

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE for A-5-MDR-01- 14

LOCAL GOVERNMENT: County of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-MDR-01-014

APPLICANT: Marina Two Holding Partnership

PROJECT LOCATION: 13900 Marquesas Way (Parcel 12) & 4242 Via Marina (Parcel 15), Marina Del Rey, County of Los Angeles

PROJECT DESCRIPTION: Parcel 12: Demolition of 120 residential units, 5,600 square feet of commercial office space; removal of 464 boat slips and construction of a 437-unit apartment complex including 35 very low-income senior citizen units; 2,000 square feet of visitor-serving commercial space; and 227 boat slips, and 969 parking space garage;

Parcel 15: Demolition of 288 residential units, 4,400 square feet of restaurant space; removal of 253 boat slips, and construction of a 585-apartment complex including 47 very low-income senior citizen units; 8,000 square feet of visitor-serving commercial space; and 227 boat slips, and 1,271 parking space garage.

Note: All waterside development (i.e. boat slips) is located within the Commission's original permit jurisdiction. Coastal permit authority within this area is solely with the Commission. The County included the boat slips in the description because the development was proposed as one development and the County concurrently issued other discretionary approvals. A separate application for the removal of the existing boat slips and construction of new slips will be required to be submitted to the Commission.

SUMMARY OF STAFF RECOMMENDATION

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 because the project approved by the County is consistent with Coastal Act policies regarding public access and with the County's certified Local Coastal Plan.

APPELLANTS: California Coastal Commissioners Sara Wan & Shirley Dettloff; Fairwind Yacht Club; David DeLange and David Thompson, Coalition to Save the Marina; and John Davis, Coalition to Save the Marina.

SUBSTANTIVE FILE DOCUMENTS:

1. Marina Del Rey certified Local Coastal Plan, 1995.

I. APPEAL PROCEDURES

After certification of a local coastal program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, mean high tide line, or the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

The current version of the County of Los Angeles' Marina Del Rey LCP was certified on May 10, 1995. The County approval of the proposed project is appealable because the project is located between the sea and the first public road paralleling the sea and is also located within tidelands.

Section 30603(a) of the Coastal Act identifies which types of development are appealable. Section 30603(a) states, in part:

- (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.

The grounds for appeal of an approved local Coastal Development Permit in the appealable area are stated in Section 30603(b)(1), which states:

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.

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. 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 the Commission finds that a substantial issue is raised by the appeal, the de novo hearing will be scheduled at 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 the California Code of Regulations further explain the appeal hearing process.

At the hearing on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, 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.

II. APPELLANTS' CONTENTIONS

The County approval of the proposed development was appealed on January 12, 2001, by the California Coastal Commissioners Sara Wan and Shirley Dettloff. Subsequently, three additional appeals were received. The three additional appellants are Fairwind Yacht Club; David DeLange and David Thompson with the Coalition to Save the Marina

Inc.; and John Davis with the Coalition to Save the Marina Inc. The appellants contend that the proposed development is not consistent with the access policies of the Coastal Act and does not conform to the requirements of the Local Coastal Program (see Exhibit No. 8 -11 for the submitted appeals).

The appeal by the California Coastal Commission contends that:

1. The certified LCP requires that new development provide view corridors with unobstructed views from adjacent public streets to the harbor. The LCP requires a minimum of 20% of the parcel's frontage to be available as a view corridor. Increased view corridors are required with each foot above the designated minimum height limit. In this particular case, since the project is exceeding the height limit a view corridor of 33% is required. Based on the County's submitted record for the County permit, the development will provide a 20% view corridor, as measured perpendicular to the frontage road. According to the County, with design modifications to the buildings, the project will provide additional angular views from the street to the water, which combined with the perpendicular measured views, the view corridor will total in excess of 33% for each parcel. The amount of credit the development received for the angular views was based on discretionary design criteria by County staff.

The LCP view policy states that views be maintained and enhanced as a priority goal of the plan. Based on the County's record it can not be determined at this time that the angular views and the County's calculations for determining the amount of credit the development received for the angular views is comparable to straight perpendicular views and will provide the public adequate view corridors from the frontage road.

The appeal by Fairwind Yacht Club contends:

1. The project will reduce the number of slips available to middle and lower income boaters. A survey of slip vacancies in Marina Del Rey (dated December 20, 2000) is attached. It shows that there are very few slips available for rent. Eliminating many, small slips for fewer, larger slips will reduce the public's access to recreational boating.

The appeal by David DeLange and David Thompson, Coalition to Save the Marina Inc., contends:

1. Inconsistent with Coastal Act Sections 30612.

2. Inconsistent with Goals 34, 37, 39, and 42 of the Los Angeles County General Plan. Inconsistent with several provisions of the Marina Del Rey LCP that implement the aforesaid sections and goals.

The appeal by John Davis, Coalition to Save the Marina Inc., contends:

1. Non-compliance with Coastal Act Sections 3007. The applicant is not providing housing for low and moderate-income families but only low to moderate Senior housing;
2. The LCP requires that the existing structure be either economically or physically obsolete neither of which is the case with this development.
3. Non-compliance with Coastal Act Section 30006. The public was excluded from commenting upon evidence the Planning Commission considered in making their decision.
4. Non-compliance with Coastal Act Section 3006.5 [30006.5]
5. Non-compliance with Coastal Act Section 30253.
6. Non-compliance with Coastal Act Section 30105.5
7. Non-compliance with Coastal Act Section 30220

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the County's approval of the project with the provisions of the public access policies of the Coastal Act, or the standards set forth in the certified Local Coastal Program, pursuant to Public Resources Code Section 30625(b)(1).

MOTION: Staff recommends a **Yes** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-PDR-01-014 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The applicant proposes a two-phased development project, as follows: (Phase I) Parcel 12: Demolition of 120 residential units, 5,600 square feet of commercial office space; removal of 464 boat slips and construction of a 437-unit apartment complex including 35 very low-income senior citizen units; 2,000 square feet of visitor-serving commercial space; and 227 boat slips, and 969 parking space garage. (Phase II) Parcel 15: Demolition of 288 residential units, 4,400 square feet of restaurant space; removal of 253 boat slips, and construction of a 585-apartment complex including 47 very low-income senior citizen units; 8,000 square feet of visitor-serving commercial space; and 227 boat slips, and 1,271 parking space garage.

Parcels 12 is located on Marquesas Way mole road. The parcel extends partially along the south side of Marquesas Way to the eastern end of the road (see Exhibit No. 2). Parcel 15 is located partially along Via Marina and extends to the east along the southern side of the Panay Way mole road (see Exhibit No. 2). Both parcels are situated in the western portion of the marina, in Marina Del Rey.

B. Areawide Description

Marina Del Rey covers approximately 807 acres of land and water in the County of Los Angeles (see Exhibit No. 1-3). Marina Del Rey is located between the coastal communities of Venice and Playa Del Rey. The Marina is owned by the County and operated by the Department of Beaches and Harbors.

The existing Marina began its development in 1962 when the dredging of the inland basin was completed. The primary use of the Marina is recreational boating. The marina provides approximately 5,923 boating berths. Other boating facilities include transient docks, a public launching ramp, repair yards, charter and rental boats, harbor tours, and sailing instructions.

Other recreational facilities include: Burton W. Chase Park, Admiralty Park, a public beach and picnic area, bicycle trail, and limited pedestrian access along the marina bulkheads and north jetty promenade.

Along with the recreational facilities the Marina is developed with multi-family residential projects, hotels, restaurants, commercial, retail and office development.

Within the Marina, most structural improvements have been made by private entrepreneurs, operating under long-term land leases. These leases were awarded by open competitive bids in the early and mid 1960's. The developers were required to construct improvements on unimproved parcels in conformance with authorized uses designated in their leases and pursuant to a master plan for the Marina. Most leases will expire after 2020.

Within the existing Marina development has basically occurred on all leasehold parcels. This development is generally referred to as Phase I development. Recycling, intensification, or conversion of these initial uses on leased parcels is referred to as Phase II development.

C. Local Coastal Program Background

In 1984, the Commission certified the County's Land Use Plan portion of the Marina Del Rey/Ballona segment of the County of Los Angeles Local Coastal Program. Subsequent to the Commission's certification, the City of Los Angeles annexed over 525 acres of undeveloped land, which was a portion of the County's LCP area located south of Ballona Creek and east of Lincoln Boulevard (known as Area B and C). Subsequent to the City's annexation, the City submitted the identical Land Use Plan (the Playa Vista segment of the City's Local Coastal Program) covering the City's portion of the original County LCP area. The Commission certified the LCP for the annexed area with suggested modifications on December 9, 1986. The County also resubmitted those portions of their previously certified LUP that applied to areas still under County jurisdiction, including the area known as Area "A", and the existing Marina. The Commission certified the County of Los Angeles' revised Marina Del Rey land Use Plan on December 9, 1986.

On September 12, 1990, the Commission certified, with suggested modifications, an Implementation Program pertaining to the existing marina. The undeveloped area in the County, Playa Vista Area "A" was segmented from the marina and no ordinances were certified for the area. After accepting the suggested modifications, the Commission effectively certified the Marina Del Rey LCP and the County assumed permit issuing authority.

In 1994, the County submitted an amendment to the LCP. In May 1995, the Commission certified the LCPA with suggested modifications. The County accepted the modifications and the amended LCP was effectively certified.

D. DESCRIPTION OF LOCAL APPROVAL

On December 6, 2000, the County of Los Angeles Regional Planning Commission approved coastal development permit No. 98-134-(4), with conditions. The permit is for land-side redevelopment on Parcels 12 and 15 (see County permit, Exhibit No. x).

The action by the Planning Commission was appealable to the County's Board of Supervisors. However, no appeals were filed with the Board and notice of the County's final action was received by the Coastal Commission's South Coast District office on January 2, 2001.

E. SUBSTANTIAL ISSUE ANALYSIS

Section 30603(a)(1) of the Coastal Act states:

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

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., tit. 14, section 13115(b)). In previous decisions on appeals, the Commission has 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 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 only 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 the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources.

1. Coastal Commission appeal

The appeal by the Coastal Commission contends that the County's methodology used in determining the required view corridor, which incorporates and credits angular views from the street may not be comparable with views measured perpendicular from the street and inconsistent with the policies of the LCP. As designed, the County approved view corridor may not protect public views from adjacent public roads.

The certified LCP requires that new development on mole roads and along Via Marina provide view corridors from adjacent public streets. Section 22.46.1060(E)(2) of the LCP states:

View Corridor Requirements. Parcels located between the water and the first public road shall provide a view corridor allowing uninterrupted views of the harbor from the road to the waterside, at ground level. The design, location and feasibility of view corridors shall be determined by the Director and shall be based on the distance from the first public road to the bulkhead, the parcel's land use category, configuration and the intensity of development allowed by the Specific Plan.

a. Where a view corridor is physically feasible, the optimum width of such a view corridor shall be a minimum of 20 percent of the water frontage of the site.

b. Where the Director finds an alternate method for providing a view corridor, the Director may apply credit toward the view corridor percentage standards.

c. Where the Director finds that a view corridor cannot be physically located anywhere on the parcel to provide a view of the harbor from the road, the Director may waive the requirement.

3. View Corridor Standards. View corridors shall be maintained so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and passing motorists. Unobstructed views are defined as views with

no inhibition of visual access to the water. Parking lots may be depressed below grade such that views are possible over parked vehicles; the Director shall determine whether a parking lot designed as such warrants credit toward the view corridor requirement. A depression of two feet below grade shall be the minimum considered for view corridor credit through a parking lot. Additionally, landscaping shall be placed and maintained so as not to obstruct water views. Where the Director finds that such combination is appropriate, view corridors shall be combined with vertical accessways.

In the County's design guidelines in the Implementing Ordinance of the LCP, Section 22.46.160 (5)(c) states that building heights shall be restricted according to the following:

Forty-five (45) foot maximum when a 20% view corridor is provided ranging to a seventy-five (75) foot maximum when a 40% view corridor is provided. Height above 45 feet shall be permitted at the ratio of 1.5 feet in height for every 1% view corridor exceeding the 20%.

The intent of the view corridor requirement is to provide increased public views from the adjacent public road on parcels that are proposed for development or redevelopment. The proposed project consists of two separate parcels: Parcel 12 and 15 (see Exhibit No. 2). The two parcels have frontage along two different mole roads (Marqueseas and Panay Way) and parcel 15 also fronts on Via Marina.

