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. R2006-03652
LOCAL COASTAL PROGRAM PLAN AMENDMENT NO. RPA200600014-(4)
COASTAL DEVELOPMENT PERMIT NO. 200600009-(4)
CONDITIONAL USE PERMIT NO. 200600290-(4)
VARIANCE NO. 200600014-(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 126 unit apartment complex;

2. An onsite grading project and the offsite export of 29,600 cubic yards of earth. The project will also require 35 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. 2 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 14 development units from the abutting Development Zone #2 (Tahiti Development Zone) and 112 development units from the proximate Develop Zone #1 (Bora Bora Development Zone) into the subject Development Zone #3 (Marquesas Development Zone); to change Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; to provide Open Space replacement at an offsite location; to change Parcel FF's height category from Category 1 to Category 3 to allow buildings ranging from 45 feet in height when a 20% view corridor is provided to 75 feet in height when a 40% view corridor is provided; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the maximum residential densities of Parcel FF's Marina del Rey LCP Residential III and Residential V Land Use

densities of Parcel FF's Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum density of 35 dwelling units per acre and the Residential V's maximum density of 75 dwelling units per acre.

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. R2006-03652-(4)
Coastal Development Permit No. RCDP200600009
Conditional Use Permit No. RCUP200600290
Variance No. RVAR200600014

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 public surface parking lot containing 202 parking spaces and appurtenant landscaping located on Marina del Rey Parcel FF, and to subsequently construct one (1) 126-unit, maximum 55-foot-tall apartment building (including a total of 19 affordable housing units) with landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and appurtenant facilities on the subject parcel. Approximately 35,000 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 FF is located at the northeasterly corner of the intersection of Via Marina and Marquesas Way, with frontages on both Via Marina and Marquesas Way. Associated land use entitlements for the project consist of a **Coastal Development Permit** to authorize demolition of all existing landside improvements and subsequent construction of the aforementioned landside improvements on Parcel FF, and to further authorize applicant's temporary use of Marina Parcel 10R (located across Marquesas Way from Parcel FF at the southeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel FF development; a **Conditional Use Permit** for site grading and the export of earth from the site; and a **Variance** for excess signage and a reduction of the required setback from the waterside promenade.

The applicant is also requesting **amendments to the Marina del Rey Local Coastal Program** authorizing the transfer of 14 development units from the abutting Development Zone-2 (Tahiti Development Zone) and 112 potential development units from the proximate Development Zone-1 (Bora Bora Development Zone) into the subject Development Zone-3 (Marquesas Development Zone); changing Parcel FF's land use designation from "Open Space" to the "Residential III" and "Residential V" designations with a Water Overlay Zone; changing Parcel FF's height category from Category 1 to Category 3; authorizing the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and averaging the densities of the proposed R-III and R-V residential categories on Parcel FF. Associated approval findings for the associated Local Coastal Program amendment 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. At this meeting (and at each of the Commission's public hearing meetings described below), the Commission conducted concurrent public hearings regarding the subject project and the following four other proposed Marina development projects:

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

- Project No. R2006-03643, a request to authorize construction of a public wetland and upland park on the southerly approximately 1.46 acres of Marina Parcel 9U; and

- Project No. R2006-03644, 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.

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

Proponent Testimony

The project applicants testified in favor of the request.

Opposition Testimony

Twelve (12) 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 project does not provide adequate parking;
f. The traffic study in the DEIR is inadequate and antiquated;
g. The DEIR fails to adequately assess cumulative impacts on traffic, dust, noise, and local services;
h. The shadow and wind studies in the DEIR are inadequate;
i. The Noise section of the DEIR is inadequate and does not recognize that many Marina residents are at home on weekdays;
j. The Marina should be dedicated to public recreation because this was its intended purpose;
k. 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;
l. The proposed residential units will not be affordable to the current residents of Marina del Rey;
m. The proposed project is inconsistent with the policies of the LCP;
n. The DEIR mischaracterized the current status of the Parcel FF parking lot. The parking lot appeared underutilized because it was used as a construction staging area and because the parking rate is too high;
o. The Variance for the promenade setback should be denied;
p. The CCC is opposed to the conversion of public parking lots and open space lots to private uses;
q. Parcel FF is not underutilized during major holidays and events such as Independence Day and the Christmas Boat Parade;
r. The signage variance is unnecessary because the Marina is a small place and large signs will seem out of place;
s. The public needs more parking in Marina del Rey; and
t. 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 FF 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 9U (location of the proposed Woodfin Suite Hotel & Timeshare Resort and public wetland park) and 10R (location of applicant's proposed 400-unit apartment project, across Marquesas Way from the subject Parcel FF). 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.

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. The Commission also questioned staff whether the Fire Department accessway that leads to the proposed pedestrian promenade for the Parcel FF project also serves as the driveway entrance to the apartment building's underground parking garage.

Proponent Testimony

The applicants testified in favor of the project.

Opposition Testimony

Twenty-six (26) individuals 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. Pedestrian access along the mole road (Marquesas Way) is inadequate in the proposed plan;
p. The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
q. 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;
r. Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce;
s. Solid waste/landfill capacity is only available until 2017. The projects will last beyond 2017. What happens when landfill capacity is no longer available?
t. Parcel FF may only be converted to a public park, and no other land use;
u. There has been no RFP for a public park released by the County on Parcel FF. The public park alternative for Parcel FF has not been analyzed in the RDEIR or DEIR, so the DEIR is insufficient in its analysis of alternative feasible mitigation measures on Parcel FF;
v. The applicant asserts Parcel FF is "contemplated" for conversion to residential use in the LCP, which is not correct; the LCP contemplates Parcel FF as open space. The LCP dictates that public parking lots may only be converted to parks or public parking lots;
w. The Coastal Improvement Fund outlined in the LCP should be tapped by the County to develop a public park on Parcel FF; and
x. The County's "Right-Sizing Parking Study for Marina del Rey" does not sufficiently analyze public parking use on Parcel FF.

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 at the Regional Planning Commission's hearing chamber in downtown Los Angeles; all Commissioners were present. The public hearing opened with a presentation by staff, during which staff outlined the issues of concern raised by the public at the August 12, 2009 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, Legacy Partners Neptune Marina L.P., has requested approval of a **Coastal Development Permit** to authorize the demolition of an existing surface parking lot containing 202 public parking spaces and appurtenant landscaping on the subject Parcel FF and the construction on the subject parcel of one (1) apartment building containing 126 rental dwelling units, garage parking, landscaping, hardscape, a public

waterfront pedestrian promenade and other amenities and appurtenant facilities. The proposed apartment building will contain six (6) units reserved for exclusive occupancy by very low-income households, seven (7) units reserved for exclusive occupancy by low-income households, and six (6) 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 10R (located across Marquesas Way from Parcel FF at the southeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel FF development. The applicant has also requested a **Conditional Use Permit** to authorize site grading and the export of earth from the site, and a **Variance** to authorize excess signage and a reduction of the required building setback from the waterside pedestrian promenade (a zero-foot building setback from the waterfront pedestrian promenade is being requested in lieu of the 10-foot building setback otherwise required by the County Zoning Code). 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. RPA200600014**. 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. RPA200600014 has been adopted and certified by the Board of Supervisors and the California Coastal Commission.

2. The 2.048-acre subject property, known as Marina del Rey "Parcel FF," is located in the Playa del Rey Zoned District at the northeast 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; Marquesas Way fronts the subject property to the south; Marina del Rey Parcel 15U and Marina Basin C adjoin the subject property to the north; and Marina del Rey Parcel 13R adjoins the subject property to the east.

4. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program (LCP). The subject parcel's existing land use designation per the LCP is Open Space; however, the applicant is requesting an amendment to its LCP to change the subject parcel's land use designation to Residential V and Residential III with a Waterfront Overlay Zone designation to facilitate development of the proposed apartment building on the site.

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

North: Residential IV (WOZ) and Water (per MDR Specific Plan)

South: Residential V (WOZ) and Residential III (WOZ) (per MDR Specific Plan)

West: City of Los Angeles, across Via Marina

East: Residential III (WOZ)

6. The subject property is currently developed with an underutilized surface parking lot containing 202 pubic parking spaces and appurtenant landscaping.

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

North: Multi-family residential (rental apartments) and Marina Basin C

South: Multi-family residential (rental apartments)

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

East: Multi-family residential (rental apartments)

8. A Zoning Enforcement case was previously opened on the subject property for the storage of construction materials without an approved Coastal Development Permit. The Zoning Enforcement case was closed in May of 2008. No previous zoning permit cases were found for the subject property.

