

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



[Click here to go to
original staff report](#)

F17b

ADDENDUM

DATE: May 9, 2016

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **Addendum to Item F17b:** Appeal No. A-5-MDR-16-0004 (MDR Hotels LLC),
scheduled for the Commission meeting of May 11-13, 2016

I. PUBLIC CORRESPONDENCE

The Commission received four letters in opposition to the County-approved project from four Marina del Rey and Venice residents. The Commission received two letters and exhibits in support of the County-approved project from the project applicant and Los Angeles County. All correspondence is included herein.

April 28, 2016

The Honorable California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Coastal Act and the Marina del Rey LCP

Dear Steve Kinsey,

I'm writing to you both to stop the building of a 288 room 5 & 6 story hotel complex at the Via Marina and Tahiti Way site and **APPROVE** the appeal submitted by Ballona Institute.

This is a historical part of the Ballona Wetlands, and while there may have been a bit of building what was started 25 years ago on the site, the plants, birds and other wildlife do not consider the degradation. They use the site as it is a **FUNCTIONING WETLAND** which I have personally witnessed.


There is nothing in the Coastal Act that allows for alteration of a wetland into a different type of wetland. The hotel is simply going to make it into a landscape patio. The community has not room for parking our streets are already overloaded.

Marina del Rey does **NOT** need another hotel there is a Marriott, Ritz, International, MDR Hotel, Jamaica Bay Inn hotel that are not being fully booked.

This entire site should be considered ESHA due to the regular feeding on site by Great Blue Herons, Great Egrets and other species of birds.

Please do not allow building on this lot.

Kind regards,


Karen Baldassarre
4300 Via Dolce, 201
Marina del Rey, CA 90292

RECEIVED
South Coast Region

MAY 02 2016

CALIFORNIA
COASTAL COMMISSION

The Honorable California Coastal Commission, Steve Kinsey, Chairman and Jack Ainsworth, Acting Executive Director

South Coast District Office-200 Oceangate-10th Floor

Long Beach CA 90802

May 3, 2016

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South Coast Region

MAY 05 2016

CALIFORNIA
COASTAL COMMISSION

Mr. Kinsey, Mr. Ainsworth and Members of the California Coastal Commission,

I oppose this hotel now and in the future for the following reasons:

Ecology: It is not legal to build on a wetland. According to the environmental impact documents, construction materials will pollute the land and the adjacent waters. These documents state the need to reduce contamination run-off, prevent soil erosion and require devices to provide safety and check for subgrade damage both during and after construction. Can we trust a builder who has been discredited by several bankruptcies and a major lawsuit?

Climate Change: The 288 hotel rooms and accompanying vehicular traffic will add hazardous waste, increased water and electrical usage and greenhouse gas emissions, to surpass what is permitted by current landfill capacity.

Legality: Leasing agreements for this parcel and hotel have not been made public. There was no competitive bidding, suggesting a conflict of interest and even corruption.

Emergencies: Tsunami and liquefaction are scenarios that may accompany the sizeable earthquake that has been predicted. Thousands reside in the homes, condominiums and apartments on the west or coastal side of Marina Del Rey, and we may need emergency vehicles at any time of day. Taxis, delivery trucks, worker transportation as well as The Shores, Esprit 2 and a new Neptune Legacy, all new and greatly expanded apartment complexes, will bring a huge increase in traffic. This increase will make emergency access difficult and slow and will probably require more and expensive law enforcement.

Population increase: In addition to the new projects recently developed or under construction, the 3 condominium complexes directly west of Via Marina and the 700 Silver Strand homes, there are very large apartment houses lining the mole streets just east of Via Marina. On Bora Bora there is The Villa as well as 7 very large buildings called Water's Edge. On Via Marina are The Tides apartments between Bora Bora and Tahiti Way. On Tahiti Way 4 very large apartment buildings compose The Tides, and there is another large one under construction, called Waves. On the other side of the street, with views of the Marina and the proposed hotel on 9U are #13935, 13955, 14035, 14055 and one other whose number was not visible. THIS WILL RESULT IN A GREAT INCREASE IN TRAFFIC, ESPECIALLY DURING PEAK

HOURS. If you do not live here, you cannot imagine the long lines of traffic from Via Marina to Admiralty Way with access to Lincoln and from little Ocean Avenue, access to Venice Blvd.

Six hotels and a seventh projected for Fisherman's Village are more than enough hotels for Marina del Rey. There should not be another hotel 1) on a wetland at coastal waters 2) in a well populated residential area 3) where there are already two Marriott Hotels, Marriott and Ritz Carlton. In case you are not familiar with all of our hotels, which run from 70-80% capacity, there are also a Hilton, Jamaica Bay, Marina del Rey and a low-cost Foghorn Inn as well as low-cost motels along Washington Blvd. near the Marina. The Marina is well served and does not need an additional hotel for all the reasons I have stated to you.

L.A.'s sewer project is about to begin and will tie up Via Marina for several years in addition to the current and future construction of Esprit 2 and new Neptune-Legacy apartments. **THE RESIDENTS AND VISITORS DESERVE TO SEE THE WATER AND THE BOATS-that is why we come here-BUT THE NEW BUILDINGS WILL LEAVE NEITHER VISTAS NOR ACCESS FOR PARKING.** We are informed that valet parking will be permitted on public streets, as significant parking at the hotel has been reduced.

A park is NOT being created. A park provides some recreation for youth, some seating for seniors, some picnic tables for families. None is available in this so-called wetland park. It's a sham. The 9000 residents that will comprise Marina west deserve a neighborhood park, not a hotel. The immediate neighbors deserve quiet evenings after work, not hotel lights and late night restaurant-bar traffic. A 4 acre wetland garden, Oxford Basin on Admiralty and a slightly enlarged Burton Chase Park on the other side of the Marina....all with limited vehicular access...do not provide recreation for residents and their visitors.

In case it matters to you....most residents pay post-Prop. 13 taxes and either high maintenance fees or high rents. I think that we deserve to be treated fairly, and coastal viewing is important to us and to the public. This is not only an environmentally sensitive site but also, the last open land on the west side of the Marina. Via Marina is used by thousands of adjacent residents as well as those of the Silver Strand and the Marina Peninsula. Please do not approve a hotel on this site. A hotel of any size is undesirable for the reasons I have enumerated.

Thank you for reading my reasons.

Yours truly,

A handwritten signature in cursive script that reads "Lynne Shapiro". The signature is written in dark ink and is positioned above the typed name and address.

Lynne Shapiro 5100 Via Dolce-Marina del Rey, CA. 90292

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South Coast Region

MAY 06 2016

CALIFORNIA
COASTAL COMMISSION

4200 Via Dolce #230

Marina Del Rey CA 90292

May 1, 2016

The Honorable California Coastal Commission

C/o Steve Kinsey, Chair

Dear Commissioner Kinsey, I write to you as a member of the Marina Del Rey Community, asking that you hear this family's voice and that you approve the appeal submitted by Ballona Institute.

I have eight grandchildren, who along with me, enjoy watching the great egrets and Blue Herons who frequent our undeveloped area on the west side of the Marina. We listen to the song birds and we observe and learn about our wild life.

We live here because we love the clean air and we have the ability to walk daily, enjoying our open spaces. When our extended family visits, they stay in our local hotels that are very close by, in fact in easy walking distance to the Silver Strand!

We do not need another hotel.

We need to keep and preserve the remaining open space we have. That is what draws tourists to this area. Please, represent and remember our families here in this Community.

Sincerely Yours, John Collins-Lund

RECEIVED
South Coast Region

MAY 09 2016

**CALIFORNIA
COASTAL COMMISSION**

From: J Kurland [jjsk7@hotmail.com]
Sent: Thursday, May 05, 2016 4:35 PM
To: Cox, Greg@Coastal
Subject: CCC May 13 agenda comments: MRD Parcel 9/9U

The Honorable California Coastal Commission
c/o Greg Cox, Councilmember

RE: Marina del Rey Parcel 9/9U
A-5-MDR-16-0004 (MDR Hotels LLC, Marina del Rey)
Mr. Cox:

Please APPROVE appeal submitted by Ballona Institute and DENY approval of a hotel complex.

1. This is a historical part of the Ballona Wetlands, and while there may have been a bit of building that was started 25 years ago on the site, plants, birds and other wildlife do not consider this degradation. Plants, birds and other wildlife currently already use the site, as it is "a functioning wetland". This parcel is **very much alive**. You should see the bright green vegetation and flowers that spring to life after even a little rain.
This entire site should be considered ESHA (Environmentally Sensitive Habitat Area) due to regular feeding on site by Great Blue Herons, Great Egrets and various Songbird species.
There is **nothing in the Coastal Act that allows for alteration of a wetland** - into a different type of wetland. This plan simply provides a landscaped patio for the hotel. (A hotel with very deep pocketed supporters who twist information and people to their sole benefit.)
2. It is not a coastal dependent use to add one more unnecessary high-end hotel to Marina del Rey. There are **already two other Marriott hotels within eye sight of the proposed Marriott-owned hotel**. (Not to mention three – yes (3) - other hotels in between.) Low-income accommodations required to be funded by such hoteliers are being relied on by a fund from a previous developer from more than 30 years ago. (Low income rooms in practice still will be priced out of reach of their target audience.)
3. The already **diminished PUBLIC view** of the marina waters from Via Marina will be diminished to negligible with the construction of this 5 & 6-story hotel complex. Architect's *renderings are misleading*. Furthermore, 'view corridor' claimed by the hotel is at podium level – a full story above grade.
4. The precious few parking spaces provided by the hotel project for the park is a joke compared to the impact of cars do to the hotel. Hotel valet parking services will park vehicles on public streets, which ALREADY are overloaded, causing an impact on public access to the coastal resources, such as Ballona Lagoon Marine Preserve, Ballona Grand Canal Lagoon, the seaside walkways at the Marina and Venice Beaches. **As it is, I hear comments all of the time from people who are starting to avoid Marina del Rey due to lack of parking.**

Your attention to this matter is appreciated,

J. Kurland
20-yr Marina del Rey resident
4300 Via Dolce & 13930 Captains Row

ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENT □ LITIGATION □ MUNICIPAL ADVOCACY

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LOS ANGELES, CALIFORNIA 90025

AARON P. CLARK

Tel: (310) 209-8800
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Aaron@AGD-LandUse.com

WEB: www.AGD-LandUse.com

April 29, 2016

Via E-Mail

Mr. Steve Kinsey, Chair
California Coastal Commission
35 Fremont Street, Suite 2000
San Francisco, CA 94105

**Friday, May 13
Agenda Item 17b**

**SUBJECT: Request for No Substantial Issue Determination re: Appeal of Marriott
Courtyard & Residence Inn Project, Marina del Rey Parcel 9U (A-5-MDR-
16-0004)**

Hon. Chair Kinsey and Commissioners:

Our law firm represents MDR Hotels, LLC, the permit applicant in the above-referenced appeal, which has been authorized by the County of Los Angeles to develop a Marriott Courtyard & Residence Inn and associated public and visitor-serving amenities on Marina del Rey lease Parcel 9U, a vacant parcel of County-owned land at the northeasterly corner of Tahiti Way and Via Marina that is currently all but fenced off from public access. For the reasons set forth in this letter, we respectfully request that the Commission adopt the staff recommendation that the appeal raises no substantial issue.

MDR Hotels, LLC proposes to construct a 288-room, dual-branded hotel on the northerly 2.2 acres of Parcel 9U (the "Project"). Under a separate coastal development permit, a County public wetland and upland park—a unique ecological feature that will be the first of its kind in Marina del Rey—will be developed adjacent to the hotel on the southerly 1.46 acres of the parcel. The Project includes an assortment of public and visitor-serving amenities, including a 28-foot-wide waterfront public pedestrian promenade and an alfresco-style waterfront café that will be fully accessible from the adjacent pedestrian promenade. MDR Hotels, LLC will develop along the parcel's waterfront. The Project, as conditionally approved by the County, is wholly consistent with the parcel's land use designation and development criteria identified for Parcel 9U in the certified Marina del Rey Local Coastal Program. Of note, the LCP contains numerous specific statements and/or policies referencing development of a hotel and restoration of a tidally-influenced wetland on this parcel, as has been proposed here. (These LCP excerpts are attached for your reference). Significantly, the hotel also will be the first unionized hotel in Marina del Rey.

The Project has undergone a number of beneficial changes, since it was first conceived in 1998, in response to public and County input, resulting in unanimous County Board of Supervisors approval late last year.

- **Reduced Height.** The height of the hotel has been significantly reduced. The initial height of the hotel's tower was 225 feet (19 stories), which is the maximum building height allowed on this parcel under the LCP. In response to community and Board-member concerns regarding the height, the hotel was redesigned to provide two attractive, lower-height "wings" – one 72 feet in height (6 stories) and the other 61 feet in height (5 stories).
- **Reduced Massing.** To address concerns regarding massing, the above-ground parking garage that had dominated the visual field along Via Marina has been eliminated; the hotel now provides one level of parking in a subterranean garage. The Project's height and massing are now in accord with new developments in the project vicinity.
- **Reduced Traffic.** In response to community concerns regarding traffic, MDR Hotels, LLC eliminated the previously proposed large banquet hall and meeting spaces, commercial spa facilities and destination-style restaurant.

On October 6, 2015, the Board conducted a public hearing on an appeal filed by the appellant (the "Ballona Institute," via Marcia Hanscom) that challenged the County Regional Planning Commission's ("RPC") unanimous approval of the Project CDP and related permits (the "Project Permits"). At the conclusion of that appeal hearing – after thoughtfully considering each of the appellant's claims regarding the Project's alleged inconsistency with the LCP, the Coastal Act and CEQA – the Board voted unanimously to indicate its intent to deny the appeal and to sustain the RPC's action by approving the Project Permits. In approving the Project Permits, the Board approved an Addendum to the certified EIR for the Project (the "Addendum"), appropriately finding that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent or supplemental EIR had occurred.

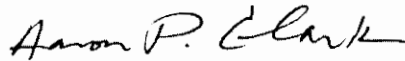
The appellant now has appealed the County's Project CDP approval for the hotel to the Commission, raising nearly identical false assertions it raised during the County's public review hearings for the Project. As set forth in detail in the February 25, 2016 appeal rebuttal letter submitted by the County to the Commission, all of the appellant's claims against the Board's approval of the Project CDP and Addendum are unsupported and lack merit. Moreover, since submitting its rebuttal letter on the appeal, the County caused a respected mammalogist (Richard Erickson of LSA Associates, Inc.) to conduct a small mammal trapping protocol on the parcel. This was done in response to the appellant's accusation (false, it turns out) that California salt marsh shrews and south coast marsh voles inhabit the parcel. The results of that trapping protocol found neither of these small mammals were trapped, very strong evidence that these

small mammals do not inhabit the parcel. (This trapping protocol and results are discussed in greater detail in your staff's report for the County's wetland park CDP extension item for Parcel 9U).

None of the appellant's claims constitute substantial evidence, but rather consist entirely of argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly erroneous or inaccurate. The Project, as conditionally approved by the County, is wholly consistent with the certified LCP. The appeal raises no bonafide issue regarding either the Project's consistency with the LCP or its consistency with the public access policies of the Coastal Act.

We therefore respectfully request that the Commission **support your staff's determination that the appeal raises no substantial issue** at your May 13, 2016, substantial issue hearing on the Project CDP appeal, thereby sustaining the County's well-reasoned approval of the Project CDP and allowing Project development to finally commence.

Sincerely,



Aaron P. Clark

Armbruster Goldsmith & Delvac LLP

Attachments

cc: MDR Hotels, LLC

Attachment A

Marina Del Rey Certified LCP Excerpts re: Parcel 9U Hotel & Wetland Park

- "The County is developing a 1.46 acre wetland park on Parcel 9U." (LUP Pg. 1.4, Shoreline Access)
- "To facilitate public use of and additional access along the harbor, a new wetland park, 1.46 acres in size, is to be established on Parcel 9U as part of a proposed hotel development in the vicinity of Tahiti Way. This park will also feature transient docking arrangements for water-borne visitors to visit the park as an in-marina destination." (LUP Pg. 2-3, Recreation & Visitor-Serving Facilities)
- "The County is focusing on certain specific areas for concentrated attention and restoration...Together, with possible restoration efforts on the Ballona Lagoon and the Del Rey Lagoon...the wetland park on Parcel 9U, and the restored Ballona wetlands, [these restoration efforts will] incrementally create a broad context for environmental interpretation and further the public access goals of the Coastal Act.." (LUP Pg. 2-5, Recreation & Visitor-Serving Facilities)
- "Parcel 9 contains a wetland, as defined under the Coastal Act and the Coastal Commission regulations, which was created when the excavation for a hotel project was abandoned. This wetland is slated for restoration and inclusion in a new park, all in connection with the development of adjacent parcels." (LUP Pg. 4-20, Marine Resources)
- "The existing wetlands, including the flood control basin on a portion of Parcel P, the Marina waters, and a portion of Parcel 9, are the marine resources which shall be maintained, and, where feasible, enhanced and restored." (LUP Pg.4-21, Marine Resources Policy #1)
- The Conservation & Management Plan (CMP) provides recommendations for improving habitat conditions in three specific areas of Marina del Rey (Oxford Retention Basin, Proposed Wetland Park at Parcel 9, and the margin of the Ballona Wetlands Area A" (LUP Pg. 5-6, Important Biological Resources)
- The tallest structures allowed in the Marina, those up to 225 feet, would still only be permitted on the periphery of the Marina or on Parcel 9U..." (LUP Pg. 9-3, Coastal Visual Resources) *[Note the hotel height has been reduced to max. of 72 feet even though LUP provides for hotel height up to 225 feet on the parcel; our client is still maintaining a 40% view corridor to the water over the parcel, whereas the LUP requires provision of only a 20% view corridor for the Project.]*

A copy of these materials have been provided to Coastal Commission Staff

- LCP's land use designation for the northerly 2.2 acres of Parcel 9 is "Hotel-Waterfront Overlay"; land use designation for southerly 1.46 acres of Parcel 9 is "Open Space-Waterfront Overlay" (LUP Pg. 8-19, Land Use Plan)
- **Conservation Policies for Wetland Park at Parcel 9 are noted below** (from LUP Pgs. 5-7 & 5-8, Important Biological Resources)

"Restore saltmarsh habitat with tidal influence (Parcel 9)"

To the extent permitted under engineering constraints, tidally influenced saltmarsh habitat will be restored/enhanced at the Wetland Park. Once the final contours of the development are established, habitat should be established that includes areas of emergent native marsh vegetation, exposed even during high tide, to serve as refuge for animals, and areas of exposed mud ("mudflats") at low tide, to serve as foraging areas for migratory and resident birds. The potential area of mudflats may be limited by engineering constraints.

Debris, including a concrete slab that was installed as part of the abandoned hotel project, should be removed, as these would interfere with ecological functions of the Wetland Park.

Restoration and landscape management considerations for upper slopes

Non-native vegetation should be professionally removed from all parts of the Wetland Park on a regular, continuing basis. No non-native vegetation, or "California native" (but not locally-native) vegetation inappropriate for the Ballona Wetlands, should be introduced.

Establish the primacy of habitat values over recreational uses

The Wetland Park, as envisioned, will be a very small area (less than 1.5 acres) effectively surrounded by development. To provide habitat useful to wildlife other than the most human-tolerant species, this area will be designed and managed primarily for its wildlife habitat values. Passive recreation and other human uses at the Wetland Park should follow from this main purpose. For these reasons, a truncated trail system is recommended, with little or no area devoted to hardscape features, such as picnic tables, outdoor exhibit areas, or wide, paved trails.

Maintenance and management activities shall be compatible with managing the site as a native wildlife sanctuary. The routine use of power equipment (e.g., trimmers and electric or gas-powered blowers), dumping of compost, or feeding of wildlife or domesticated birds, should not be tolerated."

A copy of these materials have been provided to Coastal Commission Staff



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 2, 2016

Mr. Steve Kinsey, Chair
California Coastal Commission
45 Freemont Street, Suite 2000
San Francisco, California 94105-2219

Dear Chair Kinsey and Honorable Commissioners,

PERMIT NO. A-5-MDR-16-0004 – MARINA DEL REY HOTEL PROJECT APPEAL

I am writing in support of your staff's determination that no substantial issue was raised in the appeal regarding the above-referenced permit. This determination will permit the construction of new visitor-serving overnight accommodations on the western side of Marina del Rey that are fully consistent with the Marina del Rey Local Coastal Program ("LCP").

Various iterations of a hotel project on this site can be traced back to 1979, when your Commission approved a coastal development permit ("CDP") for the construction of a four-story hotel. Though that project was never completed, the project site has been zoned for Hotel use since certification of the 1984 LCP to ensure that overnight accommodations are developed to serve this portion of Marina del Rey and the surrounding area.

The project before you not only provides overnight accommodations, but also expanded waterfront access opportunities and visitor-serving amenities. These include public access ways to the parcel's waterfront; a fully-improved public waterfront promenade; a WaterBus shelter; bicycle racks; public parking for an adjacent wetland park restoration project; shuttle bus service between the hotel and Los Angeles International Airport; and a publicly-accessible restaurant and bar.

The hotel project before you is the result of a redesign that is responsive to concerns raised by the community as well as the Los Angeles County Board of Supervisors ("BOS") during the approval process. Originally, the hotel was proposed at 19 stories tall and was comprised of both traditional rooms and timeshare units. Based on these concerns, the hotel was redesigned and the BOS remanded the project back to the Los Angeles County Regional Planning Commission for consideration. The hotel project

Mr. Steve Kinsey, Chair
May 2, 2016
Page 2

before you now stands at a maximum height of 72 feet and no longer includes a timeshare component. This design maximizes public access to the parcel's waterfront in a form that is well integrated with the character of the surrounding neighborhood and is fully consistent with the LCP.

I respectfully request your Commission concur with staff's recommendation and find that no substantial issue was raised and deny the appeal on this hotel project. Should you be interested in discussing this matter further, please feel free to contact me at (213) 974-6401.

Sincerely,

A handwritten signature in black ink, appearing to read 'RJB Bruckner', with a large loop at the bottom.

Richard J. Bruckner
Director

RJB:SA:KAF:kaf

CP_05022016_L_S KINSEY

A-5-MDR-16-0004

Marina Del Rey Parcel 9U Hotel

Coastal Commission Substantial Issue Hearing

Friday, May 13th 2016

Item F17b



Note: A copy of these materials has been submitted to CCC District staff.