Both parcels are currently developed. Parcel 12 is developed with 120 residential apartments, two commercial structures totaling 5,600 square feet of office space, and a surface parking lot. There is no visitor serving uses on the landside portion of the site. Parcel 12 has a 45-foot maximum height limit along the end of the mole road. However, the County granted a 10-foot height limit for the provision of low income senior citizen housing on that portion of the parcel. The "view corridor incentive" does not apply to the ends of the mole roads.

Parcel 15 is developed with 288 residential apartments, and a 4,400 square foot visitor-serving commercial building. Because of the existing buildings the two parcels do not offer substantial public views from the street, except on a portion of parcel 12 where there is a surface parking lot. Parcel 15 has a building height limit of 45 feet and is allowed to extend to a maximum of 75 feet with expanded view corridors.

The view corridor policies of the LCP provide the Director substantial discretion in determining the appropriate view corridor design on a case by case basis for new development. The LCP requires a minimum of 20% of the parcel's water frontage to be available as a view corridor. For each 1.5 feet above the designated minimum height limit an increased view corridor of 1% is required. In this particular case, since

the project is exceeding the 45-foot height limit by 10.5 to 19.5 feet, a view corridor of approximately 33% is required.

Based on the County's submitted record for the County issued permit, parcel 12 has approximately 830 linear feet of frontage parallel to the seawall. Parcel 15 has approximately 1,650 feet of frontage. A view corridor of 20% would require 166 linear feet on Parcel 12 and 330 linear feet for Parcel 15. According to the record Parcel 12 is providing 173 linear feet or a 21% view corridor based on a conventional view corridor calculation that considers views that are measured perpendicular from the bulkhead to the street. Similarly, parcel 15 is providing 332 linear feet or a 20% view corridor based on the conventional view corridor calculations.

With the increase in height above 45 feet, an additional 100 linear feet is required for a total of 266 feet on parcel 12 and an additional 215 linear feet is required for a total of 545 feet on Parcel 15. Using this calculation the proposed project is deficient 93 feet or 35% of the view corridor requirement. Parcel 15 is deficient 213 linear feet or 40% of the view corridor requirement.

However, the approved development incorporated a view corridor design with angular views from the roadway that maintained the 20% perpendicular view width at the street and flared out at the bulkhead (see Exhibit No. 5 & 6). The development was credited for the increased viewable water frontage created by these angular views. The County used this alternative view corridor methodology, based on the discretion provided in the LCP. The County's Director determined that partial credit should be given to the applicant for additional frontage created by the angular views that provides views to the bulkhead from the street. The County found that angled views, in this particular case, provides additional views, but such views are not comparable to the conventional perpendicular views and the applicant should not receive full credit for such views. Therefore, the County allowed partial credit based on the severity of the angle of the view from the street. Views less than 90-degrees were discounted by the average angle the view varied from 90 degrees since views would be available along the entire length of the base of the angle (see Exhibit No. 7). For example, on Parcel 15, View Corridor "A" (Exhibit No. 6): a view angle between 90 and 75.2 degrees, as measured from the right angle of the street, would provide an average view of 82.6 degrees $[(75.2 \text{ degrees} + 90 \text{ degrees}) / 2]$. Since 82.6 degrees is 91.8 percent of the full credit given for right angle views, the additional linear footage provided within this 75.2 degree view angle would be credited with 91.8 percent of the linear footage within the angle. Views providing no less than 22.5-degrees were given 25% credit.

The County determined that this methodology was appropriate for this project to avoid the rectilinear building layout found in many of the existing developments, which contributes to a "tunnel vision". The LCP indicates that existing buildings are

designed as low-rise rectilinear buildings that occupy most of the linear frontage along the bulkhead. The articulated design of the proposed development allows for broader or expanded views of the harbor and bulkhead edge by providing angled views in addition to perpendicular views.

Based on the County's methodology parcel 12 provides an additional 244.51 linear feet of angled views for a total of 417.51 linear feet or 157% of the required view corridor. Parcel 15 provides an additional 321.23 linear feet of angled views for a total of 653.23 linear feet or 197% of the required view corridor.

Although the County's methodology for calculating the view corridor is not based on what may be considered conventional calculations for view corridors, the LCP allows the County discretion or flexibility in designing view corridors. The angled views increase the amount of bulkhead frontage available to the public from the street frontage and will enhance the opportunities for the public to enjoy the visual elements of the harbor. Moreover, the design allows articulation in the design of the buildings, which eliminates rectilinear buildings and contributes to the visual quality of the area and eliminates narrow view corridors.

Moreover, along Via Marina, which is designated as a Scenic Road in the LCP and is the major access road through the marina, the development on Parcel 15 provides two 88 foot wide view corridors plus a smaller 20 foot wide corridor along the side of the parcel (see Exhibit No. 6). The perpendicular views along Via Marina have been maximized with angular views limited to a minimal amount as compared to the larger angular views provided along the mole road. The view corridors created by perpendicular views along Via Marina total 197 linear feet or 32% of the 600 feet of water frontage along Via Marina. Angular views total approximately 93 linear feet or 15 % of the total view corridor provided along Via Marina.

To ensure that these view corridors are not obstructed by landscaping or other development, the County has conditioned the permit to ensure that view corridors are maintained so as to provide unobstructed views of the bulkhead edge, masts and horizon for pedestrians and passing motorists. The County will require that the permit and conditions be incorporated into the applicants parcel lease with the County.

Moreover, the existing development does not currently provide public access along the bulkhead. The proposed development on parcel 12 and parcel 15 is designed with a 28-foot public pedestrian walkway along the entire length of the parcels' bulkhead which measures a total of 2,480 linear feet (830 feet on parcel 12 and 1,650 feet on parcel 15). This pedestrian access will allow greater pedestrian view opportunities in addition to the view corridors from the street.

The LCP view policy states that views be maintained and enhanced as a priority goal of the plan and allows the County the discretion to determine if view corridors are physically feasible and practical for each parcel. The Commission concurs with the County's analysis and finds that the approved project, as conditioned, will enhance public views and is consistent with the view policies of the certified LCP. Therefore, the proposed project does not raise a substantial issue with respect to views.

2. The appeal by Fairwind Yacht Club contends:

The project will reduce the number of slips available to middle and lower income boaters. A survey of slip vacancies in Marina Del Rey (dated December 20, 2000) is attached. It shows that there are very few slips available for rent. Eliminating many, small slips for fewer, larger slips will reduce the public's access to recreational boating.

All waterside development (i.e. boat slips) is located within the Commission's original permit jurisdiction. Coastal permit authority within this area is solely with the Commission. The County included the boat slips in the description because the development was proposed as one development and the County concurrently issued other discretionary approvals. However, the County did not issue a Coastal development permit for removal or replacement of boat slips. A separate application for a coastal development permit for the demolition and reconstruction of the boat slips will be required to be submitted to the Commission. The issue of the reduction in slips and impacts to public access will be addressed at that time. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

3. The appeal by David De Lange, Coalition to Save the Marina Inc. contends:

a. Inconsistent with Section 30612 of the Coastal Act.

Section 30612 of the Coastal Act states:

An application for a coastal development permit to demolish a structure shall not be denied unless the agency authorized to issue that permit, or the commission, on appeal, where appeal is authorized by this division, finds, based on a preponderance of the evidence, that retention of that structure is feasible.

The appellant is asserting that Section 30612 prohibits the demolition of buildings unless a finding is made that retention of that structure is not feasible. However, Section 30612 limits the Coastal Commission's power to deny demolitions. It does not impose any standards for approval of demolition of a structure, thus, Section 30612 does not apply to this project. The Commission has consistently allowed demolition of structures unless it was found that demolition would have an adverse impact on coastal resources.

Furthermore, this Section is not a Chapter three policy of the Coastal Act and is not required to be implemented in the LCP. This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

- b. Inconsistent with Goals 34, 37, 39, and 42 of the Los Angeles County General Plan. Inconsistent with several provisions of the Marina Del Rey LCP that implement the aforesaid sections and goals. The LUP states:

Phase I development of the Marina is now complete. This LCP presents the next phase of development (Phase II) for the Marina in which existing uses may be recycled or intensified, and new uses may be created. The Land Use Plan for the LCP is based on the need for making necessary changes and improvements in land uses to ensure that recreational boating, visitor-serving accommodations, and other recreational and commercial facilities are made available to the public on an orderly basis. Consequently, the significant reasons for change and expansion of the existing Marina include:

Implementing objectives of the California Coastal Act...

Based on the above the development does not conform to the standards set forth in the certified local coastal program.

This contention addresses inconsistencies with the County's General Plan and goals that are not part of the County's LCP. This contention does not address standards of the LCP or the public access policies of the Coastal Act. Furthermore, in certifying the County's LCP the Commission found the Plan consistent with the policies of the Coastal Act. As explained above, the permit approved by the County does not affect recreational facilities, or visitor-serving accommodations. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

4. The appeal by John Davis, Coalition to Save the Marina Inc., contends:

- a. Non-compliance with Coastal Act Sections 3007 [actual reference should be 30007]. The applicant is not providing housing for low and moderate-income families but only low to moderate Senior housing.

Section 30007 of the Coastal Act states:

Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low-and moderate-income housing,

replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted.

The development will provide 82 units for very low-income senior citizen housing. The County has granted height and density incentives for that purpose. Section 30007 does not impose any new standards or requirements with respect to housing. The LCP encourages affordable and senior citizen housing, however, the provision of low and moderate income housing is not a requirement of the Coastal Act. The type of affordable housing provided within a proposed development is not a mandatory requirement of the LCP and is regulated by the California Department of Housing and Urban Development. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP.

- b. The LCP requires that the existing structure be either economically or physically obsolete neither of which is the case with this development.

This contention addresses Coastal Act Section 30612 and is discussed above.

- c. Non-compliance with Coastal Act Section 30006. The public was excluded from commenting upon evidence the Planning Commission considered in making their decision and the soil testing results in the draft EIR is fraudulent.

Section 30006 states:

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

The appellant is asserting that new evidence was submitted to the Planning Commission after the close of the Public Hearing regarding soil toxicity tests. As a result the public was excluded from commenting upon evidence the Planning Commission considered in making their decision.

The LCP requires that the County conduct public hearings for coastal development permits. The County conducted approximately four separate public hearings on this project and received public testimony. The County's record indicates that soil toxicity was addressed in the EIR and during the Commission hearing.

In terms of fraudulent soil analysis in the draft EIR, the County's Department of Public Works reviewed this section of the draft EIR and addressed this contention during their review process. The County determined that, although a test sample page for another

project was included in the Appendices of the EIR, none of the data contained in that sample was used in the analysis for the subject project. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP.

d. Non-compliance with Coastal Act Section 3006.5 [30006.5]

Section 3006.5 [30006.5] states:

The Legislature further finds and declares that sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions and that the commission should, in addition to developing its own expertise in significant applicable fields of science, interact with members of the scientific and academic communities in the social, physical, and natural sciences so that the commission may receive technical advice and recommendations with regard to its decision making, especially with regard to issues such as coastal erosion and geology, marine biodiversity, wetland restoration, the question of sea level rise, desalination plants, and the cumulative impact of coastal zone developments.

This contention does not address standards of the LCP or the public access policies of the Coastal Act. Furthermore, in certifying the County's LCP the Commission found the Plan consistent with the policies of the Coastal Act. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

e. Non-compliance with Coastal Act Section 30253.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (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 landforms along bluffs and cliffs.*

The appellant contends that the area is geologically hazardous area and the County did not analysis all available information regarding hazards including the postulated Lincoln Boulevard fault.

The LCP states that no potentially active earthquake fault traverses the marina, however, potential geologic hazards could result from seismic activity in surrounding areas. Hazards include ground shaking and liquefaction. Section 22.46.1180 (A)(4) requires that all new development over three stories be designed to withstand a

seismic event with a ground acceleration of no less than 0.5 g. To address these potential hazards the County requires site specific geologic and soils studies including specific geotechnical studies related to mitigation of liquefaction and lateral spreading. Furthermore, all development is required to utilize earthquake-resistant construction. The studies used for this development used a ground acceleration of 0.5g, consistent with the LCP requirement.