9. The site plans and elevations depicts one (1) 126-unit apartment building 55 feet in height (exclusive of rooftop appurtenant structures and mechanical equipment), with four stories of apartments over two levels of parking. The site plan also depicts a 28-foot-wide public pedestrian promenade along the parcel's water frontage, and a driveway providing vehicular access into the apartment garage along the easterly side of the parcel. A 60-foot-wide view corridor is depicted over the easterly portion of the parcel.

10. The site plan depicts three vehicular entrances/exits into the apartment building garage, one via the driveway provided on the easterly portion of the parcel and two fronting directly on Marquesas Way, on either side of the courtyard fronting on Marquesas Way in the center of the building. Two parking levels are provided in the subterranean garage, which contains a total of 242 parking spaces for residents and guests, consistent with County Code parking requirements for the 126-unit apartment building. Of the 242 on-site parking spaces provided in the project, 210 are allocated to residents, and 32 are allocated to guests. Out of the 242 spaces, 8 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 *La Opinion* on September 4, 2008. Staff also mailed out 1,126 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 continued. 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 FF 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. 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 10R (location of applicant's proposed 400-unit apartment project, across Marquesas Way from the subject Parcel FF). 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. Pedestrian access along the mole road (Marquesas Way) is inadequate in the proposed plan;
p. The DEIR should be recirculated to address a new issues—high-risk liquefaction—as reflected on new State maps showing liquefaction-prone areas;
q. 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;
r. Project construction haulers will use Via Dolce, which will result in adverse impacts to residences on Via Dolce;
s. Alleged insufficiency of the solid waste impact discussion in the DEIR;
t. Parcel FF may only be converted to a public park, and no other land use;
u. There has been no RFP for a public park released by the County on Parcel FF. The public park alternative for Parcel FF has not been analyzed in the RDEIR or DEIR, so the DEIR is insufficient in its analysis of alternative feasible mitigation measures on Parcel FF;
v. The applicant asserts Parcel FF is "contemplated" for conversion to residential use in the LCP, which is not correct; the LCP contemplates Parcel FF as open space. The LCP dictates that public parking lots may only be converted to parks or public parking lots;
w. The Coastal Improvement Fund outlined in the LCP should be tapped by the County to develop a public park on Parcel FF; and
x. The County's "Right-Sizing Parking Study for Marina del Rey" does not sufficiently analyze public parking use on Parcel FF.

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 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 subject parcel is currently designated "Open Space" in the Marina del Rey Land Use Plan and Specific Plan. In order to facilitate development of the proposed project, the applicant is requesting amendments to the LCP (see Local Coastal Program Amendment No. RPA200600014) to convert the subject parcel's land use designation from Open Space to "Residential V-WOZ" (for the 1.38-acre "non-mole" portion of the parcel) and "Residential III-WOZ" (for the 0.67-acre "mole" portion of the parcel). This LCP amendment will also authorize the transfer of 14 development units from the abutting Development Zone-2 (Tahiti Development Zone) and 112 potential development units from the proximate Development Zone-1 (Bora Bora Development Zone) into the subject Development Zone-3 (Marquesas Development Zone). This transfer of 126 residential development units into the subject Marquesas Development Zone is necessary because, with approval of the applicant's proposed apartment development on neighboring Parcel 10R (reference County Project No. R2006-03647-(4)), there will be no remaining residential development unit credits in the Marquesas Development Zone. The Commission finds 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. To account for the loss of "Open Space"-designated land that will occur as a result of the adoption of the LCP amendment for the project, and the subsequent development of Parcel FF with an apartment building thereby precluding the potential future development of a public park on the site, the applicant has been conditioned to provide at least 50 percent of the funding required to develop a restored public wetland and upland park of 1.46 acres on the southerly portion of Marina del Rey Parcel 9U, located

nearby the subject property at the corner of the intersection of Via Marina and Tahiti Way. As depicted on the approved wetland park exhibit in the administrative file for this case, the public park will consist of a newly established "muted" tidal salt marsh in the center of the park, surrounded by a buffer of 25 feet from the actual wetland area toward both the proposed hotel/timeshare resort structure to the north (i.e., the "Woodfin Suites Hotel & Timeshare Resort"; reference Project No. TR 067861) and Tahiti Way on the south. The muted tidal salt marsh will be approximately 0.43 acres in size.

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

28. To further compensate for the loss of potential future public park space that will occur as a result of its development of Parcel FF with an apartment building, the applicant has been conditioned to fund and develop a public/"transient" boat anchorage to adjoin the Parcel 9U bulkhead. This anchorage will comprise approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B, and will contain approximately 542 lineal feet of new public dock area (it is estimated that the public anchorage will provide berthing for between seven and 11 transient vessels, depending on the sizes of the vessels utilizing the anchorage at any given time, plus additional area for dinghy docking at the north side of the anchorage). The new public boat and anchorage will be compliant with ADA and California Department of Boating & Waterways ("CA DB&W") standards.

29. The applicant is requesting the associated amendment to the certified LCP in order to amend the certified LCP in a manner that will accommodate the proposed development on the subject parcel. The Commission finds that the combination of benefits to the public that will result from applicant's provision of compensatory public improvements on nearby Parcel 9U (i.e., the restored wetland, upland park and public boat anchorage) represents a significant recreational boating, open space and environmental asset for the public, and is preferred by the County as mitigation for the loss 2.048-acres of designated open space on Parcel FF that will occur with adoption of the subject LCP amendment. The Commission further finds that the development of a public wetland park on the southerly 1.46-acres of Parcel 9U is a superior alternative to the development of a public park on Parcel FF, notwithstanding the fact that the Commission has been presented no evidence of any current or forthcoming proposal—

public or private—to develop a public park at Parcel FF. Having conducted a site tour of both Parcel FF and Parcel 9U, the Commission finds Parcel 9U provides a more expansive waterfront viewing opportunity along a far more heavily traveled street—Via Marina versus the Marquesas Way mole road—and would thus provide a larger, higher-quality waterfront park area to a greater number of visitors. The Commission finds that development of a public park on Parcel 9U would therefore offer superior Coastal waterfront access to a greater number of people than a park that could potentially be built, at an as yet unspecified future date, at the Parcel FF mole road location.

30. The LCP amendment for this project will also change the parcel's existing Height Category from "Height Category 1" (maximum building height of 25 feet) to "Height Category 3" (which allows for 45-foot building heights when a 20% view corridor is provided, ranging to 75 feet maximum when a 40% view corridor is provided). Height Category 3 permits building height above 45 feet at the ratio of 1.5 feet in height for every one percent view corridor exceeding the 20 percent (see Section 22.46.1060.5.c of the County Code). The proposed 55-foot building height (exclusive of typical rooftop appendages) would be consistent with the proposed Height Category 3 designation because the applicant is providing a view corridor comprising 26.7% of the parcel's water frontage. 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 the applicant's proposed 55-foot-tall apartment building on Parcel FF is entirely consistent with and complementary to the established development pattern of the neighborhood.

31. The County's LCP amendment for this project will also authorize the applicant to "blend" 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 and R-V land use categories. Total site density will not exceed the LCP-prescribed 126 dwelling units for Parcel FF, 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 and attractive building massing and development. As noted, 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.

32. The County's LCP amendment for this project will also allow the applicant to deposit, prior to issuance of a building permit, funds into the LCP-established, County-administered "Coastal Improvement Fund" (see Section 22.46.1940 of the County Code, *et seq.*) in an amount sufficient to fund the County's future construction of 101

replacement public parking spaces at the Burton Chace Park complex, or such other location designated by the County. (Consistent with LUP Parking Policy #12, the 202 public parking spaces that will be displaced at Parcel FF will be replaced by the County on a 0.5:1 basis at a better visitor-serving location in the Marina.) The LCP amendment will further authorize the applicant to occupy the project apartment building prior to the County's future construction of said 101 replacement public parking spaces at a more visitor-serving location in the Marina. An amendment is necessary in this case to vary from the requirements of Los Angeles County Code Sections 22.46.1250.4 and 22.46.1330.4, which state: "Other existing recreation, visitor-serving and marine commercial facilities not shown on LUP Map 6 [i.e., public parking spaces at Parcel FF] may be relocated in conjunction with development as long as the use [i.e., public parking] is replaced within the Marina before the development which displaces it may commence [i.e., occupancy of the apartment building]." With approval of the LCP amendment for the project, the applicant will be allowed to occupy the Parcel FF apartment building prior to the County's future construction of the 101 replacement parking spaces elsewhere in the Marina, while still providing full funding for the County's future construction of the replacement parking spaces.

