Project and the Alternative would be similar, and less than significant, in this regard.

While the Alternative would not include the amount of excavation, and the related amount of equipment, that would be required in the Project, the Alternative would require additional construction and pile driving due to its additional height. Thus, construction noise impacts from the Alternative would likely be similar to or greater than the impacts generated by the Project and would, like the Project, be significant. The Project and the Alternative would have comparable operational noise impacts due to the amount of traffic produced by the expected resident population, and, thus, is considered to be less than significant for both the Project and the Alternative. Impacts to population and housing, public services (including fire protection, police protection, education, and library services), public utilities (water service, sewer service, and solid waste service), traffic and access, parks and recreation, and land use would be the same with both the Project and the Alternative due to the same amount of units, development, and features proposed under both the Project and the Alternative.

Alternative 4, The "Density Bonus Associated with Affordable Housing Requirements" Alternative

Under this Alternative, the Project components would be increased to accommodate a twenty-five percent increase in the number of residential units due to Government Code section 65590, entitled "Low and Moderate Income Housing Within the Coastal Zone." All other elements of the Alternative would remain the same as the Project. While the Project includes 526 residential units and occupancy for 789 persons, the Alternative would include 657 residential units and would include occupancy for 986 persons. Due to the increase in units and occupancy under the Alternative, on-site grading requirements and building height would need to be increased to accommodate an additional level of parking and an additional residential level of units for each structure. While all building footprints would remain the same under the Alternative, maximum residential building height would increase from 55 and 60 feet to 70 and 75 feet, respectively.

Comparison of Effects

The Density Bonus Associated with Affordable Housing Requirements Alternative would result in greater impacts to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), population and housing, public services, public utilities, and traffic. The Alternative would result in comparable impacts with the Project in impacts to biota, hydrology and drainage, parks and recreation, and land use.

Finding

The Alternative would result in greater impacts to the environment than the Project and would not reduce any of the environmental impacts of the Project, and, thus, is rejected on environmental grounds. .

Facts

Under this Alternative, impacts to visual resources would be greater than the Project due to the increase in height resulting from the addition of residential units, incrementally increasing already significant impacts to visual resources when compared to the Project. Short-term air quality impacts related to construction of the Alternative would be increased when compared to the Project due to the need for another subterranean parking level, and the related grading required, and to accommodate the additional height required for additional occupancy. Thus, the Alternative, like the Project, would result in a significant impact to air quality. Operational impacts to air quality would be increased due to the increased traffic resulting from the additional amount of residents driving to and from the site, but the Alternative, like the Project, would still result in a less than significant impact to operational air quality. Both the Project and Alternative would have the same less than significant effect on biota, as both would include the same amount of footprint development and the same features, including the Public Wetland Park, and would not impact any other biota in the area. The Project's impacts are considered less than significant with respect to geotechnical and soil resources, and while the Alternative would have greater impacts due to the additional grading required to accommodate an additional level of subterranean parking

features, impacts of the Project and the Alternative would remain the same, less than significant. Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative, as both having the same site footprint and design features. Thus, impacts of both the Project and the Alternative would be similar and less than significant.

The Alternative would increase already significant construction noise impacts from the Project as the building size and height would increase and additional grading for additional parking would be required for the Alternative. The Alternative would generate additional operational noise over the Project but both Project and Alternative operational noise impacts would remain the less than significant. Thus, the Alternative would result in greater impacts to construction than the impacts generated by the Project, although the Project impacts to operation would be greater but less than significant. Impacts of the Alternative to population and housing would, like the Project, result in a less than significant impact, although the provision of additional affordable housing units included in the Alternative makes the Alternative preferable to the Project. Impacts to public services (including fire protection, police protection, education, and library services) resulting from the Alternative would be greater due to the increased population but, like the Project, would still be less than significant. Impacts to public utilities (water service, sewer service, and solid waste service) from the Alternative would also be increased when compared to the Project due to the increase in residents, but impacts from the Alternative like the Project, except to solid waste, would be less than significant. Like the Project, project and cumulative impacts to solid waste from the Alternative would be significant. The Alternative would generate more traffic than the Project, but, like the Project, the Alternative would not result, after mitigation, in a significant impact on traffic. The increase in number of residents in the Alternative over and above those in the Project would result in additional trips that would, like the Project, result in a cumulatively significant impact on traffic. Impacts to parks and recreation and land use would be the same with both the

Project and the Alternative, less than significant, due to the same development and features proposed under both the Project and the Alternative. Impacts to land use are comparable for both the Project and the Alternative due to the same components of each; as a result, the resulting impact would be less than significant for the Project and the Alternative.

Alternative 5, The "Reduced Density" Alternative (Parcels 10R, FF, and 9U)

Description of Alternative

Under the "Reduced Density" Alternative, the project site would be developed at seventy percent of the Project for landside uses only, resulting in a thirty percent density reduction from the Project. As the size of the apartment units and hotel/timeshare guest rooms would be increased, building envelopes under this Alternative would remain the same. The only physical change to the site plan would be the amount of available parking, which would be reduced under the Alternative.

Comparison of Effects

The Alternative would result in comparable impacts to visual resources, biota, hydrology and drainage, project-specific population and housing, parks and recreation, and land use when compared with the Project. This Alternative's impacts to air quality (construction and operation, geotechnical resources and soils, noise (construction and operation), public services, public utilities, traffic and cumulative population and housing would be incrementally reduced.

Finding

While the Alternative would result in fewer and lesser impacts to the environment when compared to the Project, the Alternative is infeasible because it fails to meet several of the Project objectives to the same extent as the Project. Specifically, the Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan, due to the thirty percent reduction in the amount of housing that would be provided in the Alternative. The Alternative would fail to provide additional needed affordable housing

in or near the Coastal Zone, in compliance with the Mello Act, as a reduction in the number of housing units would result in less affordable housing being made available than would otherwise be available as part of the Project. The Alternative also would fail to generate additional revenues to the County in to the same extent as the Project. The level of ground rent is calculated based substantially on the value of the developed Project. Due to the thirty percent reduction in the amount of housing that would be provided, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. Due to the fact that the Alternative fails to meet Project objectives to the same extent as the Project, it is therefore considered infeasible.

Facts

Under this Alternative, while there would be less development on the Project site, the site design would remain the same as the Project, and, thus, the impact on visual resources would remain the same significant impact as the Project. With respect to air quality, the reduced amount of grading required to excavate the reduced parking under the Alternative would reduce air quality impacts, but not to a less than significant level. Thus, air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational impacts to air quality from the Alternative would be reduced due to the fewer trips associated with the site when compared with the Project, but both would result in a less than significant impact. Development under this Alternative would include the restored wetland park that is included as part of the Project and no other impacts to biota; as a result, both would result in a less than significant impact to biota. Development of the Project site under the Alternative would require less grading than the Project due to the reduced amount of parking required under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project and would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both

the Project and the Alternative would be similar in this regard. This Alternative would result in reduced construction noise impacts over the Project as less excavation on site would be required, resulting in less grading and less traffic and creating less noise, but would remain significant. Thus, construction noise impacts would be significant for both the Project and the Alternative. Operational noise impacts for the Alternative would be less than the operational noise impacts from the Project due to the reduced amount of development; the impacts from both the Project and the Alternative would remain less than significant. The Alternative would include less housing than the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of less housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to project-specific population and housing issues; however cumulative population and housing impacts would be less than the Project but still significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative, like the Project, would have less than significant impacts to public services including fire protection, police protection, education, and library services, due to its reduced size when compared to the Project. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size. Like the Project, this Alternative's project-specific traffic impacts would be less than significant. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative, thus resulting in a significant impact. With regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to Park and Recreational resources. Impacts to land use would be the same in both the Project and

the Alternative due to the same site plan and features, and the impacts of both would be less than significant.

Alternative 6, The "Residential Sized Building Height for Parcel 9U" Alternative

Description of Alternative

Under the "Residential Sized Building Height for Parcel 9U" Alternative, the project site would be developed as proposed in the Project on Parcels 10R and FF. The Woodfin Suite Hotel and Timeshare Resort component on Parcel 9U, however, would be modified to accommodate a 5-story, instead of a 19-story, height. This would result in changes to the Woodfin Suite Hotel and Timeshare Resort, including a reduction in the number of rooms from 288 to 75, a reduction in height from 225 feet to 55 feet, elimination of the public serving use portions of the Woodfin Suite Hotel and Timeshare Resort Project (i.e., public restaurant, ballroom/banquet rooms and meeting rooms), and a Hotel and Timeshare Resort that serves longer-term customers.

Comparison of Effects

The Alternative would result in greater impacts to land use than the Project. The Alternative would result in comparable impacts to construction air quality, biota, geotechnical resources and soils, hydrology and drainage, population and housing, and parks and recreation than the Project. The Alternative would result in fewer impacts to visual resources, operational air quality, noise (construction and operation) public services, public utilities, and traffic than the Project.

Finding

The Alternative would fail to meet many of the Project objectives. The Alternative would fail to improve coastal recreational opportunities due to the removal of public-serving uses in reduction of the Resort component, and would also fail to provide improved public pedestrian access to the waterfront due to the reduction in public-serving uses as compared with the Project. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor serving uses in the Coastal Zone in compliance with the Coastal Act due to the vast reduction in size and uses that would be available in the Alternative when compared to

the Project. The Alternative would also fail to generate additional revenue to the County in the form of increased ground rents, fees, and tax revenues, to the extent of the Project. The level of ground rent is calculated based substantially on the value of the developed Project. Due both the reduced size and the reduced amenities that would be provided, this Alternative would support lower ground rents than the Project and pay less fees, thereby generating less revenue to the County. The reduction in hotel rooms would reduce the amount to transient occupancy tax paid to the County. The elimination of the restaurant would deprive the County of sales tax revenue. . The Alternative also fails to provide the Project benefits discussed herein. For these reasons, the Alternative is deemed to be infeasible.

Facts

Under this Alternative, while there would be less and lower-scale development on the Parcel 9U site, the site design for the Alternative would remain the same as the Project. The Parcel 9U portion of the Alternative would be lower in height and would blend better with surrounding uses of like height when compared to the Project. As a result, visual quality impacts of the Alternative would be less than those of the Project due to the reduction in height and, unlike the Project, Alternative impacts would be less than significant. With respect to construction air quality, the reduced amount of building height for Parcel 9U under the Alternative would reduce air quality impacts, but not to a less than significant level. Thus, air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational air quality impacts of the Alternative would be reduced due to the fewer trips associated with the site due to reduced size when compared with the Project, but both would result in a less than significant impact. Development under this Alternative would include the restored wetland park that is included as part of the Project and would not change any impacts to biota when compared to the Project; as a result, both would result in a less than significant impact to biota. Development of the Project site under the Alternative would require less grading than the Project due to the reduced amount of parking required

under the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project but would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both the Project and the Alternative would be similar in this regard. This Alternative would result in reduced construction noise impacts over the Project as less excavation and building on site would be required, resulting in less grading and less traffic and creating less noise. Thus, the Alternative would incrementally reduce noise impacts over the Project, but both would result in a significant impact during construction. During operation, while the Alternative would be smaller and would result in less traffic noise, both the Project and the Alternative would have a less than significant impact on operational noise. The Alternative would not have any affect on population and housing impacts because no change to permanent residents would occur under the Alternative. Thus, project-specific impacts to population and housing from both the Project and the Alternative would be less than significant and cumulative impacts would be significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. Like the Project, however, the Alternative would have significant project-specific and cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. Like the Project, the Alternative would have a less than significant impact on public services including fire protection, police protection, education, and libraries, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size, but both the Alternative and the Project will have less than significant impacts to traffic after mitigation. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative due to additional project

development in the area. The changes between the Project and the Alternative would not change demand on park and recreational resources due to the reduction in only the transient population, which is not expected to use park and recreational resources. Thus, with regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to park and recreational resources. Project Impacts to land use would be comparable in both the Project and the Alternative due to the same site plan and features, and the impacts of both would be less than significant. Like the Project, cumulative land use impacts would be significant.

Alternative 7, The "Marine Oriented Commercial" Alternative (Parcel 9U)

Description of Alternative

Under the "Marine Oriented Commercial" Alternative, the project site would be developed as proposed in the Project on Parcels 10R and FF. The Woodfin Suite Hotel and Timeshare Resort component on Parcel 9U, however, would be replaced instead with 191,664 square feet of commercial space in up to 100 feet in height. No hotel use would occupy Parcel 9U in this Alternative. This Alternative would also include two levels of parking, one of which would be subterranean.

Comparison of Effects

The Alternative would have greater impacts with respect to operational air quality, operational noise, traffic, and land use than the Project. The Alternative would have comparable impacts to biota, hydrology and drainage, population and housing, and parks and recreation when compared to the Project. The Alternative would have fewer impacts to visual resources, construction air quality, geotechnical resources and soils, construction noise, public services, and public utilities than the Project.

Finding

The Alternative would result in more long-term significant impacts to the environment than the Project. In addition, the Alternative fails to meet a key Project objective. Specifically, the Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor-serving uses in the Coastal

Zone in compliance with the Coastal Act. The Alternative also fails to provide the other Project benefits discussed herein. Thus, the Alternative is rejected as infeasible due to its inability to meet this Project objective and due to the increase in long-term impacts to traffic and air quality resulting from the Alternative's commercial use.

Facts

Under the Alternative, while the development on the Parcel 9U site would be lower in height than the Project, the site design would remain the same as the Project. However the Parcel 9U portion of the Alternative would blend better with surrounding uses. As a result, visual quality impacts of the Alternative would be less than those of the Project and, unlike the Project, would be less than significant. With respect to air quality, the reduced amount of building height for Parcel 9U under the Alternative would reduce construction air quality impacts, and the increase in subterranean parking would contribute to construction air quality impacts, so that construction air quality impacts would remain the same—significant—for both the Project and the Alternative. Operational air quality impacts of the Alternative would be increased due to the additional trips associated with the commercial users of the site when compared with the hotel and resort users of Project, so while the Project would result in a less than significant impact to operational air quality, the Alternative would result in a significant impact to operational air quality. Development under this Alternative would include the restored Public Wetland Park that is included as part of the Project and no major wildlife corridors or other biota would be harmed; as a result, both the Project and the Alternative would result in a less than significant impact to biota. Development of the Project site under the Alternative would require more grading than the Project due to the additional amount of parking required under the Alternative to accommodate commercial uses, but impacts to geotechnical and soil resources would remain, like the Project, less than significant.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both

the Project and the Alternative to water quality would be similar in this regard. The Alternative would approximately the same amount of construction as the Project due to the additional excavation on site would be required to accommodate parking for the Alternative. Thus, the Alternative would result in the same construction noise impacts as the Project, resulting in a significant impact during construction. During operation, both the Project would have a less than significant impact with respect to noise, while the Alternative would have a greater impact due to the increase in traffic noise related to the Alternative, resulting in a significant impact. The Alternative would not have any effect on population and housing impacts because no change to permanent residents would occur under the Alternative and, thus, the impact of both the Project and the Alternative are less than significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although the Alternative would have a comparable impact to the Project. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. The Alternative has potential to have a slightly greater impact on public services such as fire protection, police protection, education, and library services due to the increased number of visitors. Overall, however, impacts to public services are expected to be the same with both the Alternative and the Project, resulting in a less than significant impact.

The Alternative would generate substantially more traffic. However, because all traffic impacts of the Alternative can be mitigated, the impacts of the Alternative would, like the Project, be less than significant. However, traffic impacts would still be cumulatively considerable for both the Project and the Alternative. With regard to park and recreational impacts, both the Project and the Alternative would include a Public Wetland Park and both would result in a less than significant impact to Park and Recreational resources. Impacts to land use would be the same in both the Project and the Alternative due to the fact that both the Parcel 9U portion of the Project and the

Alternative provide visitor-serving uses, and the impacts of both would be less than significant.

Alternative 8, The "RV Resort" Alternative (Parcels 10R, FF, and 9U)

Description of Alternative

Under the "RV Resort" Alternative, the project site would be developed as an RV Resort with potential capacity for 130 recreational vehicles. After complete demolition of the Project site, construction would commence to build amenities such as bathroom and shower facilities, reception areas, landscaping, a small area for tent camping, guest parking, and hookups for 130 RVs. No building in this Alternative would exceed one story in height.

Comparison of Effects

The Alternative would result in more impacts to biota than the Project. The Alternative would result in comparable impacts to hydrology and drainage, population and housing, parks and recreation, and land use than the Project. The Alternative would result in fewer impacts than the Project with respect to visual resources, air quality (construction and operation), geotechnical resources and soils, noise (construction and operation), public services, public utilities, and traffic.

Finding

While the Alternative would result in fewer environmental impacts than the Project, the Alternative fails to meet any of the Project objectives. Specifically, the Alternative would fail to create an integrated, self-contained recreational Marina community with contemporary on-water facilities due to its exclusive use as an RV Resort. The Alternative would fail to enhance habitat value by restoring the existing degraded wetland on Parcel 9U due to its failure to include a Public Wetland Park. The Alternative would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities due to its failure to include a Public Wetland Park. The Alterative would fail to provide improved public pedestrian access to the waterfront due to the reduction in use of the site when compared to existing

conditions. The Alternative would fail to provide increased coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified Local Coastal Plan due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to provide additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to develop an apartment project of sufficient density to support the construction of on-site replacement and inclusionary affordable units in compliance with the County's Mello Act policy due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to replace an underutilized parking lot with high quality residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to develop a Hotel and Timeshare resort proximate to the water as additional high-value visitor-serving uses in the Coastal Zone in compliance with the Coastal Act due to the lack of a Hotel and Timeshare resort as part of the Alternative. The Alternative would fail to replace existing non-ADA complaint boating facilities with new, state-of-the-art facilities due to its failure to include public boat slips. The Alternative would fail to replace existing aging housing with new, high quality housing due to the lack of permanent residential units provided at the RV Resort. The Alternative would fail to generate additional revenue to the County in the form if increased ground rents, fees, and tax revenues.. For all these reasons, this Alternative is rejected as infeasible.

Facts

Under this Alternative, there would be less development on the Project site impacting visual resources, and large viewsheds would be available due to the minimal site development on the property. Thus, visual resource impacts would be less than significant and less than with the development contemplated in the Project. With respect to construction air quality, the reduced amount of development would reduce

air quality impacts but not to a less than significant level due to the site grading required during construction. Operational air quality impacts would be reduced when compared to the Project due to the reduction in the number of trips associated with development of the site. As a result, both the Project and Alternative would have less than significant impacts to air quality. Development under this Alternative would not include the restored wetland park that is included as part of the Project; as a result, the Alternative would have greater impacts to biota than the Project, although both would result in a less than significant impact and would not have any other significant impacts on biota. Development of the Project site under this Alternative would require less grading and excavation than the Project due to the reduced amount of development under the Alternative and the lack of the need for subterranean parking, and, thus, impacts to geotechnical and soil resources are less than the Project, although impacts are less than significant for both.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur, and the inclusion of impervious site coverings, on the site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar, and less than significant, in this regard. Construction noise related to the Alternative would continue to exceed noise standards despite the reduced amount of construction required, and as such, like the Project, will result in a significant impact with respect to construction noise. The Alternative would result in less traffic than the Project, and, like the Project, would result in a less than significant impact with respect to operational noise. The Alternative would include no housing, unlike the Project and would, thus, have a lesser impact on population and housing than the Project. However, the Alternative's provision of no housing would also result in the provision of less affordable housing than the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service, although

the Alternative would have a lesser impact than the Project due to the reduced amount of development and regular use. Like the Project, however, the Alternative would have cumulative impacts to solid waste due to ongoing production of solid waste by any development on the Project site. Like the Project, the Alternative would have a less than significant impact on public services (fire protection, police protection, education, and library services) due to the transient and low-intensity use of the Project site. The Alternative would have reduced impacts to traffic when compared to the Project, due to its reduced size and intensity of use, and, like the Project, would result in a less than significant impact. However, traffic impacts would still be cumulatively considerable from both the Project and the Alternative. With regard to park and recreational impacts, while the Project includes a public park, the Alternative would not, although it would contain a recreational use that would be accessible to many. As a result, the Project is considered comparable to the Alternative and both the Project and Alternative result in a less than significant impact to parks and recreation. Due to the fact that the Alternative would result in a visitor serving use like the Project, the Alternative's land use impacts are considered comparable to the impacts from the Project and both result in a less than significant impact.

Alternative 9, The "Marina Plaza" Alternative

Description of Alternative

Under the "Marina Plaza" Alternative, the Project site would instead be used for a hotel project that was previously approved for the site by the California Coastal Commission in 1981. As a result, this Alternative is based on the design and features that were approved for the Marina Plaza project. This Alternative would include a 300-guest room hotel in nine stories, not to exceed 100 feet in height, with an assortment of patron- and visitor-serving uses including restaurants, a bar, a coffee shop, banquet facilities, and meeting rooms. Parking areas and ancillary structures, not exceeding three stories, would occupy the remainder of the Parcel 9U site. The remainder of proposed uses on Parcels 10R and FF would remain as proposed in the Project, but the Public Wetland Park proposal on Parcel 9U is not included in the Alternative.

Comparison of Effects

The Alternative would result in more impacts to biota, parks and recreation, and land use than the Project. The Alternative would result in comparable impacts to operational air quality, geotechnical resources and soils, hydrology and drainage, operational noise, population and housing, public services, public utilities, and traffic when compared to the Project. The Alternative would result in fewer impacts to visual resources, construction air quality and construction noise than the Project.