A geotechnical report has been prepared for the site, by Law/Crandall (2/17/00) and is part of the EIR and the County's submitted record. The report addresses the potential hazards, including the presence of faults, earthshaking and liquefaction, and makes recommendations to mitigate all potential geologic hazards. The geotechnical report in the EIR addressed the postulated or "Proposed" Lincoln Boulevard Fault and did additional analysis to further evaluate the existence of such a fault. Based on the results of the analysis it was indicated that there is no fault in this area that has ruptured the ground surface in at least the past several tens to hundred thousand years. Furthermore, as stated in the EIR and in a response by the County's Department of Public Works, the Lincoln Boulevard Fault is not shown on any current seismic safety element maps, nor is it shown on the State Alquist Priolo hazard maps.

The report concludes that construction of the proposed project is feasible from a geotechnical engineering standpoint provided the recommendations are incorporated into the design plans. The County incorporated conditions into the permit to ensure that the project conformed with the recommendations of the report and with County requirements.

Therefore, the potential hazards of the site have been addressed and mitigation required consistent with the policies of the LCP. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP.

f. Non-conformance with Section 30105.5 of the Coastal Act.

Section 30105.5 of the Coastal Act states:

"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The certified LCP has cumulative impact requirements. The cumulative impact of the project was addressed in the EIR which was accepted by the County. The appellant asserts that the Planning Commission must consider all of the proposed and existing projects in the area as they relate to geologic safety, wind shadows affecting sailors, open space, pollution, and wildlife (the marina contains an Environmentally Sensitive

Habitat Area in Area A). The applicant also asserts that the applicant has not proved that there are available volumes of water to support the proposal.

Section 30105.5 is a Coastal Act definition and does not impose any limitations or restrictions on development. It is not a standard of the LCP. The cumulative impact of development within the Marina was addressed in the certified LCP and in the draft EIR, with respect to the appellant's issues. Section 30250 (a) of the Coastal Act states that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

In certifying the County's LCP, the Commission found the LCP consistent with Section 30250. The certified LCP contains policies and standards of development applicable to redevelopment, renovation, and intensification of the development within the marina. The County, in its findings found the proposed project consistent with the policies and standards of the certified LCP.

The appellant's contention regarding volumes of water is unclear. In terms of utilities, there is existing infrastructure to support the proposed development. In the certified LCP the County recognizes that the capacity of the existing water supply system needs to be upgraded and that expansion is taking place. In approving the proposed project the County found the capacity of the water system adequate to support the development. However, this does not address standards of the LCP or the public access policies of the Coastal Act. In terms of water area and its ability to support boatslips, the waterside development is not part of this permit and the applicant will have an opportunity to address the waterside development when it is before the Commission.

Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

g. Non-conformance with Section 30220 of the Coastal Act.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The County's certified LCP allows for a mix of water-oriented recreational uses, residential, and commercial development. The existing sites are designated for residential use and the applicant is providing a public promenade around the entire bulkhead frontage for public recreation. The proposed development is consistent with the permitted uses for this area and with the relevant policies of the LCP. This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

- h. The applicant proposes to use the automobile trip allocations reserved for the boating public and to transfer them to the residential project.

The proposed development does not propose to use boating vehicle trip allocations for the landside development. The County analyzed boater vehicle trips and landside development vehicle trips separately and imposed trip mitigation fees accordingly. Furthermore, the waterside development (i.e. boatslips) is not part of the County's coastal development permit. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

- i. The applicant has maintained the anchorage in an unsafe condition.

This issue is a local public safety issue concerning the current state of the existing anchorage. This contention does not address the proposed development. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

- j. The addition of additional 2,420 dwelling units would contradict the primary purpose of the small craft harbor.

The applicant is demolishing 408 units and constructing 1,022 new units for a net gain of 614. Multiple-family residential use is a permit use in the certified LCP. The County's certified LCP allows for a mix of water-oriented recreational uses, residential, and commercial development. The LCP also limits the amount of development in the marina and limits the number of vehicle trips within each development zone. The number of units proposed is within the LCP's allowable development potential for this area of the Marina. In this contention, the appellant has not raised a question of conformance with the LCP or with the access policies of the Coastal Act. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

- k. The removal and reduction of the number of boat slips and related parking requires an amendment to the Local Coastal program.

The existing development provides parking in support of the existing boat slips. The new development will also provide parking, above the minimum County parking requirements, to support the new boat slips. All waterside development (i.e. boat slips) is located within the Commission's original permit jurisdiction. Coastal permit authority within this area is solely with the Commission. The County included the boat slips in the description because the development was proposed as one development and the County concurrently issued other discretionary approvals. A separate application for the boat slips will be required to be submitted to the Commission. The appellant can raise this issue when an application for the boat slips is submitted. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

- l. The applicant has conducted development without a Coastal Development Permit.

The appellant has not provided any information to support this contention. Furthermore, the existence of unpermitted development is not relevant to the proposed development's consistency with the standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

- m. The applicant has submerged structures in the harbor next to parcel FF.

This contention does not address standards of the LCP or the public access policies of the Coastal Act. This contention addresses existing conditions and does not address the proposed development. Therefore, the appellant's contention does not raise a substantial issue with respect to the standards of the LCP or the access policies of the Coastal Act.

Conclusion

The Commission finds that no substantial issues exist with respect to the approved project's conformance with the access policies of the Coastal Act or with the County's certified LCP. Therefore, appeal No. A-5-MDR-01-014 raises no substantial issue with respect to the grounds on which the appeals have been filed with regards to the access policies of the Coastal Act and conforms to the requirements of the Local Coastal Program.

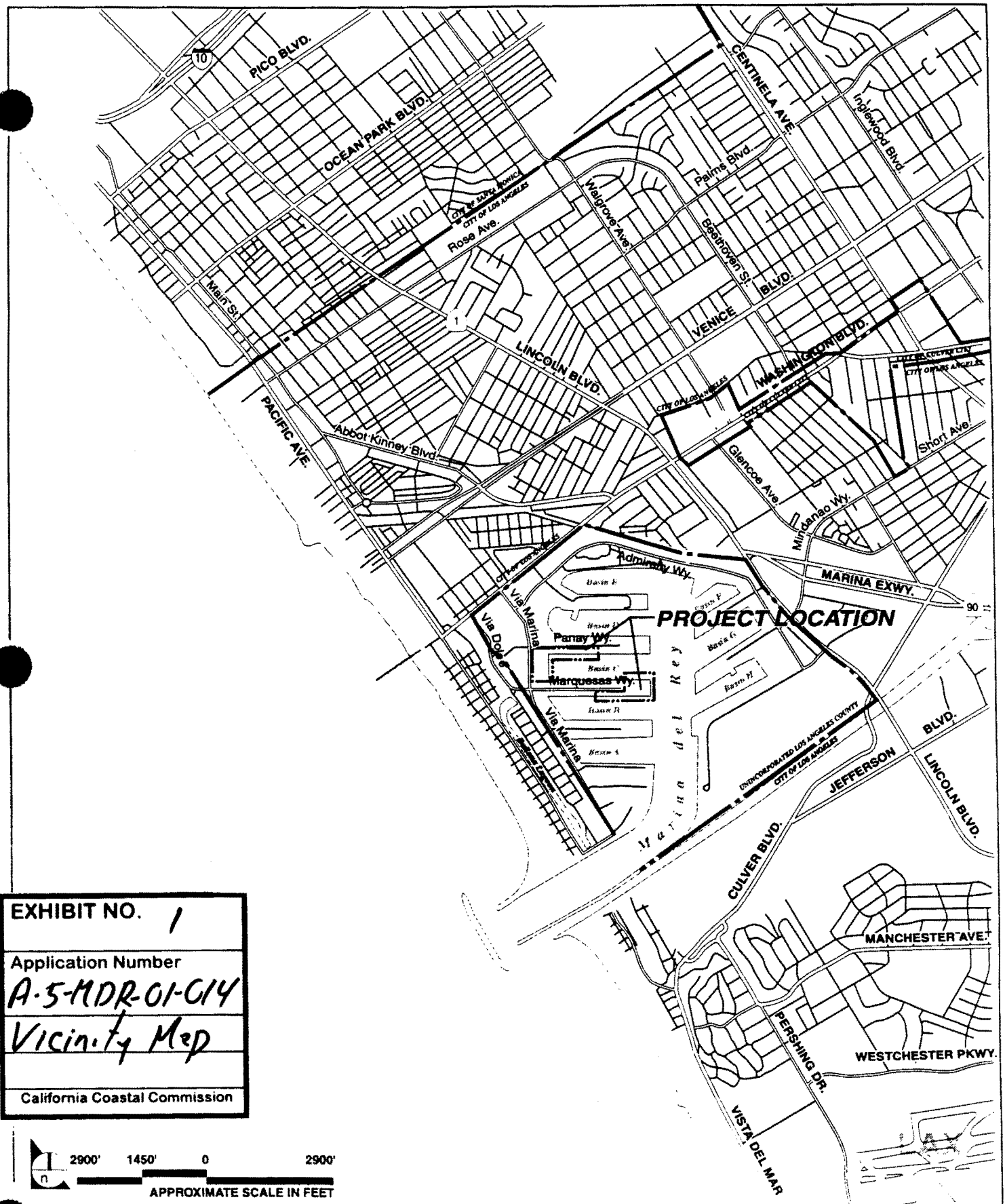
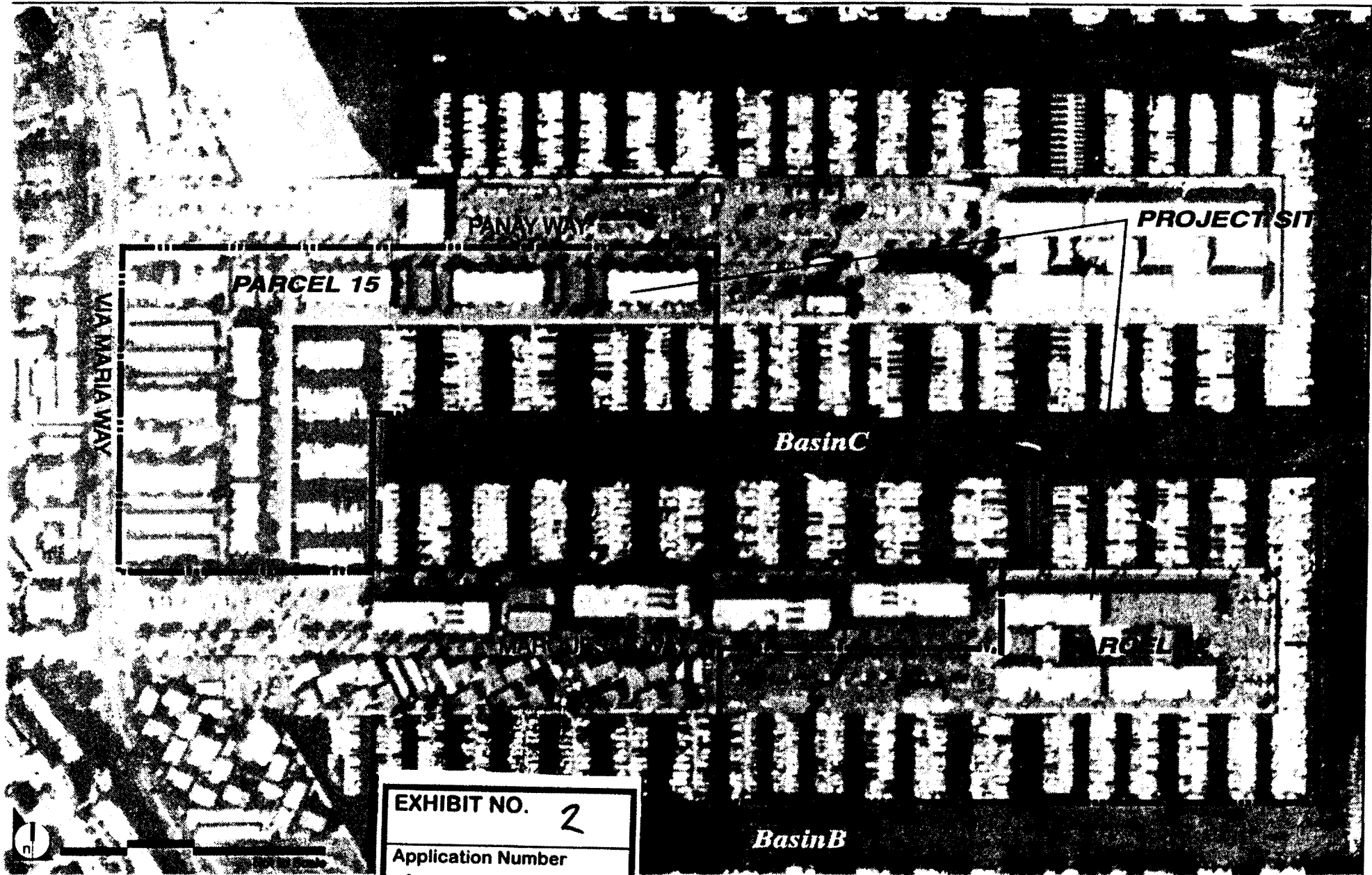


FIGURE I-1

Site Vicinity



SOURCE: © Eagle Aerial Photo, LA98-672, 3/11/98; Impact Sciences, 10/98

EXHIBIT NO.