A-5-MDR-16-0004 (MDR Hotel)

- New Courtyard & Residence Inn hotel with 288 guest rooms on northerly 2.2 acres of Parcel 9U
- Dec 2015: CDP approved by County Board of Supervisors
- Jan 2016: County-issued CDP appealed to CCC by Ballona Institute/Marcia Hanscom

Coastal Staff Finds Appeal Raises No Substantial Issue; County agrees with Coastal staff's recommendation:

- Hotel, as approved by County, is wholly consistent with the certified MDR LCP
- Project significantly improves public access & recreational opportunities for the parcel, consistent w/ applicable Coastal Act policies (parcel is currently fenced-off from public use)

Project Site



Parcel 9U site photos

4

Note chain link fencing, which today keeps public from accessing the site



Hotel Project Summary

Guestrooms **288 Keys Total**

Courtyard **5 floors, 159 Guestrooms**

Residence Inn **6 floors, 129 Guestrooms**

On the Water Bar & Bistro

Indoor /Outdoor Bar with Public Terrace Waterside Dining

Community Meeting Rooms

Marina Promenade with Direct Public Access

Stroller & ADA Access

Nautical Themed Water Taxi Shelter

Public Bicycle Rack

Public/Pet Water Fountain

Public Seating and Gathering

Parking:

19 surface short-term & 212 below grade valet

Required:	1 per 2 Guestrooms:	144 Spaces
	Dedicated Wetland	<u>21 Spaces</u>
	Total Required:	165 Spaces

Total Provided **Approximately 231 Spaces**



Project Location



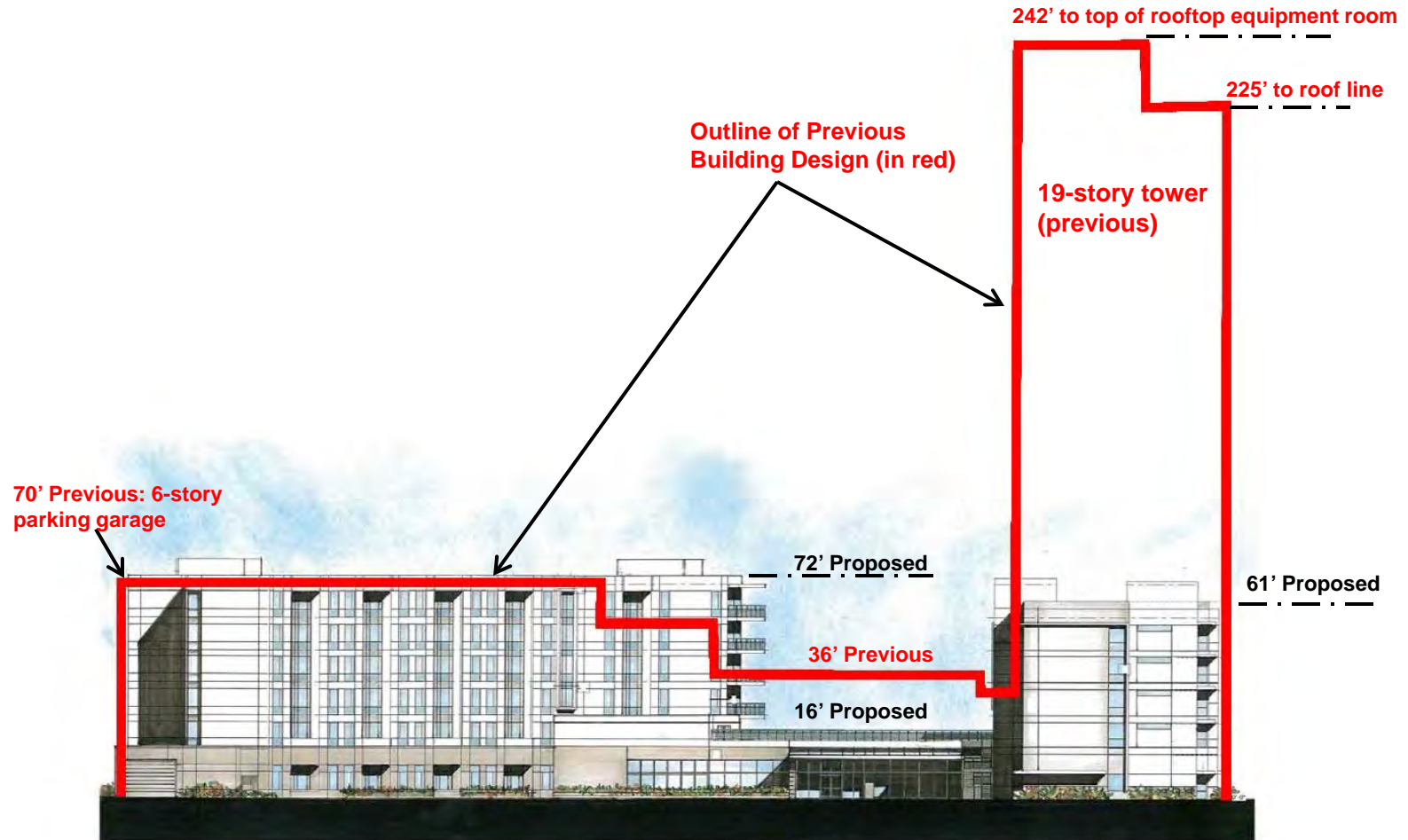
Hotel Project Changes:

- Reduced number of building floors from 19 to 6.
- Reduced height of hotel tower from 225 ft (225 feet was consistent with LCP) to one 72-ft, 6-story hotel wing and one 61-ft, 5-story hotel wing, consistent with heights of surrounding development. Maintained 40% view corridor over parcel whereas only 20% view corridor is required.
- Reduced overall project massing by placing parking underground.
- Eliminated timeshare component and rooftop emergency helistop.
- Eliminated hotel's high-traffic uses including grand ballroom, large meeting rooms, commercial spa and destination restaurant. These use reductions allowed applicant to reduce total parking spaces from 360 to 231, in conformity with County's Code parking requirements for proposed hotel use.
- Reduced grading from approx. 44,000 cu. yds to 30,000 cu. yds.

Project Benefits

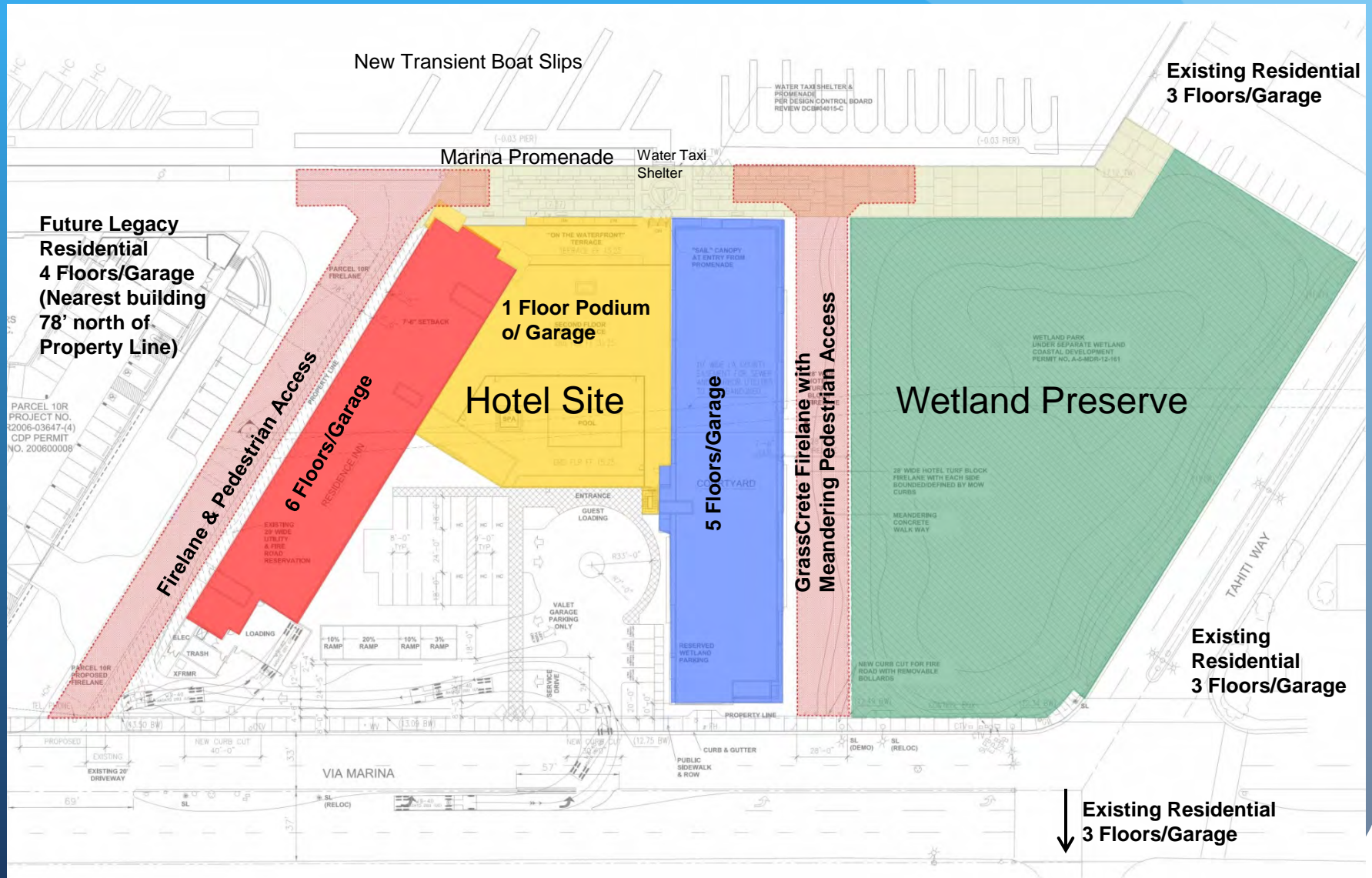
- Creation of new visitor-serving hotel use on site currently inaccessible to the public; union hotel jobs.
- Improved public access by widening existing waterfront promenade and connections to other nearby segments. Public amenities include shaded seating areas, landscaping, bicycle racks and a new WaterBus shelter and stop.
- Improved unobstructed public view corridors over Wetland Park (40% parcel front); enhanced public views of harbor.
- Increased parking incl. 21 public spaces for Wetland Park.
- Wetland preservation and restoration on parcel, per LCP.
- Both the hotel and wetland restoration projects are consistent with the MDR LCP's land use designations and development regulations for the parcel; LCP Consistent!

Previous vs. Proposed Elevations



PROJECT SITE VIEW FROM MARINA WAY

9



Project Site: View of wetland park and hotel interface from Via Marina

10



Project Site: View from Marina

11

Public wetland park to be developed on southerly portion of parcel



Public anchorage to be built directly in front of hotel & adjacent wetland park

New 28-ft-wide public promenade & alfresco dining overlooking the Marina

Appeal Contentions/Responses

Contention

- Inadequate parking will impact Coastal parking supply
- Timeshare use: visitor serving; coastal dependent uses
- Habitat impacts: wetlands & sensitive species
- Inconsistent with community character

Response

- Code-compliant parking provided onsite to serve development; no impact to coastal parking supply
- Timeshare use eliminated; traditional hotel operation proposed (Union hotel operation)
- Wetlands creation and expanded buffer provided, consistent w/ LCP requirements/policies for a wetland park on this parcel
- Size and scale of revised project now consistent with surrounding development

Appeal Contentions/Responses

Contention

- **Visual resources**
- **Public access**
- **Hazards**

Response

Project will offer public views to and along the water marina promenade and view corridors; hotel height requires a 20% view corridor to water over parcel whereas a view corridor of 40% is being provided

Improved public access with expanded waterfront promenade and connecting through wetland park trails

Less than significant impacts with mitigation measures

Support Staff Recommendation

- Staff is recommending *No Substantial Issue* on the hotel CDP appeal. County requests Commission to agree with its staff in finding hotel appeal raises no substantial issue with respect to project's consistency with the LCP or public access and recreation policies of the Coastal Act.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

**F17b**

Filed:	1/6/2016
49 Day Waiver:	1/19/2016
Staff:	Z. Rehm-LB
Staff Report:	04/29/2016
Hearing Date:	05/13/2016

STAFF REPORT: APPEAL – SUBSTANTIAL ISSUE HEARING

Appeal Number:	A-5-MDR-16-0004
Permittee:	MDR Hotels, LLC
Local Government:	Los Angeles County
Local Decision:	Approval with Conditions
Appellants:	Ballona Institute and Marcia Hanscom
Project Location:	Marina Del Rey Lease Parcel 9, 13800 Tahiti Way, Marina Del Rey, Los Angeles County, CA 90292
Project Description:	Appeal of County of Los Angeles Local Coastal Development Permit No. 20006-00007-(4) for construction of a 288-room, five-and-six-story hotel in two wings with associated amenities including meeting rooms, restaurant, bar/lounge, fitness center, and operations spaces including lobby, offices, and laundry and maintenance facilities; a parking garage and parking lot with 231 valet-managed and tandem parking spaces serving the hotel and adjacent wetland park; associated signage and landscaping; the sale of alcoholic beverages for on-site consumption; a new 28-foot-wide pedestrian promenade; a new water taxi shelter; and a reduction in required promenade and side yard setbacks.
Staff Recommendation:	No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

MDR Hotels, LLC proposes to construct a hotel and associated amenities on a vacant parcel owned by the County of Los Angeles. The Coastal Commission approved a coastal development permit for a larger hotel on the same site in 1981, which was partially constructed before being abandoned by

A-5-MDR-16-0004 (MDR Hotels, LLC)
Substantial Issue Hearing

the previous developer. The Local Coastal Program for Marina del Rey was certified in 1995, was the subject of a major amendment in 2011, and designates the subject site for hotel use.

The permittee submitted an initial application for a hotel project on the subject site with the Los Angeles County Department of Regional Planning in 1999. Los Angeles County certified an EIR for the project (and other related projects which were analyzed for environmental impacts concurrently) in 2011. The Los Angeles County Regional Planning Commission approved a previous version of the project in 2010, but that project was modified in response to comments from community members and Coastal Commission staff to remove a previously proposed timeshare component and provide additional public amenities. On October 6, 2015, the Los Angeles County Board of Supervisors approved the final version of the project with conditions. The Commission received a valid notice of final local action on December 21, 2015 and the appellants filed a timely appeal with the Commission on January 6, 2016.

The staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: the development, as approved by the County of Los Angeles, is consistent with the certified LCP for Marina del Rey and the public access policies of the Coastal Act, and will not adversely affect coastal resources.

Important Hearing Procedure Note:

This is a substantial issue only hearing. Testimony will be taken **only** on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Commission Chair, testimony is limited to three minutes **total** per side. Only the permittee, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, a de novo hearing will be scheduled for a future Commission meeting, during which time the Commission will take public testimony.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION4

II. APPELLANTS’ CONTENTIONS.....4

III. LOCAL GOVERNMENT ACTIONS5

IV. APPEAL PROCEDURES6

V. FINDINGS AND DECLARATIONS8

 A. PROJECT LOCATION AND DESCRIPTION8

 B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS.....9

 C. SUBSTANTIAL ISSUE ANALYSIS..... 10

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Site Photos
- Exhibit 3 – Project Plans
- Exhibit 4 – Appeal
- Exhibit 5 – Los Angeles County Board of Supervisors Findings
- Exhibit 6 – Public Correspondence

I. MOTION AND RESOLUTION

Motion:

I move that the Commission determine that Appeal No. A-5-MDR-16-0004 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-5-MDR-16-0004 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access policies of the Coastal Act.

II. APPELLANTS' CONTENTIONS

On December 21, 2015, the Commission received a valid notice of final local action for Local Coastal Development Permit No. 2006-00007-(4), which approves construction of a new 288-room five-and-six-story hotel in two wings with associated amenities including meeting rooms, restaurant, bar/lounge, fitness center, and operations spaces including lobby, offices, and laundry and maintenance facilities; a parking garage and parking lot with 231 valet-managed and tandem parking spaces serving the hotel and adjacent wetland park; associated signage and landscaping; the sale of alcoholic beverages for on-site consumption; a new 28-foot-wide pedestrian promenade; a new water taxi shelter; and a reduction in required promenade and side yard setbacks.

On January 6, 2016, within 10 working days of receipt of notice of final local decision, the Ballona Institute and Marcia Hanscom filed an appeal of the local coastal development permit (**Exhibit 4**). The appellants raise the following issues/claims:

1. The development does not provide enough parking and valet parking will adversely affect surrounding public parking areas;
2. The hotel includes an extended stay component which is similar to a timeshare proposal and is not a coastal dependent use;
3. The site is located in a liquefaction zone and tsunami hazard area subject to sea level rise;
4. Protocol surveys for sensitive and rare species should be carried out by the California Department of Fish and Wildlife;
5. The extent of the wetland on the site has grown and the site is not appropriate for development;
6. The development will harm the special neighborhood of the Silver Strand and Marina Peninsula (Venice), which has unique characteristics that attract the visiting public to coastal walking paths along the Ballona Lagoon Marine Preserve.

7. The development will adversely affect coastal views and adequate view corridors have not been provided;
8. The cumulative effect of higher buildings on visual resources has not been adequately analyzed.
9. An updated wind study should be completed, taking into account other higher buildings in the area; and
10. The project has been piecemealed and the Commission does not have adequate information to conduct a CEQA-equivalent analysis of the project.

III. LOCAL GOVERNMENT ACTIONS

On December 17, 1975, the Los Angeles County Regional Planning Commission approved Conditional Use Permit No. 83-(4) and Variance No. 404-(4) for a 300-room 10-story hotel with 559 parking spaces. On July 23, 1981, the Coastal Commission approved Coastal Development Permit A-207-79 for a similar project and required payment of a mitigation fee for provision of lower cost visitor serving overnight accommodation off-site in lieu of providing it as part of the approved hotel project.

The developer started construction of that hotel project and provided the Commission a letter of credit in the amount of \$365,000 for the required off-site lower cost visitor serving overnight accommodation. The letter of credit was cashed and the funds applied to construction of a youth hostel in Santa Monica in 1986 (see CDP 5-86-175). After partial grading and construction of foundational elements, the previous developer abandoned the project. The site has been vacant since then and a freshwater wetland has formed along the southerly portion of the parcel.

The permittee submitted an application for a 288-room hotel and 527-unit residential complex on the subject site with the Los Angeles County Department of Regional Planning in 1999. That application was denied for inactivity but the Los Angeles Regional Planning Commission approved a 288-unit hotel and timeshare resort facility on the subject site in on March 10, 2010. The County certified an Environmental Impact Report for the project (and other related projects in the West Marina area which were analyzed for environmental impacts concurrently) on April 26, 2011.

Following comments from community members and Coastal Commission staff, the permittee modified the project to remove the timeshare component of the project and offered to provide additional public amenities. The Coastal Commission approved LCP Amendment MDR-MAJ-1-11 on November 3, 2011, which specifically designated the northern portion of the subject parcel for hotel use and designated the southern portion of the parcel as open space use. On December 12, 2012, the Commission approved CDP A-5-MDR-12-161 for a saltwater wetland and public park the southern portion of the parcel.

After analyzing the changes to the project agreed to by the permittee and the Coastal Commission, Los Angeles County determined that a new Environmental Impact Report was not required under the provisions of the California Environmental Quality Act. The County therefore prepared an Addendum to the EIR certified in 2011 to analyze any new environmental impacts of the amended project. The Los Angeles County Regional Planning Commission approved the Addendum to the EIR and approved the subject development at a public hearing on July 22, 2015. That action was appealed to the Los Angeles County Board of Supervisors, which denied the appeal, approved the

addendum to the EIR, and approved Local Coastal Development Permit No. 2006-00007-(4) on October 6, 2015. The findings and special conditions from the County's final local action were certified on December 15, 2015, received by the Commission December 21, 2015, and are included as **Exhibit 5** of this staff report.

IV. APPEAL PROCEDURES

After certification of an LCP, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on CDPs. Development approved by cities or counties may be appealed if they are located within certain geographic appealable areas, such as those located between the sea and the first public road paralleling the sea or within 300 feet of the mean high tide line. Furthermore, developments approved by counties may be appealed if they are not a designated "principal permitted use" under the certified LCP. Finally, any local government action on a proposed development that would constitute a major public work or a major energy facility may be appealed, whether approved or denied by the city or county.

Section 30603(a) of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

Section 30603(a) of the Coastal Act establishes the project site as being in an appealable area because it is located *between the sea and the first public road paralleling the sea* and within 300 feet of the inland extent of the mean high tide line of the sea because there is no beach seaward of the site.

Grounds for Appeal

The grounds for appeal of an approved local CDP in the appealable area are stated in Coastal Act Section 30603(b)(1):

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.*

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. If Commission staff recommends a finding of substantial issue, and there is no motion from the

Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

The grounds for the current appeal are that the approved development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

Qualifications to Testify before the Commission

Staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Therefore, proponents and opponents will have an opportunity to address whether the appeal raises a substantial issue. Generally and at the discretion of the Commission Chair, testimony is limited to three minutes total per side. As noted in Section 13117 of Title 14 of the California Code of Regulations, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant(s), persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

The action currently before the Commission is to find whether there is a “substantial issue” or “no substantial issue” raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(1) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. Commission staff recommends a finding of no substantial issue. If the Commission decides that the appellant’s contentions raise no substantial issue as to conformity with the certified Local Coastal Program for Marina del Rey, the action of the local government becomes final. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the certified Local Coastal Program, the local coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.] Section 13321 of Title 14 of the California Code of Regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of Title 14 of the California Code of Regulations.

V. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The subject site is within an unincorporated area of Los Angeles County adjacent to Basin B of the Los Angeles County-operated Marina del Rey shoreline area, which supports boating, visitor serving commercial and hotel uses, and residential development. The Marina Peninsula portion of Venice, City of Los Angeles lies to the west, with popular coastal amenities including the Ballona Lagoon Marine Preserve and Venice Beach less than ¼ mile to the west (**Exhibit 1**).

The subject site is county-owned land, elevated by a layer of filled material from the dredging and construction of the adjacent marina, which was most recently altered by the partial foundation construction of a planned hotel in the 1980s. After that project was abandoned, a freshwater wetland formed along the southerly portion of Lease Parcel 9, which has since been designated as 1.46 acres of open space by the County and the Commission through LCP Amendment MDR-MAJ-1-11. Coastal Development Permit A-5-MDR-12-161 permits the construction of a tidally influenced saltwater wetland and park at the southerly portion of the parcel. The 2.2-acre portion of the parcel where the hotel has been approved is designated for hotel use in the LCP and is covered by native and non-native vegetation. Public access to the marina is available by road and by foot at Tahiti Way immediately adjacent to the southerly portion of the parcel and by foot along a pedestrian path to the north of the parcel. Lateral access along the marina is available along a public promenade to the east of the parcel (**Exhibit 2**).

The permittee proposes to construct a 288-room five-and-six-story hotel in two wings with associated amenities including meeting rooms, restaurant, bar/lounge, fitness center, and operations spaces including lobby, offices, and laundry and maintenance facilities; a parking garage and parking lot with 231 valet-managed and tandem parking spaces serving the hotel and adjacent wetland park; associated signage and landscaping; the sale of alcoholic beverages for on-site consumption; a new 28-foot-wide pedestrian promenade; a new water taxi shelter; and a reduction in required promenade and side yard setbacks (**Exhibit 3**). The structure will be 72-feet high at its highest point and will be set back approximately 100 feet from the existing freshwater wetland and 50 feet from the restored saltwater wetland. The 28-foot-wide pedestrian promenade will be approximately three times as wide as the existing promenade between the waterfront and the currently fenced off land within Parcel 9. There will also be public access through and along the saltwater wetland, which Los Angeles County plans to construct before or at the same time as the hotel project is developed.