Finding

The Alternative would fail to meet many of the Project objectives. The Alternative would fail to enhance habitat value by restoring the existing degraded wetland on Parcel 9U, and would fail to create a public park in a location that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities due to its failure to include a Public Wetland Park on Parcel 9U. The Alternative would fail to provide public coastal recreational opportunities and improve public pedestrian access to the waterfront to the same extent of the Project The Alternative would fail to restore and enhance the existing artificially-created wetland by creating a wetland park due to its failure to include a Public Wetland Park. For these reasons, this Alternative has been determined to be infeasible.

Facts

Under this Alternative, there would be lower height development on the Project site impacting visual resources when compared to the Project, but the development on Parcel 9U of up to 100 feet would not be in context with surrounding buildings, which would not exceed 60 feet in height. As a result, while impacts to visual resources would be reduced under this Alternative, the impacts to visual resources, like the Project, would still be significant. With respect to construction air quality, the amount of development and construction required for the Alternative would result in comparable quality impacts to the Project, a significant impact. During operation, the Alternative and Project are expected to generate comparable air quality impacts due to uses and

trips generated by the site, and both the Project and the Alternative would result in a less than significant impact. Development under the Alternative would not include the Public Wetland Park that is included as part of the Project. While no other biotic resources would be affected by either the Project or the Alternative, the implementation of the Park is considered a benefit and, as a result, the Project would be superior to the Alternative with respect to biota, although impacts of both the Project and the Alternative would be less than significant. Development of the Project site under this Alternative would require less grading than the Project due to the reduced amount of subterranean parking proposed with the Alternative, and, thus, impacts to geotechnical and soil resources are less than the Project, although both the Project and the Alternative would result in a less than significant impact.

Like the Project, the Alternative would not substantially alter the amount of site runoff during a 25-year storm event due to the development that would still occur on the site as part of the Alternative. Thus, impacts of both the Project and the Alternative would be similar in this regard and less than significant. The Alternative would result in comparable construction and operational noise impacts when compared to the Project as overall site construction requirements and operational requirements would not vary considerably between the Project and the Alternative. Thus, the Alternative and Project would have the same significant and unavoidable effects with regard to construction noise and the same less than significant impact with regard to operational noise. The Alternative would include the same amount of housing as the Project and would, thus, have the same impact on population and housing as the Project. Impacts of both the Project and the Alternative would result in a less than significant impact to population and housing issues.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service, sewer service, and solid waste service; the Alternative would have a comparable impact than the Project due to only a slight increase in development resulting from the Alternative. Like the Project, however, the Alternative would have project-specific and cumulative impacts to solid waste due to

ongoing production of solid waste by any development on the Project site. The Alternative would have slightly increased impacts to public services including fire protection, police protection, education, and library services, but, like the Project, would remain less than significant due to the comparable size of the Project and the Alternative.

The Alternative would have comparable impacts to traffic when compared to the Project, due to the generation of a comparable number of trips when compared with the Project, resulting in a less than significant impact for both the Project and the Alternative. However, traffic impacts would still be cumulatively considerable for both the Project and the Alternative due to the increase of traffic in the area. With regard to park and recreational impacts, while the Project includes a Public Wetland Park, the Alternative would not. As a result, the Project is considered superior to the Alternative due to the improved access to park and recreational facilities that would result from the Project. Due to the fact that the Alternative would result in the same amount and type of development as the Project, the Alternative's impacts land use impacts are considered comparable to the impacts from the Project and would be, like the Project, less than significant. Like the Project, cumulative impacts under this alternative would be significant.

SECTION 5

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings and incorporated in the Project's Coastal Development Permit, meets the requirements of Section 21081.6 of the Public

Resources Code by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects.

SECTION 6

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to levels of insignificance except for unavoidable significant Project impacts on construction air quality, construction noise, visual resources and solid waste, and unavoidable significant cumulative impacts on construction air quality, construction noise, traffic, population and housing, land use, and solid waste disposal, as identified in Section 2 of these findings. Also, there may be temporary significant Project traffic impacts if implementation of the identified mitigation measures delayed and long-term impacts if for some reason the measures cannot be implemented at all.

Having reduced the significant adverse environmental effects of the proposed Project by approving the Project and adopting the conditions of approval and the mitigation measures identified in the Final EIR, and having balanced the benefits of the Project against the Project's anticipated and potential unavoidable significant adverse impacts, the Commission hereby determines that the benefits of the Project outweigh the anticipated and potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable, based on the following overriding considerations:

(1) The Project will increase coastal housing opportunities that meet projected needs in Marina del Rey by replacing existing, dated development with contemporary multi-family dwelling units with designs that emphasize coastal views, as called for in the Marina del Rey Specific Plan.

(2) The Project will assist in the attainment of basic County goals for the provision of affordable housing by creating coastal housing for those in need of affordable housing.

(3) The Project will restore and enhance habitat value by restoring a degraded wetland and by providing public access to the waterfront through a promenade and public boat slips.

(4) The Project will enhance existing public boat slips by making them compliant with the Americans with Disabilities Act, and therefore making the boat slips accessible to more persons wishing to take advantage of recreational uses in the Marina.

(5) During the construction of the Project, construction related employment would be created. The residential management uses and the hotel and timeshare resort uses will also create permanent employment opportunities.

(6) The Project will result in increased revenues in the form of additional ground rents for the County as the underlying landowner of the property and lessor of the property to the Applicant, as well as increased transit occupancy and sales tax receipts from the hotel and timeshare resort component of the Project.

SECTION 7

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Commission has made one or more of the following findings with respect to each of the significant adverse effects of the Project:

a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the FEIR.

b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR.

To enrich lives through effective and caring service

Los Angeles County Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

MINUTES OF MARINA DEL REY DESIGN CONTROL BOARD

December 17, 2009 2:00 p.m.

Department of Beaches and Harbors
Burton Chace Park
Community Building – 13650 Mindanao Way
Marina del Rey, CA 90292

Members Present:	Peter Phinney, A.I.A., Chair, Fourth District Helena Lin Jubany, First District Tony Wong, P.E., Fifth District
Members Absent:	Simon Pastucha, Vice-Chair, Third District David Abelar, Second District
Department Staff Present:	Santos Kreimann, Director Gary Jones, Deputy Director Charlotte Miyamoto, Chief, Planning Division Ismael Lopez, Planner Teresa Young, Secretary
County Staff Present:	Tom Faughnan, Principal Deputy County Counsel Michael Tripp, Department of Regional Planning
Guests Testifying:	Aaron Clark, Armbruster Goldsmith & Delvac, LLP Gin D. Wong, Wong & Associates Ben Ryan, The Hardage Group Justin Wortman, Gin Wong & Associates Aram Chahdazian, Architect for Legacy Partners Sean McEachern, Legacy Partners

1. **Call to Order, Action on absences and Pledge of Allegiance**
Mr. Phinney called the meeting to order at 2:02 p.m. and Mr. Wong led the Pledge of Allegiance

Mr. Wong (Phinney) moved to excuse Mr. Pastucha and Mr. Abelar from the meeting {Unanimous consent}

2. **Approval of the DCB minutes**

Mr. Wong (Phinney) moved to approve November 19, 2009 minutes with the following changes (underlined):

- On page one of the minutes **Mr. Phinney is the Chair** of the Design Control Board and **Simon Pastucha is the Vice-Chair**

3. **Design Control Board Reviews**

A. Parcel 50 - Marina West Center - DCB #09-018
Approval of the record of the DCB October 22, 2009 action continued from the November 19, 2009 meeting approving signage for Affordable Portables, a new tenant

Mr. Wong (Jubany) moved to approve DCB Review #09-018 as submitted {Unanimous consent}

B. Parcel 95 - Marina West Center - DCB #09-017-B
Approval of the record of the DCB November 19, 2009 action approving permanent signage for Images Furniture Warehouse, a new tenant

Mr. Wong (Jubany) moved to approve DCB Review #09-017-B as submitted {Unanimous consent}

C. Parcel 7 - Tahiti Marina - DCB #09-019
Approval of the record of the DCB November 19, 2009 action approving new dock gates

Ms. Jubany (Wong) moved to approve DCB Review #09-019 as submitted {Unanimous consent}

4. **Consent Agenda**

None

5. **Old Business**

A. 2010 DCB Meeting Schedule
Further consideration of the 2010 DCB Meeting Schedule

Ms. Miyamoto stated that alternative meeting times were reviewed and due to scheduling conflicts some of the DCB members had, the best alternative was the third Wednesday of each month with meetings beginning between noon and 2 p.m.

Public Comments
None

Board Comments
Mr. Phinney expressed appreciation for staff's work in assembling the proposed schedule to work around his teaching schedule and Mr. Abelar's evening meeting conflicts. He then suggested 12:30 p.m. as the starting time

Mr. Wong suggested the approval of the calendar with the condition the two absent Board members have the opportunity to review the schedule

Mr. Wong (Jubany) moved to approve the 2010 DCB schedule as submitted with meetings on the third Wednesday, starting at 12:30 p.m., subject to review by absent DCB members {Unanimous consent}

B. Parcel 9 - Woodfin Hotel and Timeshare Resort - DCB #04-015-C
Further consideration of waterfront pedestrian promenade

Mr. Lopez gave an overview of the project

Mr. Ryan commented on the Regional Planning Commission meeting on October 14, 2009 where they were asked to present promenade improvements. He also provided details about the development's amenities and Variance to eliminate the 10-foot setback from the promenade

Mr. G. Wong described promenade improvements

Public Comments
None

Board Comments
Mr. Wong suggested the Applicant incorporate green building features, such as solar panels

Mr. Ryan, Mr. Clark and Mr. G. Wong noted that solar panels would be considered and that the project would meet the County's new green building ordinance

Ms. Jubany asked that when the Applicant returns to the DCB for final design review following entitlement approvals, they clearly delineate all new amenities including water taxi gate and shading improvements. The water taxi gateway canopy should cantilever over the water without obstructing water views and without surcharging the sea wall. This will extend the visual impact of the 28'-wide promenade. She added that paving, lighting, furniture and railing design needs to be coordinated with the parcels on either sides

Mr. Phinney asked Mr. Tripp to convey to the Regional Planning Commission the DCB's appreciation for sending the projects back to the DCB for architectural input

Mr. Phinney requested the Applicant and staff to research other agency water taxi stops and consider a unifying element such as a banner that could be used at all water taxi stops

Mr. Phinney concurred with Ms. Jubany's comments on the cantilever of the canopy and the coordination of the promenade paving and improvements with the adjacent parcels. He suggested a small canopy on the promenade with a larger canopy built on the dock

Mr. Phinney noted that palm trees are typically not approved by the DCB or Coastal Commission because many species are not drought tolerant

Mr. G. Wong commented that palm trees were proposed instead of tree species with canopies that may interfere with the Fire Department's access on the promenade

Ms. Jubany said she would like the DCB to review the Board Review of this item before it is submitted to Regional Planning

Ms. Miyamoto indicated the Board Review will be detailed

Mr. Tripp advised that the Regional Planning Commission wanted the promenade to be more welcoming

Mr. Wong (Jubany) moved to approve the project as submitted on DCB #04-015-C with the condition that the Applicant return post entitlement for final approval of landscape, lighting, signage, color and materials {Unanimous consent}

C. Parcels 10/FF - Neptune Marina - DCB #04-014-C
Further consideration of waterfront pedestrian promenade

Mr. Lopez gave an overview of the project

Mr. McEachorn discussed additional details considered for the promenade including sitting areas and planters

Mr. Chahdazian described the promenade improvements

Public Comments
None

Board Comments
Ms. Jubany noted the promenade paving pattern where vehicles have access should be differentiated to alert pedestrians

Ms. Jubany raised questions about the raised planter and asked they be reduced in height and scale so as to eliminate the notion of a barrier plus provide informal seating for the pedestrian. She expressed liking the unshaded benches that could be more of a sculpture and therefore beautiful and iconic. Ms. Jubany reiterated the need for coordination of the paving design where the promenade terminates at the adjacent parcels. She appreciated the proposed promenade furniture and light fixtures, but suggested establishing a creative design theme that is not cartoonish

Mr. Phinney commented on the elevation of the courtyards in relation to the promenade and accessibility to the public

Mr. Phinney asked that the porthole windows at the base of the buildings be rethought

Mr. Wong (Jubany) moved to approve DCB #04-014-C with the condition that a final design be submitted post-entitlement {Unanimous consent}

6. **New Business**

A. Board Review Approval Process

Discuss alternatives to the existing Board Review approval process

Ms. Miyamoto gave an overview of the project

Public Comments

None

Board Comments

Mr. Phinney noted that this process was an attempt to streamline the approval of all projects beginning in January 2010 whereby before the end of the meeting, staff would restate the DCB's motion and conditions of approval for those items selected by the Board

Ms. Miyamoto advised this would eliminate the 30-day wait period for the Board Reviews, as currently processed. The Board may elect to have any Board Review return the following meeting for consideration

Ms. Jubany (Wong) moved to approve the new Board Review process as suggested by Mr. Phinney {Unanimous consent}

7. **Staff Reports**

All Staff Reports were received and filed

Mr. Wong left the Design Control Board meeting at 3:40 pm because no further official action was required and quorum was lost

Ms. Miyamoto commented on the Local Coastal Program Periodic Review noting that the County is continuing to prepare the response document that is planned for submittal to the Coastal Commission by April 29, 2010

Mr. Tripp noted that the redevelopment project proposed for Parcels OT and 21 would return to DCB for additional review of pedestrian connections and promenade details, respectively before returning to the Planning Commission on April 7, 2010

Mr. Phinney suggested revisions to the Development Project Status Report to include the number of the projects in the Project Report Key Map on the waterside for waterfront projects listed, especially numbers 14 and 16

8. **Public Comments**

None

Adjournment

Mr. Phinney (Jubany) moved to adjourn the Design Control Board meeting at 3:46 p.m. {Unanimous consent}

Respectfully Submitted,

Teresa Young
Secretary for the Design Control Board

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

January 21, 2010

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

FROM: Samuel Dea, Section Head
Special Projects Section

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

A continued public hearing on the above-mentioned projects was held before the Regional Planning Commission on October 14, 2009. At this hearing the Commission heard staff's presentation and additional testimony from the applicants and members of the public. At the conclusion of the hearing, Commissioner Valadez stated her opinion that the applicants had not provided sufficient evidence to justify the Commission's approval of their requested Variances allowing zero-foot building setbacks from their respective waterfront pedestrian promenades. Commissioner Valadez indicated that, prior to the Commission acting on the requested building setback Variances, the applicants should be remanded back to the Department of Beaches & Harbors' Design Control Board (DCB) so that the DCB could evaluate and provide the Commission written comments regarding the enhanced waterfront public promenade amenity plans to be submitted by the applicants. Commissioner Helsley concurred that the waterfront promenade amenity plans being proposed by the applicants warranted enhancement. The Commission then continued the hearing to February 3, 2010 and directed staff to prepare the Final Environmental Impact Report and complete the final findings and conditions of approval for the Commission's consideration. The applicants presented their revised projects to the Design Control Board on December 17, 2009. The projects were approved by the Design Control Board with conditions (Attachment).

October 29, 2008 Public Hearing

On October 29, 2008, your commission conducted a public hearing on the above-mentioned projects (Project). At that hearing, your commission heard the staff presentation and testimony from the project applicants and interested members of the

public. Unfortunately, due to time constraints, public testimony was not heard on Project Nos. R2006-03643 and R2006-03644. Commissioners Bellamy, Rew, Valadez and Modugno were present at the hearing. Commissioner Helsley was absent.

Your commission continued the hearing to November 5, 2008 and directed staff to determine possible hearing dates when the commission may hold a hearing in the community of Marina del Rey. Your Commission also instructed staff to arrange a field trip to visit all of the proposed project sites which would allow the Commission to better understand the Project. At the November 5, 2008 continued hearing, your commission chose November 22, 2008 to hold the community hearing and field trip.

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

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

August 8, 2009 Field Trip

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

August 12, 2009 Public Hearing

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

Final Environment Impact Report

The environmental consultant has informed staff that, due to the volume of responses to address, the document will not be complete on time for the February 3rd continued hearing. In order to have time to correctly complete this task, staff is requesting that the hearing be continued to March 10, 2010, to provide a complete document for the Commission's consideration.

STAFF RECOMMENDATION

Staff recommends that the Regional Planning Commission continue the public hearing to March 10, 2010.

Suggested Motion: "I move that the Regional Planning Commission continue the public hearing to March 10, 2010 so that the Final Environmental Impact Report and associated documents may be completed"

SZD:mrt
01/21/10

To enrich lives through effective and caring service

LOS ANGELES COUNTY
Department of Beaches & Harbors

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

DESIGN CONTROL BOARD REVIEW
DCB #04-015-C

PARCEL NAME: Woodfin Hotel and Timeshare Resort

PARCEL NUMBER: 9

REQUEST: Further consideration of the waterfront pedestrian promenade

ACTION: Approved with conditions

CONDITIONS:

1. Applicant shall follow all previous conditions stated in the Board Review for DCB #04-015-B, approved on June 29, 2006;
2. Applicant to consider installation of solar panels;
3. All new promenade amenities shall be clearly delineated in the submittal for final post-entitlement Design Control Board (DCB) review, which shall include water taxi gate and shading improvements;
4. Paving, lighting, promenade furniture, and railing design shall coordinate with the design of the Neptune Marina/Legacy parcel. A transitional paving design at the edge with the other adjacent parcel (Parcel 8) should also be incorporated;
5. Applicant and staff to research water taxi stops and consider a unifying design element that can be found at all of the other stops within the Marina;
6. Consider a smaller water taxi canopy on the promenade and a larger canopy installed on the dock;
7. If palm trees need to be used to avoid impairment with fire access, consider a drought tolerant variety; and
8. Return to the DCB for post-entitlement review and approval.

MEETING DATE: December 17, 2009

To enrich lives through effective and caring service

Los Angeles County
Department of Beaches & Harbors
Caring for Your Coast

Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

DESIGN CONTROL BOARD REVIEW
DCB #04-014-C

PARCEL NAME: Neptune Marina/Legacy

PARCEL NUMBERS: 10 and FF

REQUEST: Further consideration of the waterfront pedestrian promenade

ACTION: Approved with conditions

CONDITIONS:

1. Applicant shall follow all previous conditions stated in the Board Review for DCB #04-014-B, approved on June 29, 2006;
2. Raised planters along the promenade and courtyards shall be reduced in height to eliminate the notion of a barrier and to allow them to be used as informal public seating areas;
3. The paving pattern should be differentiated where vehicles have access to the promenade;
4. Consider unshaded benches that could be more artistic and iconic;
5. Coordinate paving design where the promenade terminates at each end with the design at both adjacent parcels (Parcels 8 and 9);
6. Establish a creative design theme that is less whimsical for the proposed promenade furniture and light fixtures;
7. Address public accessibility in the elevations of the courtyards in relation to the promenade;
8. Rethink the porthole windows at the base of the buildings; and
9. Return to the Design Control Board for post-entitlement review and approval.

MEETING DATE: December 17, 2009

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

NOTICE OF PUBLIC HEARING
AND AVAILABILITY OF RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR STATE CLEARINGHOUSE NUMBER # 2007031114

PROJECT NOS.:

R2006-03647 (400-unit Neptune Marina Apartment complex proposed on Marina del Rey Parcel 10R);
R2006-03652 (126-unit Neptune Marina Apartment complex proposed on Marina del Rey Parcel FF);
TR067861 (288-room hotel and timeshare resort, with 152 hotel suites and 136 timeshare units, proposed on the northern portion of Parcel 9U);
R2006-03643 (Wetland and upland park proposed on the southern portion of Parcel 9U);
R2006-03644 (Public anchorage proposed in the basin adjacent to Parcel 9U).

Notice is hereby given that the Regional Planning Commission will conduct a public hearing concerning these land use proposals on Wednesday, August 12, 2009 at 6:00 p.m. at the **Burton W. Chace Park** community room, located at 13650 Mindanao Way, Marina del Rey, California 90292. Interested persons will be given an opportunity to testify. (The Regional Planning Commission conducted its initial public hearing on these land use proposals on October 29, 2008 at the Commission's downtown Los Angeles hearing chambers located at 320 W. Temple Street, Los Angeles. At the conclusion of this public hearing, after receiving a staff report, presentations from the project applicants and public testimony both for and against the proposals, the Commission indicated its intent to conduct a field trip to the subject properties and to subsequently conduct a public hearing regarding the land use proposals at a location within in the Marina del Rey community.)

LAND USE ENTITLEMENTS: The Regional Planning Commission will consider the above-mentioned projects, their associated entitlements and the entire Draft Environmental Impact Report that has been prepared for the projects.

LOCATION OF SUBJECT PROPERTIES: The subject properties are located on the westerly side of Marina del Rey at the northeast corner of Via Marina and Marquesas Way (Parcel FF), the southeast corner of Via Marina and Marquesas Way (Parcel 10R) and the northeast corner of Via Marina and Tahiti Way (Parcel 9U) in the Playa Del Rey Zoned District.

These cases do not affect the zoning of the surrounding properties. If you are unable to attend the public hearing but wish to send written comments, please write to the Regional Planning Commission, 320 West Temple Street, Los Angeles, California 90012. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised at the public hearing or by written correspondence delivered to the Regional Planning Commission at or prior to, the public hearing.

