Agenda Item Number 8

Project TR067861-(4)

Woodfin Hotel Suite and Timeshare Resort Project
Parcel 9U North

Permit Findings

Permit Conditions

Tract Findings

Tract Conditions

Mitigation Monitoring Program

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

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

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

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

PROCEEDINGS BEFORE THE COMMISSION:

October 29, 2008 Public Hearing

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

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

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

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

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

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

Proponent Testimony

The project applicants testified in favor of the request.

Opposition Testimony

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

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

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

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

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

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

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

August 8, 2009 Regional Planning Commission Field Trip

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

August 12, 2009 PUBLIC HEARING

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

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

Proponent Testimony

The project applicants testified in favor of the request.

Opposition Testimony

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

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

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

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

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

October 14, 2009 Public Hearing

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

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

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

February 3, 2010

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

Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67. Land Use Plan Policy #1 of the LUP states: "The primary purpose of the Land Use Plan shall be to maintain Marina del Rey as a Small Craft harbor for recreational purposes. A secondary purpose shall be to promote and provide visitor-serving facilities. Development shall not detract from, nor interfere with, the use of existing or planned boating facilities, nor the ancillary uses which support these facilities." The proposed visitor-serving hotel/timeshare resort use directly advances this key Policy's stated "secondary purpose" of promoting the development of new visitor-serving facilities in the Marina. Consistent with this LUP Policy, the Commission also finds the applicant has been conditioned to ensure project construction will be coordinated in a manner to ensure that the development will neither detract from nor, to the extent practically feasible, interfere with the use of existing boating facilities in the vicinity of the site, nor the ancillary uses which support these facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regarding the Coastal Development Permit:

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

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

Regarding the Conditional Use Permit:

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

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

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

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

Regarding the Variance:

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

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

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

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

Regarding the Parking Permit:

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

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

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

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

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

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

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

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Coastal Development Permit as set forth in Section 22.56.2410, Title 22, of the Los Angeles County Code (Zoning Ordinance), for a Conditional Use Permit as set forth in Section 22.56.090 of the Zoning Ordinance, for a Variance as set forth in Section 22.56.290 of the Zoning Ordinance, and for a Parking Permit as set forth in Section 22.56.1020 of the Zoning Ordinance.

REGIONAL PLANNING COMMISSION ACTION:

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

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

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: March 10, 2010

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

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

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

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

of any such claim, action, or proceeding and the County shall reasonably cooperate in the defense.

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

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

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

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

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

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

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

8. **The grant to authorize the sale of alcoholic beverages for the proposed hotel will terminate on March 10, 2025**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application for alcohol sales shall be filed with the Department of Regional Planning at least six months prior to the

termination date of this permit, whether or not any modification of the use is requested at that time.

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

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

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

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

12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.

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

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

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

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

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

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

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

20. The subject facility shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate

water and sewage disposal facilities shall be provided to the satisfaction of said Department.

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

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

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

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

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

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

    b. Project construction and appurtenant activities, including engine warm-up, shall be limited to those hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. Construction work shall not take place on Saturdays or Sundays. Grading, hauling and pile driving shall not commence before 8:00 a.m., Monday through Friday and shall not occur on Saturdays, Sundays or legal holidays.

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

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

left stationary and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses.

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

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

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

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

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

   i. Configure construction parking to minimize traffic interference.

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

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

   iv. Consolidate truck deliveries when possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The hotel owner/operator shall retain control through lease, easements or other legal means of all structural elements, recreational amenities, meeting space, restaurants, "back of house" and other non-guest unit facilities. The hotel operator

shall be the same entity for the management of both the traditional hotel guestrooms/units and the timeshare units.

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

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

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

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

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

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

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

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

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

l. Each timeshare program document shall include use restrictions, which shall include restrictions on exchange and use intervals, a limitation on interval ownership and use to a maximum of four weeks per year, conformity with the

requirements of the lease agreement between the County of Los Angeles and the hotel/developer, and enforcement provisions.