212 of the 231 parking spaces required by the County-approved permit will be in a one level subterranean parking garage. All spaces in the garage will be valet managed and tandem parking is permitted. A minimum of 17 of the spaces in the garage will be marked with signage and paint for exclusive use of visitors of the wetland park area, although the hotel operator may charge a fee for use of such spaces comparable to fees assessed at nearby public parking facilities. The remaining 19 required parking spaces will be provided in a surface parking lot accessible to the wetland park, with a minimum of six ADA accessible spaces and a minimum of four free parking spaces marked with signage and paint for exclusive use of wetland park visitors (**Exhibit 3**). The remaining nine spaces in the surface parking lot may be managed by a valet, who will also be responsible for ensuring that the ADA accessible and wetland park visitor spaces are maintained for their approved uses. The valet parking system will be managed 24 hours per day, seven days per week, and the

operator will be required to file annual reports with Los Angeles County, which will have discretion to require changes to the parking plan and valet operation as determined by the County Director of Regional Planning. The permittee also proposes to provide bicycle parking racks and amenities on site.

The County-approved permit includes 98 special conditions (**Exhibit 5**) requiring the permittee to implement construction best management practices to minimize noise that could harm wildlife, preserve water quality, and comply with the requirements of the resource agencies, including the California Coastal Commission and the California Department of Fish and Wildlife. The permittee will be required to notify the Office of State Historic Preservation and the Native American Heritage Commission of the location of proposed grading the dates grading will take place. If archeological or cultural resources are discovered, the permittee will be required to recover them and ensure they are preserved by an appropriate body. The permit prohibits neon lighting and requires the permittee to minimize lighting in the vicinity of the wetland park. Landscaping of the hotel site is required to be compatible with the wetland park and invasive species are prohibited.

The Commission received letters in support of the approved project from Los Angeles County Supervisor Don Knabe and UNITE HERE Local 11 (**Exhibit 6**).

B. FACTORS TO BE CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(2) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30603(a) unless it finds that no substantial issue exists as to conformity with the local government's certified Local Coastal Program, and if applicable, the access policies of Chapter 3 of the Coastal Act. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulation simply indicates that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." In previous decisions on appeals, the Commission had been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that no substantial issue exists with respect to whether the County's action conforms to the provisions of the certified Local Coastal Program for Marina del Rey and the public access policies of the Coastal Act for the reasons set forth below.

C. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section IV of this report, the grounds for an appeal of a coastal development permit issued by the local government after certification of its Local Coastal Program are the standards set forth in the certified LCP for the area and the public access policies of the Coastal Act. The subject coastal development permit is appealable to the Commission due to the project's location *between the sea and the first public road paralleling the sea* and within 300 feet of the inland extent of the mean high tide line of the sea because there is no beach seaward of the site.

The appellants' grounds for this appeal are summarized in Section II of this report and included in full as **Exhibit 4**. The County's findings and special conditions in support of its action to approve Local Coastal Development Permit No. 20006-00007-(4) are included in full as **Exhibit 5**. Additionally, the County has provided detailed responses to each of the 10 issues/claims raised in the appeal, which are copied in full and incorporated into the Commission's findings in this section. The Commission's substantial issue analysis is guided by the five factors listed in Section B above.

Claim 1: Elimination of parking spaces from the original project and converting those parking to valet, which means that coastal access will be impeded and not maximized as required by Coastal Act – public parking spaces now (and public parking lots) being used by visitors to Ballona Lagoon Marine Preserve, Grand Canal Lagoon, Mothers Beach and Venice Beach will be used by these valet parking needs. Thus, parking (and, therefore, access) would be diminished in the Coastal Zone – both in the County Marina del Rey area and in the City of Los Angeles – Venice LUP, which is directly across the street from this site and which is already severely stretched for parking/public access. This is not allowed by the LCP for Marina del Rey or by the Coastal Act. (Section 30211 & section 30252)

County Response: Buildout of the proposed hotel will not result in the elimination of parking spaces. Presently, the project site is a vacant, undeveloped parcel and a previous design of the proposed hotel was not approved by the County of Los Angeles Board of Supervisors. No parking will be displaced by buildout of the proposed hotel. The proposed hotel includes 231 parking spaces, which is in excess of Los Angeles County Zoning Code parking requirements, the majority of which will be served by an on-site valet-management system. Included in this total are 21 spaces reserved exclusively for use by patrons of the future public wetland and upland park located adjacent to the proposed hotel on the southern portion of Marina del Rey Lease Parcel 9. Four of the new public parking spaces are to be free at all times while the remaining 17 will be served by the on-site valet-management system but assessed a parking fee comparable with other public parking lots in the area. All project-related parking, including the parking spaces for the future public wetland and upland park and all valet parking, will be accommodated on the project site and no existing public or private parking areas off-site will be utilized to accommodate project parking. As such, public access will be improved over current conditions.

The Commission finds that the County's action to require more parking spaces than the minimum standard set forth in the zoning code (144 parking spaces would be required based on Los Angeles County Code Section 22.52.1130), as referenced in Section 2-12 of the certified LCP for Marina del Rey, is consistent with the public access policies of the LCP. Parcel 9 is subject to the development standards of Development Zone 1 (LCP Section 8-18 and 8-19) and has provided adequate parking to meet the permitted development potential of 288 hotel rooms. In this case, the project includes 231 parking spaces on site and the permittee has also proposed to include bicycle parking and an employee transportation demand management program, which is consistent with the public access

policies set forth in Section 1-10 through 1-11 of the certified LCP and with Coastal Act Section 30252. Special Condition 31 of the County-approved Coastal Development requires the permittee to maintain a minimum of 231 parking spaces on-site, in compliance with the final approved plans. Special Conditions 32, 33, 34, 35, 36, 37, 38, 39, and 40 set forth specific requirements for the valet management of the parking lots, the designated public parking areas for visitors of the wetland park, designated ADA accessible parking, designated bike parking, and monitoring requirements. Special Condition 39 states that parking of automobiles by valets on public streets is prohibited.

Therefore, the Commission finds that the approved hotel will provide adequate parking to satisfy the demand generated and will not rely on the adjacent public parking resources which coastal visitors use to access the Ballona Lagoon Marine Preserve, Grand Canal Lagoon, Mothers Beach and Venice Beach. For those reasons, the appellants' claim raises no substantial issue with respect to the public access policies of the certified LCP and the public access policies of the Coastal Act.

Claim 2: While the "timeshare" component was officially removed from the project, ½ of the project is now an "extended stay" facility, which brings the same "non-coastal dependent" use and similar concerns that timeshare facilities have in the coastal zone. In reality ½ of the project is "residential" in an area zoned for OVERNIGHT hotel stays. (Section 30211 AND pg. 8-14 of LCP, referring to "overnight" accommodations, with no allowance for "extended stay.")

County Response: A previous design of the proposed hotel included a timeshare component. This component was removed from the proposed hotel in response to community concerns and at the direction of the Board of Supervisors. There is no longer any ownership component proposed in the design of the hotel as approved by the County of Los Angeles and the hotel is conditioned to comply with County Code requirements for maximum length of stay to ensure guest rooms and suites will be occupied and rented on a temporary basis and no commercial apartments will be permitted. Hotels are a visitor-serving use that not only attract visitors to the Marina but provide accommodations that allow them to spend time along the California coast, a priority of the California Coastal Act. Hotels are also the principal permitted use identified in the Hotel land use category of the Marina del Rey Local Coastal Program, the land use category designated on the project site. In the LCP, the principal permitted use most clearly implements the plan category and is intended to provide overnight accommodations with attendant services. The Marriott operator identified in the County of Los Angeles staff report is only the anticipated operator. Once the project comes on-line, a different operator may have been selected for this hotel. Regardless of operator, the proposed hotel is conditioned to ensure that the hotel functions solely as a hotel and not as a residential use.

The Commission finds that the hotel use is consistent with the standards set forth in Section 8-14 of the certified LCP for Marina del Rey. Even if a portion of the hotel be marketed as "Extended Stay," it will still be available for coastal visitors and will still include amenities for coastal visitors including the restaurant/bar and access to the marina and pedestrian promenade. Additionally, the hotel will be subject to the same maximum length of stay hotels as other hotels in Los Angeles County (30 consecutive days). The proposed use is consistent with Coastal Act Section 30213 which encourages lower cost visitor serving overnight accommodation. While the majority of the hotel rooms will be rented at moderate to high rates the majority of the time, some rooms may be available at low cost during periods of reduced demand for hotel rooms. Additionally, the previous hotel developer on the site provided funding which helped establish lower cost overnight accommodation at the Santa Monica Youth Hostel. Policy 16(b)(v) of the Marina del Rey Specific

Plan portion of the Implementation Plan for the LCP states: “if the applicant demonstrates that a proposed hotel project on the same parcel paid said [lower cost overnight accommodation] fee, or its equivalent, within 20 years of the date of application, the applicant shall be exempt from this obligation. The previous developer paid such a fee in 1985 and the application for the County-approved project was filed in 1999, meeting the threshold for non-provision of additional lower cost overnight accommodation on-site.

The Commission therefore finds that the proposed hotel use is consistent with the hotel development standards of the certified LCP and the public access policies of the Coastal Act which encourage lower cost visitor serving overnight accommodation. The appellants’ claim raises no substantial issue with respect to the public access and development policies of the certified LCP and the public access policies of the Coastal Act.

Claim 3: This entire area – the parcel and adjacent Marina Peninsula – is located in a high-risk liquefaction zone, tsunami hazard area and subject to sea level rise concerns. The Disaster Preparedness Science Officer for the County of Los Angeles (an expert) submitted testimony that included the following information about this proposed development: “A. Admiralty Way is one of only two roads for egress from the area. The Courtyard Marriott will substantially increase the traffic density on Via Marina, Admiralty Way and on Washington endangering our rapid evacuation in the event of a tsunami warning or an earthquake. B. It will impair the daily response times of EMS, Fire and Police; and C. After a major earthquake the thousands of tourists who will be stranded will increase the demand on available water and food. They will require additional needs for shelter depending on the damage to hotels. Local residents will have to compete with stranded tourists for these resources.” His opinion further states that this project would severely impact the disaster resilience of this part of the coast. (Section 30253.1)

County Response: The County is not aware of any comments provided at either public hearing on this project that were provided by the Disaster Preparedness Science Officer for the County of Los Angeles. Further, the certified EIR for the project identified the volume of traffic that would be generated by the proposed hotel as well as the levels generated by the other projects analyzed by this EIR (parcels 10R, 14, 9 south, and Basin B marina). The EIR noted that the development of all of the proposed projects analyzed under the EIR would result in cumulative significant and unavoidable impacts related to traffic but identified no project-specific impacts that could not be mitigated. This information was disclosed at the public hearing on these projects before the Los Angeles County Board of Supervisors. The certified EIR also included a number of mitigation measures designed to mitigate, to the extent feasible, the identified traffic impacts. In spite of the mitigation measures, some of the identified impacts remained significant and unavoidable. With all of this information at hand, the Board voted to certify the EIR and adopt a Statement of Overriding Considerations noting that the benefits of the projects outweigh the identified impacts. The addendum to this EIR, which was prepared to analyze a revised design of the proposed hotel (the design that was approved by the County of Los Angeles in December 2015), did not identify any new impacts that would result from the proposed hotel related to traffic. Related to public safety, the Los Angeles County Sheriff’s Department provides policing services to Marina del Rey. The certified EIR reviewed and analyzed potential impacts to policing services that would result from buildout of the proposed hotel and the other projects included in the certified EIR. The certified EIR found that at a project specific level, the Sheriff’s Department does not expect any potentially significant change in calls for service as a result of the buildout of these projects. The EIR also notes that while traffic in the area would increase, mitigation measures incorporated into the

analyzed projects would prevent potentially significant impacts from occurring as it related to response times. At a cumulative level, staffing and patrol changes may be needed, but impacts were found to be less than significant. The Los Angeles County Fire Department provides fire protection services to Marina del Rey. Related to response times, the certified EIR found that due to adopted traffic mitigation measures, no significant project-specific impacts would occur. At a cumulative level, impacts to response times and staffing levels were found to be less than significant. The certified EIR was circulated to the various County Departments responsible for public safety and their comments were incorporated into the body of the EIR. As such, the construction of the proposed hotel does not negatively impact disaster preparedness any more than any of the existing development within the immediate area.

The Commission finds that the project is consistent with the geologic hazard policies of the LCP, which is the standard of review, and which is similar to the hazards Section 30253 of the Coastal Act cited by the appellants. Specifically, the approved project included geologic and soils studies and design considerations to mitigate liquefaction and lateral spreading, as required by Policy 2 of LCP Section 10-8. The approved project also included analysis and design considerations to mitigate risks associated with earthquakes, consistent with Policy 3 of LCP Section 10-8. Policy 7 of LCP Section 10-9 requires “new development shall be sited and designed to ensure that it is not adversely affected by impacts from climate change, including the potential effects from continued and accelerated sea level rise over the expected design life of the new development. The LCP also includes sea level rise projections based on the best available science at the time it was last updated (2011). The LCP cites the Ocean Protection Council’s Interim Guidance for Sea Level Rise, which estimates a range of 31 to 69 inches of sea level rise by the year 2100. The sea level rise estimate for 2050 is 10-17 inches. The expected design life of a new hotel is typically closer to 35 years than 85 years; however, the County-approved project has been designed to withstand even the highest estimated sea level rise projections. The finished floor elevation of the first floor is proposed at +15.25 feet NAVD29 and the finished floor elevation of outdoor amenities including the terrace fronting the marina is proposed at +13.25 feet. The entrance to the parking garage on the landward side of the hotel adjacent to the public street will be +12.5 feet. Accounting for the highest recorded astronomical tides and the highest sea level rise projection for the year 2100, the approved hotel has been designed to mitigate flood hazard. Wave action combined with high tides and sea level rise could cause overtopping of the existing bulkhead (approximately +8 feet NAVD29), which would result in flooding of the public promenade and could threaten the underground parking garage (entrance +12.25 feet); in such scenarios, the hotel and all other development along the Marina would need to develop mitigation measures to withstand temporary flooding.

The Commission finds that as approved by Los Angeles County, the hotel development has been designed to minimize the risks from geologic and flood hazard, consistent with the requirements of the certified LCP. The appellants’ claim raises no substantial issue with respect to the hazards policies of the certified LCP.

Claim 4: Evidence (photographic and biological expert opinion) was submitted to the Los Angeles County Board of Supervisors that indicates a need for protocol surveys to be completed and reviewed by the CA Dept. of Fish & Wildlife for two sensitive and rare small mammal species that are on the California Sensitive Species List: Ornate Shrew and South Coast Marsh Vole. If these species indeed are present living in the historic Ballona Wetlands marsh soils on this parcel of land, then harm to the species must be taken into account in terms of approval of this project (Coastal Act)

County Response: The appellant asserts that two small mammals, the Ornate Shrew and South Coast Marsh Vole, may exist on the subject parcel. The assertion fails to explain how these two small mammal species were able to establish themselves on a parcel isolated and fragmented from other open space area in the vicinity by the Marina's street network and main channel. Nonetheless, surveys and assessments have in fact been conducted. The certified EIR notes that surveys and literature reviews were conducted to determine the flora species present on Lease Parcel 9. Based on these, no special-status plant species were identified as occurring on the project site. Further, and again as a result of surveys, literature reviews, and based on known and expected on-site flora, the certified EIR identifies the various fauna species expected to occur and observed on the project site. Included in the identified fauna are various reptilian and bird species. The Draft EIR notes that some animals that may populate the site are those typical to or have adapted to a highly urban setting. However, the presence of larger mammal is not common in highly urbanized areas such as the project site and none were observed during the site survey. Further, the EIR notes that the potential for these animals to exist on-site still exists but is further limited by the 6-foot-tall chain link fence surrounding the project site. Thus, the certified EIR concludes that no special-status fauna are known to breed on or significantly utilize the project site. Special status birds including the California brown pelican, the Peregrine falcon, the California least tern, and the Great blue heron have been observed in Marina del Rey and the surrounding area but the project site is not considered to have suitable habitat to support these species. However, the Black-crowned night-heron was observed on-site and the certified Draft EIR includes mitigation measures to address potential impacts to this species. Further, following approval of the project by the County of Los Angeles and related to work on the adjacent wetland and upland park located on the southern portion of the subject parcel, the County of Los Angeles caused a survey to be performed by an expert in sensitive species assessments and that survey revealed that there was no evidence of either species at the site.

Between April 15 and April 19, 2016, LSA Associates, INC. conducted a protocol survey of the site for the California least tern, western snowy plover, Pacific pocket mouse, Southern California salt marsh shrew, and south coast marsh vole. The protocol survey consisted of five consecutive nights of trapping on a 110 x 70 meter grid of 96 points at the subject site. The grid was established on approximately the southern 80% of the site, on the best potential habitat available for these species. A one-gallon bucket (i.e., a pitfall trap buried flush with the ground) and a nine-inch Sherman live-traps were placed at all but two of the 96 points established by the grid. The traps were baited and checked early each morning and evening. One mammal, a Botta's pocket gopher (*Thomomys bottae*) and one bird, a European starling (*Sturnus vulgaris*) were captured. No species of special concern, such as march vole, meadow mouse, or salt marsh shrew, were captured or observed at the site during this survey. Additionally, the proof provided by those opposed to the extension is anecdotal, including a photograph of a bird with a rodent in its mouth and there is no certainty as to the type of rodent or even if the bird caught the rodent on the site. No physical evidence of mammalian species of special concern existing at the site has been provided or discovered.

The LCP designates the 2.2 acres at the northerly portion of the subject Parcel 9 as hotel use and the southerly 1.46 acres for open space use, consistent with the approved saltwater wetland on that portion of the site. LCP Sections 5-7 and 5-8 set conservation policies for the wetland park at Parcel 9, which include instructions to prohibit the introduction of debris or non-native species generated by nearby development. The County's approval of the subject hotel development includes Special Condition 45 which prohibits invasive plant species on the hotel site. Special Conditions 46, 47, and

48 require the applicant to implement construction best management practices to minimize noise impacts that could harm adjacent wildlife. The Commission therefore finds that the appellants' claim raises no substantial issue with respect to the biological resources policies of the certified LCP.

Claim 5: The extent of the wetland on this parcel (parcel 9) of land has grown over time since the delineations were last performed. This entire parcel is part of the historical Ballona Wetlands, with historical wetland soils and wetland vegetation growing throughout the project site, as time has allowed the wetland plants and soils to recover. Such development as is proposed is not allowed to be undertaken on a wetland (Section 30255 & 30233.)

County Response: The southern portion of Parcel 9 supports a degraded wetland habitat area. This determination was made through several delineations in consultation with staff from Glenn Lukos Associates, a consulting firm specializing in wetland and other water-related permitting, wetland delineation, jurisdictional determination, habitat restoration design, mitigation implementation, mitigation monitoring, biological surveys, and endangered species coordination, the Army Corps of Engineers, who have regulatory authority of Waters of the United States including wetlands, and the California Coastal Commission. The specific boundaries of the wetland habitat were reviewed by California Coastal Commission staff and approved by the Coastal Commission and other interested parties. The proposed hotel would be located on the northern portion of the Parcel 9 completely outside of the delineated wetland area. The proposed hotel would not impact the delineated wetland. Furthermore, there is no credible evidence that the wetland has expanded during the past four years, a period affected by drought conditions.

The wetland delineation was originally delineated in May 2011. The Coastal Commission, which uses a "one parameter" indicator test, determined that 0.43 acres of wetlands existed on the site. That number was confirmed, using the "one parameter" indicator test, by Glenn Lukos Associates (GLA). Later that year a "three parameter" wetland indicator test was conducted at the site by GLA and the U.S. Army Corps of Engineers (USACE). USACE is responsible for determining the extent of the wetlands for the purposes of issuing permits pursuant to Section 404 of the Clean Water Act. The "three parameter" indicator test determined that wetlands at the site cover 0.22 acres of the site. On August 17, 2015, additional data regarding the delineation of the wetland at the site was collected and the amount of wetland subject to Section 404 was reduced from 0.22 areas to 0.11 acres. The USACE concurred with the change of the delineation of the wetland, and on December 11, 2015, the USACE issued the Section 404 Nationwide permit. GLA suggests that the reduction in wetland area is a consequence of the drought that California has been experiencing. In 2013, Los Angeles County entered into a settlement agreement with Ballona Wetland Land Trust to restore the wetland at the southerly portion of the parcel with tidal influence and expand the acreage to 0.69 acres.

Based on the evidence, the Commission finds that the extent of the wetland has not grown since the survey the County relied on in its approval of the hotel project; it seems to have shrunk due to the drought. However, the County's settlement agreement and forthcoming action to restore the wetlands and increase their acreage on a long term basis with the introduction of tidal influence will be consistent with LCP Sections 5-7 and 5-8 which encourage the wetland restoration at the southerly portion of Parcel 9. The subject approved hotel site plans designate the wetland area and the hotel is set back approximately 100 feet from the existing freshwater wetland and 50 feet from the forthcoming restored saltwater wetland. The Commission finds that the appellants' claim raises

no substantial issue with respect to the biological resources or the marine resources policies of the certified LCP.

Claim 6: This development would harm and negatively impact the special neighborhood of the Silver Strand and Marina Peninsula, which has unique characteristics that attract the visiting public to Coastal walking paths along Ballona Lagoon Marine Preserve. This quiet, calm residential neighborhood in the City of Los Angeles/Venice would be altered and harmed by the addition of a 288-room hotel complex of 5 & 6 stories. (Section 30253(5))

County Response: While adjacent to the Silver Strand neighborhood, the proposed hotel is not located within the neighborhood. The proposed hotel has its massing distributed between two wings and a low-slung central building. The highest point of hotel reaches a maximum height of 72 feet. Existing, under construction, and approved development in the vicinity of the project site reaches heights that range from two stories up to six stories (approximately 75 feet), including several three- and four-story multi-family residential structures across Via Marina from the project site in the Silver Strand neighborhood. Additionally, the appellant notes that the unique character of the Silver Strand neighborhood draws visitors into the area to utilize coastal walking paths along the Grand Canal. The proposed hotel would cater to the visitors that are drawn to this coastal area's unique attributes by providing overnight accommodations for visitors in a manner that is compatible with existing, under construction, and approved development in the area and does not demolish or impact any of the unique attributes identified by the appellant.

The LCP designates the development standard for the subject site. Section 8-14 indicates that hotel buildings in Marina del Rey are restricted by a height limit of 225 feet. Section 9-6 of the Visual resources section of the LCP provides the same 225 foot height limit specifically for Parcel 9. The County-approved hotel is 72 feet-high, less than one-third the maximum height for the hotel. The hotel is separated from the lower lying (approximately 30-45 feet high) single family homes and duplexes in the Venice Silver Strand residential neighborhood by two roads, Via Marina and Via Dolce. The hotel is approximately 500 feet east of the Ballona Lagoon Marine Preserve. The hotel's existence will not adversely affect the character of the Silver Strand or Marina Peninsula neighborhoods in Venice.

In any case, Venice does not have a certified LCP and the Commission's standard of review for the substantial issue analysis is the certified LCP for Marina del Rey. The certified LCP designates the subject site for hotel use and the approved hotel is less tall and less massive than the maximum the LCP development standards would permit. Additionally, the approved hotel is compatible with the surrounding development, which includes other large hotels and apartment buildings. The Commission therefore finds that the appellants' claim raises no substantial issue with respect to the development standards of the certified LCP.