The County of Los Angeles Department of Regional Planning, acting in the capacity of a Lead Agency under the County Environmental Document Reporting Procedures and Guidelines, Chapter III, Section 304, has filed a Notice of Completion of a Recirculated Draft Environmental Impact Report for the project. This document has been prepared in accordance with, and pursuant to, the California Environmental Quality Act (CEQA), as amended; Public Resources Code, Sections 21000-21178; and the Guidelines for California Environmental Quality Act Guidelines (State CEQA Guidelines), California Code of Regulation, Title 14, Chapter 3, Sections 15000-15387, especially Section 15088.5. The EIR addresses selected environmental factors having a potential for significant impacts under the regulations and guidelines cited above. The Recirculated Draft EIR concludes that the project design and implementation including suggested mitigation measures will result in significant residual impacts in short-term construction noise and vibration impacts, short-term cumulative construction noise and vibration impacts, short-term construction air quality impacts, cumulative construction air quality impacts, visual resource impacts, cumulative traffic impacts, project-specific and cumulative solid waste impacts, and cumulative population and housing impacts that cannot be fully mitigated.

The formal public review period for the Recirculated Draft EIR will be for a period of 45 days, from **June 11, 2009 to July 27, 2009**. Written comments received on the Recirculated Draft EIR prior to the close of the public hearing on the project will be considered in the Final EIR. Written comments should be submitted to Mr. Michael Tripp, Department of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, California 90012. The Recirculated Draft Environmental Impact Report and the original Draft EIR of September 2008 (on CD-ROM) will be available for review at the following libraries: **Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292; Venice-Abbot Kinney Memorial Library (City of Los Angeles), 501 S. Venice Boulevard, Venice, CA 90291; and Culver City Julian Dixon Library, 4975 Overland Avenue, Culver City, CA 90230**

Case materials are available for review between 7:30 a.m. and 6:00 p.m., Monday through Thursday **(our offices are closed on Fridays)** in the offices of the Department of Regional Planning, Hall of Records, Room 1362, 320 West Temple Street, Los Angeles, California 90012. Selected materials are also on the Regional Planning website at http://planning.lacounty.gov and at the following locations:

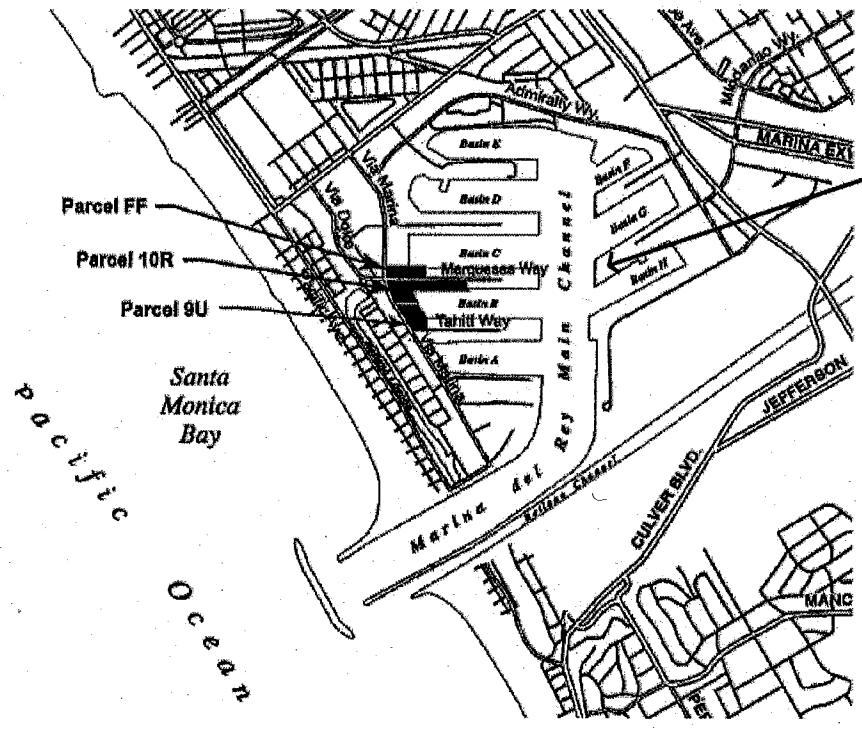
Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292; Venice-Abbot Kinney Memorial Library (City of Los Angeles), 501 S. Venice Boulevard, Venice, CA 90291; and Culver City Julian Dixon Library, 4975 Overland Avenue, Culver City, CA 90230.

Additional information concerning this case may be obtained by telephoning Mr. Michael Tripp at (213) 974-4813 between 7:30 a.m. and 6:00 p.m., Monday through Thursday. **Our offices are closed on Fridays.** Callers from North County areas may dial (805) 272-0964 (Antelope Valley) or (805) 253-0111 (Santa Clarita) and then ask to be connected to 213-974-4813.

"Este es un aviso de una audiencia pública de acuerdo al Decreto de la Protección del Medio Ambiente de California. La audiencia pública considerará los proyectos mencionados arriba, los títulos y el reporte preeliminar de impacto ambiental asociados a esos proyectos y tendrá lugar el dia 12 de agosto de 2009. Si necesita mas información, o si quiere este aviso en Español, favor llamar al Departamento de Planificación al (213) 974-1522."

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".

Project Sites



Notice of Preparation

The Neptune Marina Apartments and Anchorage/ Woodfin Suite Hotel and Timeshare Resort Project

Marina del Rey, California

Parcel 10R
Project No. R2006-03647
RCDPT200600008
RCUPT200600289
RENVT200600217
RPAT200600013
RVART200600013

Parcel FF
Project No. R2006-03652
RCDPT200600009
RCUPT200600290
RENVT200700024
RPAT200600014
RVART200600014
RPKPT200600021

9U North
Project No. R2006-03643
RCDPT200600006
RENVT200600216
TR067861

9U South
Project No. R2006-03644
RPPT200602191

Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

March 2007

Notice of Preparation

The Neptune Marina Apartments and Anchorage/ Woodfin Suite Hotel and Timeshare Resort Project

The County of Los Angeles will be the Lead Agency and will prepare a single Environmental Impact Report (EIR) for the projects identified below. In compliance with Section 15082 of the *California Environmental Quality Act (CEQA) Guidelines*, the County of Los Angeles is sending this Notice of Preparation (NOP) to each responsible and federal agency and interested parties involved in approving the project and to trustee agencies responsible for natural resources affected by the project. Within 30 days after receiving the NOP, each agency and interested party shall provide the County of Los Angeles with specific details about the scope and content of the environmental information related to that agency's area of statutory responsibility. Potential responsible agencies for these projects are considered to be the California Coastal Commission, California Department of Fish and Game and the U.S. Army Corps of Engineers.

The purpose of this NOP is to solicit the views of your agency as to the scope and content of the environmental information germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The review period for the NOP will be from March 22 to April 21, 2007. Due to the time limits mandated by state law, your response must be received by our office at the earliest possible date, but not later than April 21, 2007. Please direct all written comments to Mr. Rick Kuo, County of Los Angeles Department of Regional Planning, 320 West Temple Street, Room 1348, Los Angeles, California 90012, Telephone (213) 974-6461, Fax (213) 626-0434. In your written response, please include the name of a contact person in your agency.

1.0 PROJECT DESCRIPTION

1.1 Project Location

The proposed Neptune Marina Apartments and Anchorage and Woodfin Suite Hotel/Timeshare Resort project site (**Figure 1**) is located in the western portion of the Marina del Rey small-craft harbor. Specifically, the project site totals 13.03 landside acres and 4.68 waterside or submerged acres. This project involves Marina del Rey Parcels 10R, FF, and 9U as depicted on **Figure 2**.

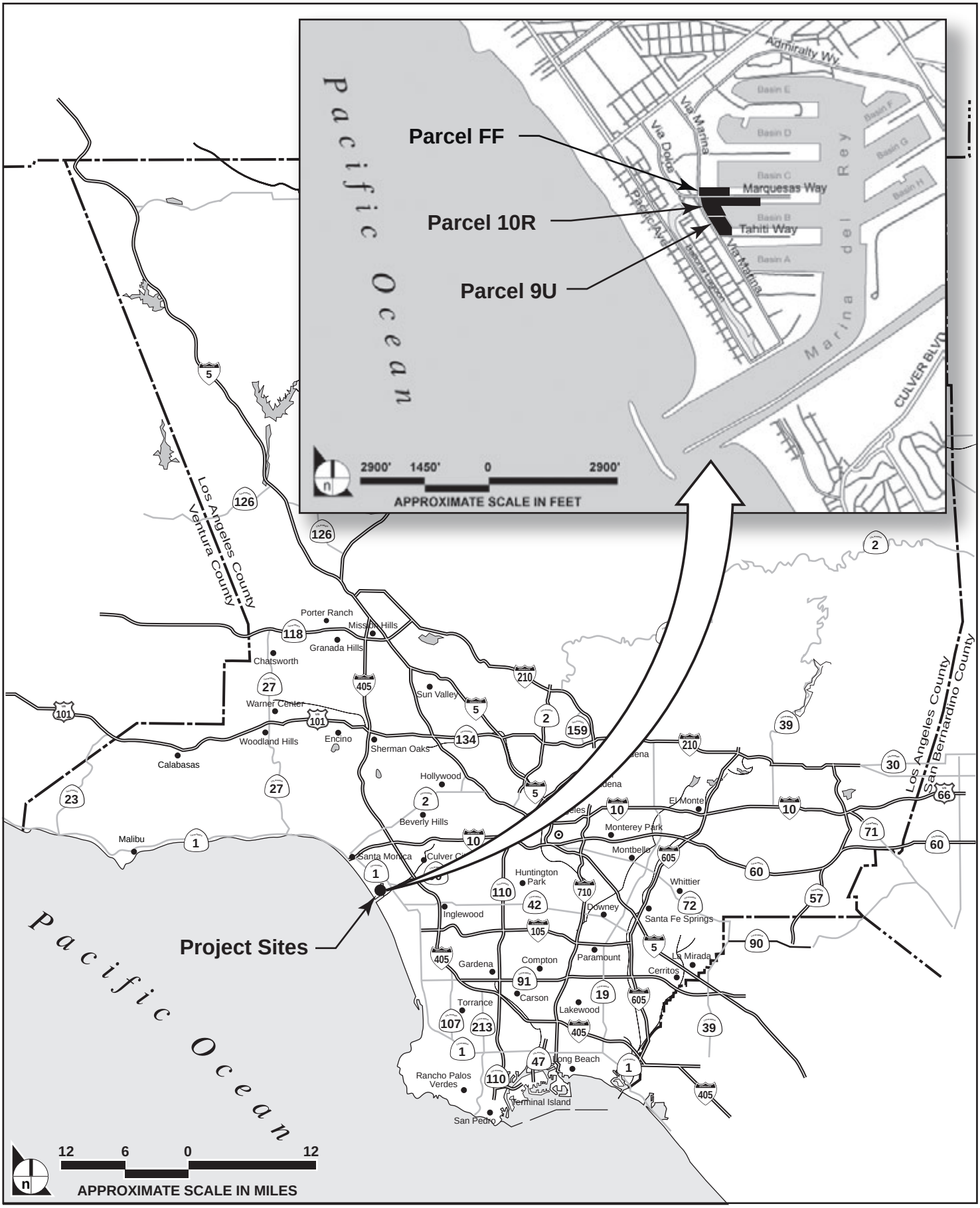
Parcel 10R is a rotated L-shaped site that wraps partially around "Basin B" of the Marina del Rey small-craft harbor. The parcel consists of a total of 7.32 landside acres and 4.68 waterside or submerged acres. The perimeter of the site is bordered to the west by Via Marina and to the north by Marquesas Way. Marina del Rey Parcel 9U forms the southern boundary of the landside portion of the parcel, while Marina del Rey Parcel 12R forms the easternmost boundary on the landside portion of the parcel. The site perimeter extends into the waters of Basin B to the south and east.

Parcel FF is a rectangular site that lies on the southwest corner of "Basin C" of the Marina del Rey small-craft harbor. The parcel consists of 2.05 landside acres and borders the waterfront along approximately 200 linear feet of the site. The perimeter of the site is bordered to the west by Via Marina and to the south by Marquesas Way. Its easternmost boundary is formed by Marina del Rey Parcel 13R. Marina del Rey Parcel 15U and the waters of Basin C comprise the northern boundary of the site.

Parcel 9U consists of 3.66 landside acres and is bound by Marina del Rey Parcel 10R to the north, Via Marina to the west, Basin B of Marina del Rey to the east and Tahiti Way to the south.

1.2 Overview of Site Plan

Figure 3 illustrates a conceptual site plan for the proposed Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort project (Neptune Marina/Woodfin Suite Hotel/Timeshare Resort project, or project). The project consists of five components, each requesting a separate coastal development permit, that include (1) Neptune Marina Apartments and Anchorage on Parcel 10R; (2) Neptune Marina Apartments on Parcel FF; (3) Woodfin Suite Hotel/Timeshare Resort on the northern portion of Parcel 9U; (4) a 1.46-acre restored public wetland and upland park area on the southern portion of Parcel 9U; and (5) a public/"transient" boat anchorage proximal to Parcel 9U within Marina del Rey Basin B. It is important to note that Components 4 and 5 are project features of the Neptune Marina development on Parcel FF (Component 2) and are necessary for the Parcel FF approval.

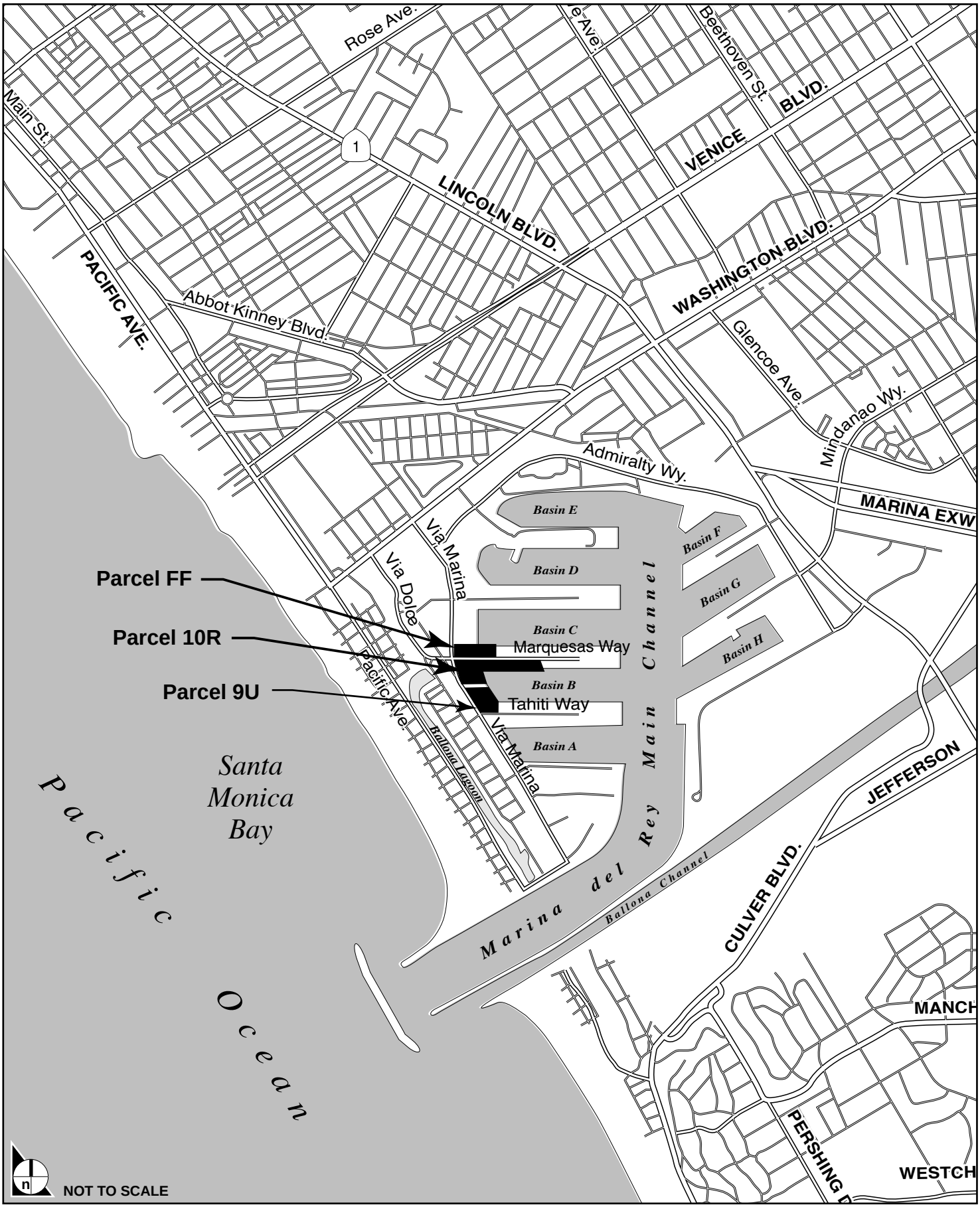


SOURCE: Impact Sciences, Inc. – October 2006

FIGURE **1**

Regional and Local Site Vicinity

460-04•10/06

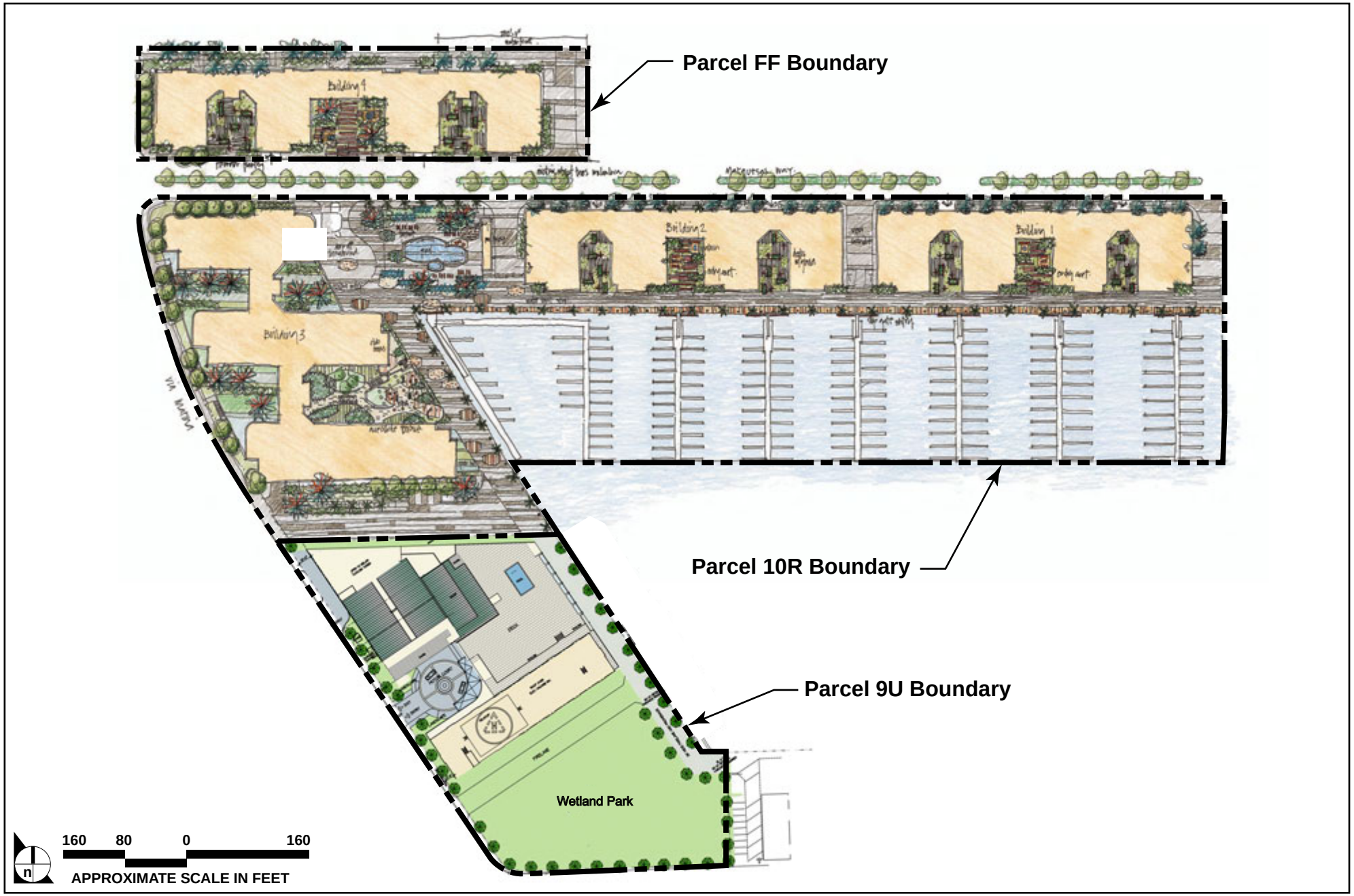


SOURCE: Impact Sciences, Inc. – October 2006

FIGURE **2**

Marina del Rey Parcels 10R, FF, and 9U

460-04•10/06



SOURCE: Thomas P. Cox: Architects, Inc. – March 2006, Gin Wong Associates – February 2006

FIGURE **3**

Conceptual Site Plan; Neptune Marina/Woodfin Suites Hotel/Timeshare

460-04•03/07

Component 1 includes the landside and waterside development of Parcel 10R and is referred to as "Neptune Marina Parcel 10R." Landside development consists of the removal of 136 existing apartment units and construction of a 400-unit, multi-family, residential apartment community consisting of three structures, 909 parking spaces and a waterfront public pedestrian promenade. Buildings 1 and 2, which front on the Marquesas Way mole road, would not exceed 55 feet, while Building 3, which fronts on Via Marina, would not exceed 60 feet (exclusive of appurtenant, screened rooftop equipment, parapets and architectural features) when measured from finished grade elevations along Via Marina and Marquesas Way. These structures front Marquesas Way and Via Marina and are located generally southeast of this intersection. The project would also include an approximately 0.25-mile-long (1,437 linear feet) public waterfront pedestrian promenade. Construction staging would occur on site and on Parcel FF.