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

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

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

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

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

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

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

t. The hotel owner/operator and any successor-in-interest hotel owner and operator shall monitor and record hotel occupancy and use by the general public and the owners of timeshare intervals throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual guestroom/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth above. The hotel owner/operator shall also maintain

documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the County upon request and to the auditor required below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the County of commencement of hotel operations.

u. Within 90 days of the end of the first calendar year of hotel operations, and within 90 days of the end of each succeeding calendar year, the hotel owner/operator shall retain an independent auditing company, approved by the Director of the Department of Beaches and Harbors of the County of Los Angeles, to perform an audit to evaluate compliance with these special conditions of the Project coastal development permit approved regarding occupancy restrictions, notice, recordkeeping, and monitoring of the hotel and timeshare resort. The audit shall evaluate compliance by the hotel owner/operator and owners of timeshare units during the prior one-year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Director of the Department of Beaches and Harbors upon request, within six months after the conclusion of each one-year period of hotel operations. After the initial three calendar years, the one-year audit period may be extended to two years upon written approval of the Director of the Department of Beaches and Harbors. The Director of the Department of Beaches and Harbors may grant such approval if each of the previous audits reveals compliance with all restrictions imposed above.

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

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

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

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

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

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

32. A minimum of 360 parking spaces shall be provided on-site, developed in compliance with Chapter 22.52, Part 11 of the County Code and in substantial conformance with the approved parking plan on-file (marked Exhibit "A"). Of these 360 parking spaces, at least 21 shall be reserved at all times as fee-based "self-park" spaces open to the general public. The balance of these parking spaces are authorized to be valet managed parking spaces for use by resort patrons. The County shall establish the hourly use fee for said 21 public self-park spaces in compliance with County policy and/or ordinance affecting same. On-street parking shall be prohibited, as shall parking in unmarked spaces and in access driveways.

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

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

    b. Annually; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SZD:MRT
2/24/10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Apartments & Anchorage).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REGIONAL PLANNING COMMISSION ACTION:

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

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

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

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

DRAFT CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – SUBDIVISION
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The following reports consisting of 11 pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.

2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.

3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.

4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Undergrounding of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.

5. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.

Rev'd 07-30-2008

6. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.

7. Place time-share resort/condominium notes on the final map to the satisfaction of Public Works.

8. Quitclaim or relocate easements running through proposed structures.

9. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of Public Works.

10. Reserve reciprocal easements for drainage, ingress/egress, sewer, water, utilities, and maintenance purposes, etc., in documents over the private driveways to the satisfaction of Public Works.

11. A final tract map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.

12. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.

13. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.

14. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of $2,000 (Minor Land Divisions) or $5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation

Prepared by Conrad M. Green Phone (626) 458-4917 Date 07-07-2008
tr67861L-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 67861

TENTATIVE MAP DATE: 6/04/08
EXHIBIT MAP DATE: 6/04/08

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.

2. Obtain approval or letter of non-jurisdictional from the State Department of Fish and Game.

3. Obtain approval or letter of non-jurisdictional from the State Water Resources Control Board.

4. Obtain approval or letter of non-jurisdictional from the Corps of Engineers.

5. Provide a permit from Department of Public Works for proposed outlets through the marina bulkhead to the satisfaction of the Department of Public Works and Department of Beaches and Harbor.

6. Obtain and provide all applicable permits.

Prior to Building Permit:

1. Provide SUSMP for rood drains (separate from site) as proposed on Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.

Name Lizbeth Cordova ns Date 7/03/08 Phone (626) 458-4921

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
__ Geologist
__ Soils Engineer
1 GMED File
1 Subdivision

TENTATIVE TRACT 67861
SUBDIVIDER Woodfin Suite Hotels, LLC
ENGINEER Hunsaker & Associates
GEOLOGIST Van Beveren & Butelo
SOILS ENGINEER Van Beveren & Butelo

TENTATIVE MAP DATED Rev. 6/4/08
LOCATION Via Marina and Tahiti Way, Marina Del Rey
GRADING BY SUBDIVIDER [Y]
REPORT DATE 2/18/04, 10/23/06
REPORT DATE 6/30/08, 5/16/08, 1/7/08, 10/23/06, 2/18/04

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (http://www.dpw.lacounty.gov/gmed/manual.pdf).

2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at http://www.dpw.lacounty.gov/gmed/manual.pdf).

4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).