2

Application Number

A-5-MDR-01-014

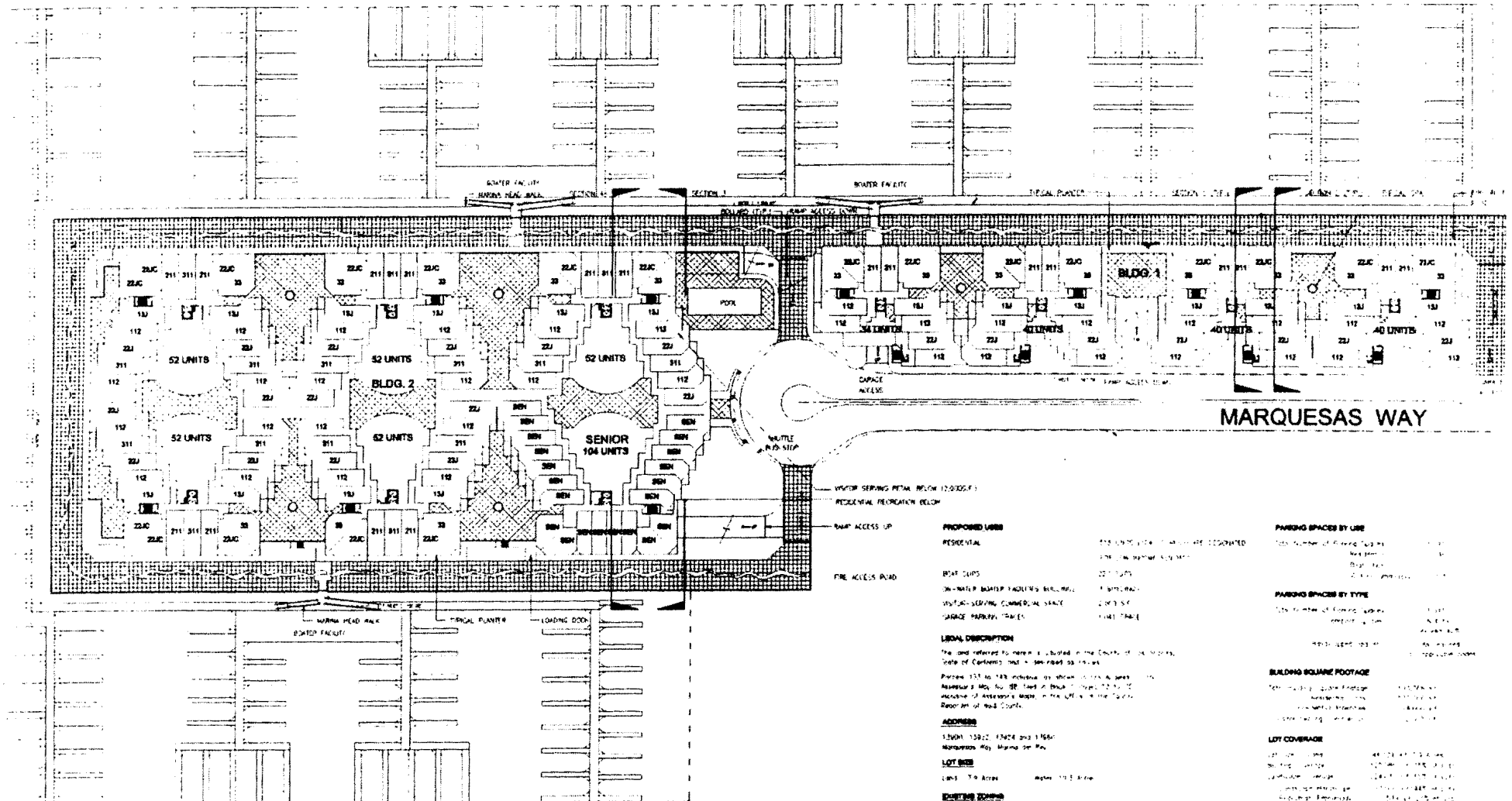
Parcel location

California Coastal Commission

FIGURE I-2

Study Area Parcels

BASIN B



CASE NO. 98-134

BASIN C

EXHIBIT NO. 3

Application Number

A-5-MDR-01-014

Site Plan

Parcel # 12

California Coastal Commission

PROPOSED USES

RESIDENTIAL

BLDG. 1

BLDG. 2

SENIOR 104 UNITS

WATER FACILITY

COMMERCIAL SPACE

PARKING

WATER FACILITY

COMMERCIAL SPACE

PARKING

WATER FACILITY

COMMERCIAL SPACE

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WATER FACILITY

COMMERCIAL SPACE

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PARKING

PARKING SPACES BY USE

Total Number of Parking Spaces

Residential

Commercial

Public

Other

WATER FACILITY

COMMERCIAL SPACE

PARKING

WATER FACILITY

COMMERCIAL SPACE

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PARKING SPACES BY TYPE

Total Number of Parking Spaces

Residential

Commercial

Public

Other

WATER FACILITY

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BUILDING SQUARE FOOTAGE

Total Building Square Footage

Residential

Commercial

Public

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WATER FACILITY

COMMERCIAL SPACE

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Residential

Commercial

Public

Other

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TYPE OF CONSTRUCTION

Single-Family Residential

Multi-Family Residential

Commercial

Public

Other

WATER FACILITY

COMMERCIAL SPACE

PARKING

WATER FACILITY

COMMERCIAL SPACE

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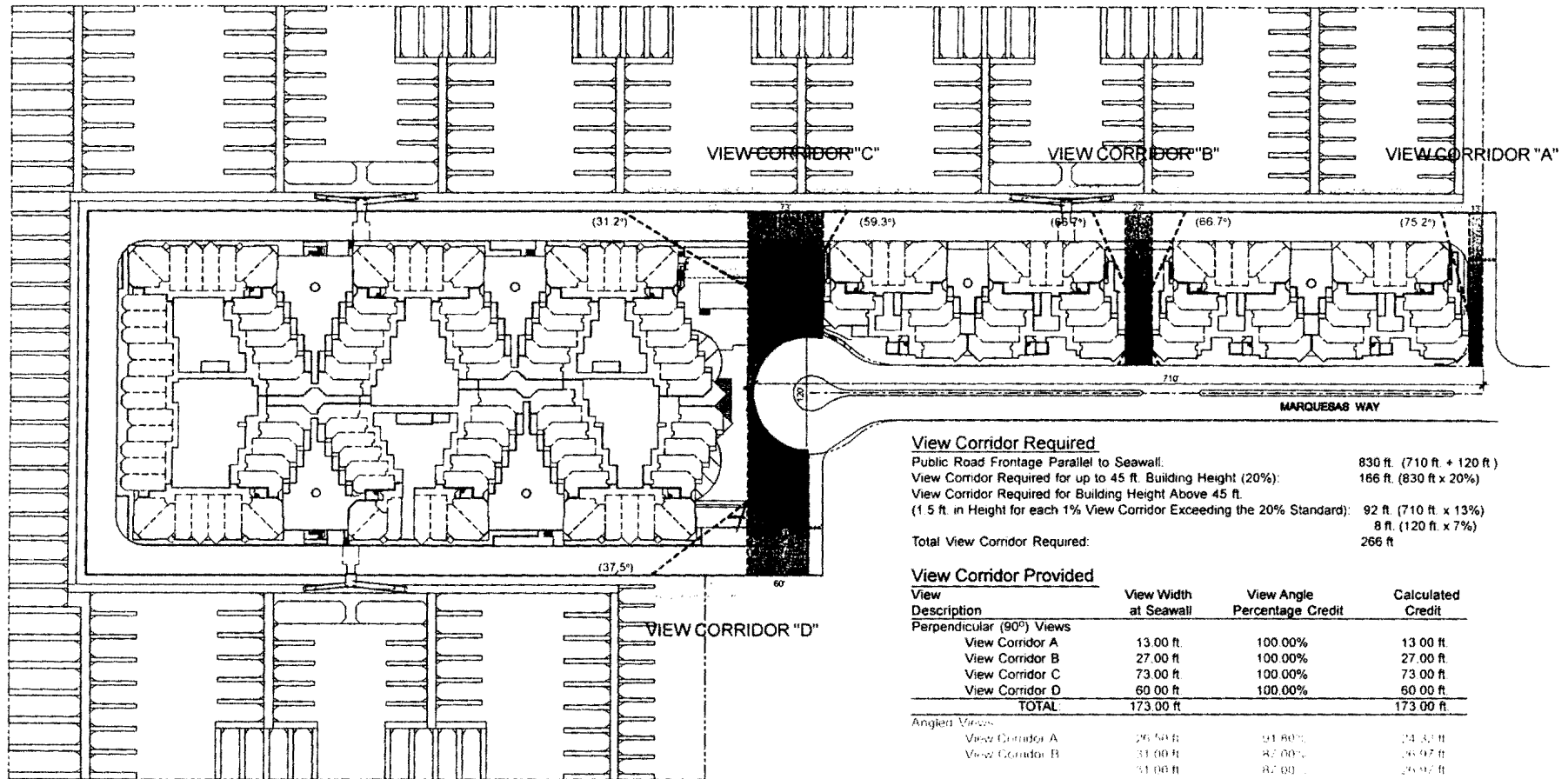
COMMERCIAL SPACE

PARKING

WATER FACILITY

COMMERCIAL SPACE

Parcel 12 Site Plan (E



View Corridor Required

Public Road Frontage Parallel to Seawall. 830 ft. (710 ft. + 120 ft.)
 View Corridor Required for up to 45 ft. Building Height (20%): 166 ft. (830 ft. x 20%)
 View Corridor Required for Building Height Above 45 ft.
 (1.5 ft. in Height for each 1% View Corridor Exceeding the 20% Standard): 92 ft. (710 ft. x 13%)
 8 ft. (120 ft. x 7%)
 Total View Corridor Required: 266 ft.

View Corridor Provided

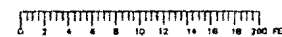
View Description	View Width at Seawall	View Angle Percentage	Credit	Calculated Credit
Perpendicular (90°) Views				
View Corridor A	13.00 ft.	100.00%		13.00 ft.
View Corridor B	27.00 ft.	100.00%		27.00 ft.
View Corridor C	73.00 ft.	100.00%		73.00 ft.
View Corridor D	60.00 ft.	100.00%		60.00 ft.
TOTAL	173.00 ft.			173.00 ft.
Angled Views				
View Corridor A	26.50 ft.	91.80%		24.32 ft.
View Corridor B	31.00 ft.	82.00%		25.42 ft.
View Corridor C	31.00 ft.	82.00%		25.42 ft.
View Corridor D	22.50 ft.	82.90%		18.65 ft.
View Corridor D	12.00 ft.	67.30%		8.11 ft.
View Corridor D	52.50 ft.	70.80%		37.17 ft.
TOTAL	328.50 ft.			244.51 ft.
View Corridor Provided:	498.50 ft.			417.51 ft.