33. The subject Parcel FF is currently improved with a surface parking lot, which, due to its relatively distant location from recreational uses or visitor attractions in the Marina, has been and continues to be highly underutilized by the public. This fact was confirmed by the California Coastal Commission staff in its Marina del Rey Periodic Review Staff Recommendation, dated July 20, 2006, in which staff writes (at page 128):

> [T]here are a few public parking lots that the County provides that are not located adjacent to key visitor attractions and may be underutilized due to their location. Parcels FF and OT are examples of such parking lots....The nearest key visitor-serving or recreational facilities [to Parcel FF] are Marina Beach and the North Jetty, both located over 1,000 feet from the parking lot. The closest recreational facility is the promenade, which runs along a portion of the parking lot. Although the promenade is a significant recreational facility, people generally access the promenade in other areas and do not rely on this parking lot.

34. The underutilization of the Parcel FF parking lot and the resulting contemplation for the parcel's conversion from parking to residential use is further confirmed on Page 2-5 of Chapter A.2 of the LUP (Recreation & Visitor-Serving Facilities), which states, under the "Potential Conversion of Public Parking Lots" subsection: "Lots FF and OT, both on the west side of the Marina, are under utilized throughout most of the year. They are being contemplated for development as residential uses."

35. The applicant commissioned two separate parking use surveys of Parcel FF, which were conducted by the traffic engineering firm Crain & Associates of Southern California in August 2004 and July 2009; these studies were reviewed by the Commission and are

included in the administrative file for this case. The July 2009 study found that the public's use of the existing parking on Parcel FF is minimal. The study analyzed recent counts conducted at the parking lot this year on Memorial Day and for a non-holiday weekend in June 2009. The new count results are consistent with the findings from the previous Parking Utilization Study that Crain & Associates conducted back in August 2004. In summary, Crain & Associates found that the public parking spaces at Parcel FF were not heavily utilized, with an average peak parking demand of 27 vehicles for the three count days. Additionally, the majority of the vehicles accessing the parking lot were found to be associated with residential parking needs for the adjacent apartment uses.

36. Crain & Associates findings comport with those in the County Department of Beaches & Harbors' comprehensive March 2009 Right-Sizing Study of Parking Lots in Marina del Rey, which also concludes the public's use of Parcel FF parking is minimal. The County's Right-Sizing Study, which the Commission has reviewed and is included in the administrative file for this case, was based on field observations in 2005 and 2007. Moreover, the California Coastal Commission's April 2009 Revised Findings in support of its Periodic Review of the Marina del Rey LCP also found that the lot is underutilized by the public because it is not located near visitor-serving or recreational attractions.

37. Having considered the foregoing evidence demonstrating the public's historic and ongoing use of the public parking spaces located at Parcel FF is minimal, the Commission hereby finds that no public parking shortage will occur as a result of the proposed conversion of Parcel FF from its current parking use to the applicant's proposed residential use. The Commission further finds that the County's proposal to relocate 50% (101 spaces) of the 202 public parking spaces that will be displaced at Parcel FF as a result of the project to the Burton Chace Park complex, or other more visitor-serving Marina del Rey location of the County's choosing, will serve to enhance the public's access to the Coast by providing the public parking at a more desirable location in direct proximity to visitor-serving or recreational attractions. The Commission also hereby finds that deferring the construction of the 101 replacement parking spaces will not result in a shortage of public parking in the project vicinity.

38. 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).

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

40. 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 of the County Code, the Commission thus finds that site development on Parcel FF will occur in geologically safe areas.

41. 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 of the County Code.

42. To ensure project consistency with Section 22.46.1190.A.3 of the County Code, 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.

43. 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.

44. With approval of the LCP amendment for the project, the Commission hereby finds project will be consistent with the newly established "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 and 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 Sections 22.46.1310 and 22.46.1230 of the County Code. As noted, the applicant is requesting an amendment to the LCP to authorize the applicant to average, or "blend," residential densities over Parcel FF 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 126 dwelling units for Parcel FF, 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. The Commission hereby finds this development approach will provide for more uniform and attractive building massing 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 Sections 22.46.1250 and 22.46.1330 of the County Code, except as has been modification pursuant to the promenade-adjacent yard reduction Variance request the Commission has approved for this case; and

- With applicant's development of the public anchorage and public wetland park development on the nearby Parcel 9U, and with the County's replacement of 50% of the existing 202 public parking spaces lost through the Parcel FF land use conversion at a more visitor- and/or recreational-serving location in Marina del Rey, the proposed site development will not reduce the amount of land area devoted to existing visitor-serving, boating or marine commercial uses.

45. 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:

a. $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

b. $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 41 p.m. peak hour trips. Therefore, the applicant has been conditioned to pay a total LCP-prescribed traffic impact fee of $233,290, of which $65,600 will be allocated for Category 1 traffic improvements and $167,690 will be allocated for Category 3 improvements.

46. As further outlined in finding #30 above, with approval of the associated LCP amendment, the Commission hereby finds project will be consistent with the newly established Height Category 3 for the subject parcel.

47. 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 Commission finds the applicant has provided view corridors consistent with LCP requirements--i.e., a view corridor comprising 26.7% of the parcel's water frontage is being provided, consistent with LCP view corridor requirements for the proposed 55-foot-tall apartment building.

48. 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 have been provided along the parcel's bulkhead, consistent with LCP requirements.

49. Consistent with LCP requirements, the Commission finds the project has been designed so that planes of the exterior building walls will vary in depth and/or direction, and will relate closely to the pedestrian promenade. The Commission finds 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.

50. Consistent with LCP requirements, the Commission finds 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.

51. 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 242 on-site parking spaces for residents and guests, consistent with County Code parking requirements for the 126-unit apartment building. Of the 242 on-site parking spaces provided in the project, 210 are allocated to residents, and 32 are allocated to guests. Of the 242 spaces, 8 are allocated to disabled persons.

52. The apartment building 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.

53. 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.

54. 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.

55. 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 FF 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 key 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); through development of a public boat anchorage adjoining the Parcel 9U bulkhead; through contributing 50% of the cost of developing a public wetland park on the southerly portion of 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.

56. 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 FF; by developing a public boat anchorage adjoining the Parcel 9U bulkhead; and by financing 50% of the cost of developing a public wetland park on the southerly portion of Parcel 9U.

57. Consistent with Shoreline Access Policy #3 of the LUP, the 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 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.

58. 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).

59. 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.

60. 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.

61. 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.

62. Consistent with Shoreline Access Policy #14 of the LUP, the 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.

63. 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; through the

applicant's development of a public boat anchorage abutting the Parcel 9U bulkhead; and by facilitating the development of a public wetland park on the southerly portion of Parcel 9U by paying 50% of the park's development costs.

64. 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.

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

66. 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.

67. Recreation & Visitor-Serving Facilities Policy #12 of the LUP states: "No designated public parking areas, including, but not limited to, Lots OT, UR or FF, shall be converted to uses other than public parking or public park purposes. Parking spaces lost as a result of conversion of public parking areas to public park uses, shall be replaced on a 0.5:1 basis, either on-site or elsewhere in the Marina."

68. The applicant is providing substantial, suitable compensatory open space, park and recreational boating mitigation for the proposed conversion of Parcel FF from an underutilized public parking lot to residential use--i.e., through development of a public/"transient" boat anchorage alongside the Parcel 9U bulkhead and contributing 50% of the cost of developing a public wetland park over the southerly portion of the Parcel 9U bulkhead. As set forth in finding #s 33-37 above, no public parking shortage will occur as a result of the proposed conversion of Parcel FF from its current parking use to the applicant's proposed residential use. The applicant's proposal to relocate 50% (101 spaces) of the 202 public parking spaces that will be displaced at Parcel FF as a result of the project to the Burton Chace Park complex, or other more visitor-serving Marina del Rey location of the County's choosing, will serve to enhance the public's access to the Coast by providing the public parking at a more desirable location in direct proximity to visitor-serving or recreational attractions. The County's deferred construction of these 101 replacement parking spaces will not result in a shortage of public parking in the project vicinity, because substantial evidence demonstrates that the public's historic and ongoing use of the public parking spaces at Parcel FF is minimal.

69. The applicant will fulfill Recreational Boating Policy #1 of the LUP ("Recreational boating is a top priority of the LCP") through its development of a public/transient boat

anchorage abutting the Parcel 9U bulkhead. As noted, this public anchorage will comprise approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B, and would contain approximately 542 lineal feet of new public dock area (it is estimated that the public anchorage would provide berthing for between seven and 11 transient vessels, depending on the sizes of the vessels utilizing the anchorage at any given time, plus additional area for dinghy docking at the north side of the anchorage).