5. The Soils Engineering review dated 7/3/08 is attached.

THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:

- The subdivider is advised that approval of this division of land is contingent upon the installation and use of a sewer system.
- Groundwater is less than 10 feet from the ground surface on lot 1

Prepared by Michael Montgomery Reviewed by _____ Date 7/3/08

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey
P:\Gmepub\Geology Review\Forms\Form02.doc
8/30/07

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 12.0
Job Number GMPH
Sheet 1 of 1

Hotel Buildings and Parking Structure
Tract Map (Tract) 67861
Location Via Mariana and Tahiti Way, Marina Del Rey
Developer/Owner Woodfin Suite Hotels, LLC
Engineer/Architect ----
Soils Engineer Van Beveren & Butelo, Inc. (04-012.3)
Geologist Same as above

DISTRIBUTION:
___ Drainage
___ Grading
1 Geo/Soils Central File
___ District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Review of:
Tentative (Tract) Map Dated by Regional Planning 6/4/08
Soils Engineering and Geologic Report Dated 6/30/08, 5/16/08, 1/7/08, 10/23/06
Previous Review Sheet Dated 6/23/08

ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below:

REMARKS:

1. At the grading plan stage, submit 40-scale grading plans and/or foundation plans to the Soils Section for verification of compliance with County codes and policies.

2. At the grading plan stage, submit a grading plan and/or foundation plan geotechnical report to the Soils Section for verification that the proposed work complies with County codes and policies. The geotechnical report must describe proposed work shown on the plans and include performance criteria, ground modification procedures, testing, monitoring, etc..

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:
ON-SITE SOILS ARE SEVERELY CORROSIVE TO CONCRETE AND FERROUS METALS.

REGISTERED PROFESSIONAL ENGINEER
YOSHIYA MORISAKU
No. 67587
Exp. 6/30/09
CIVIL
STATE OF CALIFORNIA

Reviewed by Yoshiya Morisaku Date 7/3/08

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

P:\Yosh\67861TentT, Via Marina and Tahiti Wy, Marina Del Rey, MP-A_5

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – GRADING
TRACT MAP NO. 67861

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Submit the following agency approvals:

   a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP) by the Storm Drain and Hydrology Section of Land Development Division.

   b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).

   c. A permit or a letter of non-jurisdiction from the State of California Regional Water Quality Control Board.

   d. A permit or a letter of non-jurisdiction from the State of California Department of Fish and Game.

   e. A permit or a letter of non-jurisdiction from the Army Corps of Engineers.

   f. A permit/letter of non-jurisdiction may be required from State of California Coastal Commission.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

3. A maintenance agreement may be required for privately maintained drainage devices.

4. Provide a draft copy of the CC&Rs

MOH

JF Name David Esfandi Date June 26, 2008 Phone (626) 458-4921

P:\ldpub\SUBPCHECK\Grading\Tentative Map Reviews\67861 Rev.2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – ROAD
TRACT NO. 67861 (Rev) TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Dedicate the right to restrict vehicular access along the property frontage on Via Marina.

2. The exhibit map is not necessarily approved as shown.

3. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

4. Provide a property return radius of 27 feet at the intersection of Via Marina and Tahiti Way plus additional right of way for corner- cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works. The delineation of the corner-cut off on the tentative map is not necessarily approved.

5. The proposed property line corner cut off and ramps at the intersection of Via Marina and Tahiti Way are not necessarily approved as shown on the map.

6. The proposed median opening for the driveway on Via Marina is not necessarily approved as shown.

7. Provide 5 feet of additional right of way (6 feet from the curb face) on Tahiti Way along the property frontage and construct a minimum of 5 feet sidewalk to the satisfaction of Public Works. Additional right of way will be required for sidewalk pop-outs in the vicinity of any above ground utilities/ obstructions to meet Americans with Disabilities act (ADA) requirements.

8. Provide additional right of way for a standard 8 feet parkway on Via Marina along the property frontage.

9. Construct parkway improvements (sidewalk, driveway, etc.) that either serve or form a part of a Pedestrian Access Route to meet current ADA requirements along the property frontage on Via Marina to the satisfaction of Public Works. A minimum width of 5 feet sidewalk is required along the property frontage. Additional sidewalk pop-outs in the vicinity of any above ground utilities/obstructions will be necessary to meet Americans with Disabilities act (ADA) requirements

10. Reconstruct the existing curb ramp at the Via Marina and Tahiti Way intersection to meet current ADA requirements to the satisfaction of Public Works.