CASE NO. 98-134

ESPRITSM
MARINA DEL REY

Exh. 6.1 #5

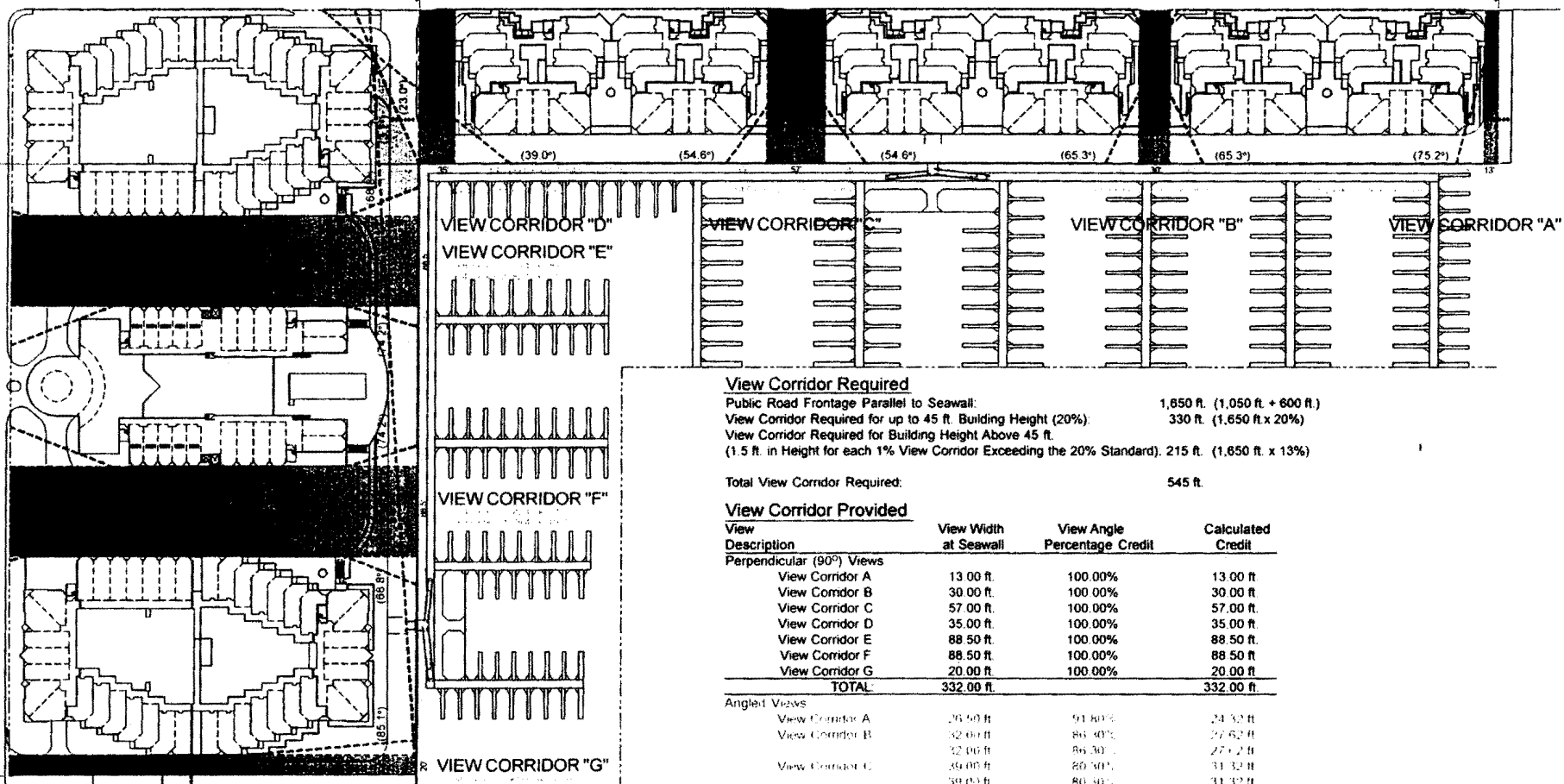
VIEW CORRIDOR STUDY Parcel 12



8.2.00
11.1.00/REVISED

VIA MARINA

PANAY WAY



View Corridor Required

Public Road Frontage Parallel to Seawall: 1,650 ft. (1,050 ft. + 600 ft.)
 View Corridor Required for up to 45 ft. Building Height (20%): 330 ft. (1,650 ft. x 20%)
 View Corridor Required for Building Height Above 45 ft.
 (1.5 ft. in Height for each 1% View Corridor Exceeding the 20% Standard): 215 ft. (1,650 ft. x 13%)

Total View Corridor Required:

545 ft.

View Corridor Provided

View Description	View Width at Seawall	View Angle Percentage Credit	Calculated Credit
Perpendicular (90°) Views			
View Corridor A	13.00 ft.	100.00%	13.00 ft.
View Corridor B	30.00 ft.	100.00%	30.00 ft.
View Corridor C	57.00 ft.	100.00%	57.00 ft.
View Corridor D	35.00 ft.	100.00%	35.00 ft.
View Corridor E	88.50 ft.	100.00%	88.50 ft.
View Corridor F	88.50 ft.	100.00%	88.50 ft.
View Corridor G	20.00 ft.	100.00%	20.00 ft.
TOTAL	332.00 ft.		332.00 ft.
Angled Views			
View Corridor A	26.50 ft.	91.80%	24.32 ft.
View Corridor B	32.00 ft.	86.40%	27.62 ft.
View Corridor C	32.00 ft.	86.40%	27.62 ft.
View Corridor D	34.00 ft.	80.60%	27.41 ft.
View Corridor E	54.00 ft.	71.70%	38.72 ft.
View Corridor F	54.00 ft.	71.70%	38.72 ft.
View Corridor G	27.00 ft.	88.20%	23.81 ft.
View Corridor F	19.50 ft.	94.20%	17.78 ft.
View Corridor G	19.50 ft.	94.20%	17.78 ft.
View Corridor G	14.00 ft.	88.30%	12.36 ft.
TOTAL	623.50 ft.	92.30%	321.23 ft.
View Corridor Provided:	955.50 ft.		653.23 ft.

CASE NO. 98-134

ESPRITSM
MARINA DEL REY

Exhibit 4C

VIEW CORRIDOR STUDY
Parcel 15

200 FEET



8.2.00
11.1.00/REVISED

12

VIEW CORRIDOR

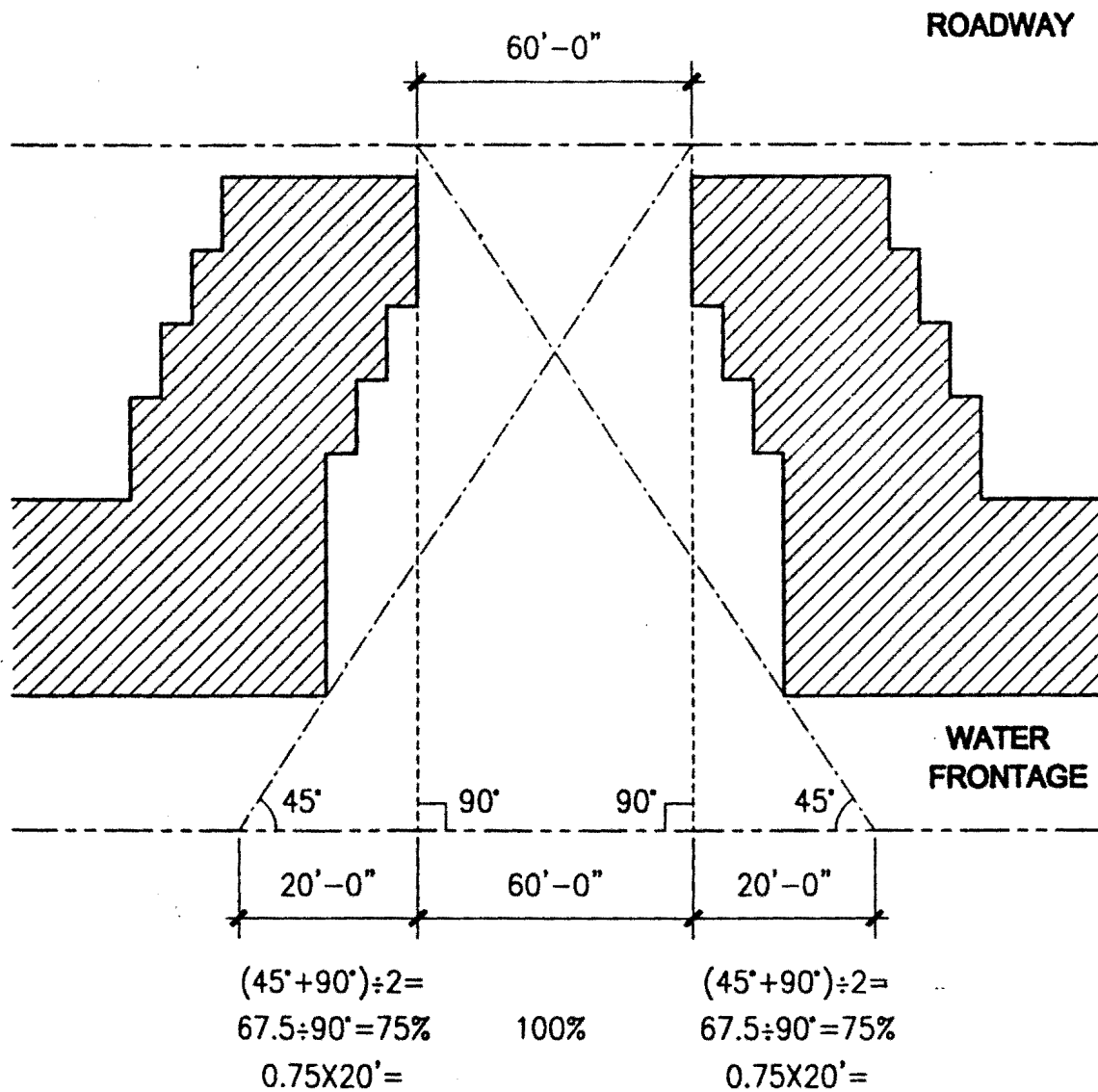
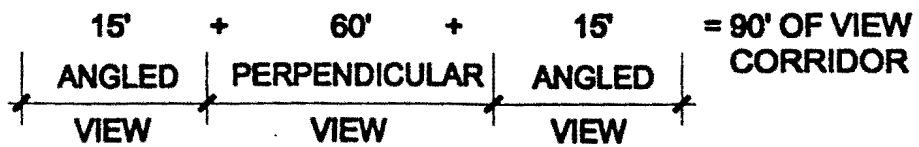


EXHIBIT NO.	7
Application Number	P-5-MDR-01.014
View Corridor	
Diagram	
California Coastal Commission	



CALIFORNIA COASTAL COMMISSION

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



January 12, 2001

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT****SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

Sara Wan
200 Oceangate, Suite 1000
Long Beach, CA 90802
(562) 590-5071

Shirley Dettlof
200 Oceangate, Suite 1000
Long Beach, CA 90802
(562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Los Angeles
2. Brief description of development being appealed: Construction of a two-phased development project, as follows: (Phase I) Parcel 12: Demolition of 120 residential units, 5,600 square feet of commercial office space; removal of 464 boat slips and construction of a 437-unit apartment complex including 35 very low-income senior citizen units; 2,000 square feet of visitor-serving commercial space; and 227 boat slips, and 969 parking space garage. (Phase II) Parcel 15: Demolition of 288 residential units, 4,400 square feet of restaurant space; removal of 253 boat slips, and construction of a 585-apartment complex including 47 very low-income senior citizen units; 8,000 square feet of visitor-serving commercial space; and 227 boat slips, and 1,271 parking space garage
3. Development's location (street address, assessor's parcel no., cross street, etc.): 13900 Marquesas Way (Parcel 12) & 4242 Via Marina (Parcel 15), Marina del Rey, County of Los Angeles
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____

Approval with special conditions: XX

Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major

EXHIBIT NO. <u>8</u>
Application Number <u>A-5-MDR-01-014</u> <u>Commission Appeal</u>
California Coastal Commission

energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-MDR-01-014

DATE FILED: January 12, 2001

DISTRICT: South Coast

5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator: _____
 - b. City Council/Board of Supervisors: _____
 - c. Planning Commission: XX
 - d. Other: _____
6. Date of local government's decision: December 6, 2000
7. Local government's file number: Case No. 98-134-(4)

SECTION III. Identification of Other Interested Persons

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

1. Name and mailing address of permit applicant:
- Marina Two Holding Partnership
C/o Mr. Doug Ring
11377 West Olympic Blvd., 8th Floor
Los Angeles, CA 90064
2. 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.
- a. Not available

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page. Please 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.)

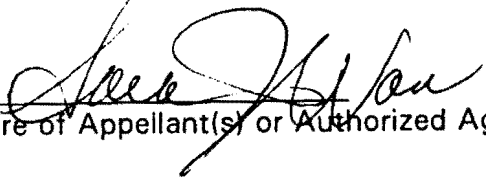
1. The certified LCP requires that new development provide view corridors with unobstructed views from adjacent public streets to the harbor. The LCP requires a minimum of 20% of the parcel's frontage to be available as a view corridor. Increased view corridors are required with each foot above the designated minimum height limit. In this particular case, since the project is exceeding the height limit a view corridor of 33% is required. Based on the County's submitted record for the County permit, the development will provide a 20% view corridor, as measured perpendicular to the frontage road. According to the County, with design modifications to the buildings, the project will provide additional angular views from the street to the water, which combined with the perpendicular measured views, the view corridor will total in excess of 33% for each parcel. The amount of credit the development received for the angular views was based on discretionary design criteria by County staff.