Claim 7: The views of the harbor will be impacted from the public street of Via Marina, and such impacted are not allowed. While an adjacent project of a wetland park has been proposed, the 20% requirement of unobstructed views on THIS project development is not being met (pages 9-5, 9-6 & 9-7 of the Marina del Rey LCP)

County Response: The Marina del Rey Land Use Plan establishes view corridor requirements for all waterfront lease parcels in order to preserve views of the harbor during development activities. Specifically, the requirement establishes that, at a minimum, an unobstructed view corridor of at

least 20 percent of a *parcel's* [emphasis added] waterfront shall be provided. According to the Marina del Rey Specific Plan, the view corridor shall be located between the first public road and the harbor and open to the sky. Parcel 9 has a bulkhead length of approximately 386 feet between Parcels 8T and 10R. The proposed hotel will be located on the northern portion of the project site and a passive wetland and upland park is approved for restoration on the southern portion of the lease parcel. No structures will be located on the southern 1.46 acres of the parcel. The southern portion of the parcel has a bulkhead length of approximately 159 feet or 41 percent of the parcel's waterfront. Thus, the proposed hotel in conjunction with the adjacent project to reconstruct and restore a passive wetland and upland park is consistent with the Marina del Rey Local Coastal Program's view corridor requirements for the parcel, and in fact provides a view corridor in excess of what is required by the LCP.

Policy 6 of Section 9-6 of the certified LCP states: "All development shall incorporate harbor views from streets and pedestrian access ways consistent with security and safety considerations. All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's water front providing public views of the Marina boat basins and/or channels." In this case, the parcel is rhombus shaped so it is difficult to measure the water front section in relation to the view corridor that will be provided to the east of the hotel site (over a fire lane buffer from the wetland park and over the wetland park itself). The view corridor appears to be approximately 125 feet of the total parcel width of 375 feet, or 33 percent. Additionally, the approved project includes an expanded pedestrian promenade along the marina, which will enhance public visual resources and public access along the coastline. The Commission therefore finds that the appellants' claim raises no substantial issue with respect to the visual resources policies of the certified LCP or the public access policies of the Coastal Act.

Claim 8: Coastal Visual Resources cumulative impacts of a pattern of higher buildings has not been analyzed, as required in the 2012 Marina del Rey LCP (page 9-7) – as the environmental review being relied on is from time prior to the build-out of The Shores and other higher buildings completed since the original draft EIR circulation.

County Response: The certified EIR included an analysis of potential impacts to the visual quality of the Marina that would result from buildout of the proposed hotel. The analysis was cognizant of the Shores project, as evidenced by references to the project on parcel 100 and 101 on page 5.6-1, 5.6-34, 5.6-35 et al. The certified EIR analyzed potential impacts that would result from a previous design of the proposed hotel, which contemplated a single, 19-story structure. The certified EIR found that the proposed 19-story structure would be out of character with buildings in the vicinity of the project site. Further, the certified EIR includes a cumulative impacts analysis that addresses building heights of the proposed hotel and other related projects in the vicinity, including the Shores project on parcels 100 and 101. The certified EIR notes that most of the related projects are outside of the viewshed affected by the proposed hotel. Further, the certified Draft EIR notes that interfaces between tall buildings and shorter two-, three-, and four-story buildings are common in the urbanized Los Angeles setting and that these taller buildings, including the proposed hotel, have a positive effect on view corridors and open space areas by concentrating building footprints. In response to the significant aesthetic impacts identified by the certified EIR and similar community concerns, the applicant proposed a redesign of the hotel down to 75 feet, in line with other existing, under construction, and approved buildings in the area. This redesign was approved by the County of Los Angeles Board of Supervisors in December 2015.

LCP Page 9-7 referenced by the appellants does not contemplate cumulative impacts of higher buildings. In fact, that page offers height design flexibility that allows for buildings to exceed height standards in certain circumstances. As noted in the findings related to appellants' Claim 7, the approved project is less than one-third as high as the maximum permitted height and is in character with surrounding hotels and apartment structures. The approved hotel is also consistent with Policy 1 of Section 9-5 of the certified LCP which states that "conditions should be placed on permits to enhance public viewing, to allow for greater public access, and to create new view corridors of the waterfront." The County-approved permit includes Special Conditions 1 and 10 requiring the permittee to implement the approved 28-foot wide pedestrian promenade and other visitor amenities, Special Condition 25 requiring setbacks from the wetland park which will expand the view corridor, and Special Conditions 32 and 33 requiring the permittee to provide parking spaces for coastal visitors and designate them for that specific use with appropriate signage. The Commission therefore finds that the appellants' claim raises no substantial issue with respect to the visual resources policies of the certified LCP or the public access policies of the Coastal Act.

Claim 9: An updated wind study is required for this site, given the cumulative impacts from other higher buildings in the area that were not present at the time of the original draft EIR circulation. (page 9-7 of the Marina del Rey LCP.)

County Response: A wind study was prepared to analyze potential impacts resulting from buildout of the original design of the proposed hotel. The original wind study concluded that the proposed hotel, as originally designed, would produce localized areas of altered wind directions and speeds that are assumed not to be significant and general air circulation patterns and the use of surface winds by birds will not be affected. In response to the redesigned hotel, and included in the Addendum to the certified EIR, a wind assessment was prepared to analyze potential impacts to wind from a "two-wing" design with each wing reaching a height of 70 feet. The report concluded that due to the similarity in height between the redesigned hotel and existing uses to the west, general air circulation patterns and the use of surface winds by birds and sailboats in Marina del Rey would not be affected by the redesigned proposed hotel and no new significant wind impacts would occur and there would be no substantial increase in the severity of any previously identified significant impacts.

The Commission finds that the County's action to require a wind study for the original proposed design of the hotel and a revised wind study for the approved hotel is consistent with LCP Policy 9 within Section 9-7, which states: "Development shall not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel. Wind studies shall be required to determine the significant adverse impact of taller buildings on wind currents and sailing by small boats within the Marina. All structures proposed at height greater than 45 feet shall determine the cumulative impact of taller buildings on wind current within the Marina." As noted in the County's response, a detailed wind study was conducted by the consultant Rowan Williams Davies & Irwin, Inc. (October 2005). The Commission therefore finds that the County's action was consistent with the certified LCP and the appellants' claim raises no substantial issue with respect to the visual resources or hazards policies of the LCP.

Claim 10: Finally, because the Coastal Commission is required to undertake a "CEQA-equivalent" analysis for this project, the significant aged information included and being relied on for approval of this project is not applicable. The piecemealing of this project and inclusion of the parts of the pieces of it when convenient for the conclusions the developer wants to achieve are not allowable

under the California Environmental Quality Act. In addition, a fuller and more thorough review of the greenhouse gas emissions impacts from this development, as well as contributions to and impacts on sea level rise must be completed, in accordance with a recent California Supreme Court decision (Newhall Ranch/CDFW decision).

County Response: Several adjacent proposed projects were included in the EIR certified by the Board of Supervisors in April 2011, including the proposed hotel. Piecemealing occurs when a single project is reduced into several smaller projects each having no significant effect on the environment and where if taken together would have potentially significant environmental effect. Because five adjacent projects, including the entirety of the proposed hotel, were included in one environmental analysis with project-specific and cumulative impacts discussed therein, piecemealing did not occur. In response to the redesign of the proposed hotel, an addendum was prepared to assess any changes to previously identified environmental effects resulting from the redesign. As noted in the Addendum to the certified EIR, “The purpose of this Addendum is to analyze the “Marina del Rey Marriott Courtyard and Residence Inn Hotel” (also referred to as the “Reduced-Scale Project”) proposed for development on the northerly approximately 2.2 acres of Marina del Rey Parcel 9 to determine whether any significant environmental impacts that were not identified in the original Certified EIR would result, or whether previously identified significant impacts would be substantially more severe (page 3).” Among other impact areas, the Addendum discussed impacts related to greenhouse gas emissions and found that impacts would not be substantially different than those identified in the certified EIR.

The Commission finds that the appellants’ claim does not raise a substantial issue with respect to the certified LCP or the public access policies of the Coastal Act. As stated above, Los Angeles County is the lead agency for purposes of the California Environmental Quality Act. After the permittee reduced the size of the project from what was originally analyzed by the Environmental Impact Report, the County determined that a new Environmental Impact Report was not required under the provisions of the California Environmental Quality Act. The County approved the Addendum to the EIR and approved the subject development at a public hearing on July 22, 2015. The project has been conditioned to maximize public access and recreational opportunities and to avoid adverse impacts to visual resources, marine resources, and water quality. Therefore, the Commission finds that the proposed project, as conditioned by the County’s approval to mitigate the identified impacts, complies with the applicable requirements of the Coastal Act to conform to CEQA.

Conclusion

Applying the five factors test clarifies that the appeal raises “no substantial issue” with respect to the project’s consistency with the certified LCP for Marina del Rey and the public access policies of the Coastal Act, and therefore does not meet the substantiality standard of Section 30625(b)(2), because the approved project and the local government action are consistent with the policies of the certified LCP for Marina del Rey and the public access policies of the Coastal Act.

The first factor is the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the certified LCP and the public access policies of the Coastal Act. The County’s action to approve a coastal development permit is supported by its findings, which were guided by a rigorous analysis of coastal issues identified in the certified LCP for Marina del Rey and the Coastal Act. Potential environmental impacts including parking, traffic, sensitive habitat, sensitive species, and geologic, wind (birdstrike

and boating related impacts), and sea level rise hazards were analyzed in an environmental impact report and subsequent addendum, and the County held multiple public hearings on the EIR and multiple public hearings on the proposed project before taking its final action to approve the development subject to this appeal. In its specific findings to approve Local Coastal Development Permit No. 20006-00007-(4) and in its response to the appeal, the County cited LCP policies and Coastal Act policies relevant to public access, visual resources, biological resources, marine resources, geologic stability, and sea level rise. In the detailed project description and 98 special conditions subject to the County's approval, adverse effects of the project were minimized or eliminated consistent with the Coastal Act.

The second factor is the extent and scope of the development as approved or denied by the local government. The scope of the approved development is a new five and six story hotel and associated amenities. This type of development is consistent with the character of development in the surrounding area, which includes other hotels and apartments as tall and as massive as the approved development. The proposal to include visitor serving overnight accommodation, visitor serving restaurants, and amenities along the public promenade including benches and drinking fountains is consistent with priority development on lands suitable for visitor serving use as required by Section 30222 of the Coastal Act. Therefore, the scope of the approved development supports a finding that the appeal raises no substantial issue.

The third factor is the significance of the coastal resources affected by the decision. The most significant coastal resource being affected by the subject development is the public promenade along the public marina, which is being expanded from 8 to 28 feet and provided with additional amenities as part of the subject development. The provision of four free public parking spaces and 17 paid public parking spaces – and the construction of the adjacent saltwater wetland on the southerly portion of the parcel subject to the approved development will also enhance the experience of coastal visitors. The construction of a hotel on vacant land currently covered by native and non-native vegetation adjacent to the marina, in an area surrounded by residential and hotel development on three sides, will not significantly affect coastal resources. While a hotel is a more intense use than an open space park, the site is zoned for hotel use and the hotel has been designed to minimize adverse effects on coastal resources.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. In this case, Los Angeles County applied the standards of the LCP with respect to public access, visual resources, biological resources, marine resources, geologic stability, and sea level rise. The County issued variances for side and rear setbacks, which was justified by the abnormal shape of the parcel and the fact that the public promenade and the wetland park provide natural buffers. Because of the presence of the wetland and the promenade, the actual setbacks of the structure will be consistent with other structures in the area, including the apartment structures to the north, and will not set an adverse precedent for future development or future development of the LCP. The non-provision of lower cost visitor serving overnight accommodation on-site will not set an adverse precedent for future interpretations of the LCP because a mitigation fee was already provided by a previous developer of the subject site and the LCP is clear that any new hotel developments are required to provide lower cost visitor serving overnight accommodation on-site or pay an in lieu fee for provision off-site.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. Impacts to coastal resources, including habitat and public access, are important statewide issues. The County addressed potential adverse impacts to the adjacent wetland habitat

and the biological productivity of the adjacent marina through the Environmental Impact Report and the special conditions of the approved permit. The approved project provides maximum public access. Other issues raised by the appellants do not raise issues of statewide significance.

Therefore, the Commission finds that the appeal raises no substantial issue as to conformity with the certified LCP for Marina del Rey and the relevant Chapter 3 policies of the Coastal Act.

Appendix A - Substantive File Documents

1. Los Angeles County Certified LCP for Marina del Rey (1985).
2. Coastal Development Permit A-207-79 (Marina Plaza and County of Los Angeles)
3. Coastal Development Permit 5-86-175 (American Youth Hostels, Inc.)
4. Coastal Development Permit A-5-MDR-12-161 (Los Angeles County)



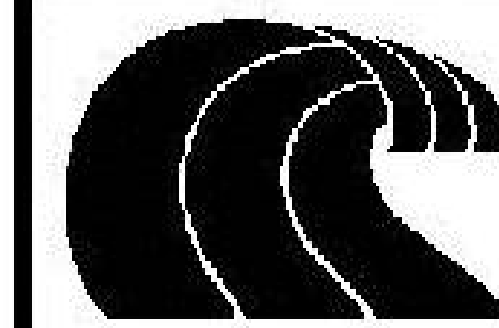
Vicinity Map: Parcel 9, Marina Del Rey, Los Angeles County



Photo credit: Google Maps

Exhibit 2

Page 1 of 3

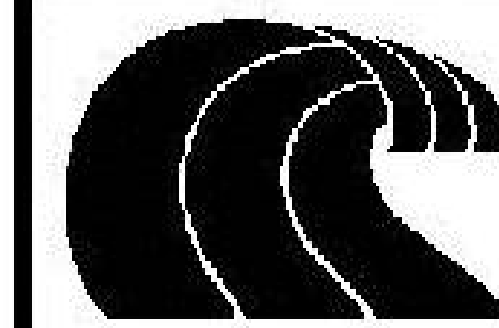


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Exhibit 2

Page 2 of 3

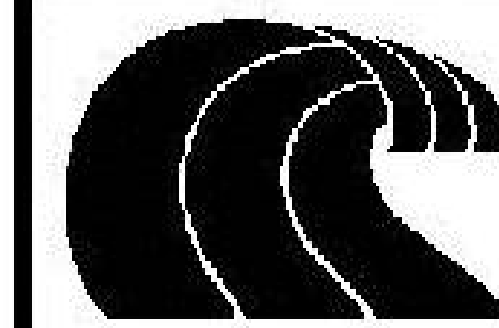


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Exhibit 2

Page₃ of₃



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Exhibit 3

Page 1 of 3



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① PROMENADE VIEW
1/2" = 1'-0"

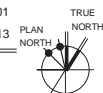


CONCEPTUAL DESIGN CONSULTATION SUBMISSION

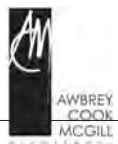
Marina del Rey Marriott Courtyard & Residence Inn
Via Marina & Tahiti Way, Marina del Rey, California

Project Number 12-7101

11-20-2013



Sheet Number
A3.5
Revision Date



1045 14th Street, Suite 100
San Diego, CA 92103-5997
Phone: (619) 596-3480

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① VIA MARINA VIEW
12" = 1'-0"



CONCEPTUAL DESIGN CONSULTATION SUBMISSION

Marina del Rey Marriott Courtyard & Residence Inn
Via Marina & Tahiti Way, Marina del Rey, California

Project Number 12-7101

11-20-2013



Sheet Number
A3.6
Revision Date



1045 14th Street, Suite 100
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PROJECT INFORMATION:

APPLICANT/OWNER: MDR HOTELS, LLC
11975 EL CAMINO REAL, STE 104
SAN DIEGO CA, 92130

ARCHITECT: ACRM ARCHITECTS
SCOT MCGILL
1045 14TH STREET, STE 100
SAN DIEGO CA, 92101

OPERATOR: HARDAGE HOSPITALITY, LLC
11975 EL CAMINO REAL, STE 104
SAN DIEGO CA, 92130

LANDSCAPE: GMP LANDSCAPE ARCHITECTS
JOHN PATTERSON
4125 SORRENTO VALLEY, STE D
SAN DIEGO CA, 92121

PROJECT ADDRESS: PARCEL 9U
MARINA DEL REY CA

PROJECT SUMMARY:

GUESTROOMS	288 SUITES	OCCUPABLE FLOOR AREA
PARKING REQUIRED: 1.00/2 GUESTROOM: 144 SPACES	21 FOR WETLAND: 21 SPACES	BASEMENT (PARKING) 69,073.86 SF
TOTAL REQUIRED: 165 SPACES	TOTAL REQUIRED: 165 SPACES	GROUND FLOOR 44,414.99 SF
PROVIDED: 231 SPACES	231 SPACES	SECOND FLOOR 30,322.81 SF
		THIRD FLOOR 30,322.81 SF
		FOURTH FLOOR 30,322.81 SF
		FIFTH FLOOR 14,372.60 SF
		SIXTH FLOOR TOTAL 105,341.03 SF
		SITE AREA: 2.15 ACRES (93,528.96 SF)

SPECIAL REQUIREMENTS

C.U.P. FOR PARKING STRUCTURE, BUILDING IDENTIFICATION SIGNAGE, LIQUOR LICENSE, AND PARKING PERMIT FOR VALET TANDEM PARKING

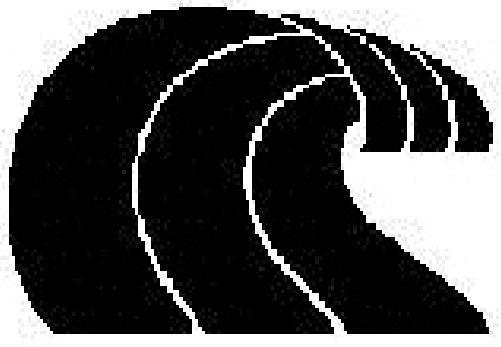
VARIANCE - ZERO SETBACK ON PROMENADE AND REDUCTION IN THE NORTHERLY, SIDE-YARD SETBACK TO ALLOW A 7'-6" WIDE SIDE YARD IN LIEU OF THE CODE REQUIRED 10'-0" SIDE YARD

COASTAL DEVELOPMENT PERMIT TO AUTHORIZE DEVELOPMENT OF A HOTEL BUILDING AND ITS APPURTENANT FACILITIES IN THE COASTAL ZONE

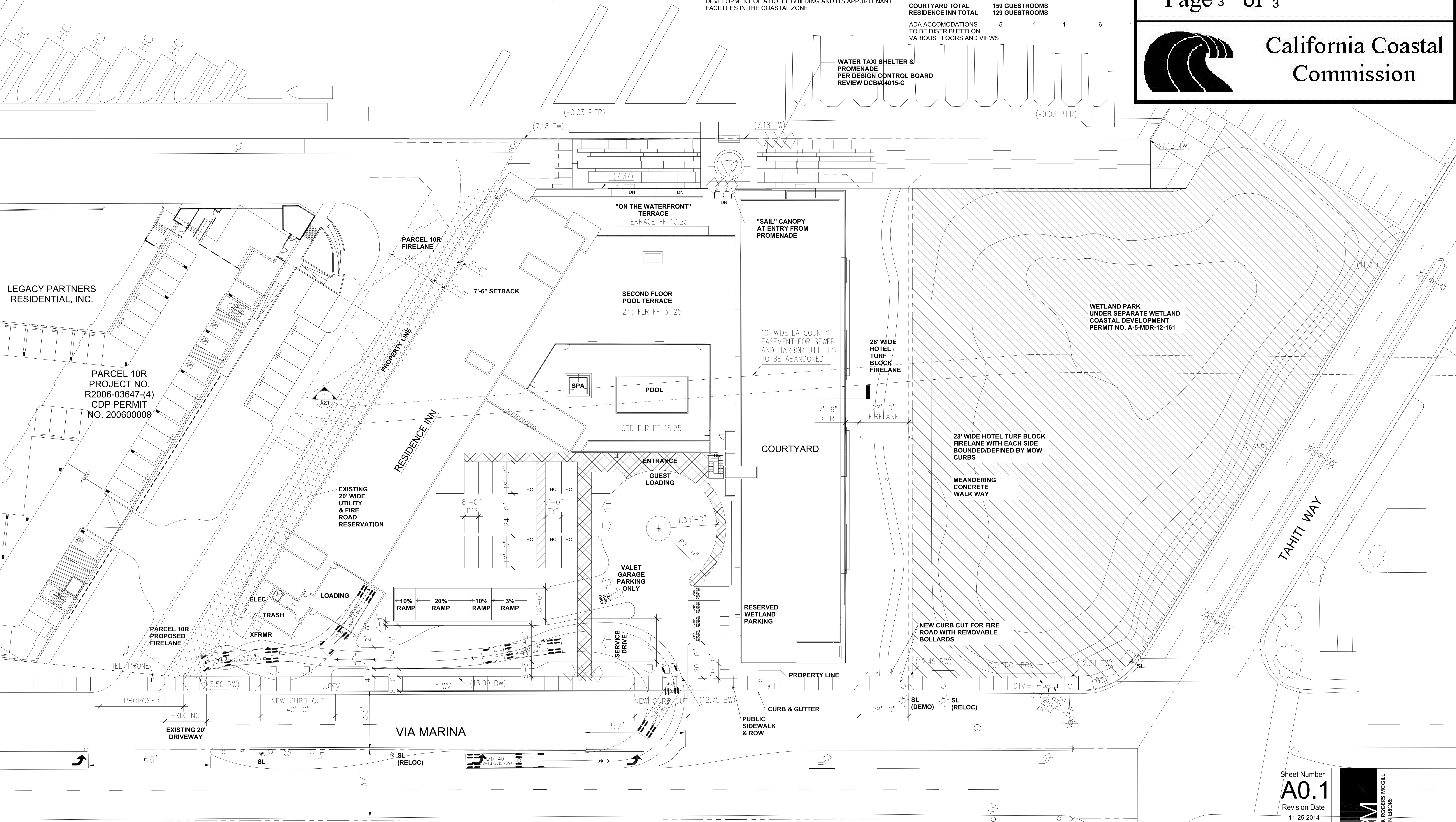
GUESTROOM	CY KING	CY DQ	CY 1-BR	RI STUDIO	RI 1-
FLOOR 1	12	12	1	14	0
FLOOR 2	16	15	2	20	3
FLOOR 3	16	16	2	20	3
FLOOR 4	16	16	2	20	3
FLOOR 5	16	15	2	20	3
FLOOR 6	0	0	0	20	3
TOTAL	76	74	9	114	15
COURTYARD TOTAL	159 GUESTROOMS				
RESIDENCE INN TOTAL	129 GUESTROOMS				
ADA ACCOMMODATIONS TO BE DISTRIBUTED ON VARIOUS FLOORS AND VIEWS	5	1	1	6	

Exhibit 3

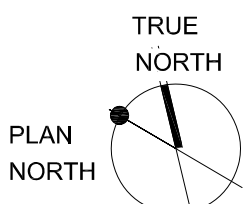
Page 3 of 3



California Coastal Commission



1 SITE PLAN
1" = 20'-0"



Project Number 12-7101
10-13-2014

THE HARDAGE GROUP
Builders and Hoteliers of Integrity Since 1969



CONCEPTUAL DESIGN CONSULTATION SUBMISSION

Marina del Rey Marriott Courtyard & Residence Inn
Via Marina & Tahiti Way, Marina del Rey, California

Sheet Number
A0.1
Revision Date

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 590-5084

Exhibit 4

Page 1 of 13

California Coastal
Commission

A-5-MDR-16-0004

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Ballona Institute & Marcia Hanscom

Mailing Address: 322 Culver Blvd., #317

City: Playa del Rey

Zip Code: 90293

Phone: 310-877-2634 (mobile) or
310-823-7040SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Los Angeles

2. Brief description of development being appealed:

288-room hotel and associated facilities and amenities, including a lobby, restaurant, bar-lounge/fitness center, pool, spa, fire pits, offices and two meeting rooms on 2.2 acres - including a 6-story (72-ft. high) "extended stay" facility (Marriott Residence Inn) and 6-story (62 ft. high) Marriott Courtyard -

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Parcel 9, as identified on the Marina del Rey LCP map (also known as 9-U and Marina Marsh & Meadow), cross streets: Tahiti Way and Via Marina

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions☒ Approval with special conditions:☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5-MDR-16-0004

DATE FILED:

1/6/16

DISTRICT:

South Coast.