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

71. 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.

72. 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.

73. 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.

74. 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.

75. 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 the applicant's development of a public/"transient" boat anchorage along the Parcel 9U bulkhead. Moreover, the applicant has been conditioned to ensure 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 in the vicinity of the site, nor the ancillary uses which support these facilities.

76. The project implements Land Use Plan Policy #2 of the LUP ("Maintenance of the physical and economic viability of the marina is a priority") through redeveloping Parcel FF, which is currently improved with an underutilized public parking lot, with residential use that will provide housing, including badly needed affordable housing units. The project development will help to ensure maintenance of the physical and economic viability of the marina.

77. 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.

78. 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, public boat anchorage, and public wetland park), 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").

79. 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).

80. The project is not subject to the affordable replacement housing provisions of the Mello Act because no existing dwelling units will be demolished to facilitate the proposed development.

81. 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 its other provisions, requires applicants 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

that these units' affordability be deed restricted for the term of the extended ground lease. The Policy further dictates that 1/3 of a project's inclusionary 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.

82. The subject project complies with the Policy's inclusionary affordable unit set-aside requirements, in that 15 percent of the 126 units developed in the project 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, six (6) of the project's affordable units will be designated for very low-income households, seven (7) of the units will be designated for low-income households, and six (6) of the units will be designated for moderate-income households.

83. The applicant's on-site provision of the subject nineteen (19) 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 the Commission finds to be a compelling 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 nineteen (19) 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 FF (until 2061), and that these units shall be reasonably dispersed throughout the Project.

84. The project implements Coastal Visual Resources Policy #1 of the LUP (Views of the Harbor are a Priority) through its provision of an LCP-compliant view corridor across the parcel from the adjacent public street (Marquesas Way) to Marina Basin C. 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.

85. Consistent with Coastal Visual Resources Policy #2 of the LUP, the 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.

86. 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.

87. 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.

88. With approval of the LCP amendment changing the subject parcel's LCP-designated Height Category from 1 to 3, the 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) will be consistent with the newly established Height Category 3 for the parcel because the applicant is providing a view corridor comprising 26.7% of the parcel's water frontage. 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 applicant's proposed 55-foot-tall apartment building on Parcel FF is entirely consistent with and complementary to the established development pattern of the neighborhood.

89. 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 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 C, which abuts the subject property to the north. These studies, which are included as appendices in the project EIR, conclude the overall sailing wind conditions will be unaffected in Basin C by addition of the apartment building on Parcel FF. Minor changes in wind speed and direction were recorded only in the westerly end of Basin C, 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 C 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.

90. 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 building on Parcel FF 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.

91. 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.

92. 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.

93. 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.

94. 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 FF alone would not result in any significant traffic impacts; however, development of Parcel FF 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 $233,290 will be paid by the applicant for the project); in turn, the County will utilize $65,600 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.

95. 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 $167,690 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.

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

97. 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.

98. 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.

99. 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.

100. 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 Commission finds that the seaward-most 8 feet (adjacent to the bulkhead) of the 28-foot-wide waterfront pedestrian promenade has been amenitized with landscaping, a shaded bench, light standards, a drinking fountain and other pedestrian amenities, consistent with LCP requirements.

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

102. 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. As noted, pursuant to the LCP amendment for the project, the 1.38-acre "non-mole" portion of the parcel will be re-designated "Residential V-WOZ" and the 0.67-acre "mole" portion of the parcel will be re-designated "Residential III-WOZ." The proposed 126-unit project meets the density requirements of the effective Residential V and III land use categories.

103. Section 22.46.1060 (D) (2) of the County Code 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.

104. 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.

105. 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.

106. 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)) of the County Code. 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.

107. 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.

108. 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.

109. 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 a shade structure, a trash receptacle, a drinking fountain, a bicycle rack, an enhanced paving pattern along the waterfront pedestrian promenade, structural grasscrete on the fire lane fronting the non-waterfront portion of the site along the northerly side of the building (subject to the approval of the County Fire Department), and enhanced landscaping. The applicant also revised the water-facing (northerly) side of the apartment building, creating opportunities in the building footprint to provide landscape pockets for larger vertical trees to help buffer the building at the promenade. The applicant also incorporated an on-grade, eight-foot-wide planter between the 20-foot-wide waterfront promenade and the building, which serves to provide an additional landscape buffer between the building and the waterfront promenade.

110. 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 FF, 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.

111. 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 a view corridor comprising approximately 27 percent of the parcel's water frontage, and the physical limits of the land area available to the parcel due to it being abutted by water on one side, which justify the requested yard setback reduction variance at the public waterfront pedestrian promenade. Moreover, existing development on adjoining parcels eliminates the development alternative of acquiring

additional property or adjusting lot lines to create additional developable area to accommodate the 10-foot yard setback adjacent to the promenade.

112. 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 footprint of the proposed building. 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 building, 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.

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

114. The applicant has requested a Conditional Use Permit to authorize approximately 35,000 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. Although the anticipated amount of grading (35,000 cubic yards) would not ordinarily require prior issuance of a condition use permit, the applicant is requesting one in the event that the grading for the applicant's adjacent project on Parcel 10R (Project No. R2006-03647-(4)), which anticipates up to 112,000 cubic yards of grading with export, is combined with the subject project's grading under one grading permit.

115. The Commission instructed the applicant to coordinate with the applicant for the proposed project on Parcel 9 to ensure consistency of the promenade amenities. In addition, if the County establishes a comprehensive design concept for promenades in Marina del Rey, the project shall implement said concept during final design review by the Design Control Board.

116. 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 proposed site is adequate in size and shape to accommodate the proposed grading activity and 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 approval of the applicant's Condition Use Permit request is justified.

BASED ON THE FOREGOING, 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 Development 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 adopted for the project, which findings and statement are incorporated herein by reference.

2. In view of the findings of fact and conclusions presented above, Coastal Development Permit No. RCDP200600009, Conditional Use Permit No. RCUP200600290 and Variance No. RVAR200600014 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 an existing public surface parking lot containing 202 parking spaces and appurtenant landscaping located on Marina del Rey Parcel FF; the subsequent construction of one (1) 126-unit, maximum 55-foot-tall (excluding rooftop appurtenant structures) apartment building and landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and appurtenant facilities on Parcel FF in Marina del Rey; and the permittee's temporary use of Marina Parcel 10R (located across Marquesas Way from Parcel FF at the southeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel FF development. This grant also authorizes a **Conditional Use Permit** for approximately 35,000 cubic yards of onsite grading with excess soil to be exported to a landfill located in Los Angeles County. This grant further authorizes a **Variance** for permittee's 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. 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. 8, 11, and 12.

3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of 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.

4. 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.

5. 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.

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

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

8. 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).

9. 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.

10. Within five (5) days of the final 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 **$2867.25** ($2,792.25 plus $75.00 processing fee).

11. 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.

12. 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.

13. The subject apartment building shall be limited to 126 dwelling units.

14. Front yards (front yard is adjacent to Marquesas Way) 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 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 nineteen (19) rental dwelling units ("Designated Units") of the approved 126 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 FF.

16. The unit composition of the project's 19 Designated Units shall be as follows: six (6) units designated for exclusive occupancy by qualified very low-income households (4 one-bedroom units and 2 two-bedroom units); seven (7) units designated for exclusive occupancy by qualified low-income households (4 one-bedroom units and 3 two-bedroom units); and six (6) units designated for exclusive occupancy by qualified moderate-income households (4 one-bedroom units and 2 two-bedroom units). The project's 19 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.

17. The project's 19 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.

18. 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. The 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

27. 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.

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

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. The applicant is required to contribute to the Coastal Improvement fund prior to the issuance of any building permit. The estimated contribution based on the 126 proposed additional units on Parcel FF is $75,600 ($600.00 x 126 residential units). This amount may be reduced based on any credit the applicant is eligible per LACC 22.46.1950.D.

31. Prior to issuance of a building permit for the project, the permittee shall, to the satisfaction of the Directors of Regional Planning and Beaches & Harbors, pay monies into the Coastal Improvement Fund (specified in section 22.46.1950 of the County Code) in the amount necessary to fund the County's construction of 101 "replacement" public parking spaces at the Burton Chace Park complex, or other visitor/recreational-serving Marina del Rey location of the County's choosing.