The LCP view policy states that views be maintained and enhanced as a priority goal of the plan. Based on the County's record it can not be determined at this time that the angular views and the County's calculations for determining the amount of credit the development received for the angular views is comparable to straight perpendicular views and will provide the public adequate view corridors from the frontage road.

2. Because of the concerns raised above relating to public views a determination of consistency for the project as it relates to the policies of the California Coastal Act and the certified LCP can not be made at this time.

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent



Date

G/Appeals/A-5-MDR-01-014

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED

South Coast Area Office Governor

JAN 16 2001

CALIFORNIA
COASTAL COMMISSION

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

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Fairwind Yacht Club
4230 del Rey Avenue #621 310 306 1116
Marina del Rey, CA 90292
attn: Dave Lumian

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Los Angeles

2. Brief description of development being appealed:

Redevelopment of Deuville Marina/Bar Harbor including elimination of boat slips

3. Development's location (street address, assessor's parcel no., cross street, etc.): Parcel 12 - 13900 Marquesas Way, Marina del Rey
Parcel 15 - 4242 Via Marina, Marina del Rey

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
b. Approval with special conditions: X - Coastal Permit 98-134-(4)
c. 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-D-014

DATE FILED: 1/16/01

DISTRICT: South Coast/Long Beach

HS: 4/88

EXHIBIT NO. 9

Application Number

A-5-MDR-CLG4

Fairwind Yacht

Club Appeal

California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

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

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
b. ☐ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: January 7, 2001

7. Local government's file number (if any): Project #98-134-(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:

Marina Two Holding Partnership c/o Mr. Doug Ring
11377 West Olympic Boulevard 8th Floor
Los Angeles, CA 90064

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) _____

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

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.)

We are concerned that the project will reduce the number of slips available to middle and lower income boaters. A survey of slip vacancies in Marina del Rey (dated December 20, 2000) is attached. It shows that there are very few slips available for rent. Eliminating many, small slips for fewer, large slips will reduce the public's access to recreational boating.

Section 30224 of the California Coastal Act is cited on page 3-1 of the Marina del Rey Land Use Plan (MDR LUP). The Act states that: "Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increased public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land."

Please see the attached statement (dated December 21, 2000).

Note: The above description 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.

SECTION V. Certification

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



Signature of Appellant(s) or
Authorized Agent

Date January 11, 2001

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 _____

Fairwind Yacht Club

4230 Del Rey Avenue #621

Marina del Rey, CA 90292

(310) 306-1116

December 21, 2000

Department of Regional Planning
Los Angeles County - Hall of Records
320 West Temple Street - Room 1348
Los Angeles, CA 90012
attn: Aaron Clark

re: PROJECT NO. 98-134-(4)]
COASTAL DEVELOPMENT PERMIT CASE NO. 98-134-(4)
CONDITIONAL USE PERMIT CASE NO. 98-134-(4)
PARKING PERMIT CASE NO. 98-134-(4)
VARIANCE CASE NO. 98-134-(4)

Dear Regional Planning Commission:

I am a member of the Fairwind Yacht Club Board of Directors. We are a nonprofit, volunteer, community, cooperative sailing association located in Marina del Rey's 'D' basin. We have provided affordable access to boats and training to families since 1966. Membership is affordable (starts at \$200 a year) and is open to the public.

We only just became aware of the above referenced project and wish to make known our concerns and comments.

We are concerned that the project will reduce the number of slips available to middle and lower income boaters. A survey of slip vacancies in Marina del Rey (dated December 20, 2000) is attached. It shows that there are only 122 slips presently vacant and available for rent. This represents a vacancy rate of just 2.5%.

Moreover, 62% of the vacant slips are in Deauville Marina. They are vacant because the management there has opted for a month to month rental and is not offering any leases as they prepare for redevelopment. If the unusual situation at Deauville Marina is removed from the survey, the overall vacancy rate drops to one percent.

At the same time middle and lower income recreational boaters are being squeezed out of Marina del Rey and denied access to the coast. Fairwind Yacht Club recently

*re: PROJECT NO. 98-134-(4)] - page 1 of 3 pages
Fairwind Yacht Club - Family Sailing Since 1966*

received a forty percent (40%) increase in its slip fees. Slip fees already represent our largest single monthly budget item. This increase threatens our survival.

Over in 'H' basin another club recently was forced to fold its operations. Having received large slip fee increases the Southern California Boat Club (SCBC) could not find an affordable home. This will mean a reduction in the activities of this club.

Cooperative clubs like Fairwind and SCBC represent a traditional option for middle and lower income families to enjoy boating and training by sharing resources at a reasonable cost.

Not only are cooperative clubs threatened by the slip shortage and escalating fees. At the same time many individual boat owners are also threatened by redevelopment plans that eliminate many small slips in favor of fewer, larger slips. Increasingly the slip fees outweigh the cost of buying and maintaining a small boat. Many small boaters simply cannot afford the high slip fees

The LA County Department of Beaches and Harbors "Response to Request for Additional Information on Marina del Rey Slip Availability" (dated September 27, 2000) is inaccurate and misleading.

The County Slip Availability report shows 497 vacancies and a rate of 10%. If the rate were that high, slips would be easy to find. However our survey, completed just yesterday, shows only 122 vacancies and a rate of 2.5%. This is an unacceptable level of slip availability.

Here's an analogy: If the housing vacancy rate were of similar proportions an emergency would be declared and any plans to demolish existing housing stock would be halted. Proposals to redevelop small houses in favor of multi-lot mansions would be rejected. Similar care should be taken during the current slip shortage with the public's access to slips.

Furthermore the County Slip Availability report draws some erroneous conclusions. Despite the fact that, according to the report, the vacancy rate in 18-35' slips is historically about the same as 35 - 50' slips, the survey targets the conversion of the smaller slips. In fact in 1999, according to the County report, vacancies in the 35-50' slips was slightly higher than in the 18-35' slips.

Reviewing the data from the last decade, one can see that the vacancy rates in the 35-50' and 51+' slips shot up sharply during the recession and only recently began to fall. Given the inevitability for an eventual economic downturn, is it really prudent to eliminate the smaller slips in favor of larger ones?

Section 30224 of the California Coastal Act is cited on page 3-1 of the Marina del Rey
re: PROJECT NO. 98-134-(4)] - page 2 of 3 pages
Fairwind Yacht Club - Family Sailing Since 1966

Land Use Plan (MDR LUP). The Act states that: "Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increased public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land."

In addition the MDR LUP on page 3-4 declares "Recreational Boating a Top Priority" and continuation of "Boating-Related Support Facilities" in MDR LUP page 3-5.

At a time of critical shortage, to replace many small slips with fewer, larger slips runs counter to the intention of both the California Coastal Act and the MDR LUP.

We urge you to preserve middle and lower income families' access to boating and the coast by maintaining the current mix of boat slips in Marina del Rey.

If, however, plans to demolish small and medium slips proceed, then we urge you to consider mitigation remedies. Here are two proposals:

1. Mitigate the damage by requiring that any developer proposing demolition of slips be required to dedicate ten percent (10%) of the new slips to cooperative, community, nonprofit clubs serving middle and low income families. The clubs would receive free slip fees for the duration of the lease with the County.
2. An alternate mitigation approach would be to charge the developers two thousand, five hundred dollars (\$2,500) for each eliminated small boat (18-35') slip. These funds should be used to help fund a Marina del Rey Community Boating Center that would provide greater access to boats and training for the public. Cooperative, community, nonprofit, volunteer boating clubs would be invited to partner in such a Center. In response to the Westside Marina del Rey RFP we are developing a proposal for a Community Boating Center.

Please contact me if you have any questions. Thank you for your consideration.

Sincerely,

David J. Lumian
Fleet Captain, Fairwind Yacht Club
attachments

cc: California Coastal Commission

re: PROJECT NO. 98-134-(4)] - page 3 of 3 pages
Fairwind Yacht Club - Family Sailing Since 1966

RECEIVED

South Coast Regional GRAY DAVIS Governor

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

JAN 18 2001
CALIFORNIA
COASTAL COMMISSION



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

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

C/o David DeLange, PhD or David Thompson
Coalition To Save The Marina
13900 Fiji Way #110 (310) 822-8838
Marinadel Rey, CA Zip 90292 Area Code Phone No.

SECTION II. Decision Being Appealed:

- Appealing: Coastal Development Permit #98-134-14 and accompanying Conditional Use, Parking & Variance Permits
1. Name of local/port government: Los Angeles County (Dept. of Regional Planning) with same number and/or Board of Supervisors.
 2. Brief description of development being appealed: Demolition of ca 420 residential units, removal of ca 71.7 boat slips, demolition of 2 office buildings. Construction of ca 1122 residential units on parcels 12 & 15. Construction of ca. 439 slips. Demolition of Restaurant.
 3. Development's location (street address, assessor's parcel no., cross street, etc.): Parcel 12 - 13900 Marguerite Way, Marinadel Rey. Parcel 15 - 4242 Via Marina, also in MDR.

4. Description of decision being appealed:

- a. Approval; no special conditions: X
- b. Approval with special conditions: _____
- c. Denial: _____

Possibly
"b" is correct MDR

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-01-014

DATE FILED: 1/17/01

DISTRICT: South Coast

H5: 4/88

EXHIBIT NO. 10
APPLICATION NO. <u>A-5-MDR-01-014</u>
<u>David DeLange</u> <u>Appeal</u>
California Coastal Commission

This was received by San Francisco on 1/17/01 and couriered to Long Beach on 1/18/01

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

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

- a. Planning Director/Zoning Administrator c. ☒ Planning Commission
b. City Council/Board of Supervisors d. Other

6. Date of local government's decision: December 6, 2000 (Reg. Planning)

7. Local government's file number (if any): _____

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:

Manna Two Holding Partnership
c/o Mr. Doug Ring, 11377 W. Olympic Blvd 8th floor
Los Angeles County, CA 90064

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) David Thompson, Coalition to Save Manna
P.O. Box 9291
Marina del Rey CA 90295
- (2) John Davis, Coalition to Save Manna
P.O. Box 9291
Marina del Rey CA 90295
- (3) Doug Ring
c/o Manna Two Holding Partnership
11377 West Olympic Blvd, 8th floor
Los Angeles, CA 90064
- (4) _____

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

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.)

Inconsistent with Section 30612 of California Coastal Act. See also Section 30108 of that Act. The violation is both procedural and substantive. Procedural because no proper process occurred to determine, "based on a preponderance of the evidence," whether or not retention of the existing structures is feasible. Violation is substantive because a preponderance of evidence will show that retention of existing structures is feasible and thus that their demolition is a violation of the Act (i.e. Calif. Coastal Act).

Project also inconsistent with Goals 34, 37, 39 & 42 of Los Angeles County General Plan. Note: The above description 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.

SECTION V. Certification

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

Coalition to Save The Marina - President David R. Thompson or

Coalition to Save The Marina (Executive Board) David De Lange, PhD

Signature of Appellant(s) or
Authorized Agent

Date 1/16/01

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 _____



Coalition to Save the Marina Inc.
C/O David De Lange, Phd
13900 Fiji Way, Apartment # 110
Marina Del Rey, CA 90292
Phone: (310) 822-8838

January 16, 2001

Mr. Peter Douglas, Director
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105-2219

RE: Following addendum to be included with Coalition to Save the Marina, Inc. Appeal to the California Coastal Commission, sent to you Fedex Overnight for arrival on January 17, 2000 by David Thompson and David De Lange, Phd. This Appeal was of Coastal Development Permit #98-134-(4) and accompanying Conditional Use, Parking and Variance Permits with same Permit number.

Dear Mr. Douglas:

As further grounds for appealing the abovementioned permits, I refer you to a section of the certified Marina del Rey Land Use Plan, Chapter 8, pp.3-4. In discussing the "Identification of reasons for Change in the Existing Marina", this LUP states:

Phase I development of the Marina is now complete. This LCP presents the next phase of development (Phase II) for the Marina in which existing uses may be recycled or intensified, and new uses may be created. The Land Use Plan for the LCP is based on the need for making necessary changes and improvements in land uses to ensure that recreational boating, visitor-serving accommodations, and other recreational and commercial facilities are made available to the public on an orderly basis. Consequently, the significant reasons for change and expansion of the existing Marina include:

Implementing objectives of the California Coastal Act. . ."

