Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

March 4, 2010

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

FROM: Samuel Z. Dea
Section Head
Special Projects Section

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SD:MRT