RECEIVED
South Coast Region

JAN 06 2016

CALIFORNIA
COASTAL COMMISSION

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: December 15, 2015

7. Local government's file number (if any): CDP No. 2006-00007-(4) – Project No. TR067861-(4)

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

MDR Hotels, LLC – c/o Aaron Clark, Armbruster, Goldsmith and Delvac 12100 Wilshire Blvd., Los Angeles, CA 90025
telephone: (310) 209-8800

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Beth & Gary and Jackson Garland, 4103 Roma Court, Marina del Rey, CA 90293

(2) Robert van de Hoek, (biologist, hydrologist – expert) 322 Culver Blvd., #317, Playa del Rey, CA 90293

(3) Jessica Kurland, 4300 Via Dolce, #317, Los Angeles-Venice, CA 90292

(4) Kathy Knight, Sierra Club Airport Marina Group, 1122 Oak Street, Santa Monica, CA 90405

(5) Nancy Marino (We ARE Marina del Rey) – PO Box 9096, Marina del Rey, CA 90295

(6) Ben Hamilton – Scientist, expert – 7968 McConnell Ave., Los Angeles, CA 90045

MORE ON ADDITIONAL PAGE(S)

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****SECTION IV. Reasons Supporting This Appeal****PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
 - State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
 - This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.
1. Elimination of parking spaces from the original project and converting those parking to valet, which means that coastal access will be impeded and not maximized as required by Coastal Act – public parking spaces now (and public parking lots) being used by visitors to Ballona Lagoon Marine Preserve, Grand Canal Lagoon, Mothers Beach and Venice Beach will be used by these valet parking needs. Thus, parking (and, therefore, access) would be diminished in the Coastal Zone – both in the County Marina del Rey area and in the City of Los Angeles - Venice LUP, which is directly across the street from this site and which is already severely stretched for parking/public access. This is not allowed by the LCP for Marina del Rey or by the Coastal Act. (section 30211 & section 30252)
 2. While the “timeshare” component was officially removed from the project, ½ of the project is now an “extended stay” facility, which brings the same “non-coastal dependent” use and similar concerns that timeshare facilities have in the coastal zone. In reality ½ of the project is “residential” in an area zoned for OVERNIGHT hotel stays. (section 30211 AND pg. 8-14 of LCP, referring to “overnight” accommodations, with no allowance for “extended stay.”)
 3. This entire area – the parcel and adjacent Marina Peninsula – is located in a high-risk liquefaction zone, tsunami hazard area and subject to sea level rise concerns. The Disaster Preparedness Science Officer for the County of Los Angeles (an expert) submitted testimony that included the following information about this proposed development: “A. Admiralty Way is one of only two roads for egress from the area. The Courtyard Marriott will substantially increase the traffic density on Via Marina, Admiralty Way and on Washington endangering our rapid evacuation in the event of a tsunami warning or an earthquake. B. It will impair the daily response times of EMS, Fire and Police; and C. After a major earthquake the thousands of tourists who will be stranded will increase the demand on available water and food. They will require additional needs for shelter depending on the damage to hotels. Local residents will have to compete with stranded tourists for these resources.” His opinion further states that this project would severely impact the disaster resilience of this part of the coast. (section 30253.1)
 4. Evidence (photographic and biological expert opinion) was submitted to the Los Angeles County Board of Supervisors that indicates a need for protocol surveys to be completed and reviewed by the CA Dept. of Fish & Wildlife for two sensitive and rare small mammal species that are on the California Sensitive Species List: Ornate Shrew and South Coast Marsh Vole. If these species indeed are present living in the historic Ballona Wetlands marsh soils on this parcel of land, then harm to the species must be taken into account in terms of approval of this



project (Coastal Act)

5. The extent of the wetland on this parcel (parcel 9) of land has grown over time since the delineations were last performed. This entire parcel is part of the historical Ballona Wetlands, with historical wetland soils and wetland vegetation growing throughout the project site, as time has allowed the wetland plants and soils to recover. Such development as is proposed is not allowed to be undertaken on a wetland (Section 30255 & 30233.)
6. This development would harm and negatively impact the special neighborhood of the Silver Strand and Marina Peninsula, which has unique characteristics that attract the visiting public to coastal walking paths along Ballona Lagoon Marine Preserve. This quiet, calm residential neighborhood in the City of Los Angeles/Venice would be altered and harmed by the addition of a 288-room hotel complex of 5 & 6 stories. (Section 30253(5))
7. The views of the harbor will be impacted from the public street of Via Marina, and such impacted are not allowed. While an adjacent project of a wetland park has been proposed, the 20% requirement of unobstructed views on THIS project development is not being met (pages 9-5, 9-6 & 9-7 of the Marina del Rey LCP)
8. Coastal Visual Resources cumulative impacts of a pattern of higher buildings has not been analyzed, as required in the 2012 Marina del Rey LCP (page 9-7) – as the environmental review being relied on is from time prior to the build-out of The Shores and other higher buildings completed since the original draft EIR circulation.
9. An updated wind study is required for this site, given the cumulative impacts from other higher buildings in the area that were not present at the time of the original draft EIR circulation. (page 9-7 of the Marina del Rey LCP.)
10. Finally, because the Coastal Commission is required to undertake a “CEQA-equivalent” analysis for this project, the significantly aged information included and being relied on for approval of this project is not applicable. The piecemealing of this project and inclusion of the parts of the pieces of it when convenient for the conclusions the developer wants to achieve are not allowable under the California Environmental Quality Act. In addition, a fuller and more thorough review of the greenhouse gas emissions impacts from this development, as well as contributions to and impacts on sea level rise must be completed, in accordance with a recent California Supreme Court decision (Newhall Ranch/CDFW decision).

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

A handwritten signature in cursive script, appearing to read "Marcia Hansen".

Signature of Appellant(s) or Authorized Agent

Date: January 5, 2016

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

**ATTACHMENT A*****Appeal – Hotel – by Ballona Institute (additional pages to detail the applicable sections of the Coastal Act and Marina del Rey LCP)***

~~5-LAC-15-1168~~ – MDR Hotels, LLC (No. 2006-00007-(4))

~~5-MDR-15-1172~~

The following sections of the Coastal Act and Marina del Rey LCP would be violated if this development is approved as the County of Los Angeles has approved it:

Section 30211.

Development shall not interfere with the public's right of access to the sea (emphasis added) where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by

(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....(emphasis added) and by ***(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas (emphasis added)*** by correlating the amount of development with local park acquisition and development plans with the provisions of on-site recreational facilities to serve the new development.

No additional use of public parking lots by private leaseholds to meet their private parking needs shall be permitted. (emphasis added)

Section 30253.

The location and amount of new development should maintain and enhance public access to the coast by

(1) Minimize risks to life and property in areas of high geologic, flood and fire hazard. (emphasis added)

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices



that would substantially alter natural land forms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. (emphasis added)

30255.

Coastal-dependent developments shall have priority over developments on or near the shoreline. **Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. (emphasis added)** When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Hotel: Permitting hotels and motels to provide **overnight (emphasis added)** accommodations and attendant visitor-serving services including dining and entertainment areas. Height limit of 225 feet, except on mole roads where the limit is 45 feet. Special height standards may apply to mole roads. Page 8-14

Views of the Harbor a Priority. Maintaining and enhancing views of the Marina shall be a priority goal of this Plan. Enhancing the ability of the public to experience and view the Marina waters shall be a prime consideration in the design of all new, modified or expanded development. (emphasis added) This goal shall be achieved by placing conditions on permits for new development to enhance public viewing, to allow for greater public access, and to create new view corridors of the waterfront. Page 9-5

6. All development shall incorporate harbor views from streets and pedestrian access ways consistent with security and safety considerations. **All development, redevelopment or intensification on waterfront parcels shall provide an unobstructed view corridor of no less than 20 percent of the parcel's water front providing public views of the Marina boat basins and/or channels. (emphasis added)** Page 9-6



Wind Factor. Development shall not significantly increase infringements of wind access for boats in their berths, in the fairways, or in the Main Channel. Wind studies shall be required to determine the significant adverse impact of taller buildings on wind currents and sailing by small boats within the Marina. ***All structures proposed at height greater than 45 feet shall determine the cumulative impact of taller buildings on wind current within the Marina. (emphasis added)***

Marina del Rey Land Use Plan 9-7 February 8, 2012

C.9. Coastal Visual Resources Development shall only be approved if all identified significant adverse impacts, including cumulative impacts of a pattern of higher buildings, are fully mitigated. (emphasis added)

Page 9-7

**ATTACHMENT B**

Additional Persons providing written or oral testimony that should be notified. NOTE - there were TWO hearings (one in October, one in December) of the Board of Supervisors, where the public submitted written or oral testimony:

David P. Eisenman, MD MSHS
David Geffen School of Medicine at UCLA
UCLA Fielding School of Public Health
Center for Public Health and Disasters
310-794-2452
(Disaster Preparedness Science Officer - expert)

ADDRESSES should be available from the County for the following and others whose names we may not be aware of:

Lynn Shapiro

Daniel Gottlieb

Lori Erlendsson

Raphael Thornton

David Warren

Jeanette Vosburg

Shari Green

Elise Hicks

Lina Shanklin

Mary Hobgood

Lynne Plambeck

Photo A

Exhibit 4

Page 10 of 13



California Coastal
Commission



2006 5 27

Photo B

Exhibit 4

Page 11 of 13



California Coastal
Commission



Exhibit 4

Page 12 of 13



California Coastal
Commission

Photo C
(small mammal
prey in
heron beak)



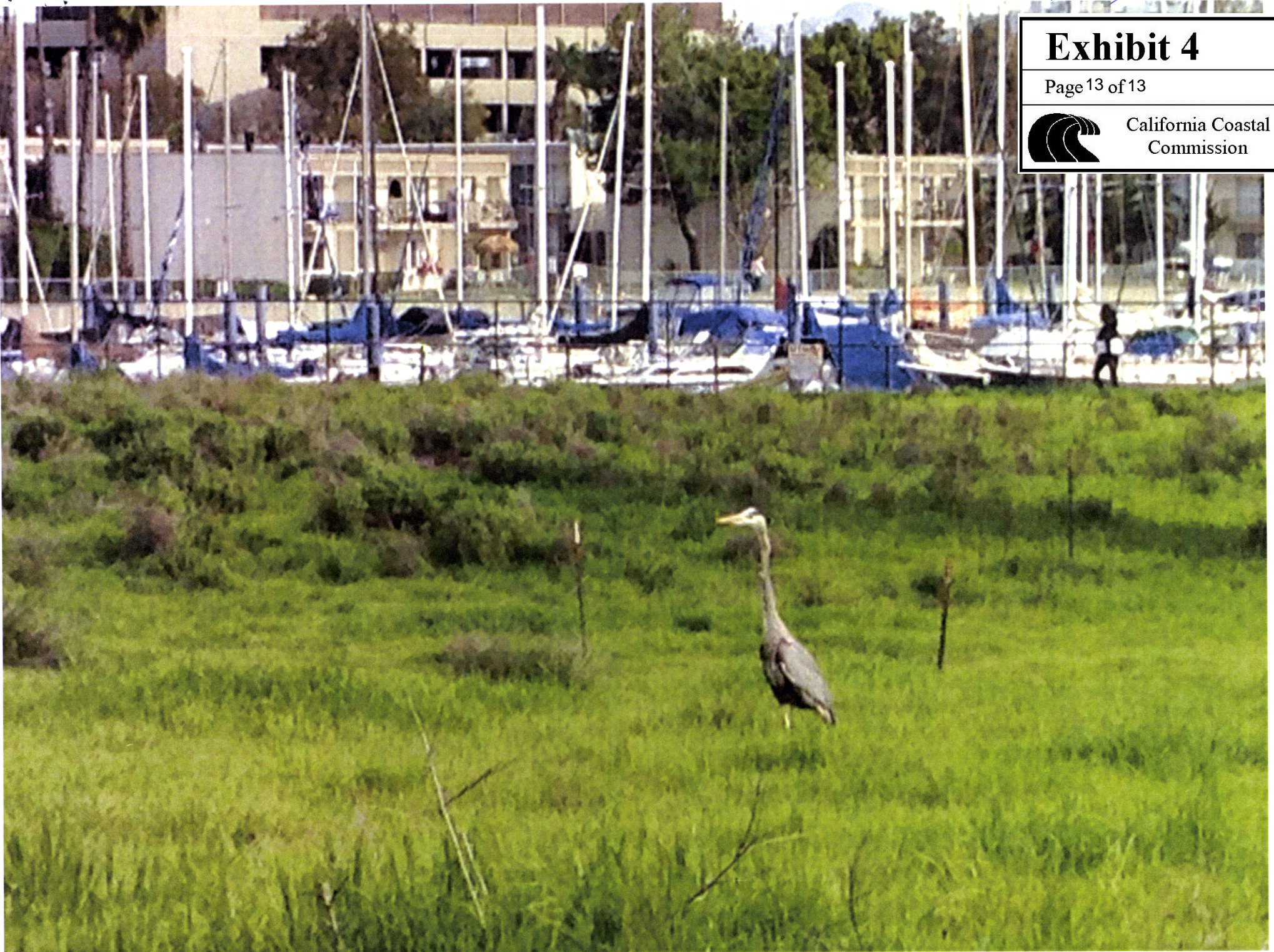
Photo D

Exhibit 4

Page 13 of 13



California Coastal
Commission





COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MARY C. WICKHAM
County Counsel

December 15, 2015

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

Re: PROJECT NO. TR067861-(4)
COASTAL DEVELOPMENT PERMIT NO. 2006-00007-(4)
CONDITIONAL USE PERMIT NO. 2006-00288-(4)
VARIANCE NO. 2006-00012-(4)
PARKING PERMIT NO. 2006-00020-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing regarding the above-referenced permits, to authorize the construction of a 288-room hotel, a 28-foot-wide public waterfront pedestrian promenade, and associated amenities and facilities on the northern 2.2 acres of Parcel 9U in Marina del Rey, applied for by MDR Hotels, LLC.

At the conclusion of the hearing, you indicated an intent to approve the permits and instructed our office to prepare findings and conditions for your approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

MARY C. WICKHAM
County Counsel

By *Joseph M. Nicchitta* / *1/3* *ut*
JOSEPH M. NICCHITTA
Deputy County Counsel

APPROVED AND RELEASED:

Thomas J. Fanghnan
THOMAS J. FANGHMAN
Senior Assistant County Counsel

JMN:ph
Enclosures

c: Sachi A. Hamai, Chief Executive Officer
Patrick Ogawa, Acting Executive Officer, Board of Supervisors

HOA.1646429.1

Exhibit 5

Page 1 of 40



California Coastal
Commission

TELEPHONE
(213) 974-1801
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

Agenda No. 45
10/06/15

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. TR067861-(4)
COASTAL DEVELOPMENT PERMIT NO. 2006-00007-(4)
CONDITIONAL USE PERMIT NO. 2006-00288-(4)
VARIANCE NO. 2006-00012-(4)
PARKING PERMIT NO. 2006-00020-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. TR067861-(4), consisting of Coastal Development Permit No. 2006-00007-(4) ("CDP"), Conditional Use Permit No. 2006-00288-(4) ("CUP"), Variance No. 2006-00012-(4) ("Variance"), and Parking Permit No. 2006-00020-(4) ("Parking Permit") on October 6, 2015. (The CDP, CUP, Variance, and Parking Permit are collectively referred to herein as the "Project Permits.") The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the Project Permits on July 22, 2015.
2. The permittee, MDR Hotels, LLC ("permittee"), requests the Project Permits to authorize the construction of a new 288-room hotel and associated facilities and amenities ("Project"), on the northern 2.2 acres of Parcel 9U ("Parcel 9U") in the unincorporated County community of Marina del Rey ("Marina").
3. The CDP is a request to authorize the construction of: (a) a new 288-room hotel consisting of one building with a five-story tower/wing and a six-story tower/wing, and associated facilities and amenities, including two meeting rooms, a restaurant, a bar/lounge, a fitness center, a ground floor outdoor terrace, a second floor outdoor deck with a pool, spa, and fire pits, a lobby, offices, maintenance facilities, a one-level subterranean parking structure, and a surface parking lot; (b) a new 28-foot-wide public waterfront promenade; and (c) a decorative WaterBus shelter.
4. The CUP is a request to authorize: (a) the construction of a one-level subterranean parking structure and a surface parking lot; and (b) the sale of a full line of alcoholic beverages for on-site consumption.
5. The Variance is a request to reduce the required rear-yard setback from ten feet to zero feet along the public waterfront promenade to be constructed on the eastern boundary of the site, and to reduce the required side-yard setback from ten feet to seven and one-half feet along the northern boundary of the site.
6. The Parking Permit is a request to authorize valet-managed tandem parking in the one-level subterranean parking lot to be constructed on the site, and valet parking on the surface parking lot to be constructed on the site.
7. Parcel 9U is approximately 3.66 acres, with the Project site to be located on the northern 2.2 acres of the parcel. The Project site is located in the Playa del Rey

Zoned District along Via Marina to the west and Marina Basin B to the east, between Marquesas Way and Tahiti Way to the north and south, respectively.

8. Parcel 9U is zoned "Specific Plan" within the Marina del Rey Local Coastal Program ("LCP"). The Marina del Rey Land Use Policy Map ("Land Use Policy Map") designates the northern 2.2 acres of Parcel 9U, where the Project site will be located, as "hotel" with a waterfront overlay zone ("WOZ"). The Land Use Policy Map designates the southern 1.46 acres of Parcel 9U as "open space" with a WOZ, which will be developed as a wetland and upland park.
9. The Project site is irregularly shaped with generally flat and gently-sloping topography towards the water to the east. The site is currently vacant and fenced, except for a publicly-accessible, paved eight-foot-wide walkway along the site's bulkhead.
10. Surrounding zoning within a 700-foot radius includes:
 - North: Open space, high density residential (Residential V), medium density residential (Residential III), water;
 - South: Residential V, water, multi-family residential within the City of Los Angeles;
 - East: Water, Residential III; and
 - West: Multi-family residential within the City of Los Angeles.
11. Surrounding land uses within a 700-foot radius include:
 - North: Open space, multi-family residences, Marina Basin B;
 - South: Vacant land, to be developed as a wetland and upland park, multi-family residential, Marina Basin A;
 - East: Marina Basin B and multi-family residential; and
 - West: Multi-family and single-family residential within the City of Los Angeles.
12. The site plan for the Project depicts:
 - A. An approximately 263,000-square-foot hotel building containing 288 guest rooms and associated amenities, including a lobby, restaurant, bar/lounge, fitness center, pool, spa, fire pits, lobby, offices, and two meeting rooms. The guest rooms will be divided among two towers/wings: a six-story tower/wing on the northern portion of the site and a five-story tower/wing on the southern portion of the site. The northern and southern towers/wings will be connected by a one-story central building containing a common lobby, meeting rooms, restaurant, bar/lounge, and other facilities, with rooftop amenities including a pool, spa, outdoor terraces overlooking Marina Basin B, and other amenities and facilities. The permittee proposes to operate the northern tower/wing as a Marriott Residence Inn, and the southern tower/wing as a Marriott Courtyard.

- B. A subterranean level containing a parking garage and housekeeping and maintenance facilities.
 - C. A 28-foot-wide public waterfront promenade along the site's water frontage. The promenade will incorporate decorative paving, marina-themed railings, landscaping and lighting, shaded seating areas, drinking fountains, bicycle racks, and a new decorative shelter for WaterBus patrons located at the connection point between the gangway for a future public/"transient" dock and the bulkhead.
 - D. Driveways providing access to a subterranean parking garage and a circular loading area serving the common lobby of the hotel building.
 - E. Two 28-foot-wide fire lanes immediately to the north and south of the Project site, which will provide access for emergency vehicles, as well as pedestrian access from Via Marina to the public waterfront promenade. The northern fire lane was approved by the Board in connection with the development of an apartment project on Marina Parcel 10, and the southern fire lane was approved by the Board in connection with the development of a wetland and upland park on the southern 1.46 acres of Parcel 9U, and will be constructed with a turf block material compatible with the design of the wetland and upland park.
13. The Project elevations depict the northern six-story tower/wing at 72 feet high, and the southern five-story tower/wing at 61 feet high, with the central building connecting the towers at approximately 16 feet high.
 14. The Project will provide a minimum of 231 on-site parking spaces. Twenty-one of the 231 on-site parking spaces will be reserved for guests of the wetland and upland park to be developed on the southern 1.46 acres of Parcel 9U. A single-level subterranean garage will contain 212 valet-managed, tandem parking spaces. Seventeen of the 212 subterranean spaces will be reserved for guests of the wetland and upland park, and will be made available at a fee comparable to other public parking areas in the vicinity of the Project site. Two surface parking lots will contain, respectively, 15 valet-managed parking spaces and four free self-parking spaces reserved for guests of the wetland and upland park. Six parking spaces will be set aside as disabled/accessible spaces, and will be provided in the 15-space surface parking lot. The Project will provide loading areas near the northwest corner of the site and in a circular driveway adjacent to the hotel's common lobby.
 15. The Project site will take its primary access via a driveway along Via Marina, which will provide ingress and egress to the Project's subterranean and surface parking lots and delivery and loading areas. Secondary pedestrian access to the site will be provided by the fire lanes on the northern and southern perimeters of the Project site, and by the public waterfront promenade to be constructed along the site's water frontage.

16. The Project will provide landscaping along the northern, western, and southern perimeters of the site and will include a mixture of trees, shrubs, and groundcover in planting areas ranging from eight to ten feet in width, for a total of 11,115 square feet of landscaped areas, or approximately 11.6 percent of the site. The planting palette for the Project consists of non-invasive species considered appropriate for coastal environments, and includes the planting of 65 trees distributed across the Project site.
17. The permittee will incorporate Leadership in Energy and Environmental Design ("LEED") features into the Project, to the extent feasible.
18. The Project proposes the sale of a full line of alcoholic beverages at several locations in the Project's hotel, including at the restaurant, the bar/lounge, meeting rooms, and in guest rooms via mini-bar service.