The waterside portion of Parcel 10R would be comprised of a small craft anchorage consisting of 174 boat spaces that would replace an existing marina containing 198 boat spaces which have deteriorated over time. The anchorage would provide users with water and electrical service and a sewage pump out station. The 161 proposed private boat slips (in association with the Neptune Marina Project Parcel 10R) are wide enough to accommodate modern boat designs and boats up to 40 feet. Larger boats could be accommodated at the 13 proposed end-tie spaces (161 + 13 = 174 total marina spaces). Note that the reduction in 24 boat spaces between the existing 198-space marina and the proposed 174-space marina results directly from achieving compliance with California Department of Boating and Waterways and Americans with Disabilities Act standards and requirements.

Component 2 includes the development of Parcel FF and is referred to as "Neptune Marina Parcel FF." Development consists of a 126-unit, residential apartment community comprised of one structure and 243 parking spaces. The project would also include 200 feet of public waterfront pedestrian promenade, consistent with Local Coastal Program (LCP) requirements. Height of the proposed building (Building 4) would not exceed 55 feet (exclusive of appurtenant, screened rooftop equipment, parapets and architectural features) when measured from finished grade elevations along Via Marina and Marquesas Way. This structure would front on Marquesas Way, located generally northeast of this intersection. Construction staging would occur on-site and on Parcel 10R.

Component 3 includes the development of the northerly approximately 2.20 acres of Parcel 9U and is referred to as the Woodfin Suite Hotel and Timeshare Resort. This project component is comprised of a hotel/timeshare resort with 288 hotel and timeshare suites (152 conventional hotel suites and 136 timeshare suites) and an assortment of accessory patron- and visitor-serving uses (including a waterfront restaurant with indoor and outdoor/terrace dining areas, cocktail lounge, resort pool and spa and sundry shop) contained in a 19-story structure on the southern side of the resort complex. Consistent with LCP

building height requirements for Parcel 9U, the height of the tower would not exceed 225 feet (exclusive of appurtenant, screened rooftop equipment, parapets, and architectural features) when measured from the finished grade. The resort structure is planned on the northern portion of Parcel 9U and fronts Via Marina. Like Components 1 and 2, the project would also include a public waterfront pedestrian promenade and structured parking (360 parking spaces) for the hotel/timeshare resort (the resort parking garage would adjoin and be sited northerly of the hotel/timeshare resort structure).

Component 4 consists of a 1.46-acre restored public wetland and upland park that would be constructed on the southern portion of Parcel 9U. This represents a significant new public environmental and recreational park amenity for the Marina del Rey LCP and Marina del Rey community.

Component 5 consists of a public transient boat anchorage that would be situated proximal to Parcel 9U within Marina del Rey Basin B. This public anchorage would contain approximately 2,923 square feet of dock area and would provide approximately 524 linear feet of transient boat docking space. It is estimated that the public anchorage will be able to provide berthing for between 7 and 11 "transient" boats (depending on the size of the vessels using the anchorage at any time) plus three side-ties for smaller dinghy boats at the north end of the public anchorage. Similar to the public wetland park proposed for development on the southerly portion of Parcel 9U, this public anchorage represents a significant new public boater-serving amenity for the Marina del Rey Local Coastal Program and Marina del Rey community.

The Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort project would, therefore, consist of 526 residential dwelling units, 288 hotel and timeshare suites with accessory patron- and visitor-serving uses, 174 private and up to 11 public or "transient" boat spaces and a 1.46-acre restored public wetland and upland park. At present, there are 136 existing apartment units and 198 boat spaces on Parcel 10R and a surface parking lot containing 206 parking spaces on Parcel FF. Parcel 9U is a vacant, fenced parcel containing the remains of an abandoned hotel construction project. A depression occurs on Parcel 9U that has, over time, developed into a low-quality wetland of 0.47 acre under the Coastal Act regulations. Therefore, completion of the proposed project would result in a net increase of 390 apartment units, 288 hotel and timeshare suites, berthing spaces for approximately 185 boats (as many as 11 of which will be public/"transient" boat spaces), and a 1.46-acre public park consisting of 0.47 acre of restored wetland and 0.99 acre of upland park area.

For the apartment and hotel/timeshare project components, emphasis has been placed on a design that balances public and private views of the marina and enhancement of the pedestrian experience adjacent to the water. A major feature of the project that unifies and integrates the residential units, the

hotel/timeshare resort, the public wetland and upland park and the adjacent marina is a 28-foot-wide public pedestrian walkway between the buildings and the anchorage, the "Waterfront Stroll Promenade."

1.2.1 Components 1 and 2: Neptune Marina

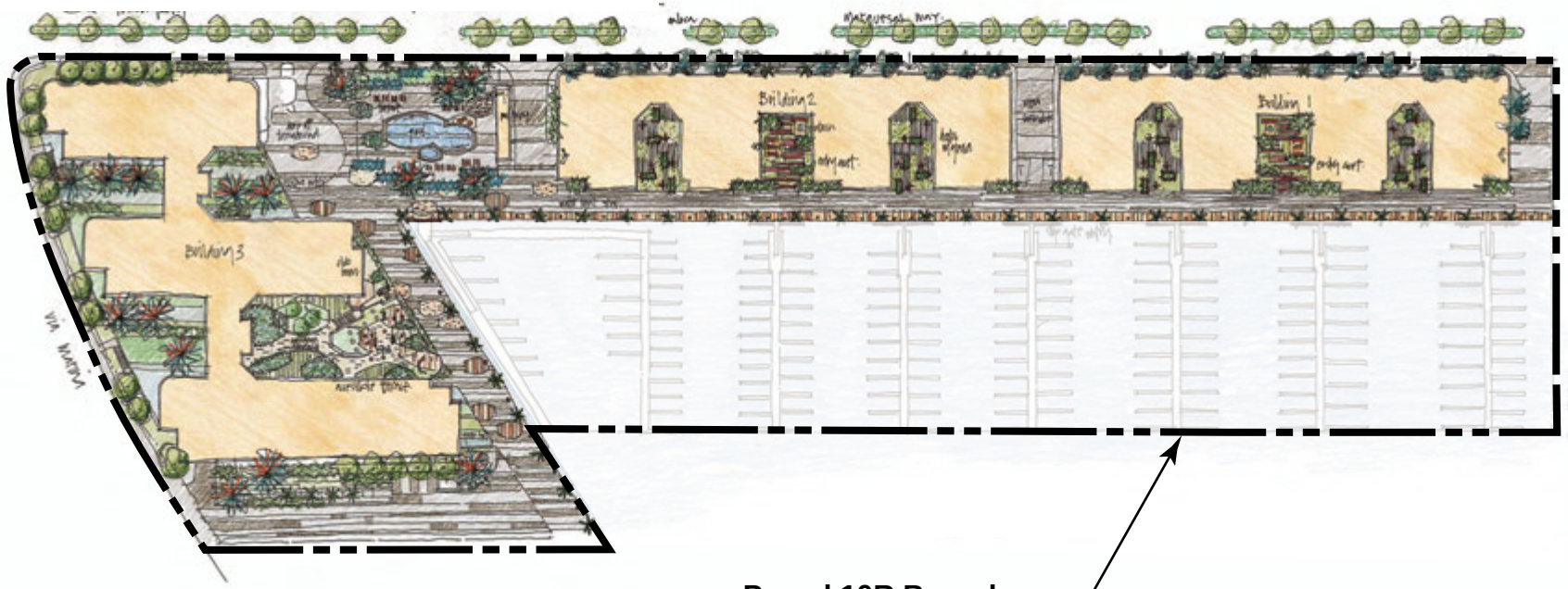
1.2.1.1 Residential Units: Neptune Marina Project (Parcels 10R and FF)

As proposed, the Neptune Marina Apartments and Anchorage consists of four new residential structures with each being four stories above two levels of parking (six total levels). Three buildings (Buildings 1, 2 and 3) are situated on Parcel 10R and south of Marquesas Way, while one building (Building 4) is situated north of Marquesas Way on Parcel FF (**Figure 3**). Within the four structures, 526 residential units are proposed that include rental apartment and rental townhome units. The design of the residential component of the project emphasizes a relationship to the waterfront. Building orientations have been configured to ensure direct pedestrian access to the Waterfront Stroll Promenade, a portion of which fronts on the proposed Neptune Marina Anchorage (Parcel 10R only). There are multiple points for the public to have unimpeded access to the Waterfront Stroll Promenade and the marina. The apartment structures have been separated to the maximum extent feasible to allow for unobstructed view corridors, consistent with LCP requirements.

One- and two- bedroom rental units are proposed in 11 different floor-plan configurations. As defined above, 526 residential units are planned. Of these, 330 are one-bedroom units; and 196 are two-bedroom units. Units will range in size from 650 to 1,691 square feet.

1.2.1.2 Boat Anchorage: Neptune Marina Project (Parcel 10R)

The proposed Neptune Marina Anchorage, a component of the Neptune Marina, is illustrated on **Figure 5**. Within Basin B, a new anchorage would be developed waterside of Buildings 1, 2, and 3 (Parcel 10R) and would be constructed concurrent with the apartment buildings. The existing 198-boat-space anchorage would be removed and replaced with 174 new spaces (a net reduction of 24 spaces). One hundred fifty of the 174 proposed spaces would accommodate boats 34 feet or less, with 24 spaces accommodating boats 35 feet in length or more. Maximum slip length would be 40 feet.



160 80 0 160

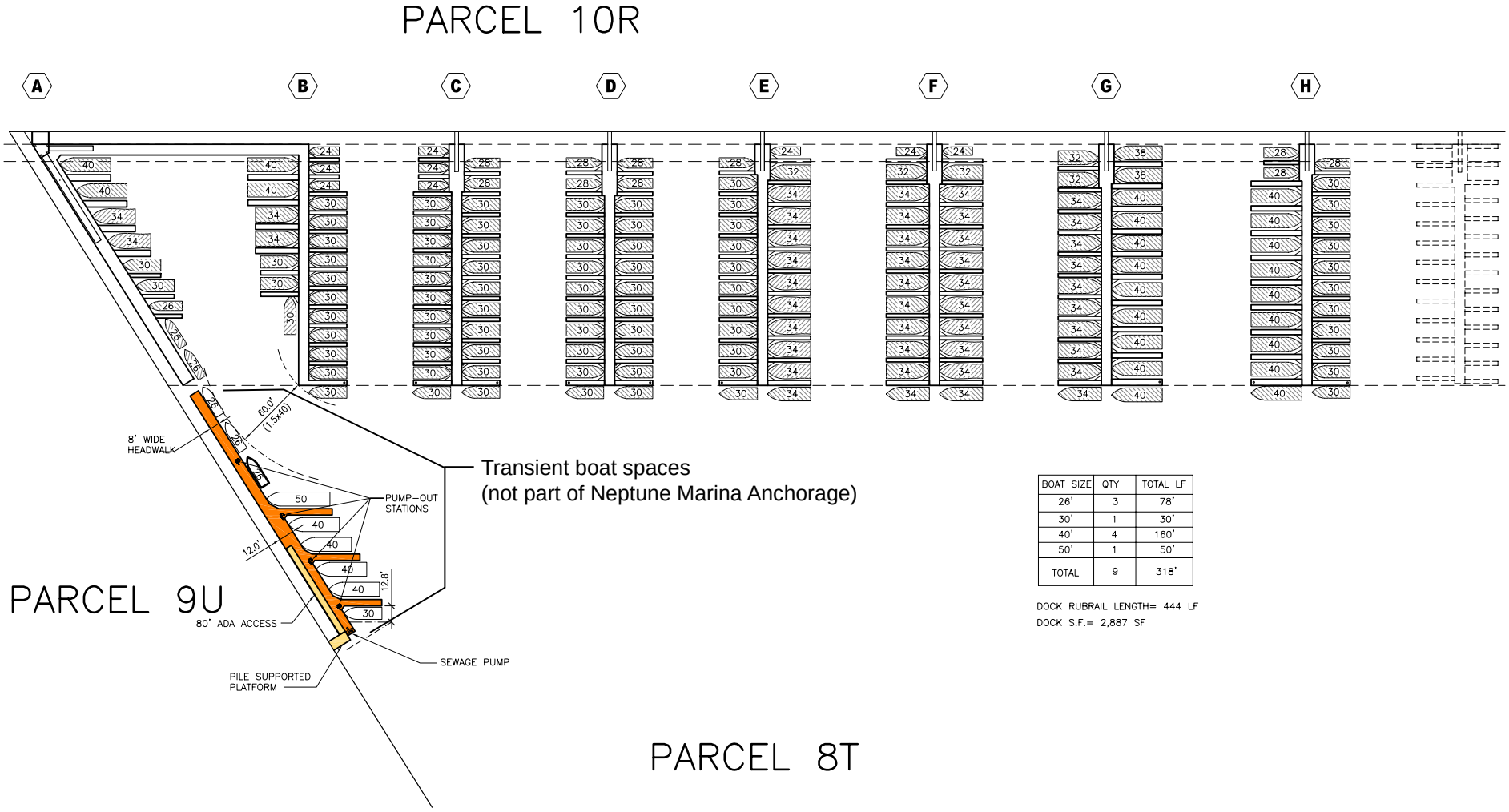
APPROXIMATE SCALE IN FEET

SOURCE: Thomas P. Cox: Architects, Inc. – April 2005

FIGURE **4**

Neptune Marina

460-04•10/06



BOAT SIZE	QTY	TOTAL LF
26'	3	78'
30'	1	30'
40'	4	160'
50'	1	50'
TOTAL	9	318'

DOCK RUBRAIL LENGTH= 444 LF
DOCK S.F.= 2,887 SF

80 40 0 80
APPROXIMATE SCALE IN FEET

SOURCE: C&A Architects. – July 2006

FIGURE 5

Neptune Marina Anchorage

460-04•03/07

The new marina would replace the existing anchorage facilities with docks and spaces meeting current State of California Department of Boating and Waterways Guidelines for slip widths and federal requirements for Americans with Disabilities Act (ADA) compliance through use of an ADA gangway and ramp system, which would service a range of slip sizes. It is anticipated that the new docks would be constructed with current marina industry technology and materials (possibly a proprietary concrete dock system, with all new pre-stressed concrete guide piles and served with a new utility distribution system for power, water, cable and phone connections).

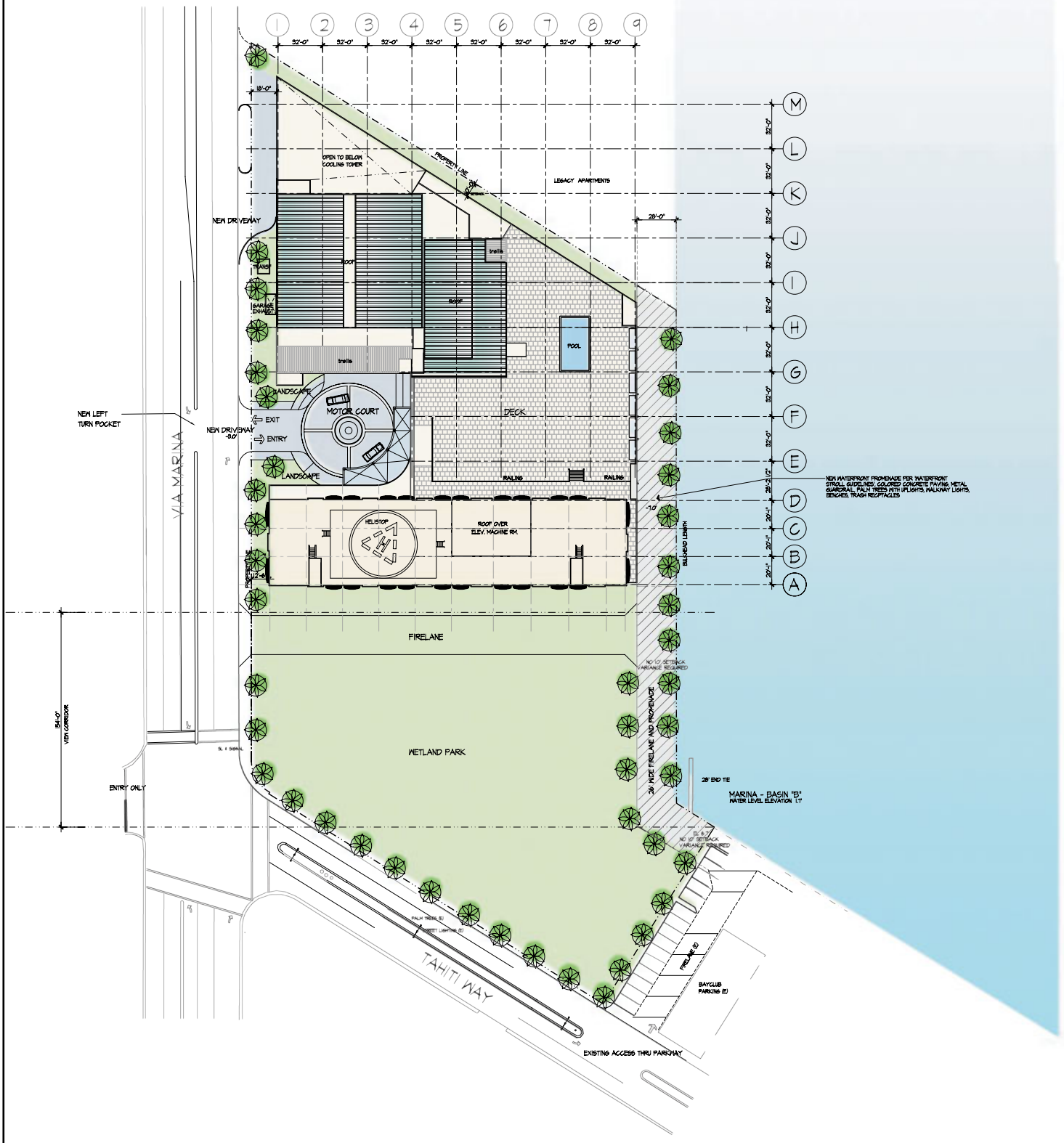
ADA requirements and modern boat dimensions (wider beam widths) necessitate the 24-space reduction defined above. In the anchorage, all utility lines would be concealed under the deck. The anchorage design utilizes electronically controlled gates and gangways to access the docks from the landside.

To promote clean water boating, sewage pump-out would be located in a central location that would serve the entire anchorage. Oversized storage facilities (dock boxes) would be provided at the anchorage to better serve recreational boaters.

1.2.1.3 Component 3: Woodfin Suite Hotel and Timeshare Resort (Northern Portion of Parcel 9U)

A site plan of the Woodfin Suite Hotel and Timeshare Resort is illustrated on **Figure 6**. The Woodfin Suite Hotel and Timeshare Resort consists of a 19-story building with 288 hotel and timeshare suite units and accessory uses, including meeting rooms, a restaurant and bar, a spa, a fitness center (including an outdoor pool), and associated hotel/timeshare operations space, such as the lobby, hallways, elevator shafts, mechanical rooms, offices, and laundry, maintenance and custodial facilities. The building would also feature an outdoor terrace and a large third floor deck with a pool, both of which would overlook the waters of the marina. In total, up to 21 fee-based "self-park" and 339 valet-managed parking spaces would be provided in a six-level parking garage, with one level below grade, for a project total of 360 parking spaces. The project also includes 386 linear feet of a public waterfront promenade.

Consistent with LCP building height requirements for Parcel 9U, the height of the hotel/timeshare structure would not exceed 225 feet (exclusive of appurtenant, screened rooftop equipment, parapets, and architectural features) when measured from the finished grade. The structure would front Via Marina and would be located south of the intersection of Via Marina and Marquesas Way and north of the intersection of Via Marina and Tahiti Way.



SOURCE: Gin Wong Associates – February 2006

FIGURE **6**

Woodfin Site Plan

460-04•03/07

Floors 1, 2 and 3 would include all accessory areas of the building, including loading areas, resort lobby and offices, a restaurant and bar, an exercise room, a pool, a spa, outdoor function areas, meeting rooms and a large conference room/ballroom.

The ground floor of the hotel/timeshare resort structure would include the lobby and registration/reception area, elevator bays, the business center, hotel offices, a resort restaurant and bar, kitchen, sundry shop, meeting rooms, and restrooms. The exterior of the ground floor of the resort would provide for hotel ancillary uses consisting of the motor court (drop-off and valet parking area), the entrance to the parking area, and service docks for truck loading.

Second floor uses would include a conference room/ballroom, meeting rooms, and hotel service and mechanical room space. The third floor of the building would contain an exercise room and a spa, both of which open to the pool deck. Meeting rooms also occur on the third floor of the hotel.

The tower portion of the building, incorporating portions of the second and third floors, and floors 4 through 19, would contain the 288 hotel and timeshare suites. Other uses on floors 4 through 19 would include the elevator lobby, a service lobby, and housekeeping rooms.

An emergency helistop is proposed on the roof of the hotel complex, consistent with County Fire and Zoning Code requirements. Other screened roof elements include mechanical equipment, chillers, cooling towers, a service room, elevator machine room, and an emergency generator and boiler.