11. Remove the existing chain link fence from the dedicated right of way along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

12. Provide adequate landing area with three percent grade (or to the satisfaction of Public Works) on the subterranean driveway exit and provide adequate sight distance from the subterranean driveway exit to the sidewalk (both directions) to the satisfaction of Public Works. Line of sight shall not be impaired by any proposed wall and/or landscaping adjacent to the driveway exit and line of sight easement dedication may be required.

13. Plant street trees along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

14. Underground all new utility lines to the satisfaction of Public Works and Southern California Edison.

15. Comply with the mitigation measures identified in the attached June 12, 2008 letter from our Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008 letter, to the satisfaction of Public Works. Additional signing and striping and/or signal plans may be required. Also, please note that a superseding letter may prompt the need to modify, add, or remove project conditions.

16. Comply with the conditions for Conditional Use permit (CUP) 2006-06216.

17. Comply with any additional requirements from City of Los Angeles where applicable.

18. Provide detailed Signing and Striping Plans on Via Marina along the roperty frontage to the satisfaction of Public Works.

19. Provide a detailed traffic signal modification plan for the intersection of Via Marina and Tahiti Way if any traffic signal equipment is impacted by the modification to north east corner of the intersection.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 67861(Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Relocate all proposed improvements outside of existing sanitary sewer easements dedicated to Los Angeles County.

2. A sewer area study for the proposed subdivision (PC12086AS, dated 07-03-2008) was reviewed and approved. No additional mitigation measures are required. The approved sewer area study shall remain valid for two years after initial approval of the tentative map. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. If applicable, provide a digital copy (PDF Format) of the approved area study and approved sewer improvement plans.

4. Proposed 8" sewer alignment on Via Marina shall correspond with the above approved area study.

Prepared by Tony Khalkhali Phone (626) 458-4921 Date 06-30-2008
tr67861s-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total commercial and fire flows.

2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each building.

3. If needed, easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

4. Submit landscape and irrigation plans for each commercial/open space/graded slope lot/ in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

Prepared by Lana Radle Phone (626) 458-4921 Date 06-30-2008
tr67861w-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – GRADING
TRACT MAP NO. 67861

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:

1. Submit the following agency approvals:

   a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP) by the Storm Drain and Hydrology Section of Land Development Division.

   b. The grading plan by the Geotechnical & Materials Engineering Division (GMED).

   c. A permit or a letter of non-jurisdiction from the State of California Regional Water Quality Control Board.

   d. A permit or a letter of non-jurisdiction from the State of California Department of Fish and Game.

   e. A permit or a letter of non-jurisdiction from the Army Corps of Engineers.

   f. A permit/letter of non-jurisdiction may be required from State of California Coastal Commission.

REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.

3. A maintenance agreement may be required for privately maintained drainage devices.

4. Provide a draft copy of the CC&Rs

MDh

JF Name David Esfandi Date June 26, 2008 Phone (626) 458-4921

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COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION – ROAD
TRACT NO. 67861 (Rev)

TENTATIVE MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Dedicate the right to restrict vehicular access along the property frontage on Via Marina.

2. The exhibit map is not necessarily approved as shown.

3. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

4. Provide a property return radius of 27 feet at the intersection of Via Marina and Tahiti Way plus additional right of way for corner- cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works. The delineation of the corner-cut off on the tentative map is not necessarily approved.

5. The proposed property line corner cut off and ramps at the intersection of Via Marina and Tahiti Way are not necessarily approved as shown on the map.

6. The proposed median opening for the driveway on Via Marina is not necessarily approved as shown.

7. Provide 5 feet of additional right of way (6 feet from the curb face) on Tahiti Way along the property frontage and construct a minimum of 5 feet sidewalk to the satisfaction of Public Works. Additional right of way will be required for sidewalk pop-outs in the vicinity of any above ground utilities/ obstructions to meet Americans with Disabilities act (ADA) requirements.