Previous Consideration of the Project with Other Marina Projects

19. The Project was previously heard concurrently by the Commission and Board with the following: (a) Project No. R2006-03643-(4), to authorize the construction and maintenance of a 1.46-acre public wetland and upland park on the southern approximately 1.46 acres of Parcel 9U ("Wetland Park"); (b) Project No. R-2006-03647-(4), to authorize the demolition of an existing 136-unit apartment complex and appurtenant landside facilities on Marina Parcel 10, and the construction of a 400-unit apartment complex with site amenities and facilities ("Parcel 10 Apartments"); and (c) Project No. R2006-03652-(4), to authorize the demolition of an existing 202-space public parking lot on Marina Parcel 14 and the construction of a 126-unit apartment complex and appurtenant landside facilities ("Parcel 14 Apartments"). (The Project, Wetland Park, Parcel 10 Apartments, and Parcel 14 Apartments are referred to collectively as the "West Marina Projects.")
20. Prior to the Commission's public hearing on the West Marina Projects, an Initial Study was prepared for the West Marina Projects in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, the County Department of Regional Planning ("Regional Planning") determined that an Environmental Impact Report ("EIR") was the appropriate environmental document for the Project. The County elected to oversee the preparation of a single, comprehensive EIR to evaluate the potential project-specific environmental impacts of the West Marina Projects, as well as the potential cumulative environmental impacts of the West Marina Projects, including the construction of a public "transient" boat anchorage adjacent to the Wetland Park.
21. The County initially prepared a draft EIR ("Draft EIR") which evaluated the potential project-specific and cumulative environmental impacts of all of the West Marina Projects. Regional Planning staff subsequently prepared and recirculated

a revised draft EIR ("Revised Draft EIR") to address potential cumulative impacts related to the proposed City of Los Angeles' dual force main alignment project and the County Department of Public Works' sewer upgrades in the Marina.

22. The Commission conducted a duly-noticed public hearing on the West Marina Projects on October 29, 2008, November 5, 2008, August 12, 2009, October 14, 2009, February 3, 2010, and March 10, 2010. At the time of the Commission's consideration of the West Marina Projects, the Project proposed a 288-room hotel and timeshare resort, a six-level parking structure with approximately 360 spaces, and other facilities and amenities. The Project also included Vesting Tentative Tract Map No. 067861 ("Vesting Map"), to authorize the timeshare component. The height of the hotel and timeshare building was proposed to be 225 feet. At its duly noticed public hearing on March 10, 2010, the Commission approved the Project, as then proposed, and the other West Marina Projects.
23. Pursuant to Los Angeles County Code ("County Code") Section 22.60.230, Project opponents appealed the Commission's approval of the Project to the Board. Because the other West Marina Project approvals included a request for an amendment to the LCP, those project approvals also were referred to the Board pursuant to County Code Section 22.60.230.
24. Prior to the Board's public hearing on the West Marina Projects, the permittee redesigned the Project in response to concerns raised by Project opponents. In particular, the permittee proposed a design which reduced the height of the hotel building and removed the Project's timeshare component. As a result, the Vesting Map was no longer part of the Project Permits.
25. The Board held a duly noticed public hearing on the West Marina Projects on April 26, 2011. The Board certified the final EIR ("Final EIR") (State Clearinghouse No. 2007031114) for the West Marina Projects, adopted the associated Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring Plan, and approved the Parcel 10 Apartments, Parcel 14 Apartments, and Wetland Park projects. Because the Project had been redesigned prior to the Board's public hearing, the Board remanded the Project to the Commission and the Marina del Rey Design Control Board ("DCB") for further review and consideration.

Proceedings After the Board Remanded the Project to the Commission and DCB

26. Following the permittee's redesign of the Project, Regional Planning staff evaluated the redesigned Project and determined that none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent environmental impact report had occurred. Accordingly, Regional Planning staff prepared an Addendum ("Addendum") to the Final EIR certified by the Board on April 26, 2011. The Addendum concluded that the Project, as revised, would not result in any increased or additional environmental impacts beyond those which were analyzed in the certified Final EIR, and that impacts to

visual resources would be reduced to a level of less than significant due to the Project redesign. Regional Planning staff also prepared a revised Mitigation Monitoring Plan ("Revised MMP"), which consisted of a revised version of the Mitigation Monitoring Plan adopted by the Board on April 26, 2011, to comport with the Project's design changes only, and CEQA Findings of Fact for the Addendum.

27. Consistent with the Board's direction, DCB reviewed the redesigned Project at a meeting on January 22, 2014. DCB conceptually approved the design of the Project with design recommendations, including improvements to the waterfront promenade design, and directed the permittee to return to the DCB for final design review.
28. The Commission held a duly-noticed public hearing on the Project Permits on July 22, 2015. Regional Planning staff gave a presentation regarding the revised Project, and the Director of the County Department of Beaches and Harbors ("Beaches and Harbors") gave a presentation explaining the changes to the Project, including the Project's reduced height, the removal of the Project's timeshare component, and the withdrawal of the Tentative Map. The permittee's representatives testified in favor of the Project, explained the Project's benefits to the local community, and stated the permittee had entered into a "labor peace agreement" with the Unite Here! Local 11 union, among other things. Members of the public and representatives of community and environmental groups, including the Ballona Institute and the Sierra Club, testified both in favor of and in opposition to the Project. Project supporters testified in favor of the reduced scale of the Project, the elimination of the timeshare component, and the permittee's agreement with the labor union. Project opponents raised a number of concerns including, among other things, that: (a) the Addendum did not adequately address changes to the Project; (b) the Project would result in the destruction of wetlands; and (c) the Project was not compatible with the surrounding residences and would create excessive noise. A representative of Unite Here! Local 11 testified in support of the Project. The permittee's representatives also responded to questions from the Commission regarding the Project's parking and landscaping, among other questions.

At the conclusion of the public testimony and after Commission discussion, the Commission closed the public hearing, and approved the Addendum and the Project Permits.

29. Pursuant to County Code Section 22.60.230, the Ballona Institute appealed the Commission's approval of the Project Permits to the Board.
30. The Board conducted a duly-noticed public hearing on the appeal of the Project Permits on October 6, 2015. Regional Planning staff briefly outlined the redesigned Project, explained that the Commission had approved the Project Permits, and that its approval was appealed to the Board by Project opponents.

Staff recommended that the Board deny the appeal and approve the Project Permits.

31. The permittee's representative testified in favor of the Project, explaining among other things that the Project had been significantly scaled back from its previous design. The permittee's attorney responded to concerns raised by Project opponents that the Addendum was allegedly insufficient. The permittee's biologist testified that the wetland delineation on the site was approved by the California Coastal Commission ("Coastal Commission") and had not expanded since the Coastal Commission's approval.
32. A representative of the appellant, the Ballona Institute, testified against the Project and in favor of the appeal. The appellant's representative raised concerns about the Project's impacts on wetlands, the Ballona Wetlands Ecological Reserve, and on small mammals and birds. The appellant's representative also argued that a subsequent or supplemental environmental impact report was required based on changing conditions on the Project site.
33. Members of the public testified in favor of and in opposition to the Project. Project supporters, including a Marina resident and representatives of Unite Here! Local 11 and the Marina del Rey Convention and Visitors Bureau, testified in favor of the Project's reduced scope, the permittee's agreement with the union, and the Project's provision of new dining facilities, among other things.
34. Project opponents, including representatives of We Are Marina del Rey and the Sierra Club, raised similar concerns to those raised before the Commission, and raised the additional concerns, among others, that: (a) the Project would worsen existing traffic conditions in the Marina; (b) the Marina already had too many hotels; (c) the Project would harm sensitive and endangered species; (d) the Project did not provide a sufficient view corridor; (e) developing a hotel on the Project site would hinder egress from the Marina in the event of an emergency; and (f) the Project would further reduce limited parking in the Marina. A member of the public read a letter into the record written by Los Angeles City Councilman Mike Bonin echoing safety concerns in the event of an emergency and raised concerns about lack of open space in the Marina.
35. At the conclusion of testimony, and after Regional Planning staff responded to questions from the Board regarding the Project's required parking, the Board closed the public hearing, adopted the Addendum, the Revised MMP, and the Findings of Fact for the Addendum, indicated its intent to approve the Project Permits, and directed County Counsel to prepare appropriate findings and conditions.

Coastal Development Permit

36. The Board finds the Project is subject to the LCP and the components of the LCP, including the Marina del Rey Land Use Plan ("LUP") and the Marina del Rey Specific Plan ("Specific Plan").
37. The Board finds the Project is consistent with the site's land use category under the LUP. The Land Use Policy Map designates the Project site as "hotel" with a WOZ. This land use category is intended to "provide overnight accommodations and attendant visitor-serving services including dining and entertainment areas." The WOZ is an overlay land use category applied to certain waterfront parcels in the Marina and is intended to encourage more creative and desirable projects by allowing a mix of uses in proposed developments. Hotels and visitor-serving commercial uses are allowed within the WOZ.
38. The Board finds the Project is consistent with the LUP's policies related to land use. The Project site is vacant, and Project improvements will be confined to the landside of the site. Therefore, buildout of the Project will not displace existing recreational amenities in the Marina. Development of the Project will provide overnight accommodations in a part of the Marina where no such facility exists. The Project will also enhance the public's access to the site, to the Wetland Park to be constructed on the southern portion of Parcel 9U, and to Marina Basin B by providing a restaurant and bar/lounge open to the public, a public waterfront promenade with associated amenities, a new decorative WaterBus shelter, and 21 public parking spaces reserved for visitors to the Wetland Park.
39. The Board finds the Project is consistent with the LUP's policies related to shoreline access. The Project will:
 - A. Provide access to a portion of the Marina that is currently fenced off, except for a paved walkway adjacent to the bulkhead.
 - B. Widen the existing eight-foot-wide concrete waterfront promenade to 28 feet and incorporate new, higher quality materials including decorative paving and marina-themed railing.
 - C. Connect the site's promenade with other existing segments of the promenade to the north and south of Parcel 9U.
 - D. Provide waterfront amenities including shaded seating areas, drinking fountains, decorative landscaping and lighting, bicycle racks, and a new decorative WaterBus shelter.
 - E. Allow for pedestrian access from Via Marina to the promenade and waterfront via fire lanes along the northern and southern perimeters of the site.

- F. Provide 21 new public parking spaces to serve the Wetland Park to be developed to the south of the Project site.
40. The Board finds the Project is consistent with the LUP's policies related to recreation and visitor-serving facilities. The Project will provide public parking and a new 28-foot-wide public waterfront promenade and associated amenities. The new promenade, which will be free and open to the general public, will afford views of the harbor and allow visitors and residents to view boats, wildlife, and other water-based activities. The Project also includes construction of a decorative shelter to serve a new WaterBus stop. The WaterBus stop will provide public access to the Project, the Wetland Park, and public transient boat slips which will be constructed near Parcel 9U. The Board further finds the Project is appropriately conditioned to require informational and directional signage indicating available public parking, access to the waterfront, and recreational opportunities.
41. The Board finds the Project is consistent with the LUP's policies related to marine resources. The Project is appropriately designed so as not to impede the biological productivity of the Wetland Park to be developed on the southern portion of Parcel 9U. The Project is sufficiently set back from the future Wetland Park site and the Project's hotel does not contain any primary access points along its southern façade, deterring pedestrian and other access to the hotel via the Wetland Park. Runoff from the Project site which travels toward the Wetland Park will be captured in the permeable turf block pavement of the 28-foot-wide fire lane to be constructed between the Project and the park area as part of the Wetland Park project, and the runoff will not negatively impact the biological productivity of the wetland area.
42. The Board finds the Project is consistent with the LUP's policies related to biological resources. Although the Project will result in the removal of six trees on-site and three trees within the street median adjacent to the Project site, the trees are nonnative species and have shown no evidence of nesting. The Project is also appropriately conditioned to comply with the tree trimming and tree removal policies of the LUP in order to preclude impacts to any nesting birds that may exist on the Project site in the street median adjacent to the site.
43. The Board finds the Project complies with the tree replacement requirement of the LUP, which requires one-to-one replacement of trees removed to new trees planted. The Project will require the removal of six trees on-site and three trees within the street median adjacent to the site, for a total of nine trees. The Project is appropriately conditioned to plant 65 new trees across the Project site. The trees will be of a variety of species that are non-invasive and appropriate for planting in the Marina.
44. The Board finds the Project is consistent with the LUP's policies related to coastal visual resources. The Project will construct a new 28-foot-wide public promenade along the bulkhead of the Project site. The promenade will provide

unobstructed views of the Marina's waters. A fire lane to be constructed to the north of the Project site will provide additional unobstructed views of the Marina waters. The Project is appropriately set back from the Wetland Park to be developed on the southern portion of Parcel 9U, which Wetland Park will provide unobstructed views of the Marina and its waters across approximately 41 percent of the parcel. Additionally, the Board finds the Project, after construction, will produce similar wind patterns throughout the Marina with only localized changes at the western ends of Marina Basins B and C that will not significantly affect wind currents and sailing conditions.

45. The Board finds the Project is consistent with the LUP's policies related to hazard areas. The Project is appropriately conditioned to comply with current building code requirements to ensure seismic stability and prevent impacts related to liquefaction.
46. The Board finds the Project is consistent with the LUP's policies related to circulation. The Project is appropriately conditioned to require the permittee to pay its fair share of the cost of transportation-related infrastructure for the Marina based on the projected number of trips generated by the Project.
47. The Board finds the Project is consistent with the LUP's requirements related to the displacement of public parks, coastal-dependent uses, and boating uses. The Project will be confined to the northern approximately 2.2 acres of Parcel 9U, and will be constructed on the landside only. The Project will not displace any existing parkland, and is designed to be compatible with the Wetland Park to be constructed on the southern approximately 1.46 acres of Parcel 9U. No docks or other coastal-dependent or boating uses currently exist on Parcel 9U.
48. The Board finds the Project's maximum building height of 72 feet is consistent with the LUP's policies regarding the height of structures, and with the Specific Plan's maximum height for structures in the "hotel" land use category.
49. The Board finds the Project is appropriately conditioned to provide shuttle service between the Project's hotel and Los Angeles International Airport, in conformance with LUP and Specific Plan requirements.
50. The Board finds the Project complies with the following communitywide design guidelines in the Specific Plan, set forth in County Code Section 22.46.1060:
 - A. Landscaping. The Project will provide landscaping along the northern, western, and southern perimeters of the Project site, which landscaping will include a mixture of trees, shrubs, and groundcover in planting areas ranging from eight to ten feet in width.
 - B. Lot coverage. More than ten percent of the Project's net lot area will be landscaped and building coverage will be less than 90 percent of the Project's net lot area.

- C. **Parking.** One hundred forty-four parking spaces are required for the Project pursuant to County Code Section 22.52.1130. The Project is appropriately conditioned to provide 231 parking spaces, including 21 parking spaces reserved for use by visitors of the Wetland Park. Three "Type A" loading spaces and five disabled/accessible parking spaces are also required for the Project, and the Project is appropriately conditioned to provide these spaces.
 - D. **Signage.** The Project is appropriately conditioned to submit to DCB for review and approval a signage plan which complies with the requirements of DCB's Revised Permanent Sign Controls and Regulations.
 - E. **View Corridor.** A view corridor of not less than 20 percent is required for Parcel 9U. The Project, to be developed on the northern portion of the parcel, and the Wetland Park, to be developed on the southern portion of the parcel, will cumulatively provide an uninterrupted view corridor over approximately 41 percent of the parcel.
 - F. **Emergency Access.** Fire lanes in compliance with Fire Department and Specific Plan requirements will be constructed immediately to the north of the Project site in conjunction with development of the Parcel 10 Apartments project, and immediately to the south of the Project site in conjunction with development of the Wetland Park. The Project is appropriately conditioned to ensure the Project's shared use of the fire lanes. Additionally, the Project will construct a 28-foot-wide public waterfront promenade which will serve as a fire lane for emergency access along the Parcel 9U bulkhead.
51. The Board finds the Project is exempt from providing lower-cost overnight facilities pursuant to County Code Section 22.46.1180.A.15.b.v. The developer of a previously-approved Marina Plaza Hotel project on Parcel 9U fulfilled this obligation through the payment in 1985 of an in-lieu fee in the amount of \$365,000, which was 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. The permittee duly filed an application for the Project on February 17, 1999, within 20 years from the date of the in-lieu payment.
52. The Board finds the Project will provide a 10-foot front yard setback along the site's western boundary, and a 10-foot-side yard setback along the site's southern boundary, in compliance with applicable setback requirements in the Specific Plan. The Variance authorizes a seven-and-one-half-foot setback for the side yard along the site's northern boundary and a zero-foot setback for the rear yard along the site's eastern boundary adjacent to the public waterfront promenade.
53. The Board finds that, in compliance with the Specific Plan, DCB reviewed and approved the Project's conceptual design on January 22, 2014, and the Project is

appropriately conditioned to present its final design to DCB for review and approval. The Board further finds that the Project's design incorporates a range of high-quality materials into an open, modern concept consistent with many of the newer developments nearby, and will contribute to the aesthetic character of the western portion of the Marina.

54. Although the County adopted an updated Countywide General Plan on October 6, 2015, the Project had a complete application on August 19, 2013, and thus is subject to the goals and policies of the Countywide General Plan adopted in 1980 ("1980 General Plan"). The 1980 General Plan defers policy consistency analyses in the Marina to the LCP. Therefore, because the Project is consistent with the LCP, as set forth in detail above, the Board finds that the Project is consistent with the 1980 General Plan.
55. The Board finds that no delineated wetlands are located on the Project site. The Board further finds the Project will not encroach on or be detrimental to the delineated wetlands on the southern 1.46 acres of Parcel 9U, or the future Wetland Park.
56. The Board finds that the permittee has demonstrated the suitability of the site for the proposed uses. The Board finds that establishment of the proposed uses at such location is in conformity with good zoning practice. The Board further finds that the permittee's compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable LCP and 1980 General Plan policies.

Conditional Use Permit

57. The Board finds that sale of alcohol in the Project's hotel is consistent with the operation of a hotel and compatible with the surrounding community. The Board further finds the sale of alcohol is customarily offered at hotels elsewhere in the Marina and in the County generally, and that the sale of alcohol will support the economic sustainability of the hotel and its facilities.
58. The Board finds the Project is appropriately conditioned to require staff involved in the sale of alcohol and the operation of alcohol points-of-sale to manage the sale of alcohol in a way that ensures the safety of hotel patrons and nearby residents.
59. The Board finds that alcohol points-of-sale are located in guest rooms or in the central part of the hotel structure, away from nearby residential and open space uses, and buffered by project structures, fire lanes/pedestrian walkways, Via Marina and other surrounding roadways, and the public waterfront promenade. The Board further finds that the Project's sale of alcohol will be sufficiently buffered from, and will not adversely affect, residential areas in the immediate vicinity of the Project site.

60. The Board finds there are no places used exclusively for religious worship, schools, parks, playgrounds, or similar uses within a 600-foot radius of the Project site. As set forth in Finding No. 59, above, sale of alcohol in the Project will be sufficiently buffered from and will not adversely affect surrounding uses, including the Wetland Park to be developed to the south of the Project site.
61. The Board finds that an undue concentration of alcoholic beverage licenses exists within the Project's census tract per California Department of Alcoholic Beverage Control regulations. The Board further finds, however, that no alcoholic beverage licenses have been issued to an establishment within 500 feet of the Project site, and no undue concentration of establishments selling alcohol exists under Title 22 of the County Code ("Zoning Code"); that sale of alcohol in the Project's hotel and associated facilities is customary in comparable hotel facilities in the Marina and the County generally; that the Project is appropriately conditioned to manage the sale of alcohol responsibly and safely; and that the sale of alcohol will not be detrimental to the surrounding area but will, instead, offer a convenience to hotel patrons and nearby residents who wish to walk to the hotel's restaurant or bar/lounge rather than drive to other similar establishments in the Marina.
62. The Board finds the Project will not adversely affect the health, peace, comfort or welfare of persons residing or working in and around the Project site. The Project is compatible with the surrounding community and the Wetland Park to be constructed to the south of the Project site. By providing a new 28-foot-wide promenade, which will connect with other improved promenades to the north and south of the site, the Project will be increasing public access to the Marina waterfront. The Project's restaurant and bar/lounge will be open to the public and provide additional dining and entertainment options to visitors and residents. The Project will contain sufficient on-site parking so as not to impact surrounding uses, and will provide publicly accessible parking to the Wetland Park to the south. The Project's height and massing will not materially change wind patterns in the Marina, and at a maximum height of 72 feet will not detrimentally affect nearby uses. For these reasons, the Board further finds the Project will not be materially detrimental to the use, enjoyment, or valuation of property or persons in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
63. The Board finds the Project is accessible via Via Marina to the west, an existing fully-improved parkway capable of accommodating the Project's hotel and associated amenities, in addition to other uses in the Marina.
64. The Board finds the Project is adequately served by public or private utilities and services. The Marina is an urbanized community served by existing urban services and utility systems. The Project is currently served by existing urban services and infrastructure including water, sewer, solid waste, schools, police, fire, library, and parks, as well as the Wetland Park to be developed to the south of the Project site.

65. The Board finds the Project site is adequate in size and shape to accommodate development of the Project. The Project design, which has been conceptually approved by DCB, is sensitive to surrounding uses, and is designed so as not to interfere with the biological productivity of the Wetland Park to be developed to the south of the Project site.
66. The Board finds the Project's height and massing is similar to many of the structures in the vicinity of the Project site; the exterior appearance of the hotel will be consistent with structures already constructed or under construction in the vicinity of the Project site; and the Project will integrate well into the surrounding area.

Variance

67. The Board finds the presence of delineated wetland on the southern portion of Parcel 9U restricts the development area on the northern portion of Parcel 9U. The Board further finds that, within the Marina, this limitation is unique to Parcel 9U and hinders the permittee's ability to implement the "hotel" land use category and design a project which meets applicable development standards.
68. The Board finds the Project site is subject to special circumstances and exceptional characteristics which are not generally applicable to other properties in the Marina under identical zoning classification. The Board finds that the reduction of the required rear-yard setback from ten feet to zero feet along the public waterfront promenade to be constructed on the eastern boundary of the site, and the reduction of the side-yard setback from ten feet to seven and one-half feet along the northern boundary of the site, are necessary to preserve the permittee's right to develop the Project, which right is enjoyed by other lessees in the Marina on parcels designated "hotel."
69. The Board finds the Project, with the reduced setbacks, is adequately served by emergency access along all sides of the Project site.
70. The Board finds the Project, with the reduced setbacks, will be located entirely on Parcel 9U and designed and operated in a way that will not negatively impact surrounding land uses, including the Marina's waters and the Wetland Park to be developed to the south of the Project site.
71. The Board finds the Project, with the reduced setbacks, will provide amenities for the public to access the Marina waterfront, including a 28-foot-wide public waterfront promenade, will not interfere with pedestrian access from Via Marina to the waterfront via the fire lanes/pedestrian walkways to be developed to the north and south of the Project site, and will further allow public access to the waterfront through the hotel lobby for the Project. The Board further finds that the Project's public waterfront promenade will be developed with recreational amenities, including seating areas, drinking fountains, decorative landscaping and lighting, bicycle racks, and a new, decorative WaterBus shelter.