1.2.1.4 Components 4 and 5: Public Wetland Park (Southern Portion of Parcel 9U) and Public Boat Anchorage (at terminus of Marina Basin B)

To account for the loss of Open Space-designated land that would occur as a result of planned development of Parcel FF with an apartment building, thereby precluding the potential future development of a public park at that site, a restored public wetland and upland park of 1.46 acres will be established on the southerly portion of Parcel 9U. The park will consist of a newly established "muted" tidal salt marsh in the center of the park, surrounded by a buffer of 25 feet from the actual wetland area toward both the proposed hotel/timeshare to the north and Tahiti Way on the south. The muted tidal salt marsh will be approximately 0.47 acre in size.

A jurisdictional delineation conducted by Glenn Lukos Associates (GLA) in 2005 identified approximately 0.47 acre of wetlands within the excavated basin, of which 0.26 acre consists of wetlands that exhibit positive indicators for wetland hydrology, hydrophytic vegetation, and hydric soils and an additional 0.21 acre that lacked positive indicators for at least one of the three criteria but would still be considered wetland pursuant to California Coastal Act policies.

A rehabilitation program for the basin would include re-contouring, removal of non-native species, enhancement of the hydrological regime through creation of a muted tidal connection, and establishment of native coastal salt marsh habitat appropriate to the area, including special-status species that would enhance the overall value of the wetland. In addition to the restoration of the 0.47-acre saltwater marsh, the open space areas surrounding the marsh would be planted with species indicative of native habitats along the California coast such as coastal prairie, coastal sage scrub, coastal bluff scrub, and maritime chaparral. These plantings will serve as a buffer for the saltwater marsh, and will provide educational opportunities for the public.

The area outside of the actual salt marsh will be planted in appropriate transitional vegetation and shall serve as a public open space area. A protective, non-view-obstructing fence will be installed in a location and manner deemed appropriate for the biological and visitor functions. Appropriate interpretive signage will be installed to enhance the visitor experience. A turf block area, which will include natural vegetation at the northerly end of the park, will provide a sturdy space for group lectures, seating for visitors bringing lawn chairs for bird watching and maintenance vehicles.

Expanded and enhanced coastal salt marsh habitat with fringing riparian scrub would be planted with the enhanced wetland area. The proposed low- and mid-marsh species would be planted in zones of appropriate wetness. Variations in microtopography within the basin will allow for establishment of mosaic of coastal salt marsh habitat. Upland areas surrounding the enhanced wetland will be planted with species native to coastal prairie, coastal sage scrub, coastal bluff scrub, and maritime chaparral habitats.

No lighting or parking shall be permitted within the park. Monitoring of the vegetation for five years is an integral part of the mitigation proposal. Monitoring would be the responsibility of the County of Los Angeles Department of Beaches and Harbors.

To further account for the loss of Open Space-designated land that would occur as a result of its development of Parcel FF with an apartment building, Legacy Partners will fund and develop a public/transient anchorage to adjoin the Parcel 9U bulkhead. This anchorage would comprise approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B, and would contain approximately 524 linear feet of new public dock area; it is estimated that the public anchorage would provide berthing for between 7 and 11 transient boats (depending on the boats' size), plus 3 side-tie spaces for smaller dinghy boats at the anchorage's northerly end. The new public boat and anchorage would be in compliance with ADA and Department of Boating and Waterways standards.

Under recognized park planning principles, improvement costs can be equated to land in the following way. The Subdivision Map Act requires new development to foster the creation of new local parks. The requirement may be met by the contribution of land, the contribution of land and improvements, or payment of an in lieu fee. In this case, the County of Los Angeles proposes to compensate for the loss of Open Space-designated land on Parcel FF (caused by Project Component 2) by a combination of land and improvements that exceeds the equivalent of 2.048 (2.05) acres (i.e., the amount of land area on Parcel FF that is being proposed for conversion from Open Space to a residential land use designation per Project Component 2). The calculation is described below.

The amount of the credit is equal to the amount of the land plus the value of the park/recreation improvements. The cost of restoring the wetlands and making other improvements to the wetland park is estimated to be $600,000, possibly including grading and other costs (although this will not be known until engineering plans are complete). As Legacy Partners (Applicant for Project Component 2) is paying for only half of the improvements (Woodfin Suite Hotels, LLC, the Applicant for Project Component 3, is paying the other half), Legacy Partners' contribution to the cost of these improvements is $300,000.

The $300,000 is then added to the estimated value of the 542 linear feet of proposed new dock space proposed for transient use waterside of Parcel 9U ($603,000), yielding $903,000. Next, this figure is divided by the value of an acre of parkland in the area in which the project is located, which at this time is $335,000 based on information from the County Department of Parks and Recreation for the West Los Angeles Parks Planning Area. Therefore, the improvement cost alone represents approximately 2.70 acres of credit (i.e., $903,000/$335,000 = 2.70 acres of credit), which is larger than the amount of designated Open Space on Parcel FF.

In addition to the cost of these improvements, the credit must necessarily include the area of the actual land of the wetland park. The total wetland park area is 1.46 acres.

The LCP does not prohibit counting parkland beneath the view corridor within the wetland park towards the compensation for the loss of the designated Parcel FF open space. The view corridor requirements of the Marina del Rey Specific Plan only require that such corridors maintain an unobstructed view of the bulkhead edge, masts, and horizon to pedestrians and passing motorists. Thus, it is the air space above the land that falls within the view corridor and not the land itself. As such, for example, parking lots are expressly allowed beneath such corridors, provided that the required views are maintained. If a project can satisfy parking requirements beneath a view corridor, it is clear that replacement open space requirements can also be met.

The Marina del Rey Specific Plan requires that new residential development provide compensatory recreational facilities to offset use of existing Marina park and recreational facilities. The Specific Plan expressly provides mitigation credit for public parkland. It also provides credit for those portions of public view corridors not designated for public access. Thus, the Specific Plan expressly allows view corridors to satisfy more than one regulatory requirement.

In addition, it is not uncommon under CEQA for a single mitigation measure to address more than one impact. For example, a traffic demand management plan can reduce vehicle trips, parking demand, mobile emissions, and mobile noise impacts. Similarly, the wetland park and view corridor above it can address potential project impacts with respect to wetlands, open space, public recreation, and compatibility with land use plans.

Including the area within the view corridor, the total credit for the land and improvements is 4.16 acres (1.46 acres of land + 2.7 acres of credit for the improvements = 4.16 acres). Even conservatively excluding the parkland within the view corridor, the total amount of credit for the land and improvements is 3.16 acres (0.46 acre of land + 2.7 acres of credit for the improvements = 3.16 acres). In either case, the amount of the credit far exceeds the 2.048 acres of designated Open Space on Parcel FF.

It should be noted that no water area (for the transient anchorage) is used in the above calculation, although the cost of constructing the docks is included due to the high value of the transient docks as a maritime dimension to the park as well as the clear priority in the LCP to create additional boat slips, especially public slips.

As set forth above, the combination of benefits to the public from these improvements (i.e., the restored wetland, upland park and transient boat anchorage) represents a significant public-boater-serving, open space and environmental asset and serves to mitigate for the loss 2.048 acres of designated Open Space that could possibly be used for a future park in Parcel FF. Moreover, the proposed location of a public park on Parcel 9U is superior to Parcel FF in that the subject Parcel 9U fronts a more heavily traveled street, Via Marina, and provides for more expansive and higher quality views of the basin than does Parcel FF.

1.3 Project Amenities and View Corridors

A major feature of the project that unifies and integrates the residential units, the hotel/timeshare resort, and adjacent marina is a pedestrian walkway between the buildings and the anchorage, the "Waterfront Stroll Promenade" (**Figure 7**). Located along the bulkheads of Marina Basins B and C, the 28-foot-wide Waterfront Stroll Promenade would feature color-patterned paving, pedestrian seating and marina-styled

fencing and lighting. The Waterfront Stroll Promenade would also feature landscaped planters and other landscape features constructed immediately adjacent to this pedestrian amenity. The length of the Waterfront Stroll Promenade would be approximately 1,437 feet on Parcel 10R, 200 feet on Parcel FF and 386 feet on Parcel 9U, totaling 2,023 linear feet. The entire length would be open to the public and could also be used for fire access to portions of the residential and hotel/timeshare resort buildings that face the water.

1.3.1 Amenities: Neptune Marina

The residential components of the Neptune Marina would feature a variety of recreational amenities, including a recreational lounge, game room and business center. In addition to these facilities, Building 1 would include offices for the harbormaster and leasing offices.

Outdoor recreational amenities would include landscaped decks and grounds adjacent to the Waterfront Stroll Promenade. An exterior pool is proposed between Buildings 2 and 3 (Parcel 10R). These exterior recreational areas would face the marina and would be connected directly to the public Waterfront Stroll Promenade via key-accessed secure gates.

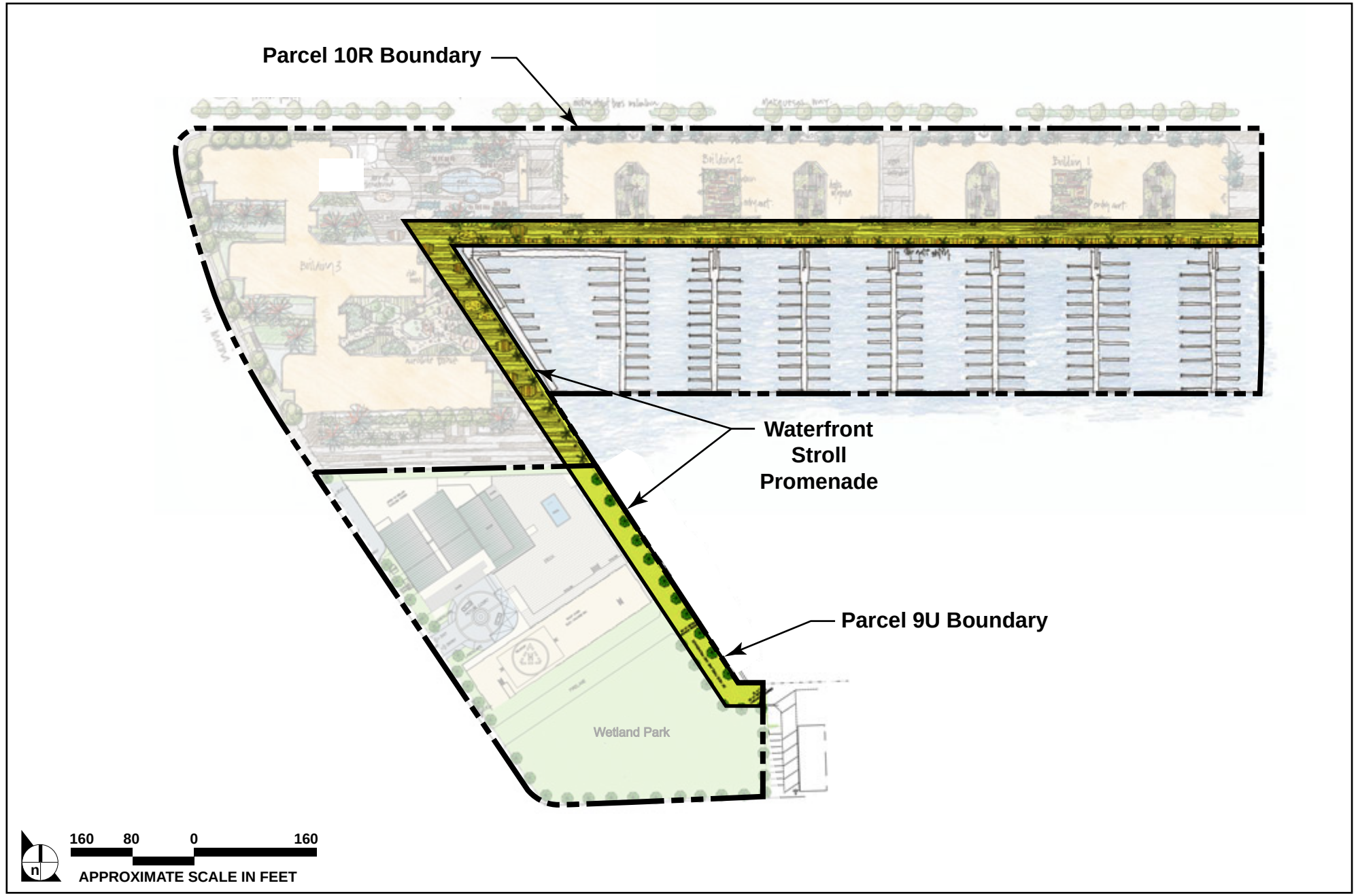
1.3.2 Amenities: Woodfin Suite Hotel/Timeshare Resort

The Woodfin Suite Hotel/Timeshare Resort would feature a variety of patron- and visitor-serving recreational amenities, including a recreational lounge, game room, exercise room, spa, and business center. Outdoor amenities would include a pool, landscaped decks, and terraces overlooking the Waterfront Stroll Promenade and the Marina.

The hotel/timeshare resort will feature landscaped planters and other features constructed immediately adjacent to the public Waterfront Stroll Promenade. Landscaped areas are also proposed along the western, eastern, and southern margins of the hotel and in various perimeter areas surrounding the hotel/timeshare resort structure.

1.3.3 View Corridors: Neptune Marina

The Neptune Marina (Parcels 10R and FF) incorporates five view corridors. Of the five view corridors, three corridors allow vistas of Marina del Rey Basin B from Marquesas Way (southerly); one corridor allows vistas of Marina del Rey Basin C from Marquesas Way (northerly). The fifth view corridor allows vistas of Marina del Rey Basin B from Via Marina (easterly).



SOURCE: Thomas P. Cox: Architects, Inc. – April 2005

FIGURE 7

Waterfront Stroll Promenade

460-04•03/07

Provisions of the Land Use Plan (LUP) tabulate the area of required view corridor based on the length of the parcel's water frontage and the proposed building height. Based on the length of the parcel's water frontage and a proposed building height of 55 feet for Buildings 1, 2 (Parcel 10R), and 4 (Parcel FF) and 60 feet for Building 3 (Parcel 10R), the LUP requires a total of 413 linear feet of view corridor (360 feet for Parcel 10R and 53 feet for Parcel FF). As proposed, the Neptune Marina (Parcels 10R and FF) would provide 448.5 linear feet (388.5 feet for Parcel 10R and 60 feet for Parcel FF). As such, the Neptune Marina, as planned, is consistent with view corridor provisions of the Marina del Rey Land Use Plan that call for public and private views of the marina from perimeter roadways.

1.3.4 View Corridors: Woodfin Suite Hotel and Timeshare Resort

The Woodfin Suite Hotel/Timeshare Resort incorporates one major view corridor on Parcel 9U south of the hotel/timeshare resort structure. The primary view corridor allows vistas of Marina del Rey Basin B from Via Marina through the Parcel 9U public park/wetland. Per the LCP, based on the proposed 225-foot height of the structure (excluding appurtenant rooftop structures), a minimum 154-foot-wide view corridor is required (i.e., 40 percent of the parcel's water frontage). The Woodfin Suite Hotel/Timeshare Resort plans for 154 linear feet of view corridor through the Parcel 9U public park to be situated to the south of the proposed hotel/timeshare resort. Because the Woodfin Suite Hotel/Timeshare Resort provides the required 154 feet, the project is consistent with provisions of the LCP that call for public and private views of the marina from perimeter roadways.

As discussed above, the LCP allows the counting of parkland beneath the hotel/timeshare resort's view corridor within the wetland park toward the compensation for the loss of the designated Parcel FF open space.

1.4 Project Access and Parking

Vehicular access for the Neptune Marina and Woodfin Suite Hotel/Timeshare would be taken from 13 locations. In total, 1,507 parking spaces are required by code and 1,512 parking spaces would be provided in structured parking garages on the project sites. All parking garages would be screened by architectural and landscaping features, primarily by terraced, landscaped planters along the street and by landscaping along the promenade.

1.4.1 Access and Parking: Neptune Marina

For residents, vehicular access to and from the proposed residential components would be taken from 11 locations. Ten (10) points of access are located off Marquesas Way (7 to the south and 3 to the north). The one remaining point of vehicular access is located along Via Marina south of Marquesas Way. For

visitors, vehicular access to the interior portions of the Neptune Marina would be via four signed entrances on Marquesas Way. Vehicular access for boaters and users of the anchorage would be via one entrance on Via Marina (to the south). Pedestrian access to the buildings and the public Waterfront Stroll Promenade would be via a series of signed paved walkways between the buildings.

In each of the four proposed buildings, parking is provided in two-level garages built below each building. The lowest level of parking is entirely subterranean from the street side while the upper level of parking would be built at street grade. A total of 1,152 parking spaces would be provided throughout the Neptune Marina Parcels 10R and FF. Parking for apartment residents, their guests and the anchorage boaters would be segregated. Among the three user types, residents would be provided parking within the two-level garages through the use of security gate enclosures provided at both levels in all four buildings. Parking for guests is provided within the garages of each building. A parking area for boaters and users of the anchorage is provided in the southern end of the garage in Building 3 (on Parcel 10R).

1.4.1.1 Access and Parking: Woodfin Suite Hotel/Timeshare Resort

Vehicular access to and from the proposed Woodfin Suite Hotel/Timeshare Resort would be taken from two locations. One access point would be provided via Via Marina that provides an entry to the motor court and below grade parking structure. The second access point is also located along Via Marina (north of access to the motor court) that provides access to the service entry and loading docks.

Parking for the Woodfin Suite Hotel/Timeshare Resort would be provided in a six-level parking structure that is connected to the hotel lobby. A maximum of 360 parking spaces could be provided within this structure, 21 of which would be fee-based "self-park" spaces and the remainder of which would be managed by a professional valet parking company. Parking for the adjacent public wetland park can be conveniently accommodated within the hotel/timeshare resort's parking structure (County Code requires one parking space for the adjacent public park, whereas up to 21 self-park parking spaces are programmed for the hotel/timeshare resort parking structure).

1.5 The Project's Relationship to the Marina Del Rey Local Coastal Program (LCP)

All components of the Neptune Marina Apartments and Anchorage and Woodfin Suite Hotel and Timeshare Resort project meet the applicable policies and development standards of the certified LCP and/or County Zoning Ordinance, including, but not limited to, provision of adequate parking, view corridors, public access to the shoreline, and new usable public recreation and open space (waterfront public pedestrian promenade), complying with traffic capacity requirements and providing affordable housing consistent with the County's Affordable Housing Policy for Marina del Rey and Government

Code Section 66590, et seq. (the Mello Act). Certain project components, however, require the amendments to the Marina del Rey LUP and the Marina del Rey Specific Plan (the Specific Plan), as set forth below.

The discretionary approvals for the Neptune Marina Apartments project will include an LCP amendment request to change the land use designation under the LUP and Specific Plan on County Parcel FF from "Open Space" to "Residential V" (non-mole portion) and "Residential III" (mole portion) and to change the Height Category on County Parcel FF from "Height Category 1" to "Height Category 3." These changes will facilitate the conversion of the existing underutilized parking lot to residential use as expressly contemplated in Section A.2 of the LUP.

The potential future recreational facilities under the existing Open Space designation on Parcel FF will be effectively transferred to the southerly-most portion (approximately 1.46 acres) of County Parcel 9U, which will be developed with a restored public wetland and upland park. Moreover, as a public-serving complement to the Parcel 9U restored wetland and upland park, a public boat anchorage (containing approximately 524 linear feet of new public dock area and providing berthing for between seven and 11 transient boats, depending on the boats' size, plus side-tie area for smaller dinghy boats at the anchorage's northerly end) will be developed in Marina Basin B, alongside the Parcel 9U bulkhead.

Although Parcel FF is currently developed as a parking lot, it is currently designated as Open Space and could be developed in the future as a park. The loss of approximately 2.048 acres of potential unimproved future parkland will be offset through the development of the aforementioned 1.46-acre public wetland and upland park and adjoining public/transient boat anchorage. These public amenities would be provided at no cost to the County. Applicants Legacy Partners (Legacy) and Woodfin Suite Hotel, LLC (Woodfin) will each fund 50 percent of the costs of restoring the wetland and completing the other (landside) park improvements. Legacy will fund the entire cost of constructing the public/transient boat anchorage. The County Department of Beaches and Harbors has determined that Legacy's share of the public park and anchorage improvements is the equivalent of 2.70 acres of parkland, based on recognized park planning principles that equate improvement costs with unimproved land. The 2.70-acre credit, which is alone more than enough to offset the redesignation of the 2.048 acres of unimproved Open Space on Parcel FF, would be over and above the 1.46 acres on Parcel 9U which will be redesignated as Open Space.

LUP Section A.2. states that Parcel FF was originally contemplated for use as a future park in order to meet the recreational needs of new residents and to facilitate public use of and additional access along the harbor. It should be noted, however, that Section A.2 of the LUP (Page 2-5), under the "Potential Conversion of Public Parking Lots" subsection, also expressly acknowledges that Parcel FF is

underutilized by the public and is thus being contemplated for conversion to residential use: "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.**" (emphasis added). By including a new 28-foot-wide pedestrian promenade as well as the public wetland park and public/transient boat spaces, the proposed project will meet the LUP's original intent for the Parcel FF Open Space designation. Moreover, the proposed location of a public park on Parcel 9U is superior to Parcel FF in that the Parcel 9U fronts a more heavily traveled street, Via Marina, and provides for greater water frontage for a park than one that could in the future have been built on Parcel FF (Parcel FF fronts primarily on Marquesas with only a small portion of the parcel fronting on Via Marina).