8. Provide additional right of way for a standard 8 feet parkway on Via Marina along the property frontage.

9. Construct parkway improvements (sidewalk, driveway, etc.) that either serve or form a part of a Pedestrian Access Route to meet current ADA requirements along the property frontage on Via Marina to the satisfaction of Public Works. A minimum width of 5 feet sidewalk is required along the property frontage. Additional sidewalk pop-outs in the vicinity of any above ground utilities/obstructions will be necessary to meet Americans with Disabilities act (ADA) requirements

10. Reconstruct the existing curb ramp at the Via Marina and Tahiti Way intersection to meet current ADA requirements to the satisfaction of Public Works.

11. Remove the existing chain link fence from the dedicated right of way along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

12. Provide adequate landing area with three percent grade (or to the satisfaction of Public Works) on the subterranean driveway exit and provide adequate sight distance from the subterranean driveway exit to the sidewalk (both directions) to the satisfaction of Public Works. Line of sight shall not be impaired by any proposed wall and/or landscaping adjacent to the driveway exit and line of sight easement dedication may be required.

13. Plant street trees along the property frontage on Via Marina and Tahiti Way to the satisfaction of Public Works.

14. Underground all new utility lines to the satisfaction of Public Works and Southern California Edison.

15. Comply with the mitigation measures identified in the attached June 12, 2008 letter from our Traffic and Lighting Division or any letter issued from Traffic and Lighting Division superseding the June 12, 2008 letter, to the satisfaction of Public Works. Additional signing and striping and/or signal plans may be required. Also, please note that a superseding letter may prompt the need to modify, add, or remove project conditions.

16. Comply with the conditions for Conditional Use permit (CUP) 2006-06216.

17. Comply with any additional requirements from City of Los Angeles where applicable.

18. Provide detailed Signing and Striping Plans on Via Marina along the roperty frontage to the satisfaction of Public Works.

19. Provide a detailed traffic signal modification plan for the intersection of Via Marina and Tahiti Way if any traffic signal equipment is impacted by the modification to north east corner of the intersection.

Prepared by Sam Richards Phone (626) 458-4921 Date 07-07-2008
tr67861r-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - SEWER
TRACT NO. 67861(Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Relocate all proposed improvements outside of existing sanitary sewer easements dedicated to Los Angeles County.

2. A sewer area study for the proposed subdivision (PC12086AS, dated 07-03-2008) was reviewed and approved. No additional mitigation measures are required. The approved sewer area study shall remain valid for two years after initial approval of the tentative map. After this period of time, an update of the area study shall be submitted by the applicant if determined to be warranted by Public Works.

3. If applicable, provide a digital copy (PDF Format) of the approved area study and approved sewer improvement plans.

4. Proposed 8" sewer alignment on Via Marina shall correspond with the above approved area study.

Prepared by Tony Khalkhali Phone (626) 458-4921 Date 06-30-2008
tr67861s-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
LAND DEVELOPMENT DIVISION - WATER
TRACT NO. 67861 (Rev.)

TENTATIVE MAP DATED 06-04-2008
EXHIBIT MAP DATED 06-04-2008

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total commercial and fire flows.

2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each building.

3. If needed, easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.

4. Submit landscape and irrigation plans for each commercial/open space/graded slope lot/ in the land division, with landscape area greater than 2,500 square feet, in accordance with the Water Efficient Landscape Ordinance.

Prepared by Lana Radle Phone (626) 458-4921 Date 06-30-2008

tr67861w-rev2.doc

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 67861

TENTATIVE MAP DATE: 6/04/08
EXHIBIT MAP DATE: 6/04/08

STORM DRAIN SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921

Prior to Improvement Plans Approval:

1. Comply with the requirements of the Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.
2. Obtain approval or letter of non-jurisdictional from the State Department of Fish and Game.
3. Obtain approval or letter of non-jurisdictional from the State Water Resources Control Board.
4. Obtain approval or letter of non-jurisdictional from the Corps of Engineers.
5. Provide a permit from Department of Public Works for proposed outlets through the marina bulkhead to the satisfaction of the Department of Public Works and Department of Beaches and Harbor.
6. Obtain and provide all applicable permits.