Parking Permit

72. The Board finds the Project provides on-site parking which exceeds the requirements of Title 22 of the County Code.
73. The Board finds the Project is appropriately conditioned to require 24-hour valet management of the tandem parking spaces to ensure that no conflicts arise with respect to vehicular access, internal circulation, or site ingress and egress, and to limit spillover parking into the surrounding neighborhood. The Board further finds that valet management will limit vehicular queuing on Via Marina and vehicle circling in search of available parking spaces.
74. The Board finds the Project's valet-managed, tandem parking arrangement will result in a coordinated, efficient parking operation that should reduce traffic congestion, off-site parking, and the use of parking facilities developed to serve surrounding properties.
75. The Board finds the Project's utilization of tandem parking spaces consolidates on-site parking into a smaller space, resulting in less grading on the Project site and reduced massing associated with large parking structures. The Board further finds the Project's subterranean garage will not be visible from surrounding properties and, as a result, will not detract from the visual character of the Marina in the way a large above-ground structure would.
76. The Board finds the Project site is adequate in size and shape to accommodate development of the Project, as detailed in Finding No. 65, above.

CEQA

77. The Board finds the Final EIR for the West Marina Projects was previously certified on April 26, 2011, and that at the time of the Final EIR's certification, the Board found that the Final EIR was prepared in accordance with CEQA, the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Board further finds that, at the time of certification, the Board reviewed and considered the Final EIR, along with its associated Mitigation Monitoring Plan, Findings of Fact, and Statement of Overriding Considerations, and found that it reflected the independent judgment of the Board. The Findings of Fact for the Final EIR are incorporated herein by this reference, as though set forth in full.
78. The Board finds that the Addendum to the previously-certified Final EIR was prepared in connection with the revised Project in accordance with CEQA, the State CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines. The Board further finds that none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent environmental impact report have occurred.

79. The Board finds that the Revised MMP for the Project is substantially identical to the Mitigation Monitoring Plan adopted by the Board at the time the Final EIR was certified, except that the Revised MMP has been modified to comport with revisions to the Project design. The Board further finds the Revised MMP for the Project does not contain mitigation measures which are considerably different from those analyzed in and adopted in connection with the Final EIR, and that the Revised MMP is consistent with the conclusions and recommendations of the Final EIR.
80. The Board finds that the Revised MMP identifies in detail how compliance with its measures will mitigate or avoid potential adverse impacts to the environment by the Project. The Board further finds that the Revised MMP's requirements are incorporated into the Project's conditions of approval.
81. The Board considered the Final EIR and the Addendum, along with the Revised MMP and Findings of Fact for the Addendum, and finds that it reflects the independent judgment of the Board. The Findings of Fact for the Addendum are incorporated herein by this reference, as though set forth in full.

The Appeal Is without Merit

82. Project appellants challenged the Commission's approval of the Project on the following grounds: (a) new information and changed circumstances regarding the Project site required the preparation of a new or supplemental EIR pursuant to CEQA; (b) the County improperly "piecemealed" the environmental review for the Project in violation of CEQA; (c) the Addendum for the Project was not circulated to the public; (d) information contained in the previously certified Final EIR was stale and cannot be relied on; (e) parking impacts were not properly analyzed pursuant to CEQA; (f) more information must be disclosed regarding the Project's "extended stay" component, and whether it is similar to the timeshare component which was removed from the Project; (g) the Project was not submitted for federal environmental review pursuant to the National Environmental Policy Act ("NEPA"); (h) new construction-related impacts resulting from an expanded floor area for the Project's restaurant required the preparation of a subsequent EIR; and (i) environmental review for the Project failed to analyze cumulative impacts.
83. Project appellants also "incorporate by reference all documents and concerns raised through the public comment process to the Regional Planning Commission." This portion of appellants' appeal is insufficiently specific and does not afford the Board the opportunity to evaluate and respond to appellants' concerns. County Code Section 22.60.230 provides that an appeal to the Board "shall state specifically wherein a determination or interpretation is not in accord with the purposes of [the Zoning Code]; wherein it is claimed that there was an error or abuse of discretion; wherein the record includes inaccurate information; or wherein a decision is not supported by the record." (Emphasis added.) This portion of the appeal, which does not state specifically the supposed error

committed by the Commission, fails to satisfy the County Code requirements for an appeal.

84. The Board finds that appellants' claim that new information and changed circumstances with respect to the Project site required the preparation of a subsequent environmental impact report is without merit. In particular, the Board finds:
- A. The Los Angeles City Dual-Force Main Sewer project and related construction along Via Marina was fully disclosed and analyzed in the cumulative impacts section of the Final EIR.
 - B. Cumulative impacts related to the Shores development project on Parcels 100 and 101 in the Marina were fully disclosed and analyzed in the Final EIR; that because the Shores development project has been completed, the Shores project will not contribute to any cumulative construction related impacts; and there is no evidence that the Shores development project has been more "intrusive" or impactful to the environment or community than as analyzed in the Final EIR, and appellants have not provided the Board with any specific evidence in support of their contention.
 - C. Cumulative impacts related to the Esprit II development project were fully disclosed and analyzed in the Final EIR.
 - D. The Mariners Village renovation project proposes no new increase in operational traffic, and there is no evidence that the renovation project will contribute additional traffic to the Marina which has not already been analyzed in the Final EIR.
 - E. Although appellants claim without specificity that there is new development on the Marina Peninsula in the City of Los Angeles which has not been considered, appellants have presented no evidence of such new development or pointed to any development in particular, and the Board is aware of no new development which would require the preparation of a subsequent environmental impact report.
 - F. The Project's biologist, Glenn Lukos Associates, presented evidence that the wetland characteristics on Parcel 9U have not changed since certification of the Final EIR, and the wetland characteristics were accurately characterized in the Final EIR.
 - G. The Final EIR concluded that the Southern California Salt Marsh Shrew and South Coast Marsh Vole are not expected to occur on Parcel 9U because site vegetation would not support either species, and appellants offer no new or different evidence concerning the site's vegetation or the presence of these species on the site.

- H. The Final EIR described the Project site hydrology, including the infiltration of tidal waters into the site, and appellants have presented no new or different information concerning site hydrology.
 - I. The Water Service chapter of the Addendum appropriately analyzed current drought conditions and properly concluded that such conditions did not constitute changed circumstances requiring the preparation of a subsequent environmental impact report.
 - J. Appellants present no new evidence or specific contentions concerning climate change, sea level rise, and high-risk liquefaction which were not already disclosed and analyzed in the Final EIR.
85. The Board finds that environmental review for the Project was not improperly "piecemealed" under CEQA. The Final EIR fully disclosed and analyzed the environmental effect of the Project together with the other West Marina Projects, and the Addendum described and analyzed subsequent changes to the Project. Environmental considerations for the Project were not disguised or artificially reduced by dividing the Project into smaller components, each with a minimal potential impact on the environment. Rather, the impact of the Project as a whole, and the cumulative impacts of the West Marina Projects together, were fully disclosed and analyzed.
86. The Board finds the Addendum was not required to be circulated pursuant to CEQA Guidelines section 15164(c).
87. The Board finds that appellants have presented no evidence that any of the information in the Final EIR has become stale or unreliable, and the Board further finds no evidence of new or different information or circumstances requiring the preparation of a subsequent EIR pursuant to CEQA Guidelines section 15162.
88. The Board finds the Addendum appropriately disclosed and analyzed whether the revised Project would result in a significant impact with regard to parking supply, and properly concluded that the revised Project would not result in a significant impact or increase the severity of impacts already identified in the Final EIR with regard to parking supply.
89. The Board finds the "extended stay" component of the Project was disclosed in the Addendum and would not result in any new or more severe impacts than those analyzed in the Final EIR, which analyzed impacts related to a timeshare component. The Board further finds the "extended stay" component of the Project is a hotel use which is consistent with applicable LCP policies.
90. The Board finds that a NEPA analysis is not required prior to the County's approval of the Project Permits, and that an appropriate NEPA analysis will take place for any Project entitlements requiring federal approval.

91. The Board finds that new construction-related impacts from the expanded floor area of the Project's restaurant will be more than offset by the overall reduction in scope, size, height, and massing of the Project.
92. The Board finds that the cumulative impacts analysis in the Final EIR, as discussed and updated in the Addendum, complies with CEQA.
93. The Board has duly considered all of the issues and information contained in the oral testimony and written correspondence given to the Board in opposition to the Project, as well as the issues and information contained in the oral testimony and written correspondence given to the Board in response thereto by Regional Planning staff and the permittee. The Board finds that the opposition testimony and written correspondence do not identify substantial evidence that the environmental review for the Project violated CEQA. The Board further finds that it has not been presented with credible evidence that the Project will cause the environmental impacts that Project opponents identified in their testimony and written correspondence.
94. The location of the documents and other materials constituting the record of proceedings upon which the Board'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.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

Regarding the Coastal Development Permit:

- A. The proposed development is in conformity with the certified Marina del Rey LCP.
- B. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the California Public Resources Code.

Regarding the Conditional use Permit:

- A. The proposed use with the attached conditions and restrictions will be consistent with the 1980 General Plan.
- B. With the attached conditions and restrictions, 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 yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in the Zoning Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- 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 is adequately served by other public or private service facilities as are required.
- E. The proposed use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.
- F. The proposed use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The proposed use at the proposed location will not result in an undue concentration of similar premises.
- H. The proposed use at the proposed location will not adversely affect the economic welfare of the nearby community.
- I. The exterior appearance of the proposed structures will not be inconsistent with the exterior appearance of 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 the neighborhood.

Regarding the Variance:

- A. There are special circumstances or exceptional characteristics applicable to the property involved such as size, shape, topography, and location of surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.
- B. The requested Variance is necessary for the preservation of a substantial property right of the permittee such as that possessed by owners of other property in the same vicinity or zone.
- C. The granting of the requested Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
- D. The granting of the requested 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. There will be no conflicts arising from special parking arrangements allowing tandem spaces because vehicle parking facilities using tandem spaces will employ valets to insure a workable plan.
- B. 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.
- C. 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 of the County Code.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Affirms that following a public hearing before the Board on April 26, 2011, the Board certified that the Final EIR for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certified that it independently reviewed and considered the information contained in the Final EIR, and that the Final EIR reflected the independent judgment and analysis of the Board as to the environmental consequences of the Project; indicated that it certified the Final EIR and adopted the Findings of Fact and Statement of Overriding Considerations associated with the Final EIR; found that the unavoidable significant effects of the Project after adoption of mitigation measures are described in those Findings of Fact and Statement of Overriding Considerations; and determined that the remaining, unavoidable environmental effects of the Project have been reduced to an acceptable level and are outweighed by specific health, safety, economic, social, and/or environmental benefits of the Project as stated in the Findings of Fact and Statement of Overriding Considerations for the Final EIR;
- 2. Affirms that it independently reviewed and considered the information contained in the Addendum along with the Final EIR, and that the Addendum and the Final EIR reflect the independent judgment and analysis of the Board as to the environmental consequences of the Project;
- 3. Indicates that, at the conclusion of its October 6, 2015, hearing on the Project, it adopted the Addendum, the Findings of Fact for the Addendum, and the Revised MMP, finding that the Revised MMP is adequately designed to ensure compliance with the mitigation measures during Project implementation, and further found based on substantial evidence in light of the whole record that none of the circumstances set forth in the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred; and

Approves Coastal Development Permit No. 2006-00007-(4), Conditional Use Permit No. 2006-00288-(4), Variance No. 2006-00012-(4), and Parking Permit No. 2006-00020-(4), subject to the attached conditions.

CONDITIONS OF APPROVAL
PROJECT NO. TR067861-(4)
COASTAL DEVELOPMENT PERMIT NO. 2006-00007-(4)
CONDITIONAL USE PERMIT NO. 2006-00288-(4)
VARIANCE NO. 2006-00012-(4)
PARKING PERMIT NO. 2006-00020-(4)

1. This grant authorizes:

- A. A coastal development permit for the construction of: (i) a new 288-room hotel consisting of 1 building with a five-story tower/wing and a six-story tower/wing, and associated facilities and amenities, including two meeting rooms, a restaurant, a bar/lounge, a fitness center, a ground floor outdoor terrace, a second floor outdoor deck with a pool, spa, and fire pits, a lobby, offices, maintenance facilities, a one-level subterranean parking structure, and a surface parking lot; (ii) a new 28-foot-wide public waterfront promenade; and (iii) a decorative shelter for WaterBus patrons on the northern approximately 2.2 acres on Parcel 9U ("Parcel 9U") in the unincorporated County community of Marina del Rey ("Marina").
- B. A conditional use permit for the construction of a one-level subterranean parking structure and a surface parking lot on the project site, and the sale of a full line of alcoholic beverages for on-site consumption.
- C. A variance to reduce the required rear-yard setback from ten feet to zero feet along the eastern boundary of the project site, and to reduce the required side-yard setback from ten feet to seven and one-half feet along the northern boundary of the project site.
- D. A parking permit for valet-managed tandem parking in the one-level subterranean parking lot to be constructed on the project site, and valet parking on the surface parking lot to be constructed on the project site.

All of the above improvements are as depicted on the approved Exhibit "A" on file at the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") and are subject to all of the following conditions of approval.

- 2. 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.
- 3. As used in this grant, the term "date of final approval" shall mean the date the approval of this grant becomes effective pursuant to Los Angeles County Code ("County Code") Section 22.56.2490.
- 4. This grant shall not be effective for any purpose until the permittee has filed at Regional Planning its affidavit stating that it is aware of, and agrees to accept, all

of the conditions of this grant, until the conditions have been recorded as required by Condition No. 5, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 16. Notwithstanding the foregoing, this Condition No. 4 and Condition Nos. 3, 6, 7, 8, 10, 11, and 16 shall become immediately effective upon final approval by the County.

5. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Registrar-Recorder/County Clerk ("Recorder"). Upon recordation, an official copy of the recorded conditions shall be provided to the Director of Regional Planning ("Director"). In addition, upon any transfer of the lease held by the permittee or sublease during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee of the lease or to the sublessee.
6. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of California Government Code section 65009, or any other applicable limitation period. The County shall promptly notify the permittee of any such claim, action, or proceeding and the County shall reasonably cooperate 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 reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
7. 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 Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, attorneys' fees and expenses, including but not limited to County Counsel fees and expenses, 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 of the initial deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. 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 shall be paid by the permittee in accordance with County Code Section 2.170.010.

8. This grant shall expire unless used within four years from the date of final approval of this grant. The permittee may seek a single one-year extension pursuant to County Code Sections 22.56.140 and 22.56.2500 with the payment of the applicable fee.
9. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, this grant shall be void and the privileges granted hereunder shall lapse.
10. The project site shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the project site. 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 the sum of \$4,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to the development in accordance with the approved site plan on file. The fund provides for 20 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 at Regional Planning. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).

11. Within 5 days following the approval of this grant by the Board, the permittee shall cause a Notice of Determination to be posted at the Recorder in compliance with California Public Resources Code section 21152. The permittee shall remit applicable processing fees, payable to the County, in connection with such filing. The project is not *de minimis* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Wildlife pursuant to California Fish and Game Code section 711.4. The current total fee amount is \$3,119.75 (\$3,069.75 plus a \$50.00 processing fee). No land use project subject to this requirement is final, vested, or operative if said fee is unpaid.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the County Regional Planning Commission ("Commission") or a County 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. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of Title 22 of the County Code, the permittee shall compensate the County for all costs incurred in such proceedings.

13. The project site shall be developed and maintained in substantial compliance with the approved site plan, dimensioned building elevations and sections, parking plans, and other plans kept on file at Regional Planning, marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the lessee for such revision.
14. The conditions and/or changes in the project, set forth in the final environmental impact report ("Final EIR") and the addendum for the Final EIR ("Addendum"), necessary in order to assure that the proposed project will not have a significant effect on the environment, are incorporated herein by this reference and made conditions of approval of this grant. The permittee shall comply with all such conditions/changes in accordance with the attached Mitigation Monitoring Plan ("MMP"), which is incorporated herein in its entirety by this reference. As a means of ensuring the effectiveness of such conditions and/or changes to the project, the permittee shall submit mitigation monitoring reports to Regional Planning for review and approval as frequently as may be required by Regional Planning, until such time as all mitigation measures have been implemented and completed or Regional Planning determines such mitigation measures are no longer necessary. The reports shall describe the status of the permittee's compliance with the required project conditions/changes, to the satisfaction of Regional Planning.
15. Within 30 days following the date of final approval of this grant by the Board, the permittee shall record a covenant with the County, attaching the MMP, and agreeing to comply with the required mitigation measures of the MMP. Prior to recordation, the permittee shall submit a copy of the covenant to Regional Planning for review and approval.
16. Within 30 days following the date of final approval of this grant by the Board, the permittee shall deposit the sum of \$6,000 with Regional Planning which shall be required prior to use of the grant and shall be utilized to defray the cost of reviewing the permittee's reports and verifying compliance with the MMP.
17. The portion of this grant authorizing sale of alcohol shall terminate 20 years from the date of final approval of this grant, and entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue the sale of alcohol after such date, whether or not the permittee proposes any modification to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall

otherwise comply with the applicable requirements at that time. Such applications shall be filed at least six months prior to the termination date set forth in this condition and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

18. All structures and other development pursuant to this grant shall be kept in full compliance with the County Fire Code, to the satisfaction of the County Fire Department ("Fire Department"), and shall conform to the requirements of the County Departments of Public Works ("Public Works") and Public Health ("Public Health"), to the satisfaction of those departments.
19. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities including, but not limited to, water mains, fire hydrants, gated access width, emergency access, and fire flow facilities, shall be provided to the satisfaction of and within the time periods established by the Fire Department.
20. Prior to obtaining any building permit for the project, the permittee shall demonstrate to the satisfaction of the Director and the Fire Department that the project site will have unrestricted access to the fire lanes immediately to the north and south of the project site in the event of an emergency.
21. Prior to obtaining any building permit for the project, the permittee shall obtain approval from the Fire Department of a fire safety plan for the site which satisfies the requirements of the County Code. Development of the project shall conform with the approved fire safety plan, a copy of which shall be provided to Regional Planning.
22. The permittee shall install fire sprinklers and smoke detectors in the project's buildings to the satisfaction of the Fire Department.
23. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Code"), the Marina del Rey Local Coastal Program ("LCP"), and of the specific zoning of the subject property unless specifically modified by this grant, as set forth in these conditions or as shown on the approved Exhibit "A" or a revised Exhibit "A" approved by the Director.
24. The project shall consist of one hotel building with a maximum of 288 rooms. The hotel building shall contain one central building and two towers/wings: a six-story tower/wing on the northern portion of the site with a maximum height of 72 feet and a five-story tower/wing on the southern portion of the site with a maximum height of 61 feet. The maximum heights in this condition are exclusive of rooftop appurtenant structures and mechanical equipment.

25. Setbacks for the project shall be as follows: (a) a minimum setback of 10 feet for the project's front yard along the western perimeter of the site fronting Via Marina; (b) a minimum setback of ten feet for the project's side yard along the southern perimeter of the site, between the project site and the wetland and upland park ("Wetland Park") to be developed on the southern portion of Parcel 9U; (c) a zero-foot setback for the project's rear yard along the eastern perimeter of the site; and (d) a seven-and-one-half foot setback for the project's side yard along the northern perimeter of the site.
26. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In the event any such extraneous markings or graffiti become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, 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.
27. Prior to obtaining any building permit for the project, the permittee shall obtain approval by the Marina Design Control Board ("DCB") of the project's proposed final design, signage, landscaping, lighting, building colors and materials palette, and promenade amenities plan, including the design details concerning the promenade seating, shade structures, drinking fountains, light standards, and decorative paving and railing.
28. Within 60 days following DCB's final design approval of the project, the permittee shall submit to the Director for review and approval three copies of a revised Exhibit "A," which shall contain a full set of the site plans, floor plans, parking plan, roof plan, building elevations, building cross-sections, landscaping plan, and signage plan approved by DCB.
29. Within 60 days following DCB's final design approval for the project, the permittee shall submit three copies of a signage plan to the Director for review and approval, which signage plan may be incorporated into a revised Exhibit "A." The signage plan shall include elevations, proposed lettering, colors, and locations of signage on the site, including but not limited to signs or other marking identifying available public parking on the site and parking spaces reserved for public parking. All renderings of said signage shall be drawn to scale and shall be in conformity with the signage approved by DCB.
30. Within 60 days following DCB's final design approval of the project, the permittee shall submit three copies of a landscaping and lighting plan to the Director for review and approval, which landscaping and lighting plan may be incorporated into a revised Exhibit "A." The plan shall depict the size, type, and location of all on-site plants, trees, watering facilities, and lights, and shall include details for the waterfront promenade, including surfacing materials, lighting, benches, and

other proposed facilities and amenities. All landscaping shall be maintained in a neat, clean, and healthful condition, and proper pruning, weeding, removal of litter, fertilizing, and replacement of plants shall occur when necessary.

31. The permittee shall maintain a minimum of 231 parking spaces on-site. The parking spaces must be developed in compliance with Part 11 of Chapter 22.52 of the Zoning Code and in substantial conformance with the approved parking plan on-file with the Department and marked Exhibit "A," or a revised parking plan approved by the Director.
32. The permittee shall at all times reserve a minimum of 21 parking spaces for use by patrons of the Wetland Park. The permittee shall provide at least four such spaces in a surface parking lot accessible to the Wetland Park, and such spaces shall be self-parking and free to the public. The permittee may provide 17 of the 21 required spaces in the project's subterranean garage. Spaces provided in the project's subterranean garage shall be valet-managed 24-hours per day, and the permittee may charge a fee for use of such spaces comparable to fees assessed at other public parking facilities in the vicinity. The Director and the Director of the County Department of Beaches and Harbors ("Beaches and Harbors") shall determine the appropriateness of any such fee.
33. The permittee shall clearly mark each of the 21 Wetland-Park-only spaces with signs or paint and shall ensure that valet management and staff are aware that said spaces are to be reserved at all times for use by patrons of the Wetland Park. The permittee shall depict such signage or paint in the signage plan required by Condition No. 29, above.
34. The permittee shall post signs conspicuously, to the satisfaction of the Director, on Via Marina notifying the public regarding the availability of the public parking for the Wetland Park.
35. With the exception of a minimum of four surface self-parking spaces reserved for Wetland Park patrons, the project's parking shall be managed by a valet service 24 hours per day, seven days a week.
36. Prior to the issuance of a certificate of occupancy for the project, the permittee shall file a valet management plan with the Director for review and approval. The valet management plan shall describe at a minimum the operations of the valet service, the ratio of valets to parking spaces, the methods for parking vehicles within available spaces, and contingencies for overflow parking. Commencing upon the issuance of a certificate of occupancy for the project, the permittee shall file an annual report with the Director analyzing the operation and effectiveness of the valet parking for the project, and revising the valet management plan as necessary to ensure continued effectiveness of the valet parking on the site. If the permittee ceases to provide valet parking for the project, the permittee shall provide parking spaces in compliance with then-applicable County Code

requirements, and shall submit a revised Exhibit "A" to the Director for review and approval.