Both the public wetland park and the public/transient boat spaces will provide lower-cost visitor and recreational opportunities in furtherance of the policies and objectives of the LUP and the Coastal Act. The boat slips will add a waterside connection to the proposed public wetland park and adjacent resort, which will make it available to more users. In addition, providing additional boat spaces (especially public ones) is a top priority under Section A.3.e.1 of the LUP and is encouraged under Coastal Act Section 30224.

The discretionary project approvals will also include Legacy's LCP amendment request to modify the LUP and Specific Plan to allow the applicant to (a) contribute funds into the Coastal Improvement Fund (established by Section 22.46.1950 of the Marina del Rey Specific Plan) dedicated to parking structure construction, and (b) allow the applicant to occupy the new Parcel FF apartment building prior to construction of replacement parking spaces elsewhere in the Marina. The applicant will deposit funds into the Coastal Improvement Fund sufficient to construct the replacement parking with the County prior to issuance of a building permit. As set forth in Section A.2. of the LUP, and as confirmed by a parking use survey conducted by a licensed traffic engineering firm for Parcel FF (analysis of which to be included in the project Draft EIR), the existing Parcel FF parking lot is highly underutilized by the public, so deferring the construction of the replacement spaces is not anticipated to result in a shortage of parking in the area. As evidence of this, over half of the Parcel FF parking lot has, for the last six months, been fenced off from public use and utilized as a construction staging area for a nearby apartment development. During this time, the County Department of Beaches and Harbors has not received any complaints from the public indicating that the use of the parking lot for construction staging purposes has created a deficiency of public parking at the site or in the local area.

Legacy requires textual amendments to the LUP and Specific Plan to transfer 275 development units from the abutting Development Zone 2 (Tahiti Development Zone) and 112 development units from the proximate Development Zone 1 (Bora Bora Development Zone) into the subject Development Zone 3

(Marquesas Development Zone). This transfer of unclaimed residential unit credits from adjoining and nearby Development Zones is needed because the subject Marquesas Development Zone contains insufficient residential development unit entitlements to accommodate the Neptune Marina Apartments at Parcels 10R and FF (due to development of a new residential project on the adjacent Parcel 12 at the terminus of the Marquesas Way mole road having previously utilized all but three residential development credits in the Development Zone). There is clear precedent for such inter-development zone transfers on the western side of Marina del Rey (reference Goldrich & Kest Industries' LCP amendment approval at Marina Parcel 20, certified by the California Coastal Commission (CCC), which authorized the transfer of 97 development units from the Bora Bora DZ into the Panay DZ; reference County Case No. 98-172-4).

Finally, Legacy will seek an LCP amendment to amend the application of development standards contained in the Specific Plan to allow the applicant to average or "blend" residential densities over Parcels 10R and FF without respect to the 35 dwelling units/acre and 75 dwelling units/acre density development standards prescribed for the R-III and R-V land use categories. This will provide for uniform density and building massing and height across the parcels, rather than greater residential density, and resultant taller buildings, on the R-V-designated portion of the parcels.

1.6 Woodfin Suite Hotel/Timeshare Resort's Timeshare Component's Relationship to the Marina del Rey Local Coastal Program (LCP)

As noted, the Woodfin Suite Hotel and Timeshare Resort project component proposes development of a visitor-serving hotel and timeshare resort on the northerly portion of Parcel 9U, which is designated "Hotel-WOZ" in the Marina del Rey LCP. The Woodfin Suite Hotel and Timeshare Resort is consistent with the Marina del Rey LCP, which recognizes overnight lodgings as a primary visitor-serving use per Section 30213 of the California Coastal Act. While the Marina del Rey LCP does not define 'overnight lodgings' or 'hotel' within the document, several sections mention hotel use and may be drawn upon to determine consistency, as described below.

First, Section A.2. of the Marina del Rey LUP, "Recreation & Visitor-Serving Facilities" chapter, subsection e Policies and Actions, lists overnight lodgings as a qualifying visitor-serving use in accordance with related Coastal Act provisions.

Secondly, the LUP (Section A.2.e.5) also expressly exempts hotels from the mitigation requirements for new non-marine or non-coastal related uses, demonstrating a desire to facilitate new hotels and other overnight accommodations. The LUP explains that Marina del Rey contains a considerable mix of residential, and therefore the encouragement of hotels for visitor use is a clear objective of the LCP.

Thirdly, LUP Section C.8. Land Use Plan, subsection e Policies and Actions, Part 2 – Mapped Policy for the Land Use Plan, lists hotel as a permissible land use category and designates overnight accommodations and attendant visitor-serving uses including dining and entertainment areas as uses that may occur attendant to a hotel.

Finally, the LCP section addressing the Land Use Plan (see LUP Section C.8.e.7.) incorporates by reference language from the Countywide General Plan and Title 22, Planning and Zoning, Los Angeles County Code.

The Woodfin Suite Hotel and Timeshare Resort is consistent with the Marina del Rey LCP language addressing hotels and the Los Angeles County Code section as outlined above. The project is comprised of 288 hotel suites, of which 136 are timeshare suites; all of which are intended to or designed to be used on a temporary basis by guests. More importantly, the Woodfin Suite Hotel and Timeshare Resort will be a full-service facility, with a single set of support facilities (check-in desk, reception, restaurants, cocktail lounge, etc.) for both timeshare and hotel users. Therefore, there will be no distinction in terms of services between hotel patrons and timeshare patrons. This lack of exclusivity for timeshare guests is a key component in the determination of consistency by the County.

The proposed site of the Woodfin project has been the subject of numerous attempts to secure a hotel. All of the previous attempts have failed. The County is desirous of complying with the LCP's call for more overnight accommodations by establishing this suite hotel project. The Woodfin Suite Hotel and Timeshare Resort will enhance visitor-serving uses by providing much needed additional overnight accommodations through both the hotel and timeshare component.

- The timeshare suites will not be in a separate tower from the hotel suites; rather, both the hotel and timeshare suites will be on same floors (4 through 19).
- Rental of both the timeshare suites and hotel suites will be handled in a similar manner by on-site management (electronic keys issued by the front desk, concierge services, housekeeping, and front desk check-in/out).
- Timeshares will be made available to the general public through the hotel reservation system when not used by timeshare vacationers.
- Timeshare vacationers may make their unused timeshare suites available to the general public.
- Timeshare suites will be marketed through an exchange program and through the hotel, and will be rented at comparable rates to equivalent hotel suites.
- Timeshare suites will be sold in one-week intervals.
- The Woodfin timeshare component will remain a commercial use and will comply with the timeshare laws governed by the California Department of Real Estate.

In addition to overnight accommodations, the project will develop other visitor-serving uses to significantly enhance use and enjoyment of the Marina and coastal resources. These uses include a restaurant, cocktail lounge, pool, spa, conference facilities, new promenade, and wetland park, all of which will be accessible to the public. The new promenade and wetland park will offer no-cost visitor recreation to the public. In recognition of the delineated priorities of the Marina del Rey LCP, the project will not detract from, nor interfere with existing boating activities or ancillary boating support facilities. The project's abundant visitor-serving opportunities support the economic viability of the marina by encouraging increased public access.

Moreover, in order to further augment lower-cost public serving uses on the westerly side of the Marina, and should adequate parking be identified, an opportunity exists for two to three of the transient slips at the public anchorage proposed for development adjacent to the site to be used for charter and excursion boats. These excursion opportunities could constitute an important new public/visitor-serving feature on this side of the marina, as no such services are provided in this primarily residential portion of the marina. Therefore, the proponent of the proposed hotel/timeshare resort project (Woodfin Suite Hotels, LLC), which would administer any potential future charter use at the adjoining public anchorage, may make application for the charter boat use at a future date after occupancy of the hotel/timeshare resort, when the actual performance of the resort may be evaluated to determine that sufficient parking can be provided in the resort or in another location to service the charter use.

Finally, enhanced coastal access and harbor view opportunities are priorities indicated in the New Development section of the LCP. The Woodfin Suite Hotel and Timeshare Resort provides an abundance of enhanced coastal access and harbor view opportunities. The project includes a 28-foot public pedestrian promenade along the waterfront. The project is designed so that all suites will have views either to the marina or the ocean. Also, a view corridor of no less than 40 percent will be provided over the southerly portion of the parcel.

2.0 ENVIRONMENTAL IMPACT REPORT

In conformance with Section 15063 of the implementing *State CEQA Guidelines* (California Code of Regulations Title 14, Chapter 3), the County of Los Angeles prepared an Initial Study (**Attachment A**) and determined that the project had the potential to result in significant adverse impacts, and consistent with Section 15063(b)(1)(A), required the preparation of an EIR. The following analysis will be included in this EIR.

2.1 Environmental Setting

The *State CEQA Guidelines* require a description of the environment, as it exists, from both a local and regional perspective. In addition to describing the physical characteristics of the existing environment, an analysis of the project's consistency with all applicable local and regional plans will be provided.

2.2 Impact Analyses

Scopes of work for each required topic defined as part of the County prepared Initial Study are provided below. These scopes of work may be modified as necessary based on information received as part of this NOP process or as deemed appropriate by the County of Los Angeles. The following areas were identified in the Initial Study as having potential impacts that required additional analysis:

Potential Hazards

Geotechnical and Soil Resources

Flood and Tsunami Inundation

Noise

Impacts to Resources

Hydrology and Water Quality

Air Quality

Visual Resources

Biota

Impacts on Services

Traffic and Access

Water Service

Sewage

Education

Fire

Solid Waste

Other Factors

Environmental Safety

Population and Housing

Land Use

3.0 WORK SCOPES

3.1 Geotechnical and Soil Resources

The following scope of work is proposed to define and evaluate this project's potential adverse effect on the geology/soils environments.

1. Incorporate the available geotechnical, geologic and soils information developed from the literature. This discussion shall include a description of existing earth materials, geologic units, and seismic hazards.

2. Based on information provided by the applicant, describe and analyze proposed grading and manufactured slopes and general areas of cut and fill will be discussed.

3. Based on the conclusions of the geotechnical investigation, potential impacts will be analyzed as follows:

    a. Document the locations of the nearest active faults and determine whether there would be any hazards related to fault rupture.

    b. Determine whether people or structures would be exposed to significant effects from ground shaking, ground failure, or landslides.

    c. Discuss the potential for erosion-related impacts from grading and with regard to the drainage on site.

    d. Discuss the potential for the project to be located on an unstable geologic unit or soil with the associated hazards.

    e. Discuss soils constraints (expansive soils, corrosive soils) related to structural development.

    f. Discuss hazards associated with methane gas as it occurs in subsurface soils on and proximal to the project site.

4. Incorporate recommendations and mitigation measures from the geotechnical investigation and document their effectiveness at reducing impacts.

3.2 Flood and Tsunami Inundation

1. Incorporate the available hydrological information developed from the literature. This shall include a description of existing subsurface water levels and the potential for flood hazards.

2. Evaluate the potential for flooding and tsunami inundation. Discuss public notification in the result of a tsunami.

3. Based on the conclusions of the hydrological and geotechnical investigation, potential tsunami inundation impacts will be analyzed as follows:

    a. Document the locations of the significant active faults and determine possible tsunami hazards related to fault rupture.

    b. Determine whether people or structures would be exposed to significant effects from seawater velocities and inundation.

4. Incorporate recommendations and mitigation measures from the hydrological investigation and document their effectiveness at reducing impacts.

3.3 Noise

The project site is located approximately 3 miles north of Los Angeles International Airport (LAX). Noise from jet traffic is audible. The site is situated in a dense urban area and existing noise sources are generally from vehicles. The following scope of work is proposed to define and evaluate this project's potential adverse effect on the noise environment.

1. A description of existing noise sources and the noise environment in the vicinity of the project site.

2. A summary of noise measurements on the project site and along roadways most affected by increases in project traffic.

3. Identification of noise-sensitive land uses or activities in the vicinity of the project site and along roadways providing access to and from the site.

4. A discussion of relevant noise policies, regulations, and standards, including those in the County General Plan and Noise Ordinance (for informational purposes).

5. A discussion of construction noise impacts, based upon proposed construction activities and scheduling information provided by the applicant. The Draft EIR shall evaluate noise impacts from construction based on the duration, nature, phasing, and level of various construction activities.

6. A description of typical noise generated by the project during operation. Noise generated by project-generated motor vehicle traffic on adjacent sensitive land uses would also be evaluated.

7. Noise modeling shall be conducted to assess increases in noise levels at adjacent noise sensitive locations.

8. Provide mitigation measures identified as necessary to avoid or reduce significant noise impacts with an evaluation of their effectiveness based on published technical documents.

9. Provide cumulative impact analysis and mitigation measures.

3.4 Hydrology and Water Quality

The project site is located in an area with a high water table and is near the waters of the marina. Dewatering of the site may be necessary during construction and pollutant run off is possible both during project construction and operation. The following scope of work is proposed to define and evaluate this project's potential adverse effect on the hydrology and water quality environments.

1. Analyze water quality management issues and review plans. The County shall require development of a Storm Water Pollution Prevention Plan (SWPPP) to guide water quality protection during the construction and post-construction phases, in compliance with the regulatory requirements of the construction and municipal storm water permit components of the National Pollution Discharge Elimination System (NPDES). New regulations being adopted by the Regional Board require treatment of 80 to 90 percent of mean annual rainfall. Compliance with these regulations is typically explained in a Storm Water Management Plan (SWMP), including how the proposed treatment measures will be monitored and maintained.

2. Characterize pollutants of concern under existing conditions and following development and assemble information regarding the local and regional regulations related to storm water quality management. The Draft EIR shall review the site design plans for consistency with regulatory criteria and suitability of water quality treatment measures proposed to avoid impacts to local drainage channels and off-site habitat. Where applicable, the Draft EIR shall identify additional opportunities and constraints that bracket selection of best management practices (BMPs) and recommend further measures that are appropriate for the project.

3. Assess impacts to groundwater recharge from the proposed project. Recharge to groundwater is typically reduced when development creates impervious surfaces over areas that were formerly permeable. Under this task the EIR will assess the magnitude and importance of existing recharge, evaluate how recharge will likely change as construction occurs and identify impacts and mitigation measures suitable for maintaining hydrologic support to retained drainage channels or local wells, if applicable. If appropriate, the Draft EIR shall also suggest BMPs to maintain recharge.

4. Describe any other direct, indirect, and cumulative impacts on water resources resulting from the proposed project and appropriate mitigation measures.

3.5 Air Quality

The project is situated in the South Coast Air Basin, a severe nonattainment area. Air quality standards, policies, and monitoring are the responsibility of the South Coast Air Quality Management District (SCAQMD). Wind issues are equally important in the Marina due to the prevalence of recreational sail boating. The following scope of work is proposed to define and evaluate potential adverse effect on the

air quality and wind environment during the project's construction and operation. This section will also discuss green building concepts and feasible measures incorporated into the project that would reduce air emissions.

1. Describe baseline air quality information, including area topography and meteorology and their influence over air quality, relevant state and federal ambient air quality standards, monitoring data—for the past five years—from the monitoring station(s) proximal to the project site, air quality trends and existing and reasonably foreseeable sensitive receptors near the development site or near roadways/intersections that could be affected by project traffic. Also, identify federal, state, and local regulatory agencies responsible for air quality policies, regulations, and standards that pertain to the project. Identify major existing sources of air pollutants in the project vicinity, including sources of toxic air contaminants or odorous emissions on the basis of inventory data compiled by the SCAQMD.

2. Describe the significance criteria/thresholds for evaluating air quality impacts from the SCAQMD *CEQA Air Quality Handbook*.

3. Based on available information from the project applicant, calculate potential emissions from demolition and construction activities related to the project. Include emissions from grading, excavation, and building construction. Consider construction haul trips and exhaust emissions from construction equipment. Compare estimated construction emissions with SCAQMD thresholds.

4. Calculate operational mobile and area source emissions for reactive organic gases, nitrogen oxides, particulates, and carbon monoxide using the most current URBEMIS model. Calculations associated with vehicle traffic will be based on the trip generation modeling documented in the traffic report. Compare the estimated emissions to the SCAQMD thresholds.

5. Discuss the potential for the combined emissions from the project and cumulative development to adversely affect air quality or impede attainment of air quality goals. Also, discuss whether the project would conflict with the most recent version of the *Air Quality Management Plan* and other applicable air quality plans. Apply SCAQMD significance criteria to determine the potential for cumulative air quality impacts.

6. Identify mitigation measures as necessary to reduce or avoid any potential project-specific or cumulative impacts to air quality and quantify their effectiveness based on methodologies available from SCAQMD and other sources.

7. Evaluate the potential for the structures to effect wind patterns in the marina that could adversely impact fresh breezes or sailing opportunities in the Marina area.

3.6 Visual Resources

The existing character of the project site will be changed with development of the proposed project. The proposed project is denser and taller than existing land uses. The following scope of work is proposed to define and evaluate this project's potential adverse effect on the aesthetic environment.

1. Describe the existing visual character of the project site, focusing on site features such as topography, vegetation, existing light sources and the site's relationship to nearby uses. Work will be based on site reconnaissance.

2. Provide text, documenting views from adjacent roadways and discuss project's consistency with existing and planned development in the area.

3. Summarize applicable policies or regulations related to visual quality, including policies from the County of Los Angeles General Plan and the Marina del Rey Specific Plan and the Design Standards. Emphasis shall be afforded to the project's consistency with County adopted view corridor requirements.

4. Through view simulations, evaluate the visual impacts of the proposed project with respect to defined significance criteria, focusing on changes to existing visual character, effects on views from area roadways.

5. Evaluate potential light, glare and shade/shadow impacts of the proposed project on existing visual character of the site or area.

6. Identify, as necessary, additional mitigation measures for avoidance or reduction of the identified visual impacts.

3.7 Biota

Impact Sciences will prepare the biological resources analysis for the EIR and will perform the following tasks:

1. Review of Existing Information – Available documentation pertinent to the terrestrial and marine biological resources within, or in the vicinity of, the project site will be reviewed and analyzed. This will include a review of the following: (a) the biology sections of the previous EIR documents; (b) previously prepared technical biological reports, and results of special-status species surveys; (c) the California Department of Fish and Game's Natural Diversity Data Base and the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California database for the appropriate USGS 7.5-minute quadrangle map in which the site is located, as well as the surrounding eight quadrangle maps; and (d) literature pertaining to habitat requirements of special-status species potentially occurring on the project site. Special attention shall be afforded to two technical reports. The first report is titled *Biological Technical Report Parcel 9U, Marina del Rey, California.* The second report is titled *Conceptual Restoration Plan for a Degraded Artificial Wetland Associated with Parcel 9U,* Marina del Rey. Both of these reports were prepared by Glenn Lukos Associates and have been reviewed by staff of the Los Angeles County Department of Beaches and

Harbors. Each of these reports is available for public review at the Los Angeles County Department of Regional Planning, 320 West Temple Street, Los Angeles, California 90012.

2. Impact Analysis – Proposed development plans on the site will be reviewed and analyzed to determine project-specific impacts to terrestrial and marine biological resources. In particular, Impact Sciences will identify and quantify potential habitat loss or disturbance that may occur as a result of implementation of the proposed project. This evaluation will also include potential direct and indirect impacts to both common and special-status plant and animal species, locally important or other sensitive habitats, and other significant biological resources.

3.8 Traffic, Access and Parking

A preliminary report defining existing traffic conditions and parking on and near the project has been prepared. The intersections surrounding the site within Marina del Rey operate at good Levels of Service (LOS A to C). Some intersections outside of Marina del Rey that are likely to experience increased traffic exhibit traffic congestion problems and operate at fair to poor Levels of Service (LOS D to F). Site access will conform to all County of Los Angeles Fire Department standards for roadway widths, turning radii and road length and surface materials. Additionally, the project will be required to pay all applicable traffic impact mitigation fees. Additional parking has been proposed by the County of Los Angeles on an existing parcel situated just north of the project site or other locations deemed appropriate by the County. The following analysis would be incorporated into the proposed EIR to adequately address potential project and cumulative impacts to the traffic environment.

1. Study area, methods, and level of service standards;
2. Description of regional and local transportation network;
3. Existing traffic volumes and levels of service;
4. Programmed roadway improvements;
5. Relevant transportation and circulation features of the proposed project;
6. Trip generation, distribution, and assignment;
7. Project-specific impacts (increased congestion, hazards, emergency access, parking and conflicts with alternative transportation policies);
8. The impact of this project on existing and proposed levels of parking available in the western portion of Marina del Rey; and
9. Describe project-specific mitigation measures and cumulative impacts and mitigation measures.

3.9 Water Service

Domestic water flows are provided by Los Angeles County Water Management District 29. The water district has sufficient capacity to provide water to the proposed project. However, the Department of Public Works is currently planning and performing upgrades to the water supply system to increase capacity. A full analysis of current and planned water supply line capacity from water mains to the project site is necessary to adequately evaluate system capacity. The following analysis would be incorporated into the proposed EIR to adequately address potential project and cumulative impacts on the County water supply systems.

1. Provide information regarding on-site water system improvements and the existing capacity of the Marina del Rey water system as well as any planned improvements to the water supply system.

2. Based on readily available water consumption rates, calculate the project's estimated water consumption. Compare with the defined capacities of water system.

3. Provide mitigation measures proposed as part of the project or recommendations of the County of Los Angeles Department of Public Works. This section would also describe the potential use of recycled water for landscaping and water closets as well as other green building concepts. Describe cumulative impacts and mitigation measures.