Prior to Building Permit:

1. Provide SUSMP for rood drains (separate from site) as proposed on Drainage Concept/Hydrology Study/Standard Urban Stormwater Mitigation Plan (SUSMP), which was approved on 7/03/08 to the satisfaction of the Department of Public Works.

Name Lizbeth Córdova NS Date 7/03/08 Phone (626) 458-4921

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION
__ Geologist
__ Soils Engineer
1 GMED File
1 Subdivision

TENTATIVE TRACT	67861	**TENTATIVE MAP DATED**	Rev. 6/4/08
SUBDIVIDER	Woodfin Suite Hotels, LLC	**LOCATION**	Via Marina and Tahiti Way, Marina Del Rey
ENGINEER	Hunsaker & Associates	**GRADING BY SUBDIVIDER**	[Y]
GEOLOGIST	Van Beveren & Butelo	**REPORT DATE**	2/18/04, 10/23/06
SOILS ENGINEER	Van Beveren & Butelo	**REPORT DATE**	6/30/08, 5/16/08, 1/7/08, 10/23/06, 2/18/04

TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (http://www.dpw.lacounty.gov/gmed/manual.pdf).

2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.

3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at http://www.dpw.lacounty.gov/gmed/manual.pdf).

4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports*).

5. The Soils Engineering review dated 7/3/08 is attached.

THE FOLLOWING INFORMATION IS APPLICABLE TO THIS DIVISION OF LAND:

- The subdivider is advised that approval of this division of land is contingent upon the installation and use of a sewer system.
- Groundwater is less than 10 feet from the ground surface on lot 1

Prepared by Michael Montgomery Reviewed by _____ Date 7/3/08

Please complete a Customer Service Survey at http://dpw.lacounty.gov/go/gmedsurvey

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8/30/07

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 12.0
Job Number GMPH
Sheet 1 of 1

Hotel Buildings and Parking Structure
Tract Map (Tract) 67861
Location Via Mariana and Tahiti Way, Marina Del Rey
Developer/Owner Woodfin Suite Hotels, LLC
Engineer/Architect ---
Soils Engineer Van Beveren & Butelo, Inc. (04-012.3)
Geologist Same as above

DISTRIBUTION:
___ Drainage
___ Grading
1 Geo/Soils Central File
___ District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Review of:
Tentative (Tract) Map Dated by Regional Planning 6/4/08
Soils Engineering and Geologic Report Dated 6/30/08, 5/16/08, 1/7/08, 10/23/06
Previous Review Sheet Dated 6/23/08

ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below:

REMARKS:

1. At the grading plan stage, submit 40-scale grading plans and/or foundation plans to the Soils Section for verification of compliance with County codes and policies.

2. At the grading plan stage, submit a grading plan and/or foundation plan geotechnical report to the Soils Section for verification that the proposed work complies with County codes and policies. The geotechnical report must describe proposed work shown on the plans and include performance criteria, ground modification procedures, testing, monitoring, etc..

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:
ON-SITE SOILS ARE SEVERELY CORROSIVE TO CONCRETE AND FERROUS METALS.

REGISTERED PROFESSIONAL ENGINEER
YOSHIYA MORISAKU
No. 67557
Exp. 6/30/09
CIVIL
STATE OF CALIFORNIA

Reviewed by Yoshiya Morisaku Date 7/3/08

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.

P:\Yosh\67861TentT, Via Marina and Tahiti Wy, Marina Del Rey, MP-A_5

COUN OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

CONDITIONS OF APPROVAL FOR SUBDIVISION - UNINCORPORATED

Subdivision: TR 67861 Map Date June 04, 2008 - Ex. A

C.U.P. _____ Vicinity Map 0439C

☐ **FIRE DEPARTMENT HOLD** on the tentative map shall remain until verification from the Los Angeles County Fire Dept. Planning Section is received, stating adequacy of service. Contact (323) 881–2404.

☒ Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 902 of the Fire Code, which requires all weather access. All weather access may require paving.

☒ Fire Department access shall be extended to within 150 feet distance of any exterior portion of all structures.