37. On-site tandem parking spaces shall be no less than eight feet wide and no less than 18 feet long for each automobile to be parked in tandem. Parking bays accessible only from one end shall contain a maximum of two tandem parking spaces. Parking bays accessible from both ends shall contain a maximum of four tandem parking spaces.
38. The permittee shall provide on-site not less than three "Type A" loading spaces and six disabled/accessible parking spaces which comply with the Zoning Code and the federal Americans with Disabilities Act ("ADA").
39. The permittee shall not allow hotel patrons or guests to park on adjacent streets or in driveways within the project site. The parking of automobiles by valets on public streets is also prohibited.
40. The permittee shall provide on-site bicycle parking spaces, bicycle racks, and other bicycle facilities as required by Section 22.46.1060.C of the Zoning Code, to the satisfaction of the Director. The permittee shall depict all such bicycle parking spaces, racks, and other facilities on a revised Exhibit "A" required to be submitted pursuant to Condition No. 28, above.
41. Prior to the issuance of a certificate of occupancy for the project, the permittee shall ensure that the public improvements identified in the approved Exhibit "A," or in a revised Exhibit "A" approved by the Director, are constructed and open to the public, including but not limited to the public pedestrian promenade and decorative WaterBus shelter.
42. The permittee shall post signs conspicuously, to the satisfaction of the Director, along the public pedestrian promenade on the site identifying the promenade as a public pedestrian right of way. The permittee shall depict such signage in the signage plan required by Condition No. 29, above.
43. Sidewalks and driveways on the site shall comply with the requirements of the ADA and shall be constructed to the satisfaction of Public Works.
44. The permittee shall plant not less than 65 trees on the project site. The trees shall be dispersed throughout the site and shall be of a size and type to the satisfaction of the Director. Unless otherwise agreed to by the Director, the permittee shall continuously maintain not less than 65 trees on the project site throughout the life of this grant, and shall plant new trees as necessary to replace dead trees or trees which have been removed.
45. The permittee shall not allow on-site, cause to be allowed on-site, or allow another to bring on-site any invasive plant or tree, or any other plant or tree which is incompatible with the Marina environment and/or with the Wetland Park to be developed on the southern 1.46 acres of Parcel 9U.

46. Prior to obtaining any building permit for the project, the permittee shall deposit with the County its "fair share" to fund transportation improvements, as required by the LCP. Based on the project's expected net trip generation of 102 p.m. peak hour trips, the project's "fair share" payment is \$580,380.
47. The following conditions shall apply to project construction activities:
- A. Construction activity shall take place only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. The permittee shall obtain prior written permission from Beaches and Harbors and the County Department of Public Health ("Public Health") before conducting any construction activity on Saturdays. Any construction activities on a Saturday authorized by Beaches and Harbors and Public Health shall take place only between the hours of 8:00 a.m. to 5:00 p.m. No construction activities shall occur on Sundays or County, federal, or State holidays.
 - B. Notwithstanding subsection (a) of this condition, grading, hauling, or pile driving shall take place only between the hours of 8:00 a.m. and 5:00 p.m. and are prohibited on Saturdays, Sundays, and County, federal, and State holidays.
 - C. Ten days prior to any pile-driving activity, the permittee shall provide adjacent property owners the pile-driving schedule and a three-day notice of any re-tapping activities that may occur. The permittee shall submit a copy of the pile-driving schedule and mailing list of adjacent property owners to the Director and to Public Works prior to initiating any such activities. In addition, at least ten days prior to any construction activities on the site, the permittee shall conspicuously post a construction schedule at the site's street frontage on Via Marina. The schedule shall include detailed information about where to lodge questions, concerns, or complaints regarding construction-related noise issues. The permittee shall take appropriate action to minimize any reported noise problems.
 - D. 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.
 - E. The permittee shall comply with County Code Sections 12.12.010 through 12.12.100, inclusive, during all phases of demolition and construction.
 - F. All stationary construction noise sources shall be sheltered or enclosed to minimize any adverse effects on nearby properties. Generators and

pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent properties. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, State, and local standards, the permittee shall maintain an equipment log. Said log shall document the condition of equipment relative to factory specifications and identify the measures taken to ensure that all construction equipment is in proper tune and fitted with an adequate muffling device. Said log shall be submitted to the Director and 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.

- G. Parking of construction worker vehicles and storage of construction equipment and materials shall be on-site or at an off-site location approved by the Director. Any such off-site location shall be restricted to areas which are sufficiently buffered from residences, to the satisfaction of the Director. Prior to allowing any off-site parking or storage, the permittee shall submit plans for temporary construction worker parking and equipment/materials storage to the Director for review and approval. The plans must demonstrate to the satisfaction of the Director that proposed off-site parking and equipment/materials storage will not materially interfere with parking required by any uses operated or being maintained at the off-site location.
- H. All project-related truck hauling shall be restricted to a route approved by the Director of Public Works, a map of which shall be provided by the permittee 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 lodge questions and complaints. The permittee shall keep records 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 Public Health.
- I. Prior to commencing any construction on the site, the permittee shall submit a site plan to the Director depicting, to the satisfaction of the Director, the location of any construction staging areas, the location and content of required notices, and the expected duration of construction.
- J. The permittee shall develop and implement a construction management plan, as approved by the Director and the Director of Public Works, which

includes all of the following measures as recommended by the South Coast Air Quality Management District ("SCAQMD"), or other measures of equivalent effectiveness approved by the SCAQMD:

- i. Configure construction parking to minimize traffic interference;
 - ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person);
 - iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable as determined by the Director of Public Works;
 - iv. Consolidate truck deliveries when possible;
 - v. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;
 - vi. Suspend use of all construction equipment operations during second stage smog alerts (contact the SCAQMD 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; and
 - ix. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
- K. The permittee shall develop and implement a dust control plan, as approved by the Director 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 areas 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; and
 - viii. Require construction vehicles to observe speed limits of 15 miles per hour or less on all unpaved roads and surfaces.
- L. All construction and development on the site shall comply with the applicable provisions of the California Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County.
- M. The permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible as determined by the Director and the Director of Public Works, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program shall be provided to the Director and to Public Works prior to building permit issuance.
48. The permittee shall coordinate project construction in a manner that ensures construction activity will not, to the extent feasible, detract from or interfere with the use of existing boating and ancillary facilities in the vicinity of the site.
49. Site development shall be conducted in conformance with the archaeological reporting requirements set forth in the Zoning Code.
50. In the event of discovery of Native American remains or of grave goods, California Health and Safety Code section 7050.5 and California Public Resources Code sections 5097.94, 5097.98, and 5097.99 shall apply and govern the permittee's development activities. In addition, in compliance with the Zoning Code, the permittee shall notify the Office of State Historic Preservation and Regional Planning of the discovery, and in such instances, a "stop work" order shall be issued.
51. 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.

52. In the event a significant cultural resource is found on-site during construction, the permittee shall ensure that such resource is provided to, and maintained by, the County Museum of Natural History, or other appropriate entity or agency, or is treated as otherwise provided by law.
53. 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.
54. 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.
55. All necessary facilities and infrastructure required by Public Works shall be provided for the project prior to the issuance of a certificate of occupancy for the project, to the satisfaction of the Director of Public Works. All project infrastructure shall be designed and constructed in an environmentally-sensitive manner, in full conformance with Public Works' requirements to the satisfaction of said department, and shall follow the design and recreation policies of the LCP, including any landscaping standards required by DCB.
56. The permittee shall obtain all necessary permits from Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.
57. Prior to obtaining any building permit for the project, the permittee shall submit a flood control, runoff, and storm drain plan to Public Works for review and approval.
58. The permittee shall comply with the NPDES (National Pollution Discharge Elimination System) requirements of the California Regional Water Quality Control Board and Public Works. Prior to obtaining any building permit for the project, the permittee shall obtain any other necessary permit or approval from Public Works related to these requirements.
59. The permittee shall comply with all applicable provisions and policies in the Marina del Rey Land Use Plan ("LUP") concerning water quality protection. Prior to obtaining any grading or building permit for the project, the permittee must obtain approval from Regional Planning affirming that all such applicable provisions and policies of the LUP have been appropriately complied with or adopted. During project construction, the permittee shall submit quarterly reports to Regional Planning describing the permittee's ongoing compliance with these provisions and policies.

60. The site shall be developed and maintained in compliance with the requirements of the County Department of Health Services ("Health Services"). Adequate water and sewage disposal facilities shall be provided to the satisfaction of Health Services.
61. 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 are not be limited to, carpools, ridesharing, vanpools, increased use of bicycles for transportation, bicycle racks, preferential parking for TDM participants, incentives for TDM participants, and/or disincentives for single occupancy vehicle trips by employees. Any TDM program which the permittee establishes or in which the permittee participates must comply with applicable guidelines and requirements of the LCP. For three calendar years following the permittee's receipt of a certificate of occupancy for the project, the permittee shall file a report with the Director detailing the effectiveness of the TDM program. The Director may require additional annual reports in the Director's discretion, where necessary to evaluate the effectiveness of the TDM program.
62. Outside lighting shall be arranged to prevent glare or direct illumination onto adjacent properties, including but not limited to the Wetland Park, to the satisfaction of the Director and DCB. Neon lighting is prohibited on the exterior of any of the project's buildings, and any interior neon lighting shall not be visible outside of the project's buildings. Exterior security lighting shall be low intensity, shielded, at low height, and directed downward.
63. The permittee shall comply with all applicable provisions and policies in the LUP concerning the Marina's "important biological resources," including the policies governing tree pruning and tree removal, the management of crows and other omnivores, the submittal of biological reports and construction monitoring, and "bird-safe" building. Prior to obtaining any grading or building permit for the project, the permittee shall obtain approval from Regional Planning confirming that all such applicable provisions and policies have been appropriately complied with or adopted.
64. The project's buildings shall be designed and constructed utilizing earthquake-resistant construction and engineering practices so as to withstand a seismic event. Public Works shall determine in its discretion whether the permittee shall be required to undertake an earthquake study prior to obtaining any building permit for the project. If any earthquake study is undertaken, such study shall comply with the latest recommendations of the State Department of Conservation and the Seismic Safety Board.
65. The permittee shall incorporate Leadership in Energy and Environmental Design ("LEED") features into the project, to the extent feasible.

66. Project development shall conform to the phasing schedules in the LCP. The phasing schedules include requirements for circulation and public recreation improvements and infrastructure.
67. The permittee shall incorporate water-conserving devices and technologies into the project, in compliance with local, State, and/or federal regulations, to the satisfaction of the Director of Public Works.
68. Operation of the project shall be subject to the following requirements:
 - A. The permittee shall maintain on-site management staff available to respond to any and all issues, problems, and/or complaints 24 hours a day, seven days a week.
 - B. The permittee shall post signage on-site providing a telephone number for reporting any problems associated with the use and enjoyment of the site.
 - C. Outdoor storage and the repair of any automobile on-site shall be prohibited.
 - D. The permittee shall monitor on-site landscaping on a monthly basis and replace vegetation as needed.
69. Any person or entity acting as the operator of the hotel shall file with Regional Planning an affidavit stating that it is aware of, and agrees to accept, all of the conditions of this grant. The hotel operator shall also keep on file with Regional Planning a contact name, address, e-mail address, and telephone number, and shall keep such information current and accurate.
70. No amplified sound equipment, music, or public address systems shall be audible off-site, except for announcements made in the event of an emergency.
71. Guest rooms and suites shall be occupied and rented on a temporary basis only. No "rental units" as defined in County Code Section 8.52.020 shall be maintained or offered on-site.
72. Guest rooms and suites shall not be rented for a period of less than one night's stay, and shall not be rented by the hour. Rent for each guest room or suite shall not be collected more frequently than once daily.
73. Prior to the issuance of a certificate of occupancy for the project, the permittee shall receive approval from the Fire Department of an emergency management plan for all persons working at, staying, or visiting the project. The permittee shall file a copy of the approved emergency management plan with Regional Planning.
74. Outdoor events may take place only between the hours of 8:00 a.m. and 10:00 p.m., seven days per week. The permittee shall maintain a log of the date

and time of all future scheduled outdoor events and all outdoor events which have taken place within the prior 12 months. The permittee shall make the log immediately available to Regional Planning upon request.

75. The hours of operation for the hotel restaurant shall be 6:00 a.m. to 12:00 a.m., seven days per week. Room service may take place 24 hours per day, seven days per week.
76. The hours of operation for the hotel swimming pool and/or hot tub shall be 6:00 a.m. to 10:00 p.m., seven days per week.
77. Truck deliveries to the hotel shall take place only between the hours of 7:00 a.m. and 6:00 p.m., seven days per week.
78. The permittee shall require all guests to present photo identification, such as a driver's license or passport, at the time of registration.
79. Prior to offering any guest room or suite for rent, the permittee shall obtain the required business license or registration under the County Code, which business license or registration shall be maintained throughout the life of this grant.
80. The permittee shall install video recording devices at the hotel registration desk. The permittee shall maintain such video footage for at least a two-week period, and the permittee shall immediately provide such video footage to law enforcement personnel upon request.
81. The permittee shall provide shuttle service between the hotel and Los Angeles International Airport, in conformance with the Marina del Rey Specific Plan and the LUP.
82. The permittee shall keep a copy of these conditions in its on-site management office and shall immediately provide a copy of these conditions to law enforcement, Regional Planning and other County staff, and staff of the California Department of Alcoholic Beverage Control ("California ABC") upon request.
83. This grant authorizes the sale of a full line of alcoholic beverages for on-site consumption only. The sale of alcoholic beverages for off-site consumption is prohibited.
84. Alcoholic beverages shall be sold only between the hours of 6:00 a.m. and 2:00 a.m., seven days per week, except that hotel guests may access alcoholic beverages offered in guest room minibars 24 hours per day, seven days per week.
85. All managers and employees involved in the sale of alcohol shall be provided a copy and be knowledgeable of these conditions.

86. Loitering by any person, including employees, is prohibited on-site. The permittee shall maintain signage in conformance with the requirements of Part 10 of Chapter 22.52 of the Zoning Code notifying persons that loitering is prohibited on-site. The permittee shall ensure that hotel employees and staff are aware of, comply with, and enforce this condition, and/or alert law enforcement.
87. All managers and employees of the hotel who directly serve or are in the practice of selling alcoholic beverages shall participate in the Licensee Education on Alcohol and Drugs (LEAD) program provided by the California ABC. The permittee shall maintain on-site documentary proof that each such manager and employee has participated in and successfully completed the LEAD program, and shall immediately provide such documentation to County and California ABC staff upon request. The permittee shall also visibly display in a public area of the hotel, such as the lobby, a certificate indicating the permittee and its managers and employees have participated in the LEAD program.
88. The advertising of the sale of alcoholic beverages on the exterior of any structure on-site, including but not limited to windows, walls, and fences, is prohibited.
89. The permittee shall enforce all federal, State, and local laws prohibiting the sale of alcoholic beverages to minors.
90. The permittee shall post the telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area, where alcoholic beverages are sold. Such telephone numbers shall be clearly visible to the general public. The permittee shall also provide such telephone numbers to any person upon request.
91. The permittee shall develop and implement a designated driver program which may include, for example, offering free soft drinks or coffee to a designated driver of a group. Prior to obtaining the approval of any revised Exhibit "A" for the project, the permittee shall submit the program to the Director for review and approval. The permittee shall ensure that the program is described on a two-sided card placed on all tables in the restaurant and bar areas of the hotel, and/or printed on the restaurant and bar menus.
92. All persons serving alcoholic beverages shall be at least 18 years of age. All persons serving alcoholic beverages after 10:00 p.m., shall be at least 21 years of age.
93. "Happy hour" drink specials or similar promotions may be offered only between the hours of 4:00 p.m. and 7:00 p.m., seven days per week, and only in conjunction with the sale of food.
94. The permittee shall illuminate all areas where alcoholic beverages are sold and consumed such that the appearance and conduct of all persons is easily discernable.

95. Coin-operated and pay-to-play games and video machines are prohibited on-site.
96. The permittee shall comply with all conditions of the Fire Department approval letter dated June 23, 2015, Public Health approval letter dated July 25, 2014, and Public Works approval letter dated March 3, 2015, which are attached to these conditions and incorporated herein by this reference as though set forth in full.
97. In the event the permittee continues to maintain the project or any component thereof after the expiration or termination of this grant, the permittee shall be bound by and comply with the conditions set forth herein, as though the grant remains in full force and effect, unless at the time of expiration or termination the project is permitted to remain pursuant to then-applicable Zoning Code requirements, in which case the permittee shall comply with the applicable requirements of the Zoning Code. Nothing in this condition is intended to grant the permittee or any person or entity the right to maintain any use on the subject property without a valid grant, permit, or other approval, and nothing in this condition shall prevent the County from taking any lawful action to abate uses on the site which are being maintained without necessary grants, permits, or approvals, or which are otherwise being maintained in violation of the Zoning Code. This condition shall survive the expiration or termination of this grant.
98. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of the project site.

Attachments

Mitigation Monitoring Plan (Pages 1 to 18)

Fire Department Conditions of Approval (Pages 1 to 4)

Public Health Conditions of Approval (Pages 1 to 2)

Public Works Conditions of Approval (Pages 1 to 3)



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

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DON KNABE
SUPERVISOR, FOURTH DISTRICT

Exhibit 6

Page ¹ of 4



California Coastal
Commission

April 26, 2016

Mr. Steve Kinsey
Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

SUBJECT: Marina del Rey Wetland Park Coastal Development Permit Time Extension (CDP A-5-MDR-12-161) and Hotel Project Appeal (A-5-MDR-16-0004)

Dear Chair Kinsey and Honorable Commissioners:

As the Supervisor of the Fourth Supervisorial District, I am respectfully requesting your consideration and your support of two projects in Marina del Rey that your Commission will be considering at your May 2016 hearing – a wetland park project and a hotel project.

The first project is a Coastal Development Permit (CDP) time extension request for a wetland restoration project planned for the southern portion of Lease Parcel 9 in Marina del Rey. The wetland restoration project was unanimously approved by your Commission on December 12, 2012. County staff worked in close cooperation with your staff to develop a project that improves habitat value by restoring a degraded wetland, while at the same time increasing public access with walking paths, a 28-foot-wide pedestrian promenade, and educational signage. Due to a lawsuit, which challenged the Commission's original approval, we were not able to begin the project as quickly as we would have liked. That lawsuit was settled, the extent of the new wetland was expanded, and we have received the necessary permits from the Army Corps of Engineers and the Regional Water Quality Control Board. We are excited about the benefits this project will bring to the community and ready to begin work.

The second project is an appeal of the Los Angeles County Board of Supervisors' approval of a CDP for a hotel project, which would be located on the northern portion of Lease Parcel 9. The proposed hotel has been a long time coming. Your Commission originally approved a CDP for a 4-story hotel back in 1979, which would have covered the entire site. That project began, but was never completed, and the hole that was left behind is where we now have the degraded wetland. When our Marina del Rey Local Coastal Program (LCP) was first approved back in 1984, that parcel was zoned for hotel

Exhibit 6

Page² of⁴



California Coastal
Commission

California Coastal Commission
April 26, 2016
Page 2

The current applicant for the hotel project had their original plan approved by the Los Angeles County Regional Planning Commission in March 2010. That approval was for a 288-room hotel and timeshare resort that would have stood 19 stories tall. That project was appealed to my Board. The Board remanded that project back to the Regional Planning Commission (RPC), and requested that the timeshare component be removed, and the height be lowered to six stories. What the applicant returned with was an improved project that was more in scale with the surrounding neighborhood. This revised project was approved by the RPC and the Board, and has now been appealed to your Commission. The project is wholly consistent with the Marina del Rey LCP, and will bring visitor-serving amenities to a portion of the Marina that desperately is in need of them. In addition to the new hotel rooms, the project includes a 28-foot-wide promenade, a water taxi stop, and a restaurant. In addition, the project will have a 40% view corridor, which far exceeds what is required under the LCP.

I respectfully request your Commission to extend the CDP for the wetland restoration project, and to find no substantial issue regarding the appeal of the County's approval for the hotel CDP.

If you have any further questions, or if I or my staff can be of any assistance, please don't hesitate to contact my deputy, Julie Moore, at (213) 974-4444.

Sincerely,

A handwritten signature in blue ink, appearing to read "Don Knabe".

DON KNABE
Supervisor, Fourth District
County of Los Angeles

DK:di

c: Commissioners
Ms. Sachi Hamai, Chief Executive Officer
Ms. Lori Glasgow, Executive Officer, Board of Supervisors
Ms. Mary C. Wickham, County Counsel, Office of County Counsel
Mr. Gary Jones, Director, Department of Beaches and Harbors
Mr. Richard Bruckner, Director, Department of Regional Planning
County of Los Angeles



Via E-Mail

April 29, 2016

California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

Attn: Chair and Commissioners

RE: Marina del Rey Parcel 9U hotel (Appeal No. A-5-MDR-16-0004)

Hon. Chair Kinsey and Commissioners:

Unite Here Local 11 stands in strong support of the 288-room Marriott Courtyard & Residence Inn hotel project proposed for development on Marina del Rey Parcel 9U, located on “hotel”-designated land on the westerly side of Marina del Rey. The County Board of Supervisors wisely unanimously approved the project’s Coastal Development Permit (CDP) in December 2015, which was appealed to your Commission by a project opponent. For the reasons set forth below, we respectfully urge your Commission to support your staff in finding “no substantial issue” regarding the opponent’s appeal at your May 2016 meeting.

In approving the project CDP, the County Board appropriately found the proposed project to be in conformity with the development regulations specified for the hotel use per the certified Marina del Rey Local Coastal Program (LCP). As noted, the LCP specifically designates this portion of Parcel 9U for hotel use, as proposed. While the LCP would allow a hotel of up to 225 feet on the parcel, the applicant has significantly reduced the height of the hotel to be responsive to community concerns regarding the hotel’s height; as redesigned by the applicant, the hotel now reaches a maximum height of approximately 72 feet (153 shorter than allowed by the LCP), which is in keeping with the height of new projects in the neighborhood. While the hotel’s height has been significantly reduced, the project’s substantial view corridor from Via Marina to the Marina’s waters has not; the project provides a view corridor comprising 40% of the parcel’s water frontage, whereas the LCP requires only a 20% view corridor for a hotel of the height proposed. Consistent with LCP requirements, the applicant will also provide a fully-improved, 28-foot-wide public promenade along the entirety of the parcel’s water frontage. This represents a significant increase in the public’s recreational access for the parcel over existing conditions; note the vacant parcel is currently all but fenced off from public use. The hotel also includes a publicly accessible, visitor-serving café overlooking the waterfront, with direct access to the waterfront pedestrian promenade.

Exhibit 6

Page 4 of 4



California Coastal
Commission

Page 2
April 29, 2016

The hotel will provide moderately-priced, visitor-serving overnight accommodations for the public, in keeping with LCP requirements and Coastal Act objectives. The hotel's operator will also provide high-quality union jobs for its workers, which is indeed laudable.

For the reasons expressed above, at your May 2016 meeting, Unite Here Local 11 respectfully requests that your Commission vote to support your staff's determination that the opponent's appeal raises no substantial issue regarding consistency with the certified LCP or the recreation and public access policies of Chapter 3 of the Coastal Act, thereby sustaining the County's well-reasoned approval of the project CDP.

Sincerely,



Thomas Walsh
President
UNITE HERE Local 11