Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

**CERTIFIED-RECEIPT
REQUESTED**

March 11, 2010

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

Mr. Clark:

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

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

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

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

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

1. The demolition and removal of all landside improvements and the construction of a 400 unit apartment complex, consisting of two 55 foot tall buildings and one 60 foot tall building, and a 28 foot wide pedestrian promenade;

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

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

Your attention is called to the following:

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

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

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

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

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

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard Bruckner
Director

Samuel Z. Dea, Supervising Regional Planner
Special Projects Section

SD:mrt

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

c: Board of Supervisors
Testifiers
California Coastal Commission

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

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

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

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

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

PROCEEDINGS BEFORE THE COMMISSION:

October 29, 2008 Public Hearing

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

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

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

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

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

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

Proponent Testimony

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

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

Opposition Testimony

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

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

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

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

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

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

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

August 8, 2009 Regional Planning Commission Field Trip

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

August 12, 2009 PUBLIC HEARING

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

Proponent Testimony

The project applicants testified in favor of the project.

Opposition Testimony

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

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

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

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

October 14, 2009 Public Hearing

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

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

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

February 3, 2010

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

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

Findings

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

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

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

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

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

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

   North: Open Space

   South: Hotel-Waterfront Overlay Zone

   West: City of Los Angeles, across Via Marina

   East: Residential IV-Waterfront Overlay Zone and Water

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

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

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

   South: Vacant parcel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regarding the Coastal Development Permit:

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

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

Regarding the Conditional Use Permit:

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

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

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

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

Regarding the Variance:

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

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

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

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

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

REGIONAL PLANNING COMMISSION ACTION:

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

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

VOTE

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

Dissenting:

Abstaining:

Absent:

Action Date: March 10, 2010

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

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

2. Prior to initiating any development on the waterside portion of the subject Parcel 10R, pursuant to permittee's related proposal to demolish the existing anchorage and to subsequently construct a new private boat anchorage on the waterside portion of the parcel, permittee shall submit documentation to the Director of Planning confirming its receipt of an approved Coastal Development Permit from the California Coastal Commission pertaining to all such proposed waterside development.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required monies have been paid pursuant to Condition Nos. 9, 12, and 13.

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

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

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

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

   The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with County Code section 2.170.010.

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

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

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

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County the sum of **$4,500**. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **30** annual inspections. Inspections shall be unannounced.

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

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing and giving notice thereof to permittee, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25. All requirements of Title 22 of the County Code and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions, or shown on the approved plans.

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

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

28. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. .

29. Within sixty (60) days of the Design Control Board's ("DCB") final design approval, permittee shall submit to the Director for review and approval three (3) copies of a revised Exhibit "A", similar to that presented at the public hearing. This Revised Exhibit "A" submittal shall contain a full set of the approved site plan, floor plans, parking plan, roof plan, building elevations, building cross-sections, landscaping plan, and signage plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and sensitive land uses;

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

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

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

i. Configure construction parking to minimize traffic interference;

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

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

iv. Consolidate truck deliveries when possible;

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

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

forecasts;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment:
Mitigation Monitoring Plan

SD:MT
2/24/10

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Regional Planning Commission finds as follows:

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

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

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

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

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

   North: Open Space

   South: Hotel-Waterfront Overlay Zone

   West: City of Los Angeles, across Via Marina

   East: Residential IV-Waterfront Overlay Zone and Water

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

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

   North: A public parking lot and multi-family apartments

   South: Vacant parcel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29. The proposed project, in summary:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Project R2006-03647

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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