32. Prior to issuance of a building permit for the project, the permittee shall, to the satisfaction of the Directors of Regional Planning and Beaches & Harbors, pay monies into the Coastal Improvement Fund (specified in section 22.46.1950 of the County Code) in the amount necessary to fund 50 percent of the design, permitting and construction of a public wetland and upland park on the southerly approximately 1.46-acres of Marina Parcel 9U (as such public wetland and upland park is conditioned for approval under County Coastal Development Permit No. RCDP200600006). The first to obtain a building permit of the permittees of the subject project and the hotel/timeshare resort project on Parcel 9U (County Coastal Development Permit No. RCDP200600007) shall construct such public wetland and upland park and shall be entitled to reimbursement of 50 percent of the design, permitting and construction cost by the County. If such park is not developed by the permittee of the hotel/timeshare resort, the subject permittee may enter onto Parcel 9U to perform such construction work. Development of said public wetland and

upland park on the southerly portion of Parcel 9U shall be completed and the park shall be open to the public in advance of issuance of a Final Certificate of Occupancy for the subject approved apartment building on Parcel FF.

33. Prior to issuance of a building permit for the project, the permittee shall, to the satisfaction of the Directors of Regional Planning and Beaches & Harbors, pay monies into the Coastal Improvement Fund (specified in section 22.46.1950 of the County Code) in the amount sufficient to provide for the design, permitting and construction of a public/"transient" boat anchorage adjoining the Parcel 9U bulkhead, as depicted on the approved site plans on file. Said public boat anchorage shall comprise approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B, and shall contain approximately 542 lineal feet of new public dock area, as depicted on the approved site plan on file. Following such deposit, the permittee shall construct such public/"transient" boat anchorage and may enter onto Parcel 9U to perform the construction work. Development of said anchorage shall be completed and the anchorage facility shall be open for service to the public in advance of issuance of a Final Certificate of Occupancy for the subject approved apartment building on Parcel FF.

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. 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.

36. 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.

37. 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 10R. If the permittee chooses to provide parking for construction workers or storage of construction equipment/materials off-site at Marina Parcel 10R, 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 of Public Works, prior to building permit issuance.

38. In conformance with the approved parking plans on file, the permittee shall provide a minimum of 242 parking spaces on-site, of which 234 shall be standard-dimensioned parking spaces and 8 shall be disabled access-dimensioned parking spaces. Of the 242 on-site parking spaces, 210 shall be marked reserved for apartment tenant parking and 32 shall be marked reserved for apartment guest parking.

39. 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 structure, bike racks, promenade light standards and decorative paving), and building colors and materials palette.

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

41. 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.

42. Pursuant to Chapter 22.72 of the County Code, the permittee shall pay a fee to the County of Los Angeles Public Library prior to the issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department of Regional Planning. The current fee amount is $671.00 per dwelling unit ($772.00 X 126 additional apartment units = $97,272). The permittee may contact the County Librarian at (562) 940-8430 regarding payment of fees.

43. 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.

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

45. 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.

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

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

47. As outlined in the attached MMP, prior to issuance of a building permit for the project, the permittee shall pay the 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.

48. 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.
49. 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 nearby wetland park on 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 lobby containing information on visitor-serving attractions in Marina del Rey.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel No. FF.

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. R2006-03652

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. RPA200600014 to authorize the transfer of 14 development units from the abutting Development Zone #2 (Tahiti Development Zone) and 112 development units from the proximate Develop Zone #1 (Bora Bora Development Zone) into the subject Development Zone #3 (Marquesas Development Zone); to change Parcel FF's land use designation from Open Space to the Residential III and Residential V; to provide Open Space replacement on the lower portion of Parcel 9U; to change Parcel FF's height category from Category 1 to Category 3 to allow buildings ranging from 45 feet in height when a 20% view corridor is provided to 75 feet in height when a 40% view corridor is provided; to allow the development of Parcel FF to commence prior to the replacement of the existing public parking spaces that will be displaced; and to average the maximum densities of Parcel FF's propsed Marina del Rey LCP Residential III and Residential V Land Use Categories evenly over the entire parcel rather than maintain the Residential III's required maximum density of 35 dwelling units per acre and the Residential V's maximum density of 75 dwelling units per acre; and

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted concurrent public hearings regarding Coastal Development Permit No. RCDP200600009, Conditional Use Permit No. RCUP200600290, and Variance No. RVAR200600014 on October 29, 2008, August 12, 2009, October 14, 2009, 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 "FF"; 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 the northeast corner of the intersection of Via Marina and Marquesas Way, in Marina del Rey and in the Playa Vista Zoned District., also known as Marina del Rey Parcel FF.

2. The 2.048-acre subject property is located on level terrain in a highly urbanized area devoted primarily to recreational boating and multi-family residential uses. Via Marina fronts the subject property to the west; Marquesas Way fronts the subject property to the south; Marina del Rey Parcel 15U and Marina Basin C adjoin the subject property to the north; and Marina del Rey Parcel 13R adjoins the subject property to the east. The County of Los Angeles owns fee title to the subject property, and will enter into a long-term lease agreement with the applicant (to expire in February 2061) regarding the parcel prior to the applicant's development of the proposed project.

3. The subject property is zoned "Specific Plan" within the Marina Del Rey Local Coastal Program (LCP). The subject parcel's existing land use designation per the LCP is Open Space; however, the applicant is requesting an amendment to its LCP to change the subject parcel's land use designation to Residential V (1.38 acres) and Residential III (0.67 acres) with a Waterfront Overlay Zone designation to facilitate the development of the proposed apartment building on the site. (Please see the attached exhibit of existing and proposed land use categories)

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

   North: Residential IV (WOZ) and Water (per MDR Specific Plan)

South: Residential V (WOZ) and Residential III (WOZ) (per MDR Specific Plan)

West: City of Los Angeles, across Via Marina

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

5. The subject property is currently developed with a surface parking lot containing 202 pubic parking spaces and appurtenant landscaping.

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

   North: Multi-family residential (apartments) and Marina Basin C

   South: Multi-family residential (apartments)

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

   East: Multi-family residential (apartments)

7. A Zoning Enforcement case was previously opened on the subject property for the storage of construction materials without an approved Coastal Development Permit. The Zoning Enforcement case was closed in May of 2008. No previous zoning permit cases were found for the subject property.

8. The site plans and elevations depicts one (1) 126-unit apartment building 55 feet in height (exclusive of rooftop appurtenant structures and mechanical equipment), with four stories of apartments over two levels of parking. The site plan also depicts a 28-foot-wide public pedestrian promenade along the parcel's water frontage, and a driveway providing vehicular access into the apartment garage along the easterly side of the parcel. A 60-foot-wide view corridor is depicted over the easterly portion of the parcel.

9. The site plan depicts three vehicular entrances/exits into the apartment building garage, one via the driveway provided on the easterly portion of the parcel and two fronting directly on Marquesas Way, on either side of the primary courtyard fronting on Marquesas Way in the center of the building. Two parking levels are provided in the subterranean garage, which contains a total of 242 parking spaces for residents and guests, consistent with County Code parking requirements for the 126-unit apartment building. Of the 242 on-site parking spaces provided in the project, 210 are allocated to residents, 32 are allocated to guests. Eight (8) of the 242 spaces are allocated to disabled persons.

10. The subject parcel is currently designated "Open Space" in the Marina del Rey Land Use Plan and Specific Plan. In order to facilitate development of

the proposed project, the applicant is requesting the subject amendment to the County's certified LCP to convert the subject parcel's land use designation from Open Space to "Residential V-WOZ" (for the 1.38-acre "non-mole" portion of the parcel) and "Residential III-WOZ" (for the 0.67-acre "mole" portion of the parcel). This LCP amendment will also authorize the transfer of 14 development units from the abutting Development Zone-2 (Tahiti Development Zone) and 112 potential development units from the proximate Development Zone-1 (Bora Bora Development Zone) into the subject Development Zone-3 (Marquesas Development Zone).

11. The proposed transfer of 126 residential development units into the subject Marquesas Development Zone is necessary because, with approval of the applicant's proposed apartment development on neighboring Parcel 10R (reference County Project No. R2006-03647-(4)), there will be no remaining potential residential development units in the Marquesas Development Zone.

12. During the public hearing conducted by 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, alleging, 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.

13. 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 subject 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 dwelling 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.