☐ Where driveways extend further than 150 feet and are of single access design, turnarounds suitable for fire protection equipment use shall be provided and shown on the final map. Turnarounds shall be designed, constructed and maintained to insure their integrity for Fire Department use. Where topography dictates, turnarounds shall be provided for driveways that extend over 150 feet in length.

☒ The private driveways shall be indicated on the final map as "Private Driveway and Firelane" with the widths clearly depicted. Driveways shall be maintained in accordance with the Fire Code.

☒ Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested and accepted prior to construction.

☐ This property is located within the area described by the Fire Department as "Very High Fire Hazard Severity Zone" (formerly Fire Zone 4). A "Fuel Modification Plan" shall be submitted and approved prior to final map clearance. (Contact: Fuel Modification Unit, Fire Station #32, 605 North Angeleno Avenue, Azusa, CA 91702-2904, Phone (626) 969-5205 for details).

☒ Provide Fire Department or City approved street signs and building access numbers prior to occupancy.

☐ Additional fire protection systems shall be installed in lieu of suitable access and/or fire protection water.

☐ The final concept map, which has been submitted to this department for review, has fulfilled the conditions of approval recommended by this department for access only.

☐ These conditions must be secured by a C.U.P. and/or Covenant and Agreement approved by the County of Los Angeles Fire Department prior to final map clearance.

☐ The Fire Department has no additional requirements for this division of land.

Comments: **Submit verification that the proposed alternate all weather access surface will be capable to support 75,000lbs prior to Final Map Clearance. The driveways width as shown on the site plan filed in our office are adequate, a copy of the site plan is attached to this report.**
THIS PROJECT IS CLEARED FOR PUBLIC HEARING.

By Inspector: Juan C. Padilla Date July 2, 2008

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

WATER SYSTEM REQUIREMENTS - UNINCORPORATED

Subdivision No. TR 67861 Tentative Map Date June 04, 2008 - Ex. A

Revised Report _____

☐ The County Forester and Fire Warden is prohibited from setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted. However, water requirements may be necessary at the time of building permit issuance.

☐ The required fire flow for public fire hydrants at this location is 3500 gallons per minute at 20 psi for a duration of 3 hours, over and above maximum daily domestic demand. 2 Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ The required fire flow for private on-site hydrants is ____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing ____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

☒ Fire hydrant requirements are as follows:

Install 2 public fire hydrant(s). Verify / Upgrade existing ____ public fire hydrant(s).

Install ____ private on-site fire hydrant(s).

☒ All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal. All on-site hydrants shall be installed a minimum of 25' feet from a structure or protected by a two (2) hour rated firewall.
- ☒ Location: As per map on file with the office.
- ☐ Other location: ____

☒ All required fire hydrants shall be installed, tested and accepted or bonded for prior to Final Map approval. Vehicular access shall be provided and maintained serviceable throughout construction.

☐ The County of Los Angeles Fire Department is not setting requirements for water mains, fire hydrants and fire flows as a condition of approval for this division of land as presently zoned and/or submitted.

☐ Additional water system requirements will be required when this land is further subdivided and/or during the building permit process.

☐ Hydrants and fire flows are adequate to meet current Fire Department requirements.

☐ Upgrade not necessary, if existing hydrant(s) meet(s) fire flow requirements. Submit original water availability form to our office.

Comments: **Install 2 new public fire hydrants as shown on the exhibit map or site plan. The required fire hydrants shall be installed and tested or bonded for prior to Final Map clearance.**

All hydrants shall be installed in conformance with Title 20, County of Los Angeles Government Code and County of Los Angeles Fire Code, or appropriate city regulations. This shall include minimum six-inch diameter mains. Arrangements to meet these requirements must be made with the water purveyor serving the area.

By Inspector Juan C. Padilla Date July 2, 2008

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION REPORT

Tentative Map # 67861	DRP Map Date: 06/04/2008	SCM Date: 07/07/2008	Report Date: 07/02/2008
Park Planning Area # 18B	DEL AIR / MARINA DEL REY		Map Type: REV. (REV RECD)

Total Units [0] = Proposed Units [0] + Exempt Units [0]

Sections 21.24.340, 21.24.350, 21.28.120, 21.28.130, and 21.28.140, the County of Los Angeles Code, Title 21, Subdivision Ordinance provide that the County will determine whether the development's park obligation is to be met by:

1) the dedication of land for public or private park purpose or,
2) the payment of in-lieu fees or,
3) the provision of amenities or any combination of the above.