I am submitting this addendum, because it clearly shows that the violations included in the Appeal just sent to you by this writer and David Thompson relate to an "allegation that the development does not conform to the standards set forth in the certified local coastal

program. ..." (Pub. Res. Code Section 30603 (b))

In other words, the quotation above from the LUP states that the LUP must implement the objectives of the California Coastal Act (CCA) in its current Phase II development plans, and one of those CCA objectives is cited in Section 30612 of that Act. This cited section 30612 is the central basis of the above referenced Appeal. Thus the Marina del Rey LUP is subjecting itself to the principle that a structure in the Coastal Zone cannot be demolished if retention of that structure is feasible.

Sincerely,



David De Lange, PhD
Executive Board of Coalition to Save the Marina

This is a certified fax transmission by David De Lange

David De Lange 1/17/01

CALIFORNIA COASTAL COMMISSION

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

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

JAN 17 2001

CALIFORNIA
COASTAL COMMISSION

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

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

The Coalition to Save the Marina Inc.
P.O. Box 9291
Marina del Rey CA 90295 (310) 572-6477
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Los Angeles2. Brief description of development being appealed: Redevelopment in Marina del Rey
County Project # 98-139-(4)3. Development's location (street address, assessor's parcel no., cross street, etc.): Parcel 12 13900 Marquessas Way
Both in Marina del Rey CA Parcel 15 4242 Via Marina

4. Description of decision being appealed:


- a. Approval; no special conditions: _____
- b. Approval with special conditions: ✓
- c. Denial: ~~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-01-014DATE FILED: 1/17/01DISTRICT: South Coast

H5: 4/88

EXHIBIT NO. 11
APPLICATION NO.
<u>A-5-MDR-01-014</u>
<u>John Davis Appeal</u>
 California Coastal Commission

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.)

See Attachments

Note: The above description 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.

SECTION V. Certification

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

John Davis
Signature of Appellant(s) or
Authorized Agent

Date 1/16/2000

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

Section VI. Agent Authorization

I/We hereby authorize John Davis U.P. to act as my/our representative and to bind me/us in all matters concerning this appeal.

Coalition to Save the Marina.
Signature of Appellant(s)

Date 1/16/2000

John Davis Vice Presid

Coalition to Save the Marina Inc.
P.O. Box 9291
Marina Del Rey CA 90295
Phone: (310) 572-6477
Web Site: SaveTheMarina.Com
E-Mail: info@savethemarina.com

January 17, 2001

Attachments for Appeal to Marina Two LLP
Coastal Development Permit

The proposed development is not in conformance with the following California Coastal Act Sections, ~~XXXXXX~~

Housing

30007 Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low and moderate income housing, replacement housing, relocation benefits, or any other obligation related to housing ~~imposed~~ ^{imposed} existing law or any law hereafter enacted.

Housing is not a priority in Marina del Rey according to the LCP. The applicant is not providing housing for low and moderate-income families but only low to moderate Senior housing. The applicant is not providing for low and moderate income housing for families as required by the State Planning and Zoning Law. Reference; Article 10.7 Low-Moderate-Income Housing within the Coastal Zone. The sole purpose of excluding families is so the applicant can segregate the seniors in the Building. Also, the senior units being offered are very small in comparison to the apartments of current seniors. The LCP requires that the existing structures be either economically or physically obsolete ~~which~~ neither of which is the case with Bar Harbor, or Duaville Marinas.

Public Participation

30006 The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; That achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

The Los Angeles County Regional Planning Commission received new evidence after the close of the Public Hearing regarding soil toxicity ~~100~~ ¹⁰⁰. As a result the public was excluded from commenting upon evidence the Commission considered in making their decision. Documents included in the Draft Environmental Impact Report noted levels of deadly Hydrogen Sulfide gas at levels of 11.8ppb which is above safe chronic exposure as noted by

the Office of Health Hazard Assessment in early 2000. The County ignored recommendations from the Department of Toxic Substance Control. Methane was also detected. The Draft EIR states that vapor retarding membrane barriers will not work due to the high water table.

Therefore, the Department of Toxic Substances has suggested that a certain methodology be used in determining if the parcel is safe for humans. Two Regional Planning Commissioners felt this was the proper course. They were promptly replaced. *The applicant submitted fraudulent soil testing results in the draft EIR - in the appendices - Hazards the test for hydrocarbon analysis submitted was from a project at Casitas Pass.*

3006.5 Sound and timely scientific recommendations for coastal planning - requires interaction with academic communities in physical and natural sciences - especially with regard to issues such as coastal erosion and geology, marine biodiversity, wetland restoration, the question of sea level rise, desalination plants, and the cumulative impact of coastal zone developments.

3025 3 of the Coastal Act states: New development shall:

A. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

B. 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 landforms along bluffs and cliffs.

Considering the fact that the project is proposed in a Seismic Hazard Zone, in a filled area, atop the active Playa del Rey Oil Field, on top of the Southern California underground gas storage facility, and is located in a tsunami inundation zone according to L.A. County maps, recently completed in November of 2000. The Commission should consider the wisdom of placing even more people and property in harm's way. The Marina is also at further risk due to the sloshing effect after a Tsunami and from the threat of several active offshore and on shore faults. Recent evidence gathered by scientists at the University of Southern California indicate that Santa Monica Bay is at moderate to high risk of a tsunami event.

If local submarine canyons slumped due to shaking from on or off shore quakes, coastal areas in Santa Monica Bay could be vulnerable to a fifty-foot wave. The Coalition is sending a videotape to the Commission as evidence. In the Commission's denials and approvals for amendments to the Marina del Rey Local Coastal Program, Staff noted the extreme damage done to a mole road in nearby King Harbor noting that it did not have a large residential structure on the site. Over three million dollars in damage resulted.

according to USC Scientists,

The hydrological character of all of the surrounding parcels and private property in Marina del Rey would be altered in unpredictable ways as the parcels simultaneously begin developing *and begin* ~~and~~ the de-watering process. The seawalls are not sufficient to support large structures in large earthquakes. The Marina City Club sank and had to be re-leveled due to subsidence, a common occurrence of settling of soils in oil fields. When structures and pilings subside, pockets can fill with explosive methane. The site is less than 200 ~~yards~~ ^{feet} from an abandoned oil well. The Structure of the Playa del Rey Oilfield clearly shows faults under the marina. ~~The postulated Lincoln Blvd. Fault exists less than one mile north of the marina.~~ The Applicant has not met the requirements of the Seismic Hazard Mapping Act. The County Department of Regional Planning is not using the Seismic Hazard Report for the Venice Quadrangle to determine if the project is safe choosing instead to use old county data. The Department of Regional Planning must according to CEQA, consult all available relevant materials in considering development. Local Agency's issuing permits for structures for human occupancy located in a Seismic Hazard Zone are **governed by Public Resources Code, Chapter 7.8, Division 2 "Seismic Hazard Mapping Act"** Neither the Applicant nor Local Agency has considered newly mapped active faults directly offshore including blind thrust faults in evaluating the project for safety. Furthermore, the applicant has not evaluated the danger of a highly active fault 2 miles NW of Marina del Rey that issued a magnitude 5+ earthquake in 1989 or active offshore faults in the Palos Verde Fracture Zone. Furthermore, the applicant and Local Agency have not evaluated the threat posed to the proposed project by the active San Clemente Fault, Malibu Fault, Catalina Fault, Santa Barbara Fault, Santa Rosa Fault or faults in the Aleutian Islands, all of which are Tsunamigenic in nature. The most recent predictions made by researchers at Cal State indicate that this area is at moderate to high risk of Tsunami. Furthermore, the Southern California Coast has a long history Tsunamis and the data is available from the State Office of Emergency Services. Los Angeles County Tsunami inundation maps were revised in November 2000, but neither the Applicant nor the Local Agency have used this information in evaluating the project for human safety. The applicant has not utilized the Continental Margin Maps issued by the Department of Conservation or the Southern California Sheet (fault map) in considering the proposed project as it relates to human safety. The applicant has not proved that the Charnock Fault or postulated Lincoln Blvd. Fault do not exist. The applicant has not considered the magnitude 3.3 earthquake ID: 9564425 that occurred on 9/16/200 with an epicenter located at Latitude =N33.98. Longitude=W118.42. This quake indicates that the Charnock fault should be considered active.

~~note:~~ Page

Cumulative Effects

30105.5 "Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Commission must consider all of the proposed and existing projects in the area as they relate to geologic safety, wind shadows affecting sailors, wildlife (the marina contains an Environmentally Sensitive Habitat Area in Area A). Area A was part of the Certified Local Coastal Program and Land Use Plan in with an effective date in 1991. It was part of the certified Land Use Plan prior to being certified as part of the LCP. The amount of open space is insufficient and is proposed for further reduction. The applicant has not paid it's fair share into the Coastal Improvement Fund nor has it paid the necessary amounts to the Traffic Improvement Fund. The projects when combined will introduce air pollution into a recreational area originating from dust, diesel exhaust from construction, and drain contaminated runoff from

Increased impermeable surfaces. The car trip allocations the project requires have already been used by the Regatta High-rise on Lincoln, The Costco Store, the new condo development near the marina on Lincoln at the former GTE site and other projects not considered in the applicants traffic studies. The Commission must not endorse the reduction of public trust lands met to be shared by low to high-income level ^{persons}. Existing and new residents to Los Angeles County need open space and recreational opportunities on the Coast. Marina del Rey is an "impacted" waterway and any further contamination of the harbor would be in violation of the Clean Water Act.

Boating

30220

The applicant has not proved that there are available volumes of water to support the proposal. This is a requirement of the Coastal Act. There are currently 6200 existing residential units in MDR - this exceeds the number of boat slips available.

The proponent proposes to demolish hundreds of boat slips and remove recreational boater parking and incorporate it into the residential proposal. Additionally, the applicant proposes to use the automobile trip allocations reserved for the boating public and to transfer them to the residential project. The Applicant has maintained the anchorage in an unsafe condition for years. On August 20, 2000 a man fell off of the one of these docks and drowned. As neighbors attempted to lift the heavy man out of the water the dock listed (leaned) so much that five people had to stand on the other side of the dock to balance it during the extraction. This dock had been fitted with illegal flotation and was rotten and termite infested.

The addition of and additional 2,420 dwelling units would contradict the primary purpose of the small craft harbor. In granting additional dwelling units above the 6200 existing units, the intent and purpose of the public trust lands would be altered.