14. To account for the loss of "Open Space"-designated land that will occur as a result of the adoption of the subject amendment to the certified LCP, and

the subsequent development of Parcel FF with an apartment building, thereby precluding the potential future development of a public park on the site, the proposed development has been conditioned to provide at least 50 percent of the funding required to develop a restored public wetland and upland park of 1.46 acres on the southerly portion of Marina del Rey Parcel 9U (County Project No. R2006-03643), located nearby the subject property at the corner of the intersection of Via Marina and Tahiti Way. As depicted on the exhibit in the administrative file, the public park will consist of a newly established "muted" tidal salt marsh in the center of the park, surrounded by a buffer of 25 feet from the actual wetland area toward both the proposed hotel/timeshare resort structure to the north (i.e., the "Woodfin Suites Hotel & Timeshare Resort"; reference County Project No. TR 067861) and Tahiti Way on the south. The muted tidal salt marsh will be approximately 0.43 acres in size.

15. The park area outside of the salt marsh will be planted in appropriate native vegetation and shall serve as a public open space area for the enjoyment of wildlife and biological resources reminiscent of the way Marina del Rey existed before the harbor was built. Appropriate interpretive signage will be installed to enhance the public's visiting experience. A permeable turf block area, which will include natural vegetation at the northerly end of the park, will provide public space and access for maintenance/emergency vehicles.

16. The Commission finds development of the proposed public wetland park on the southerly-most 1.46-acres of Parcel 9U represents an opportunity for the County to provide the public a privately funded, ecologically themed park space on the westerly, predominately residential side of Marina del Rey. The Commission finds the County's adoption of the subject amendment to the certified LCP is necessary to facilitate development of this unique public recreational and ecological resource in Marina del Rey.

17. To further compensate for the loss of potential future public park space that will occur as a result of its development of Parcel FF with an apartment building, the proposed development has been conditioned to fund and develop a public/"transient" boat anchorage to adjoin the Parcel 9U bulkhead. This anchorage will comprise approximately 49,000 square feet or 1.12 waterside or submerged acres in the southwestern portion of Basin B, and will contain approximately 542 lineal feet of new public dock area (it is estimated that the public anchorage will provide berthing for between seven and 11 transient vessels, depending on the sizes of the vessels utilizing the anchorage at any given time, plus additional area for dingy docking at the north side of the anchorage). The new public boat and anchorage will be compliant with ADA and California Department of Boating & Waterways ("CA DB&W") standards. The Commission finds the County's adoption of the subject amendment to the certified LCP is necessary to

facilitate development of public recreational boating resource in Marina del Rey.

18. 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, pursuant to the certified LCP, Parcel FF may only be converted to a public park, and no other land use.

19. The applicant is requesting the amendment to the County's certified LCP in order to amend the certified LCP in a manner that will accommodate the proposed development on the subject parcel. The Commission finds that the combination of benefits to the public that will result from applicant's provision of compensatory public improvements on nearby Parcel 9U (i.e., the restored wetland, upland park and public boat anchorage) represents a significant recreational boating, open space and environmental asset for the public, and is preferred by the County as mitigation for the loss 2.048-acres of designated open space on Parcel FF that will occur with adoption of the subject LCP amendment. The Commission further finds that the development of a public wetland park on the southerly 1.46-acres of Parcel 9U is a superior alternative to the development of a public park on Parcel FF, as no available funding has been allocated to develop a public park on Parcel FF. Having conducted a site tour of both Parcel FF and Parcel 9U, the Commission finds Parcel 9U provides a more expansive waterfront viewing opportunity along a far more heavily traveled street—Via Marina versus the Marquesas Way mole road—and would thus provide a larger, higher-quality waterfront park area to a greater number of visitors. The Commission finds that development of a public park on Parcel 9U would therefore offer superior and timely Coastal waterfront access to a greater number of people than a park that could potentially be built, at an as yet unspecified future date, at the Parcel FF Marquesas Way mole road location.

20. The subject amendment to the certified LCP will also change the parcel's existing Height Category from "Height Category 1" (maximum building height of 25 feet) to "Height Category 3" (which allows for 45-foot building heights when a 20% view corridor is provided, ranging to 75 feet maximum when a 40% view corridor is provided). According to Section 22.46.1060.5.c of the Los Angeles County Code, height Category 3 permits building height above 45 feet at the ratio of 1.5 feet in height for every one percent view corridor exceeding the 20 percent. The proposed 55-foot building height (exclusive of typical rooftop appendages, which are by County policy excluded from calculation of building height) would be consistent with the proposed Height Category 3 designation because the applicant is providing a view corridor comprising 26.7% of the parcel's water frontage. 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 the applicant's proposed 55-foot-tall apartment building on Parcel FF is consistent and compatible with the established development pattern of the neighborhood.

21. The proposed LCP amendment for the subject project will also authorize 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 and R-V land use categories. Total site density will not exceed the LCP-prescribed 126 dwelling units for Parcel FF, 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 and attractive building massing and development. As noted, 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 consistent and compatible with the established development pattern of the neighborhood.

22. 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 above-described Height Category increase, and resulting development of a 55-foot-tall apartment building on the subject parcel, would result in adverse wind impacts to sailing vessels in the adjacent Marina Basin C. Persons also stated that that the proposed amendment to the certified LCP allowing the applicant to average, or "blend," 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 and R-V land use categories would result in adverse wind impacts to sailing vessels in the adjacent Marina Basin C.

23. 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 C, which abuts the subject property to the north. 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 C by addition of the apartment building on Parcel FF. Minor changes in wind speed and direction were recorded only in the westerly end of Basin C, 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 C 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.

24. 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 building on Parcel FF 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.

25. The LCP amendment for the subject project will also allow the applicant to deposit, prior to issuance of a building permit, funds into the LCP-established, County-administered "Coastal Improvement Fund" (see LACC 22.46.1940, *et seq.*) in an amount sufficient to fund the County's future construction of 101 replacement public parking spaces at the Burton Chace Park complex, or such other location designated by the County. (Consistent with LUP Parking Policy #12, the 202 public parking spaces that will be displaced at Parcel FF will be replaced by the County on a 0.5:1 basis at a better visitor-serving location in the Marina.) The subject LCP amendment will further authorize the occupancy of the project apartment building prior to the County's future construction of said 101 replacement public parking spaces at a more visitor-serving location in the Marina. An amendment is necessary in this case to vary from the requirements of Los Angeles County Code Sections 22.46.1250.4 and 22.46.1330.4, which state: "Other existing recreation, visitor-serving and marine commercial facilities not shown on LUP Map 6 [i.e., public parking spaces at Parcel FF] may be relocated in conjunction with development as long as the use [i.e., public parking] is replaced within the Marina before the development which displaces it may commence [i.e., occupancy of the apartment building]." With adoption of the subject amendment to the certified LCP, the Parcel FF apartment building can be occupied prior to the County's future construction of the 101 replacement parking spaces elsewhere in the Marina, while still providing full funding for the County's future construction of the replacement parking spaces.

26. 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 current public parking spaces located on Parcel FF are regularly utilized by the visiting public, and that the conversion of the existing parking lot to residential use

would thus have an adverse impact on the public's access to the coast by removing these parking spaces from public use.

27. The Commission finds that the subject Parcel FF is currently improved with a public surface parking lot, which, due to its relatively distant location from recreational uses or visitor attractions in the Marina, has been and continues to be underutilized by the public.

28. The underutilization of the Parcel FF parking lot and the resulting contemplation for the parcel's conversion from parking to residential use is further confirmed on Page 2-5 of Chapter A.2 of the LUP (Recreation & Visitor-Serving Facilities), which states, under the "Potential Conversion of Public Parking Lots" subsection: "Lots FF and OT, both on the west side of the Marina, are under utilized throughout most of the year. They are being contemplated for development as residential uses."

29. The applicant commissioned two separate parking use surveys of Parcel FF, which were conducted by the traffic engineering firm Crain & Associates of Southern California in August 2004 and July 2009; these studies were reviewed by the Commission and are included in the administrative file for this case. The July 2009 study found that the public's use of the existing parking on Parcel FF is minimal. The study analyzed recent counts conducted at the parking lot this year on Memorial Day and for a non-holiday weekend in June 2009. The new count results are consistent with the findings from the previous Parking Utilization Study that Crain & Associates conducted back in August 2004. In summary, Crain & Associates found that the public parking spaces at Parcel FF were not heavily utilized, with an average peak parking demand of 27 vehicles for the three count days. Additionally, the majority of the vehicles accessing the parking lot were found to be associated with residential parking needs for the adjacent apartment uses.