3.10 Sewage

Domestic sewage flows from the project site are currently treated at the City of Los Angeles' (City) Hyperion Treatment Plant through a contractual agreement between the County and City. This plant has surplus capacity to serve new projects. However, a full analysis of sewer line capacity from the project site to sewer trunk lines is necessary to adequately evaluate system capacity. The following analysis would be incorporated into the proposed EIR to adequately address potential project and cumulative impacts on the County sewage treatment systems.

1. Obtain information on existing sewer capacity, assess the potential impacts of the proposed project, define specific standards, and provide input on appropriate mitigation measures.

2. Provide information on existing conditions for the treatment and disposal of domestic sewage via the existing sewage treatment system.

3. Provide information on the sewage treatment system's capacity for additional wastewater treatment and on any pending and proposed improvements to the system.

4. Based on readily available wastewater generation rates, calculate the project's wastewater generation. Compare with the defined capacities of the sewage treatment plant(s) and sewage system.

5. Provide mitigation measures proposed as part of the project or recommendations of the County of Los Angeles Department of Public Works. Describe cumulative impacts and mitigation measures.

3.11 Education

The following scope of work is proposed to define and evaluate this project's potential impacts on education service:

1. Each elementary school, middle school, and high school will be defined. The design capacity of each school will be identified and well as the current enrollment. Current mechanisms for school funding shall be defined.

2. Additional student generated as a result of project implementation will be defined. The impact on existing enrollment and school capacity will be assessed and impacts defined. Appropriate mitigation will be defined. Cumulative impacts shall also be addressed.

3.12 Fire

The following scope of work is proposed to define and evaluate this project's potential impacts on fire service:

1. Contact the Fire department by telephone/letter to obtain information on existing conditions, assess the potential impacts of the proposed project, define specific standards in regards to fire flows and site access, and provide input on appropriate mitigation measures.

2. Consult with the fire department to determine the degree of fire hazard associated with the project site and vicinity. Consider the requirements of the latest edition of the California Fire Code or other requirements defined by the fire department.

3. Discuss the proposed project's plans to supply water service to the site, and discuss the ability of the local water supply system to provide adequate fire flows to the project site.

4. Evaluate the proposed project's impacts on the ability of the Fire Department to provide services from existing Fire Department facilities and discuss impacts on Fire Department funding.

5. Provide mitigation measures proposed as part of the project or recommended by the Fire Department. Describe cumulative impacts and mitigation measures.

3.13 Solid Waste

Solid waste collection and transfer in unincorporated Los Angeles County is handled by private contractors. These contractors haul waste to a variety of sorting, recycling, and transfer stations and to local and regional landfills. This section would also describe additional recycling measures as other

green building concepts. The following analysis would be incorporated into the proposed EIR to adequately address potential project and cumulative impacts on solid waste services.

1. Provide information regarding on-site solid waste collection and transfer. Identify likely landfills that accept solid waste from Marina del Rey, discuss capacity of these landfills and current diversion rates of recyclables in Los Angeles County.

2. Based on readily available solid waste generation rates, calculate the project's estimated solid waste generation. Compare with the defined capacities of identified landfills.

3. Document hazardous materials or the generation of hazardous wastes associated with the project. Document policies and measures that would apply to the safe use and disposal of such materials.

4. Provide mitigation measures proposed as part of the project. Describe cumulative impacts and mitigation measures.

3.14 Environmental Safety

Historically, the project site was subject to oil and natural gas extraction activities. Oil and natural gas wells on site and in the project areas were removed per applicable state and federal standards prior to Phase I development in the early 1960s. No extraction activities currently occur on the project site. Natural gas extraction does occur in the site vicinity (to the south). To assess the potential effects of soil gas on future site residents the following methodology is proposed.

1. Soil gas surveys on the project site shall be assessed and reported in the Draft EIR in accordance with both the Advisory document titled Active Soil Gas Investigations, January 28, 2003, jointly issued by the Department of Toxic Substances Control (DTSC) and the California Regional Water Quality Control Board – Los Angeles Region (LARWQCB) (DTSC/LARWQCB Advisory), and the LARWQCB Interim Guidance for Active Soil Gas Investigations (February 25, 1997).

3.15 Population and Housing

1. A summary of existing and projected population, housing, and employment figures will be presented, based on available data including 2000 census data and 2004 State Department of Finance figures. The existing population, housing, and employment characteristics of the area will be addressed. This information will be presented concisely in text, tables, and graphics.

2. This section will also describe the anticipated direct and secondary population, employment, and housing effects that would result from buildout of the projects as proposed. Specifically, impacts on citywide population estimates as a result of proposed single and multi-family dwelling units will be addressed. We will utilize the County's updated Housing Element for housing policy direction.

3. These projections will be evaluated for consistency with City and Southern California Association of Governments (SCAG) growth projections for the area. In addition, because this project would be considered regionally significant, this section will discuss the project's consistency with SCAG's

Regional Comprehensive Plan and Guide, which has directed emphasis away from jobs/housing balance and instead emphasizes an equivalent reduction in vehicle miles traveled.

4. The land plan for the proposed projects will be evaluated with respect to the type and spatial arrangement of land uses, as well as the project's location relative to supporting commercial, recreational, and employment opportunities. Growth inducing impacts will be assessed in a separate section of the EIR as required by the *State CEQA Guidelines*.

3.16 Land Use

This analysis shall include an identification of this project's consistency with land use designations defined in the Marina del Rey Land Use Plan. In addition, the analysis shall include an evaluation of this project's consistency with applicable goals and policies as defined in the Marina del Rey Land Use Plan.

In addition, and as required by Section 15125(d) of the *California Environmental Quality Act CEQA Guidelines*, the analysis shall include an evaluation of this projects consistency with applicable goals and policies defined in the other local regional planning documents that include the Regional Comprehensive Plan and Guide as prepared by SCAG, the most recent Air Quality Management Plan as prepared by the South Coast Air Quality Management District, the Water Quality Control Plan (i.e., the Basin Plan) as prepared by the California Regional Water Quality Control Board (RWQCB) and the Congestion Management Program for Los Angeles County as prepared by the Los Angeles County Metropolitan Transit Authority (MTA).

3.17 Alternatives

In conformance with the *State CEQA Guidelines*, a range of reasonable alternatives that would reduce significant impacts and would foster informed decision making and public participation will be included in the Draft EIR.

3.18 Growth-Inducing Impacts

In conformance with the *State CEQA Guidelines*, growth-inducing impacts (i.e., ways the project could foster economic growth or population growth) either direct or indirect would be described and analyzed.

ATTACHMENT A

Initial Study

STAFF USE ONLY

PROJECT NUMBERS: *R2006-03647 (Parcel 10R)*
CASES: *R2006-03652 (Parcel FF)*
R2006-03644 (Parcel 9U)
TR067861 & R2006-03643 (Parcel 9U)

****** INITIAL STUDY ******

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

GENERAL INFORMATION

I.A. Map Date: *December 20, 2006* Staff Member: *Rick Kuo*

Thomas Guide: *671-J7* USGS Quad: *Venice*

Location: *Parcel 10R (SE corner of Via Marina and Marquesas Way), Parcel FF (near NE corner of Via Marina and Marquesas Way), Parcel 9U (NE corner of Via Marina and Tahiti Way), Basin B*

Description of Project: *Proposed project is the Neptune Marina Apartments and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project on Parcels 10R, FF, and 9U as well as adjacent Marina Basins. The proposed project consists of five components requiring Coastal Development Permits, Plan Amendments, Conditional Use Permits, a Tract Map, and a Variance. Components 1 (Parcel 10R) and 2 (Parcel FF) consist of demolishing all existing apartment structures to build a total of 526 apartment units and two waterfront public pedestrian promenades. Component 3 is for the development of the northerly portion of Parcel 9U to construct a 19-story building with 288 hotel and timeshare suite units and accessory uses. The proposed building will include a six-level parking garage, with one level below grade, for a total of 360 parking spaces. Component 4 consists of a 1.46-acre public wetland and upland park on the southern portion of Parcel 9U. Component 5 is to construct a public transient boat anchorage that would be situated proximal to parcel 9U within the Marina Del Rey Basin B. This public anchorage would contain approximately 2,923 s.f. of dock area and would provide approximately 542 linear feet of transient boat docking space. Approximately 215,000 c.y. of grading will be required with excess cut material to be exported to the La Puente Landfill.*

Gross Area: *13.03 acres (landside) and 4.68 acres (waterside)*

Environmental Setting: *The project sites are located in the unincorporated Los Angeles County community of Marina Del Rey in its small craft harbor and are approximately 3/4 mile west of Lincoln Boulevard (State Route 1) and less than 3 miles from the Los Angeles International Airport. Surrounding land uses consist of single- and multi-family residences and commercial establishments. There is an existing apartment building consisting of 136 residential units and an existing marina consisting of 184 boat slips on Parcel 10R. Parcel FF is currently used as a parking lot with 100 spaces. Parcel 9U is vacant with artificially created wetland.*

Zoning: *Residential III and IV with Waterfront Overlay (Paarcel 10R); Open Space (Parcel FF); Hotel, Water, & Waterfront Overlay (Parcel 9U)*

General Plan: *Marina Del Rey Specific Plan*

Community/Area Wide Plan: *Marina Del Rey Land Use Plan*

Major projects in area:

Project Number	Description & Status
R2005-04106	*Addition of 69 new rooms to existing hotel (Pending).*
R2005-00728	*Sale of alcohol and expansion of existing parking lot (Pending).*
R2005-00234	*544 unit apartment community in 12 structures (Approved 6/7/06).*
CDP/CP3-029	*179 apartment units with density bonus (Approved 1/27/03).*
CDP/CP98134	*1022 apartment units/10,000 s.f. retail, 439 boat slips (Approved 12/6/00).*
CDP/CP98172	*99 apartment units, yacht club, offices, parking structure (Approved 10/2/00).*

NOTE: For EIRs, above projects are not sufficient for cumulative analysis.

REVIEWING AGENCIES

Responsible Agencies

- ☐ None
- ☒ Regional Water Quality Control Board
  - ☒ Los Angeles Region
  - ☐ Lahontan Region
- ☒ Coastal Commission
- ☒ Army Corps of Engineers
- ☒ *L.A. City Public Works*

Trustee Agencies

- ☐ None
- ☒ State Fish and Game
- ☐ State Parks
- ☒ *State Boating and Waterways*
- ☒ *State Land Commission*

Special Reviewing Agencies

- ☐ None
- ☐ Santa Monica Mountains Conservancy
- ☐ National Parks
- ☐ National Forest
- ☐ Edwards Air Force Base
- ☐ Resource Conservation District of the Santa Monica Mtns.
- ☒ *City of Los Angeles*
- ☒ *City of Culver City*
- ☒ *City of Santa Monica*
- ☒ *Los Angeles USD*
- ☒ *Coalition to Save the Marina*
- ☒ *Native American Heritage Commission*
- ☒ *Coast Guard*

Regional Significance

- ☐ None
- ☐ SCAG Criteria
- ☒ AQMD
- ☐ Water Resources
- ☐ Santa Monica Mtns. Area

County Reviewing Agencies

- ☒ Subdivision Committee
- ☒ DPW: *Traffic & Lighting, Geotechnical & Materials Engineering, Waterworks and Sewer Maintenance, EP*
- ☒ Health Services: *Environmental Hygiene*
- ☒ *Beaches and Harbors*
- ☒ *Sanitation Districts*
- ☒ *Sheriff's, Fire, Library*

IMPACT ANALYSIS MATRIX

CATEGORY	FACTOR	Pg	Less than Significant Impact/No Impact	Less than Significant Impact with Project Mitigation	Potentially Significant Impact	Potential Concern
HAZARDS	1. Geotechnical	5	☐	☐	☒	*Liquefaction area*
	2. Flood	6	☐	☒	☐	*Tsunami inundation area*
	3. Fire	7	☒	☐	☐	
	4. Noise	8	☐	☐	☒	*Construction, adjacent residential uses*
RESOURCES	1. Water Quality	9	☐	☐	☒	*Proximity to water bodies, NPDES*
	2. Air Quality	10	☐	☐	☒	*Parking lot and parking structure, construction*
	3. Biota	11	☐	☐	☒	*Removal of trees for nesting, wetlands restoration*
	4. Cultural Resources	12	☐	☒	☐	*Below grade excavation*
	5. Mineral Resources	13	☒	☐	☐	
	6. Agriculture Resources	14	☒	☐	☐	
	7. Visual Qualities	15	☐	☐	☒	*Height of proposed structure*
SERVICES	1. Traffic/Access	16	☐	☐	☒	*Cumulative impacts*
	2. Sewage Disposal	17	☐	☐	☒	*Increased demand for sewage service*
	3. Education	18	☐	☐	☒	
	4. Fire/Sheriff	19	☐	☐	☒	
	5. Utilities	20	☐	☐	☒	*Solid waste generation*
OTHER	1. General	21	☒	☐	☐	
	2. Environmental Safety	22	☒	☐	☐	
	3. Land Use	23	☐	☐	☒	*Plan Amendments sought*
	4. Pop./Hous./Emp./Rec.	24	☒	☐	☐	
	Mandatory Findings	25	☐	☐	☒	

DEVELOPMENT MONITORING SYSTEM (DMS) *

As required by the Los Angeles County General Plan, DMS shall be employed in the Initial Study phase of the environmental review procedure as prescribed by state law.

1. Development Policy Map Designation: *Category 2: Conservation/Maintenance*

2. ☐ Yes ☒ No Is the project located in the Antelope Valley, East San Gabriel Valley, Malibu/Santa Monica Mountains or Santa Clarita Valley planning area?

3. ☐ Yes ☒ No Is the project at urban density and located within, or proposes a plan amendment to, an urban expansion designation?

If both of the above questions are answered "yes", the project is subject to a County DMS analysis.

☐ Check if DMS printout generated (attached)

Date of printout: _____

☐ Check if DMS overview worksheet completed (attached)

*EIRs and/or staff reports shall utilize the most current DMS information available.

Environmental Finding:

FINAL DETERMINATION: On the basis of this Initial Study, the Department of Regional Planning finds that this project qualifies for the following environmental document:

☐ NEGATIVE DECLARATION, inasmuch as the proposed project will not have a significant effect on the environment.

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental/service factor and, as a result, will not have a significant effect on the physical environment.

☐ MITIGATED NEGATIVE DECLARATION, inasmuch as the changes required for the project will reduce impacts to insignificant levels (see attached discussion and/or conditions).

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was originally determined that the proposed project may exceed established threshold criteria. The applicant has agreed to modification of the project so that it can now be determined that the project will not have a significant effect on the physical environment. The modification to mitigate this impact(s) is identified on the Project Changes/Conditions Form included as part of this Initial Study.

☒ ENVIRONMENTAL IMPACT REPORT*, inasmuch as there is substantial evidence that the project may have a significant impact due to factors listed above as "significant."

☐ At least one factor has been adequately analyzed in an earlier document pursuant to legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets (see attached Form DRP/IA 101). The EIR is required to analyze only the factors not previously addressed.

Reviewed by: Rick Kwo Date: 21 December 2006

Approved by: Daryl Koutnik Date: 21 DECEMBER 2006

☐ This proposed project is exempt from Fish and Game CEQA filling fees. There is no substantial evidence that the proposed project will have potential for an adverse effect on wildlife or the habitat upon which the wildlife depends. (Fish & Game Code 753.5).

☐ Determination appealed--see attached sheet.

*NOTE: Findings for Environmental Impact Reports will be prepared as a separate document following the public hearing on the project

HAZARDS - 1. Geotechnical

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☒	☐	☐	Is the project site located in an active or potentially active fault zone, Seismic Hazards Zone, or Alquist-Priolo Earthquake Fault Zone?
				Potential active offshore fault 2 miles west of project site.
b.	☐	☒	☐	Is the project site located in an area containing a major landslide(s)?
				(State of CA Seismic Hazard Zones Map - Venice Quad).
c.	☐	☒	☐	Is the project site located in an area having high slope instability?
d.	☒	☐	☐	Is the project site subject to high subsidence, high groundwater level, liquefaction, or hydrocompaction?
				Liquefaction (State of CA Seismic Hazard Zones Map - Venice Quad).
e.	☐	☒	☐	Is the proposed project considered a sensitive use (school, hospital, public assembly site) located in close proximity to a significant geotechnical hazard?
f.	☒	☐	☐	Will the project entail substantial grading and/or alteration of topography including slopes of more than 25%?
				Approximately 215,000 c.y. of grading proposed with export.
g.	☐	☒	☐	Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
h.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Building Ordinance No. 2225 C Sections 308B, 309, 310 and 311 and Chapters 29 and 70.

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☒ Approval of Geotechnical Report by DPW

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **geotechnical** factors?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

HAZARDS - 2. Flood

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is a major drainage course, as identified on USGS quad sheets by a dashed line, located on the project site?

(State of CA Seismic Hazard Zones Map - Venice Quad).

b.	☐	☐	☒	Is the project site located within or does it contain a floodway, floodplain, or designated flood hazard zone?

Project sites are in tsunami inundation area however impacts are considered to be less than significant.

c.	☐	☒	☐	Is the project site located in or subject to high mudflow conditions?
d.	☐	☒	☐	Could the project contribute or be subject to high erosion and debris deposition from run off?
e.	☐	☒	☐	Would the project substantially alter the existing drainage pattern of the site or area?
f.	☐	☐	☐	Other factors (e.g., dam failure)?

STANDARD CODE REQUIREMENTS

☒ Building Ordinance No. 2225 C Section 308A ☒ Ordinance No. 12,114 (Floodways)
☒ Approval of Drainage Concept by DPW

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **flood (hydrological)** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

HAZARDS - 3. Fire

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site located in a Very High Fire Hazard Severity Zone (Fire Zone 4)? *(LA County Safety Element - Wildland and Urban Fire Hazards Map).*
b.	☐	☒	☐	Is the project site in a high fire hazard area and served by inadequate access due to lengths, widths, surface materials, turnarounds or grade?
c.	☐	☐	☒	Does the project site have more than 75 dwelling units on a single access in a high fire hazard area? *Single means of access.*
d.	☒	☐	☐	Is the project site located in an area having inadequate water and pressure to meet fire flow standards? *Present water usage near limit.*
e.	☐	☒	☐	Is the project site located in close proximity to potential dangerous fire hazard conditions/uses (such as refineries, flammables, explosives manufacturing)?
f.	☐	☒	☐	Does the proposed use constitute a potentially dangerous fire hazard?
g.	☐	☐	☐	Other factors? _____

STANDARD CODE REQUIREMENTS

☐ Water Ordinance No. 7834 ☐ Fire Ordinance No. 2947 ☐ Fire Regulation No. 8

☐ Fuel Modification/Landscape Plan

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Project Design ☐ Compatible Use

_____

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **fire hazard** factors?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

HAZARDS - 4. Noise

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site located near a high noise source (airports, railroads, freeways, industry)?

Project sites are approximately 3/4 mile west of Lincoln Boulevard (State Route 1) and less than 3 miles from Los Angeles International Airport.

b.	☒	☐	☐	Is the proposed use considered sensitive (school, hospital, senior citizen facility) or are there other sensitive uses in close proximity?

Residential uses are adjacent to the proposed project sites.

c.	☐	☐	☒	Could the project substantially increase ambient noise levels including those associated with special equipment (such as amplified sound systems) or parking areas associated with the project?

Operational noises typical of urban environment.

d.	☒	☐	☐	Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?

High density commercial and residential development.

e.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Noise Control – Chapter 12.8 ☐ Building Ordinance No. 2225--Chapter 35

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Compatible Use

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by noise?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

RESOURCES - 1. Water Quality

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site located in an area having known water quality problems and proposing the use of individual water wells?
b.	☐	☒	☐	Will the proposed project require the use of a private sewage disposal system?
				Project sites will be served by the Los Angeles City Hyperion Treatment Plant.
	☐	☐	☐	If the answer is yes, is the project site located in an area having known septic tank limitations due to high groundwater or other geotechnical limitations or is the project proposing on-site systems located in close proximity to a drainage course?
c.	☐	☐	☒	Could the project's associated construction activities significantly impact the quality of groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies?
				Surface runoff from proposed project during construction may drain into the Marina.
d.	☐	☐	☒	Could the project's post-development activities potentially degrade the quality of storm water runoff and/or could post-development non-storm water discharges contribute potential pollutants to the storm water conveyance system and/or receiving bodies?
				NPDES permit required.
e.	☐	☐	☐	Other factors? _____

STANDARD CODE REQUIREMENTS

☐ Industrial Waste Permit ☐ Health Code Ordinance No. 7583, Chapter 5

☐ Plumbing Code Ordinance No. 2269 ☒ NPDES Permit Compliance (DPW)

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **water quality** problems?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

RESOURCES - 2. Air Quality

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☒	☐	☐	Will the proposed project exceed the State's criteria for regional significance (generally (a) 500 dwelling units for residential uses or (b) 40 gross acres, 650,000 square feet of floor area or 1,000 employees for nonresidential uses)?
				526 apartment units and 288 hotel rooms proposed
b.	☐	☒	☐	Is the proposal considered a sensitive use (schools, hospitals, parks) and located near a freeway or heavy industrial use?
c.	☒	☐	☐	Will the project increase local emissions to a significant extent due to increased traffic congestion or use of a parking structure, or exceed AQMD thresholds of potential significance per Screening Tables of the CEQA Air Quality Handbook?
				Proposed project exceeds AQMD thresholds. Use of parking structure.
d.	☐	☐	☒	Will the project generate or is the site in close proximity to sources which create obnoxious odors, dust, and/or hazardous emissions?
				Temporary construction.
e.	☐	☒	☐	Would the project conflict with or obstruct implementation of the applicable air quality plan?
f.	☐	☒	☐	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?
g.	☐	☐	☐	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
h.	☐	☐	☐	Other factors:

STANDARD CODE REQUIREMENTS

☐ Health and Safety Code Section 40506

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Project Design ☒ Air Quality Report

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **air quality**?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

RESOURCES - 3. Biota

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site located within a Significant Ecological Area (SEA), SEA Buffer, or coastal Sensitive Environmental Resource (ESHA, etc.), or is the site relatively undisturbed and natural?
b.	☐	☒	☐	Will grading, fire clearance, or flood related improvements remove substantial natural habitat areas?
				There are no substantial natural habitat areas.
c.	☐	☐	☒	Is a drainage course located on the project site that is depicted on USGS quad sheets by a dashed blue line or that may contain a bed, channel, or bank of any perennial, intermittent or ephemeral river, stream, or lake?
				Artificially created wetland on-site.
d.	☒	☐	☐	Does the project site contain a major riparian or other sensitive habitat (e.g., coastal sage scrub, oak woodland, sycamore riparian woodland, wetland, etc.)?
				Artificially created wetland on-site.
e.	☐	☒	☐	Does the project site contain oak or other unique native trees (specify kinds of trees)?
f.	☐	☒	☐	Is the project site habitat for any known sensitive species (federal or state listed endangered, etc.)?
g.	☒	☐	☐	Other factors (e.g., wildlife corridor, adjacent open space linkage)?
				Marine biota (brown pelican) may be disrupted.