The specific determination of how the park obligation will be satisfied will be based on the conditions of approval by the advisory agency as recommended by the Department of Parks and Recreation.

Park land obligation in acres or in-lieu fees:

ACRES:	0.00
IN-LIEU FEES:	$0

Conditions of the map approval:

The park obligation for this development will be met by:

This project is exempt from park obligation requirements because:

Non-residential subdivision.

Trails:

No trails.

Comments:

Exempt: Non-residential Subdivision

Contact Patrocenia T. Sobrepeña, Departmental Facilities Planner I, Department of Parks and Recreation, 510 South Vermont Avenue, Los Angeles, California, 90020 at (213) 351-5120 for further information or an appointment to make an in-lieu fee payment.

For information on Hiking and Equestrian Trail requirements contact Trail Coordinator at (213) 351-5135.

By: James Barber

James Barber, Developer Obligations/Land Acquisitions

Supv D N/A
July 02, 2008 10:22:26
QMB02F.FRX

LOS ANGELES COUNTY
DEPARTMENT OF PARKS AND RECREATION

PARK OBLIGATION WORKSHEET

Tentative Map # 67861	DRP Map Date:06/04/2008	SMC Date:07/07/2008	Report Date: 07/02/2008
Park Planning Area # 18B	DEL AIR / MARINA DEL REY		Map Type:REV. (REV RECD)

The formula for calculating the acreage obligation and or In-lieu fee is as follows:

(P)eople x (0.003) Goal x (U)nits = (X) acres obligation

(X) acres obligation x RLV/Acre = In-Lieu Base Fee

Where: P = Estimate of number of People per dwelling unit according to the type of dwelling unit as determined by the 2000 U.S. Census*. Assume * people for detached single-family residences; Assume * people for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units; Assume * people for apartment houses containing five or more dwelling units; Assume * people for mobile homes.

Goal = The subdivision ordinance allows for the goal of 3.0 acres of park land for each 1,000 people generated by the development. This goal is calculated as "0.0030" in the formula.

U = Total approved number of Dwelling Units.

X = Local park space obligation expressed in terms of acres.

RLV/Acre = Representative Land Value per Acre by Park Planning Area.

Total Units 0 = Proposed Units 0 + Exempt Units 0

	People*	Goal 3.0 Acres / 1000 People	Number of Units	Acre Obligation
Detached S.F. Units	3.08	0.0030	0	0.00
M.F. < 5 Units	2.93	0.0030	0	0.00
M.F. >= 5 Units	1.56	0.0030	0	0.00
Mobile Units	2.99	0.0030	0	0.00
Exempt Units			0	
			Total Acre Obligation =	0.00

Park Planning Area = 18B DEL AIR / MARINA DEL REY

Goal	Acre Obligation	RLV / Acre	In-Lieu Base Fee
@(0.0030)	0.00	$387,087	$0

Lot #	Provided Space	Provided Acres	Credit (%)	Acre Credit	Land
None					
			Total Provided Acre Credit:	0.00	

Acre Obligation	Public Land Crdt.	Priv. Land Crdt.	Net Obligation	RLV / Acre	In-Lieu Fee Due
0.00	0.00	0.00	0.00	$387,087	$0

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COUNTY OF LOS ANGELES
Public Health

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July 7, 2008

RFS No.08-0017434

Tract Map No. 067861

Vicinity: Marina Del Rey

Tentative Tract Map Date: June 4, 2008 (2nd Revision)

The County of Los Angeles Department of Public Health has no objection to this subdivision and **Vesting Tentative Tract Map 067861** is cleared for public hearing. The following conditions still apply and are in force:

1. Potable water will be supplied by the **Marina Del Rey Water System**, a public water system.

2. Sewage disposal will be provided through the public sewer and wastewater treatment facilities of the **Los Angeles County Sanitation District** as proposed.

If you have any questions or need additional information, please contact me at (626) 430-5380.

Respectfully,

Becky Valenti, E.H.S. IV
Land Use Program

Project TR067861

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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