30. Crain & Associates' findings comport with those in the County Department of Beaches & Harbors' comprehensive March 2009 Right-Sizing Study of Parking Lots in Marina del Rey, which also concludes the public's use of Parcel FF parking is minimal. The County's Right-Sizing Study, which the Commission has reviewed as part of the public hearing proceedings and is included in the administrative file for this case, was based on field observations in 2005 and 2007. Moreover, the California Coastal Commission's April 2009 Revised Findings in support of its Periodic Review of the Marina del Rey LCP also found that the lot is underutilized by the public because it is not located near visitor-serving or recreational attractions.

31. Having considered the foregoing substantial evidence demonstrating the public's historic and ongoing use of the public parking spaces located at

Parcel FF is minimal, the Commission hereby finds that no immediate public parking shortage will occur as a result of the proposed conversion of Parcel FF from its current parking use to the applicant's proposed residential use. The Commission further finds that the County's proposal to relocate 50 percent (101 spaces) of the 202 public parking spaces that will be displaced at Parcel FF as a result of the project at the Burton Chace Park complex, or other more visitor-serving Marina del Rey location of the County's choosing, will serve to enhance the public's access to the coast by providing the public parking at a more desirable location in direct proximity to visitor-serving or recreational attractions. Based on the substantial evidence in the record regarding the parking relocation issues involved in this case, the Commission also hereby finds that deferring the construction of the 101 replacement parking spaces will not result in a shortage of public parking in the project vicinity.

32. 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 approval of the LCP amendment and associated project permits would constitute piecemealing in violation of CEQA.

33. 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 FF and other proposed development projects on nearby Marina del Rey Parcel 10R (located across Marquesas Way from Parcel FF at the southeast 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 Parcel 10R to the south). The Parcel 10R project (reference County Project No. R2005-00234-(4)) is a request to demolish the existing 136-unit apartment complex and adjacent private boat anchorage, and to subsequently construct 400 new apartment units in three buildings (including a total of 62 affordable housing units) and landscaping, hardscape, garage parking, a waterfront public pedestrian promenade and other site amenities and appurtenant facilities and a new private boat anchorage on the subject parcel. The three development projects on nearby Parcel 9U that are also analyzed in the comprehensive EIR include 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 (reference 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.

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

35. 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, alleging that an alternative considering development of Parcel FF with a public park, consistent with the parcel's existing Open Space land use designation, had not been appropriately analyzed in the Recirculated DEIR or the DEIR, and that the DEIR is thus insufficient in its analysis of alternative feasible mitigation measures on the subject parcel.

36. CEQA requires that an EIR contains a reasonable range of alternatives which would feasibly attain most of the basic objective and would avoid or substantially lessen the significant effects of the project. CEQA Guidelines § 15126.6(a), (b). An EIR need not consider every conceivable alternative to a project." (Guidelines, § 15126.6, subd. (a); "Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation." (CEQA Guidelines, § 15126.6, subd. (a).)

37. The DEIR includes an analysis of nine (9) different project alternatives. In addition, the DEIR considered but rejected as infeasible three other alternatives, including one involving development of Parcel 9U as a public park. The Commission finds this represents a reasonable range of alternatives, consistent with CEQA's requirements. This notwithstanding, the Commission further finds that an alternative involving development of 9U with a public park would not meet the project objectives to:

- Provide for additional needed affordable housing in or near the Coastal Zone, in compliance with the Mello Act and County policy;

- Provide increased coastal residential opportunities with designs that emphasize coastal views, consistent with the residential build-out framework for Marina del Rey specified in the certified LCP;
- Replace an underutilized parking lot with residential development and facilitate the future relocation of public parking in another area of the Marina which will better serve the public; or
- Create a public park in a location (Parcel 9U) that provides convenient parking and public access and expansive and higher quality views of the basin and allows integration with other public uses and amenities.

38. Concurrently with the above-mentioned local coastal program plan amendment, the applicant is requesting a Coastal Development Permit to authorize demolition an existing surface parking lot containing 202 public parking spaces and appurtenant landscaping on the subject Parcel FF and the subsequent construction on the subject parcel of one (1) apartment building containing 126 rental dwelling units, garage parking, landscaping, hardscape, a public waterfront pedestrian promenade and other amenities and appurtenant facilities. A total of 19 units will be designated as affordable housing for qualified households. The proposed apartment building will contain six (6) units reserved for exclusive occupancy by very low-income households, seven (7) units reserved for exclusive occupancy by low-income households, and six (6) 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 10R (located across Marquesas Way from Parcel FF at the southeasterly corner of Via Marina and Marquesas Way) as a construction staging site during construction of the proposed Parcel FF development. The applicant has also requested a Conditional Use Permit to authorize site grading and the export of earth from the site, and a Variance to authorize excess signage and an elimination of the required 10-foot building setback from the waterside pedestrian promenade. Collectively, the requested discretionary land use permits for the project are referred to herein as the "Project Permits."

39. 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 applicant has been conditioned to provide a total of nineteen (19) inclusionary affordable housing units in the 126-unit project. The Commission finds the project is not subject to the affordable replacement housing provisions of the Mello Act because no existing dwelling units will be demolished to facilitate the proposed development. Of the project's 19 inclusionary affordable housing units, six (6) will be designated for sole occupancy by qualifying very low-income households, seven (7) will be designated for sole occupancy by qualifying low-income households, and six (6) will be designated for sole

occupancy by moderate-income households, for the term of the extended lease for the parcel (until February 2061).

40. 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 19 affordable housing units shall be maintained on the property at the designated affordability levels for the entire term of the extended lease for Parcel FF (until 2061), and that these units shall be reasonably dispersed throughout the development.

41. The Commission finds that the applicant's on-site provision of the subject nineteen (19) 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 subject project will provide, in particular—is strong evidence supporting the County's adoption of the subject amendment to the certified LCP.

42. The Commission finds the applicant has submitted substantial evidence, in the form of detailed written findings and other written correspondence to the Commission and verbal testimony during the public hearing before the Commission, which satisfies the burden of proof for approval of the subject 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, an in conformity with good planning practices. Based on the evidence submitted into the record during the Commission's consideration of this case, 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.

43. The Commission finds the subject property is presently underutilized and is surrounded on all sides by landside parcels that are developed with multi-family residential uses. As such, the Commission finds the proposed residential use of the parcel would be consistent with development in the vicinity of the project site and has been designed to be compatible with the surrounding area in terms of land use patterns, design, and established

community character. The Commission also finds the addition of new apartment units on Parcel FF, including 19 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, which housing stock is especially limited in coastal areas of the unincorporated County. The Commission finds that the project's compatibility with surrounding land uses will be ensured through the numerous conditions imposed on the associated project Coastal Development Permit, Conditional Use Permit, Variance, and mitigation measures.

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

45. 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.

46. 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.

47. 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.

48. 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.

49. 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 the unavoidable 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.

50. 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, 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. RPA200600014, 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 2.048-acre subject parcel as follows:

   - Amending the subject parcel's LCP-designated land use designation from "Open Space" to "Residential V-WOZ" (for the 1.38-acre "non-mole" portion of the parcel) and "Residential III-WOZ" (for the 0.67-acre "mole" portion of the parcel);

   - Authorizing the transfer of 14 development units from the abutting Development Zone-2 (Tahiti Development Zone) and 112 potential development units from the proximate Development Zone-1 (Bora Bora Development Zone) into the subject Development Zone-3 (Marquesas Development Zone);

   - Amending the subject parcel's LCP-designated Height Category from "Height Category 1" to "Height Category 3";

   - Authorizing the applicant to average, or "blend," 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;

   - Authorizing the applicant to deposit, prior to issuance of a building permit, funds into the LCP-established, County-administered "Coastal Improvement Fund" in an amount sufficient to fund the County's future construction of 101 replacement public parking spaces at the Burton Chace Park complex, or such other location designated by the County, and further authorize the applicant to occupy the project apartment building prior to the County's future construction of said 101 replacement public parking spaces at a more visitor-serving location in the Marina;

   - Authorizing the applicant to occupy the project apartment building prior to the County's future construction of said 101 replacement public parking spaces at a more visitor-serving location in the Marina.