☒ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Oak Tree Permit ☐ ERB/SEATAC Review

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on **biotic resources**?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

RESOURCES - 4. Archaeological / Historical / Paleontological

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site in or near an area containing known archaeological resources or containing features (drainage course, spring, knoll, rock outcroppings, or oak trees) which indicate potential archaeological sensitivity?
b.	☐	☒	☐	Does the project site contain rock formations indicating potential paleontological resources?
c.	☐	☒	☐	Does the project site contain known historic structures or sites?
d.	☐	☒	☐	Would the project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in 15064.5?
e.	☐	☐	☒	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
f.	☐	☐	☐	Other factors?

New excavation below existing grade is proposed.

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Phase I Archaeology Report

Historical resource aspect is in compliance with State Office of Historical Preservation guidelines.

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **archaeological, historical,** or **paleontological** resources?

☐ Potentially significant ☒ Less than significant with project mitigation ☐ Less than significant/No impact

RESOURCES - 5. Mineral Resources

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
b.	☐	☒	☐	Would the project result in the loss of availability of a locally important mineral resource discovery site delineated on a local general plan, specific plan or other land use plan?
c.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **mineral** resources?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 6. Agriculture Resources

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
				(Los Angeles County Important Farmland 2002 Map).
b.	☐	☒	☐	Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
c.	☐	☒	☐	Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
d.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on agriculture resources?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 7. Visual Qualities

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☒	☐	☐	Is the project site substantially visible from or will it obstruct views along a scenic highway (as shown on the Scenic Highway Element), or is it located within a scenic corridor or will it otherwise impact the viewshed?
				High density developments would block view of coastal areas.
b.	☐	☒	☐	Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail?
c.	☐	☒	☐	Is the project site located in an undeveloped or undisturbed area, which contains unique aesthetic features?
d.	☐	☒	☐	Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features?
e.	☒	☐	☐	Is the project likely to create substantial sun shadow, light or glare problems?
				19-story hotel towel on Parcel 9U
f.	☐	☐	☐	Other factors (e.g., grading or land form alteration):

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Visual Report ☐ Compatible Use

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on **scenic** qualities?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

SERVICES - 1. Traffic/Access

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☒	☐	☐	Does the project contain 25 dwelling units, or more and is it located in an area with known congestion problems (roadway or intersections)?
				526 apartment units and 288 hotel rooms.
b.	☐	☐	☒	Will the project result in any hazardous traffic conditions?
				High density development with single access.
c.	☐	☐	☒	Will the project result in parking problems with a subsequent impact on traffic conditions?
d.	☒	☐	☐	Will inadequate access during an emergency (other than fire hazards) result in problems for emergency vehicles or residents/employees in the area?
				Single means of access.
e.	☒	☐	☐	Will 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 be exceeded?
				CMP thresholds exceeded.
f.	☐	☒	☐	Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
g.	☒	☐	☐	Other factors? *Cumulative Marina traffic impacts.*

☒ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Project Design ☒ Traffic Report ☐ Consultation with Traffic & Lighting Division

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **traffic/access** factors?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

SERVICES - 2. Sewage Disposal

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	If served by a community sewage system, could the project create capacity problems at the treatment plant?
				Large increase in population within the area.
b.	☒	☐	☐	Could the project create capacity problems in the sewer lines serving the project site?
				Increase in population may create capacity problems on current sewer system.
c.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Sanitary Sewers and Industrial Waste Ordinance No. 6130

☐ Plumbing Code Ordinance No. 2269

☐ MITIGATION MEASURES / ☐ OTHER CONSIDERATIONS

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **sewage disposal** facilities?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

SERVICES - 3. Education

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Could the project create capacity problems at the district level?

526 apartment units to be served by the Los Angeles Unified School District.

b.	☐	☐	☒	Could the project create capacity problems at individual schools which will serve the project site?
c.	☐	☒	☐	Could the project create student transportation problems?
d.	☒	☐	☐	Could the project create substantial library impacts due to increased population and demand?

New residential development and increased population.

e.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES / ☒ OTHER CONSIDERATIONS**

☐ Site Dedication ☒ Government Code Section 65995 ☒ Library Facilities Mitigation Fee

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **educational** facilities/services?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impac

SERVICES - 4. Fire/Sheriff Services

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Could the project create staffing or response time problems at the fire station or sheriff's substation serving the project site?
b.	☐	☐	☒	Are there any special fire or law enforcement problems associated with the project or the general area?
c.	☐	☐	☐	Other factors?

Residential units and single means of access.

☐ **MITIGATION MEASURES** / ☒ **OTHER CONSIDERATIONS**

☐ Fire Mitigation Fees

Nearest Fire station is less than a mile away at 4433 Admiralty Way, Marina Del Rey, CA 90292.

Nearest Sheriff's station is less than a mile away at 13851 Fiji Way, Marina Del Rey, CA 90292.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **fire/sheriff** services?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

SERVICES - 5. Utilities/Other Services

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site in an area known to have an inadequate public water supply to meet domestic needs or to have an inadequate ground water supply and proposes water wells?
				Current water usage near limit.
b.	☐	☐	☒	Is the project site in an area known to have an inadequate water supply and/or pressure to meet fire fighting needs?
				Current water usage near limit.
c.	☐	☒	☐	Could the project create problems with providing utility services, such as electricity, gas, or propane?
d.	☒	☐	☐	Are there any other known service problem areas (e.g., solid waste)?
				Solid waste generated by demolition/construction and operation of mixed-use retirement facility and commercial offices.
e.	☐	☒	☐	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services or facilities (e.g., fire protection, police protection, schools, parks, roads)?
f.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Plumbing Code Ordinance No. 2269 ☐ Water Code Ordinance No. 7834

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **utilities/services**?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

OTHER FACTORS - 1. General

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Will the project result in an inefficient use of energy resources?
b.	☐	☒	☐	Will the project result in a major change in the patterns, scale, or character of the general area or community?
c.	☐	☒	☐	Will the project result in a significant reduction in the amount of agricultural land?
d.	☒	☐	☐	Other factors? *Wind patterns may be altered; views to coastal areas may be obstructed.*

STANDARD CODE REQUIREMENTS

☐ State Administrative Code, Title 24, Part 5, T-20 (Energy Conservation)

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot size ☐ Project Design ☐ Compatible Use

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to any of the above factors?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

OTHER FACTORS - 2. Environmental Safety

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Are any hazardous materials used, transported, produced, handled, or stored on-site?
b.	☐	☒	☐	Are any pressurized tanks to be used or any hazardous wastes stored on-site?
c.	☐	☒	☐	Are any residential units, schools, or hospitals located within 500 feet and potentially adversely affected?
d.	☐	☒	☐	Have there been previous uses that indicate residual soil toxicity of the site or is the site located within two miles downstream of a known groundwater contamination source within the same watershed?
d.	☐	☒	☐	Have there been previous uses which indicate residual soil toxicity of the site?
e.	☐	☒	☐	Would the project create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment?
f.	☐	☒	☐	Would the project emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
g.	☐	☒	☐	Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment?
h.	☐	☒	☐	Would the project result in a safety hazard for people in a project area located within an airport land use plan, within two miles of a public or public use airport, or within the vicinity of a private airstrip?
I.	☐	☒	☐	Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
j.	☐	☒	☐	Other factors? _____

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Toxic Clean up Plan

CONCLUSION

Considering the above information, could the project have a significant impact relative to **public safety**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 3. Land Use

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☒	☐	☐	Can the project be found to be inconsistent with the plan designation(s) of the subject property?
				Plan Amendment for Parcel FF sought.
b.	☒	☐	☐	Can the project be found to be inconsistent with the zoning designation of the subject property?
				Relocation of public open space.
c.				Can the project be found to be inconsistent with the following applicable land use criteria:
	☐	☒	☐	Hillside Management Criteria?
	☐	☒	☐	SEA Conformance Criteria?
	☐	☐	☐	Other? _
d.	☐	☒	☐	Would the project physically divide an established community?
e.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **land use** factors?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

OTHER FACTORS - 4. Population/Housing/Employment/Recreation

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Could the project cumulatively exceed official regional or local population projections?
b.	☐	☒	☐	Could the project induce substantial direct or indirect growth in an area (e.g., through projects in an undeveloped area or extension of major infrastructure)?
c.	☐	☒	☐	Could the project displace existing housing, especially affordable housing?
d.	☐	☒	☐	Could the project result in a substantial job/housing imbalance or substantial increase in Vehicle Miles Traveled (VMT)?
e.	☐	☒	☐	Could the project require new or expanded recreational facilities for future residents?
f.	☐	☒	☐	Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
g.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **population, housing, employment**, or **recreational** factors?

☒ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

MANDATORY FINDINGS OF SIGNIFICANCE

Based on this Initial Study, the following findings are made:

	Yes	No	Maybe	
a.	☐	☒	☐	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
				Biota
b.	☐	☐	☒	Does the project have possible environmental effects which are individually limited but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
				Traffic, Air Quality
c.	☐	☐	☒	Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly?
				Water Quality, Noise

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the environment?

☒ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

NOTICE OF PUBLIC HEARING AND NOTICE OF COMPLETION AND AVAILABILITY DRAFT ENVIRONMENTAL IMPACT REPORT FOR

STATE CLEARINGHOUSE NUMBER # 2007031114

LOS ANGELES COUNTY PROJECTS TR067861

Notice is hereby given that the Regional Planning Commission of Los Angeles County will conduct a public hearing concerning this proposed land development on **October 29, 2008**, at 9:00 a.m., in Room 150, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Interested persons will be given an opportunity to testify. The Draft Environmental Impact Report associated with this project will also be considered.*

General description of development proposal: A hotel and timeshare resort development on the northerly portion of Marina del Rey Parcel 9U.

Project No. TR067861includes a request for a **Coastal Development Permit** for site preparation and construction of the proposed hotel and timeshare resort improvements and approximately 44,000 cubic yards of grading will be required, with approximately 1,800 cubic yards of cut soil being balanced on-site and approximately 42,200 cubic yards of the cut soil being exported to a landfill located in Los Angeles County; **Conditional Use Permits** for the construction of a new parking structure to service the hotel/timeshare resort, the installation of signs, the sale of alcoholic beverages for on-site consumption at the proposed hotel/timeshare resort, and for the construction and maintenance of an emergency rooftop heliport; a **Variance** for the reduction of the required setback from the pedestrian promenade; a **Parking Permit** to authorize reduced on-site parking via a shared-parking arrangement and to authorize a valet parking program that will utilize tandem parking spaces; and a **Vesting Tentative Tract Map** to authorize a condominium subdivision for the proposed timeshare units. The Woodfin Suite Hotel and Timeshare component (Project TR067861) entails the construction of a 19-story building with 288 hotel and timeshare suite units (152 hotel rooms and 136 timeshare suites) and related accessory uses, a pool, meeting rooms, and a pedestrian promenade. The proposed building will include a six-level (with one level below grade) parking garage structure, for a total of 360 parking spaces.

Project TR067861, RCDP200600007, RCUP200600288, RPKP200600020, RVAR200600012, TR067861

General location of property: Parcel 9U in Marina del Rey, east of Via Marina, between Tahiti Way and Marquesas Way, in the Playa del Rey Zoned District.

The County of Los Angeles Department of Regional Planning, acting in the capacity of a Lead Agency under the County Environmental Guidelines, Chapter III, Section 304, has filed a Notice of Completion of a Draft Environmental Impact Report for the project. This document has been prepared in accordance with, and pursuant to, the California Environmental Quality Act, as amended (CEQA); Public Resources Code, Section 21000 et.seq.; and the Guidelines for Implementation of the California Environmental Quality Act Guidelines, California Code of Regulation, Title 14, Chapter 15000 et.seq. The EIR addresses all environmental factors having a potential for significant impacts under the regulations and guidelines cited above. The Draft EIR concludes that the project design and implementation including suggested mitigation measures will result in significant residual impacts in short-term construction noise impacts, short-term construction air quality impacts, cumulative construction air quality impacts, visual resource impacts, cumulative traffic impacts, cumulative solid waste impacts, and cumulative population and housing impacts that cannot be fully mitigated.

The formal public review period for the Draft EIR will be for a period of 45 days, from **September 8, 2008 to October 22, 2008**. Written comments received on the Draft EIR prior to the close of the public hearing on the project will be considered in the Final EIR. Written comments should be submitted to Mr. Michael Tripp, Department of Regional Planning, Room 1362, 320 West Temple Street, Los Angeles, California 90012. The Draft Environmental Impact Report will be available for review at the following County libraries: **Lloyd Taber-Marina del Rey Library, 4533 Admiralty Way, Marina del Rey, CA 90292; Venice-Abbot Kinney Memorial Library (City of Los Angeles) , 501 S. Venice Boulevard, Venice, CA 90291; and Culver City Julian Dixon Library, 4975 Overland Avenue, Culver City, CA 90230**.

Case materials, including the environmental documentation, are available for review Monday through Thursday, between 7:30 AM and 6:00 PM, at the Department of Regional Planning, Hall of Records, Room 1362, 320 West Temple Street, Los Angeles, California 90012. Our office is closed on Fridays. Case materials will be available for review beginning **September 28, 2008** at the above-mentioned libraries. Selected materials will also be available on the Department of Regional Planning website at http://planning.lacounty.gov.

These cases do not affect the zoning of surrounding properties. If you are unable to attend the public hearing but wish to send written comments, please write to the Department of Regional Planning at the address given below, Attention: Michael Tripp. You may also obtain additional information concerning this case by phoning Michael Tripp at (213) 974-4813. Callers from North County areas may dial (805) 272-0964 (Antelope Valley) or (805) 253-0111 (Santa Clarita) and then ask to be connected to (213) 974-4813. Public service hours: 7:30 a.m. to 6:00 p.m., Monday through Thursday. Our office is closed on Fridays. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised at the public hearing or by written correspondence delivered to the Regional Planning Commission at or prior to the public hearing.

Este es un aviso de una audiencia pública de acuerdo al Decreto de la Protección del Medio Ambiente de California. El proyecto no. TR067861 incluye una solicitación que consiste de un **permiso de desarrollo costero** para la preparación y construción de el Woodfin Suites Hotel Timeshare (Proyecto TR067861) y movimientación de tierra ; un **permiso de uso condicional** para construir un estacionamiento para el uso de el Woodfin Suites Hotel Timeshare, la instalación de senalización, la venta de bebidas alcolicas departe del hotel para consumo en el local, y la construcción de un helipuerto de emergencia en el techo del edificio; una **varianza** para la reducción de la área que separa el edificio del paseo peatonal; un **permiso de estacionamiento** para la reducción de estacionamiento en el local a través de estacionamiento compartido y la autorización de estacionamiento tipo 'valet' que utilizaría adyacente espacios de estacionamiento; y un mapa "**Vesting Tentative Tract Map**" para autorizar la subdivisión de condominio en unidades de multipropiedes. El Woodfin Suites Hotel Timeshare consiste de la construcción de un edificio de 19 pisos con 288 suites (cuartos) de hotel y multipropriedades y de usos accesorios. El edificio propuesto tendrá incluso una estructura de estacionamiento de seis pisos con un piso subteraneo y el total de 360 espacios para estacionamiento.

La audiencia pública para considerar el proyecto y Redacto de el Reporte de Impacto Ambiental se llevará acabo el **29 de octubre de 2008**. El periodo para que el público evalue Redacto de el Reporte de Impacto Ambiental será por 45 dias desde el 8 de septiembre hasta el 22 de octubre. Si necesita más informacion, o si quiere este aviso en Espanol, favor de llamar al Departamento de Planificación al (213) 974-6466."

"ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice".

***The Draft EIR for this project covers three separate parcels (10R, 9U, and FF), and five separate proposed developments (R2006-03647, R2006-03652, R2006-03643, TR067861, and R2006-03644).**

THE DEPARTMENT OF REGIONAL PLANNING
COUNTY OF LOS ANGELES

CANCELLATION OF PUBLIC HEARING

THIS NOTICE SHALL SERVE TO NOTIFY YOU THAT THE PUBLIC HEARING ON PROJECT NOS. R2006-03643-(4), R2006-03644-(4), R2006-03647-(4), R2006-03652-(4) AND TR067861 BEFORE THE REGIONAL PLANNING COMMISSION, SCHEDULED FOR SATURDAY, NOVEMBER 22, 2008, AT 10:00 A.M. AT THE MARINA DEL REY HOTEL, 13534 BALI WAY, MARINA DEL REY, CALIFORNIA 90292 *HAS BEEN CANCELLED*.

THE PUBLIC HEARING WILL BE RE-SCHEDULED AND RE-ADVERTISED FOR A LATER DATE AND TIME.

R2006-03647
400-unit apartment complex proposed on Parcel 10R

R2006-03652
126-unit apartment complex proposed on Parcel FF

TR067861
288-room hotel and timeshare resort (152 regular hotel rooms and 136 timeshare units) proposed on the northern portion of Parcel 9U

R2006-03643
Wetland and upland park proposed on the southern portion of Parcel 9U

R2006-03644
Public anchorage proposed in the basin adjacent to Parcel 9U

LOCATION OF SUBJECT PROPERTIES: The subject properties are located at the northeast corner of Via Marina and Marquesas Way (Parcel FF), the southeast corner of Via Marina and Marquesas Way (Parcel 10R) and the northeast corner of Via Marina and Tahiti Way (Parcel 9U) in the Playa Del Rey Zoned District.

Additional information concerning these cases may be obtained by telephoning Mr. Michael Tripp at (213) 974-4813 between 7:30 a.m. and 6:00 p.m., Monday through Thursday. **Our offices are closed on Fridays.** Callers from North County areas may dial (661) 272-0964 (Antelope Valley) or (661) 253-0111 (Santa Clarita) toll free and then request a connection to 974-4813.

El proyecto que se considera por el Condado de Los Angeles es la modificación o revocación de un permiso especial que autoriza la operación y mantenimiento de un aeropuerto comercial privado. La audiencia pública para considerar el proyecto anteriormente programado para el día 22 de noviembre*, 2008 ha sido CANCELADO. El Condado anunciará otra fecha para la audiencia pública. Si necesita más información, o si quiere este aviso en español, favor llamar al Departamento de Planificación al (213) 974-6466."*

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Jon Sanabria
Acting Director of Planning

April 2, 2009

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

FROM: Samuel Dea
Section Head
Special Projects Section

SUBJECT: Project Nos. R2006-03643, R2006-03644, R2006-03647, R2006-03652, and TR067861.
CONSIDERATION OF POSSIBLE FIELD TRIP AND HEARING DATES
AGENDA ITEM NOS. 9, 10, 11 and 12(a) and 12(b)

At the October 29, 2008 public hearing regarding the above-mentioned Marina Del Rey projects, the Commission indicated its intent to schedule a field trip and a public hearing in the Marina to better understand the projects and to facilitate public input. Prior to that hearing and field trip, the applicant and County Counsel requested to have the item taken off calendar so that revisions could be made to the Draft Environmental Impact Report, to analyze potential impacts from nearby projects. The Draft Environmental Impact Report has been revised and will be ready for recirculation by the end of April.

Staff recommends that the field trip be conducted on a Saturday before the public hearing. The following have been confirmed as possible field trip and hearing dates:

- June 13th (Field Trip) and June 17th (Hearing)
- June 20th (Field Trip) and June 24th (Hearing)
- July 11th (Field Trip) and July 15th (Hearing)
- July 18th (Field Trip) and July 22nd (Hearing)
- July 25th (Field Trip) and July 29th (Hearing).

If you have any questions please contact Michael Tripp of my staff at (213) 974-4813 or by e-mail at mtripp@planning.lacounty.gov.

RECOMMENDED MOTION

I MOVE THAT THE REGIONAL PLANNING COMMISSION INDICATE ITS INTENT TO CONDUCT A FIELD TRIP TO VISIT THE PROJECT SITES ON SATURDAY, _____, 2009 AT _____A.M. AND HOLD A PUBLIC HEARING WEDNESDAY, _____, 2009 AT _____P.M. IN MARINA DEL REY.

SZD:MRT