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 R2006-03652

Neptune Marina Apartments Project – Parcel FF
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.	**5.1-17.** 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 parking lot (Parcel FF), 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 FF pursuant to the National Pollutant Discharge Elimination System (NPDES) that would identify the various Best Management Practices (BMPs) that would be implemented at the construction site.				
	AIR QUALITY			
Demolition, Excavation and Construction Impacts The emissions associated with concurrent demolition, excavation and grading and construction of all the project components would exceed the South Coast Air Quality Management District (SCAQMD) emission thresholds of significance during the construction phase for carbon monoxide (CO),	**5.4-7.** 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). 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	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
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.	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.			
	5.4-8. 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.	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
	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 any equipment leaving the site each trip. j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. k. Enforce traffic speed limits of 15 mph or less on all unpaved roads. l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.			
The project would generate GHG emissions, which would contribute to potential	**Global Climate Change** **5.4-11.** The project shall achieve energy efficiency equivalent to the California Energy Commission Tier II building energy use	The applicant shall incorporate compliance	Building and Safety	Prior to issuance of

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
cumulative impacts of GHG emissions on global climate. These are not considered to be cumulatively considerable impacts.	standards. **5.4-12.** The project applicant shall recycle and/or salvage for reuse a minimum of 65 percent of non-hazardous construction and demolition debris by weight. **5.4-13.** The project applicant shall use drought-tolerant landscaping from an approved plant list provided by the lead agency, County of Los Angeles, or other agency. **5.4-14.** The project applicant shall install a smart irrigation controller for any area of the lot that is either landscaped or designated for future landscaping. The project applicant shall ensure landscaped areas comply with all requirements within Title 22 Part 21 of Chapter 22.523. **5.4-15.** The project applicant shall install high-efficiency toilets (maximum 1.28 gallons/flush) when tank-type toilets are installed. **5.4-16.** The project applicant shall provide sufficient interior and exterior bicycle parking facilities at residential components of the project. The project applicant will also provide residents and hotel guests with information regarding local and regional public transportation services.	with the County Green Building Ordinance with final project design plans		building permit.
	BIOTA			
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, except nesting migratory birds when found nesting in	**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	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
project area landscape trees.	conduct weekly surveys to determine if active nests of bird species protected by the Migratory Bird Treaty Act and the California Fish and Game Code are present in the construction zone. If no breeding bird behavior or nesting activity is observed, the surveying biologist may instruct the contractor to remove potential nesting habitat, so long as the removal occurs within three days of the survey. If the removal of potential nesting habitat does not occur within three days, an additional pre-construction survey will be conducted such that no more than three days will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found, clearing and construction activities within a buffer distance determined by the surveying biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions. Buffer may be less than 50 feet for human habituated birds. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the County of Los Angeles within 30 days of completion of the pre-construction surveys and construction monitoring to document compliance with			

Impact	Mitigation Measure		Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
		applicable state and federal laws pertaining to the protection of native birds.			
Direct impacts on terrestrial special status species associated with construction and operation on the project sites are not considered significant, with the exception of black-crowned night-heron and snowy egret when found nesting in project area landscape trees.	5.5-5	During all construction activities if active heron or egret nests are discovered on or adjacent to the project and these nests are being used for breeding or rearing offspring, a qualified biologist shall monitor bird behavior at the nest for any signs of distress or annoyance from the construction noise. In the event the consulting biologist determines that noise from the project construction activities are causing distress or annoyance to herons or egrets that may be utilizing nests on these parcels, then construction activities shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting during that year. The urbanized and disturbed condition of the existing environment shall be considered when determining buffer distances, since birds that typically nest in the area are already accustomed to noisy conditions.	Qualified biologist to monitor construction activities	Department of Regional Planning	During construction
TRAFFIC/ACCESS					
The project is expected to generate approximately 499 net new trips per day. Of this total, an estimated 44 trips would occur during the morning peak hour, and 41 new trips would occur during the evening peak hour. These new trips would be added to	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 41 PM peak hour trips, the project would be required to pay $233,290 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
the project area roadway network once the existing development is removed and the proposed project is completed and fully occupied. The incremental project traffic would significantly impact the (LOS) forecasts during the PM peak hours at three of the study intersections, Admiralty Way and Via Marina, Washington Blvd. at Ocean Avenue and Via Marina, and Admiralty Way and Mindanao Way. During the AM peak hour only the Admiralty Way/Mindanao intersection would be significantly affected.				
Cumulative Impacts The results of the cumulative development analysis show that the potential additional traffic resulting from area-	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	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
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.	• Washington Boulevard and Palawan Way • Lincoln Boulevard and Washington Boulevard • Lincoln Boulevard and Marina Expressway (SR-90) • Lincoln Boulevard and Bali Way • Lincoln Boulevard and Mindanao Way • Lincoln Boulevard and Fiji Way • Admiralty Way and Bali Way • Admiralty Way and Mindanao Way • Marina Expressway (SR-90) Eastbound and Mindanao Way			
SEWER SERVICE				
The proposed development would generate an increase demand for sewage.	**5.8-1.** Prior to issuance of building permits, the Neptune Marina Apartments 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.	**5.9-7.** The Neptune Marina Apartments Project (Parcel FF) 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	**5.9-8.** The Neptune Marina Apartments Project (Parcel FF) shall incorporate into the building plans water conservation measures as outlined in the following items: • Health and Safety Code Section 17921.3 requiring low-	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
Resources Plan (IRP)	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.			
	5.9-9. Prior to the issuance of grading permits, the Neptune Marina Apartments Project (Parcel FF) 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.	**5.10-6.** If required, during demolition the Neptune Marina Project Parcel FF applicant shall arrange with a hazardous materials hauling company for materials collection and transport to an appropriate disposal or treatment facility located outside of Los Angeles County	The applicant shall contract with a hauling company.	Department of Public Works	On going during construction
	5.10-7. The Neptune Marina Apartments Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction and Demolition Debris Recycling. The project	The applicant shall submit a Recycling and Reuse Plan	Department of Public Works	Prior to issuance of demolition and

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
	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.			grading permits
During project operation, The Neptune Marina Apartments project would generate a net increase of solid waste generation beyond currently permitted landfill capacity.	**5.10-8.** To reduce the volume of solid and hazardous waste generated by the operation of the project, a solid waste management plan shall be developed by the Neptune Marina Apartments 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.	The applicant shall submit a solid waste management plan.	Department of Public Works	Prior to issuance of 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	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

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
existing capacity at the elementary, middle and high schools and would place additional demands on services and facilities at all three area schools.				
	POLICE PROTECTION			
Construction Impacts Site development and construction would normally not require services from the County Sheriff's Department, except in the cases of trespass, theft, and/or vandalism. Implementation of standard construction-traffic control procedures such as flagmen and signage would further reduce any potential impact.	**5.12-7.** As part of the building permit process, the County Sheriff's Department shall review the Neptune Marina Apartments 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. **5.12-8.** During construction, the builder and contractor shall adhere to the County of Los Angeles ordinances pertaining to construction noise (refer to Title 12, Chapters 12.08 and 12.12 Los Angeles County Code).	The applicant shall submit site design to the County Sheriff's Department	County Sheriff's Department	Prior to issuance of demolition and grading permits
	FIRE PROTECTION			
Construction Impacts During construction, a	**5.13-9.** Applicants associated with the Neptune Marina Apartments Project shall submit and have approved by the County of Los	The applicant shall submit a Fire Safe Plan	County of Los Angeles Fire	Prior to issuance of

Impact	Mitigation Measure	Monitoring/Reporting Action(s)	Agency Responsible for Compliance	Timing
large amount of wood framing and other flammable construction materials would be present on the project site(s). In addition, construction traffic would occur on and near the project site during working hours due to commuting construction workers, trucks and other large construction vehicles that would potentially slow emergency response times. However, no significant impacts will occur with implementation of standard County safety measures.	Angeles Fire Department, a Fire Safe Plan. The Fire Safe Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. The applicant will provide a Conceptual Fire Safety Plan to be reviewed by the County Fire Department prior to issuance of building permits for each project. Typically, such plans, defined emergency evacuation plans and other information deemed necessary by the Fire Department. The Fire Safe Plan shall be reviewed by and incorporate all recommendations of the County Fire Department prior to project approval. **5.13-10.** During construction, security fencing will be installed surrounding the project site and private security services will be hired to reduce the potential for emergency medical or fire situations on the project site caused by illegal trespassing that could require a response by the County Fire Department. **5.13-11.** Consistent with the Fire Safe Plan, ingress/egress access for the circulation of traffic and for emergency response access shall be reviewed and approved by the County Fire Department prior to project approval. **5.13-12.** The development of this project shall comply with all applicable code and ordinance requirements for access, water mains, fire flows, and fire hydrants.		Department	building permits
	LIBRARY SERVICES			
Operational Impacts; Funding The proposed project will be responsible for payment of the library	**5.14-1.** The Neptune Marina Apartments 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 (126 units). Fees are paid to Los Angeles County to offset the demand for	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
mitigation impact fee. Payment of this fee would constitute full mitigation, and impacts to library services would be less than significant.	library items and building square footage generated by the proposed project.			