This is only one example of the many safety deficiencies that the Lessee fails to fix and the Department of Beaches and Harbors fails to enforce. The applicant has been ~~immediately~~ notified by the Department of Beaches and Harbors of the safety deficiencies. The Department of Beaches and Harbors is obligated to issue letters to the Lessee requiring them to repair all safety related deficiencies which Department Inspectors have noted. Letters have been sent to the applicant in early 2000 and the applicant has failed to respond. The Lessee is required to respond immediately to the notification from the County to cure. The Lessee has not ~~responded~~ *cured* the deficiencies noted by the County. The County is required to effect the needed repairs if the Lessee fails to respond immediately to protect public safety. The County is also required to charge the Lessee for the repairs and one thousand dollars per violation. This information can be verified by inspecting the current lease between the County and the Applicant. The County does not enforce safety standards and allow the Lessees to keep maintenance money that should be allocated for dock repairs. This is a win win for Lessees considering they can then claim that the only alternative to repair the docks is to replace them. Only contractors with specific licenses are permitted to repair the docks. The County is permitting Lessees to use unqualified contractors to repair the docks. Page 3-4 of the Certified Land Use plan section E item one describes boat slips as a boating support facility. Page 3-5, Boating -Related Support Facilities, item 3 states that "at minimum the existing level of boating -related support facilities and services shall be maintained for the boating public". Boater parking is also protected. *The removal and reduction of the number of boat slips and related parking requires an amendment to the Local Coastal Program. The applicant has conducted development without a Coastal Development Permit. The applicant has submerd structures in the harbor next to parcel F. F.*

In the Coastal Commission Document:

Marina del Rey, Los Angeles County LCP amendment 1-94 V. Findings for Denial of LCP amendment and Approval of LUP an implementing Ordinances with Suggested Modifications

Reference Pages for Findings on many of the same questions being asked about marina devlopment and why it has been preserved as a small craft harbor for the benefit of all income level persons in the County of Los Angeles

23 - 24 - 26 - 25 - 32 - 35 - 37 - 51 - 69 - 74 - 95 - 96

**Coastal Act Sections cited below are not consistent with the applicants proposed uses
Furthermore, the applicant is not currently maintaining a safe anchorage...**

**30220
30223
30222
30252
30213
30211
30210
30001.5c
30212
30214
30252
30254
30251
30253
30230
3023
30250
30253**

**The proposal is inconsistent with the codes sited below.
The applicant is not maintaining safe docks and some of the following codes apply to this
issue.**

**Marina Del Rey
Local Implementation Program
Appendices**

County Codes Sited

**19.12.1200
22.52.1083
22.52.1084
22.52.1085
22.52.1175
22.56.360
22.56.1020
22.26.1140
22.56.2320**



Los Angeles County
Department of Regional Planning
Director of Planning James E. Harth, AICP



December 7, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marina Two Holding Partnership
c/o Mr. Doug Ring
11377 West Olympic Blvd., 8th Floor
Los Angeles, California 90064

**RE: COASTAL DEVELOPMENT PERMIT NO. 98-134-(4)
CONDITIONAL USE PERMIT NO. 98-134-(4)
PARKING PERMIT NO. 98-134-(4)
VARIANCE NO. 98-134-(4)**

- PROJECT NO. 98-134-(4) -

Property address: Parcel 12 - 13900 Marquesas Way, Marina del Rey;
Parcel 15 - 4242 Via Marina, Marina del Rey

Gentlemen:

Public hearings regarding Project No. 98-134-(4) were held before the Regional Planning Commission on June 21, 2000, July 12, 2000, August 14, 2000, August 23, 2000, and October 11, 2000.


After considering the evidence presented, the Regional Planning Commission, in its action on December 6, 2000, approved the subject coastal development permit, conditional use permit, parking permit and variance in accordance with Los Angeles County Code Title 22 (Zoning Ordinance).

The action on the coastal development permit authorizes the construction of a two-phase development project, as follows:

• **Phase 1 (Parcel 12):**

Demolition of 120 residential units located on the 30+ year old "Deauville Apartments" site (Parcel 12); removal of 464 boat slips within the adjacent "Deauville Marina"; and demolition of 5,600 square feet of commercial office space (in two buildings).

Construction of a 437-unit apartment complex (35 units designated for very low-income senior citizens); construction of 969 garage parking spaces; construction of 227 boat slips; and construction of 2,000 square feet of visitor-serving commercial space.

EXHIBIT NO. 12
APPLICATION NO. A-5-MDR-01-014
County Staff Report
 California Coastal Commission

- **Phase 2 (Parcel 15):**

Demolition of 288 residential units located on the 30+ year old "Bar Harbor Apartments" site (Parcel 15); removal of 253 boat slips within the adjacent "Bar Harbor Anchorage"; and demolition of a 4,400 square foot restaurant.

Construction of a 585-unit apartment complex (47 units designated for very low-income senior citizens); construction of 1,271 garage parking spaces; construction of 212 boat slips; and construction of 8,000 square feet of visitor-serving commercial space.

The action on the **conditional use permit** authorizes the following uses in the Residential IV Local Coastal Plan (LCP) land use category:

- grading project involving off-site transport of more than 100,000 cubic yards of excavated material;
- on-site grading project;
- parking for boating-related uses;
- visitor-serving commercial uses;
- installation of signs as provided in Los Angeles County Code, Title 22 (LACC) 22.46.1060 and Part 10 of Chapter 22.52; and
- residential density bonus for the provision of 10% very low-income senior citizen housing as provided in LACC 22.56.202.

The action on the **parking permit** authorizes up to forty percent (40%) compact parking spaces on Parcels 12 and 15 for the proposed residential units and guest parking.

The action on the **variance** authorizes the following variances from standards:

- 55-foot building heights on mole terminus portion of Parcel 12 (45 feet maximum permitted); and
- front and rear yard setbacks of less than 10 feet on portions of Parcel 12 and Parcel 15.

Your attention is called to the following:

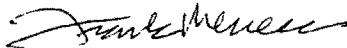
1. Condition no. 2 of the attached conditions of approval for the Project provides that the permit shall not become effective for any purpose until the applicant *and* the owner of the property involved, or their duly authorized representative, have filed at the office of the Department of Regional Planning the affidavit stating that they are aware of and accept all the conditions of the permits.
2. Condition no. 5 of the attached conditions of approval for the Project conveys limitations of the grant.
3. During the 15-day period following your receipt of this letter, the Regional Planning Commission's action regarding the coastal development permit may be

appealed by you or **ANY OTHER INTERESTED PERSON** to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Prospective appellants should contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. **The appeal must be postmarked or delivered in person within 15 calendar days after the applicant signs the certified mail receipt accompanying this notice.**

If you have any questions regarding this matter, please contact Aaron Clark of the Zoning Permits Section of the Department of Regional Planning at (213) 974-6383, Monday through Thursday, 7:30 a.m. to 5:30 p.m. Our offices are closed on Fridays.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning



Frank Meneses
Supervising Regional Planner
Zoning Permits Section

FM:AC

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

- c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Department of Beaches and Harbors (Director); Zoning Enforcement; California Coastal Commission (c/o Ms. Deborah Lee, Deputy Director); testifiers.

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION

COUNTY OF LOS ANGELES

COASTAL DEVELOPMENT PERMIT CASE NO. 98-134-(4)

CONDITIONAL USE PERMIT CASE NO. 98-134-(4)

PARKING PERMIT CASE NO. 98-134-(4)

VARIANCE CASE NO. 98-134-(4)

[PROJECT NO. 98-134-(4)]

COMMISSION HEARING DATES:

June 21, 2000; July 12, 2000; August 14, 2000; August 23, 2000; October 11, 2000

SYNOPSIS:

The applicant, Marina Two Holding Partnership, has requested a coastal development permit, conditional use permit, variance, and parking permit to authorize the two-phase land- and water-side redevelopment of Parcels 12 and 15, Marina del Rey (Marina). The subject property is located at 13900 Marquesas Way (Parcel 12) and 4242 Via Marina (Parcel 15), Marina del Rey.

PROCEEDINGS BEFORE THE COMMISSION:

June 21, 2000 Initial Public Hearing

A duly noticed public hearing was held. All Commissioners were present. Seven persons were sworn and testified: the applicant, his architect, and five persons testifying in opposition. Staff presented a detailed description of the applicant's development proposal. Following staff's presentation, the applicant and his architect gave testimony in support of the project and answered questions posed by the Commission. Five community members next presented a number of their concerns, including perceived inadequacy of the environmental review conducted for the project, traffic and view impacts, parking inadequacy, methane gas and seismic hazards associated with the project, wildlife habitat impacts, water quality impacts, and the proposed boat slip reduction. Following this opposition testimony, the Commission continued the public hearing to July 12, 2000.

July 12, 2000 Continued Public Hearing

A continued public hearing was held. All Commissioners were present (First District Commissioner Valadez was in attendance). Eleven persons were sworn and testified, all in opposition to the project. Individuals testifying in opposition reiterated concerns related to the perceived inadequacy of the environmental document prepared for the

project, traffic and view impacts, parking inadequacy, methane gas and geotechnical hazards, wildlife habitat impacts, water quality impacts, and the proposed boat slip reduction. Opposition comments also included perceived inadequacies in the provision of boater support facilities and the reduction of public open space that would result from project development. Following this opposition testimony, the Commission directed the applicant and County staff to investigate numerous project-related issues, and to report back to the Commission at the August 14, 2000, continued public hearing for the case.

August 14, 2000 Continued Public Hearing

This public hearing was canceled due to the lack of quorum, and was continued to August 23, 2000.

August 23, 2000 Continued Public Hearing

A continued public hearing was held. Four Commissioners were present (Commissioner Campbell was absent). One person, the applicant, was sworn and testified. The applicant responded to Commission questions related to the requested density bonus. Following the applicant's testimony, the Commission directed the applicant to make substantial project design revisions, and continued the public hearing to October 11, 2000.

October 11, 2000 Continued Public Hearing

A continued public hearing was held. Four Commissioners were present (Commissioner Pederson was absent; Third District Commissioner Helsley was in attendance). Nine persons were sworn and testified: the applicant, four of the applicant's agents, the director of the County Department of Beaches and Harbors, and three individuals speaking in opposition. Staff began with an overview of project plans and correspondence received since the previous public hearing. Following staff's presentation, the applicant and his agents answered questions posed by the Commission relating to the project redesign. The director of the County Department of Beaches and Harbors next presented testimony in support of the project, clarifying information regarding the applicant's requested density bonus and addressing boat slip vacancy and boat storage trends in the Marina. Three community members followed with opposition testimony, reiterating concerns related to methane gas and seismic hazards, and addressing perceived inadequacies in the project's provision of boater support facilities, as well as negative project impacts related to congestion, pollution, traffic, and the proposed boat slip reduction.

There being no further testimony, the Commission closed the public hearing, directed the applicant and County staff to provide additional clarifying information on issues raised during the opposition testimony, and scheduled the item for discussion and possible action at its November 8, 2000, regularly scheduled meeting.

November 8, 2000 Regional Planning Commission Item for Discussion and Possible Action

The case was placed on the November 8, 2000, Regional Planning Commission Agenda as an Item for discussion and possible action. Four Commissioners were

present (Commissioners Valadez was absent). No persons were sworn. The Commission, by a 4-0 vote (Commissioners Vargo, Campbell, Pederson, and Helsley voting their intent to approve, Commissioner Valadez being absent), directed staff to return with the final environmental documentation for the Project and to prepare findings and conditions for approval of the subject coastal development permit, conditional use permit, parking permit, and variance.

REGIONAL PLANNING COMMISSION FINDINGS

1. The applicant, Marina Two Holding Partnership, proposes a two-phase redevelopment of land- and water-side uses on Parcels 12 and 15 of the Marina del Rey Local Coastal Program (certified LCP) as more specifically defined in the Project Description and Revised Project Description contained in the Final Environmental Impact Report for the Project ("Project"). The Project site consists of 18.3 acres on the landside and 17 acres on the waterside. Both parcels combined are currently improved with 408 market-rate residential units, 10,000 square feet of commercial space and 717 boat slips. The Project will consist of 1,022 residential units (82 of which will be designated as very low-income senior citizen units), 10,000 square feet of visitor serving commercial space, 439 boat slips and 2,240 garage parking spaces.
2. Phase 1 of the Project will occur on certified LCP Parcel 12, which is located on the Marquesas Way mole road. Parcel 12 is currently developed with 120 residential apartments, an anchorage containing 464 slips located in Basins, B, C and the main channel, and two commercial structures totaling 5,600 square feet of office space.
3. The landside component of the Project for Parcel 12 consists of 437 residential units (35 of which will be designated as very low-income senior citizen units) in two residential buildings which will be constructed over two-level parking garages collectively containing 969 parking spaces, and 2,000 square feet of visitor serving commercial space. Waterside development proposed for Parcel 12 includes a contemporary 227-slip anchorage with associated boating facilities. Parking for residents and the visitor serving commercial and boating uses are contained in the parking garages.
4. Phase 2 of the Project will occur on certified LCP Parcel 15. The parcel occupies land that fronts on Panay Way and Via Marina adjacent to Basin C of the small craft harbor. Parcel 15 is currently developed with 288 residential apartments, an anchorage containing 253 boat slips located in Basin C and one visitor serving commercial building consisting of 4,400 square feet of space.
5. The landside component of the Project proposed for Parcel 15 includes 585 residential units (47 of which will be designated as very low-income senior citizen units) in two residential buildings, which will be constructed over two-level parking garages containing a total of 1,271 parking spaces. 8,000 square feet of

supporting visitor serving commercial uses are also proposed for Parcel 15. Waterside development includes a contemporary 212-slip anchorage with boating facilities. Parking for residents, visitor serving commercial and boating uses are contained in the parking garages.

6. The subject property is located within and adjacent to the Marina del Rey Small Craft Harbor and is in an unincorporated area of the southwestern portion of the County of Los Angeles ("County"). The County maintains and operates approximately 400 acres of land dedicated to public use for roadways, parks, fishing docks, boat docks, walkways, piers and channels. Land surrounding the small craft harbor is leased by the County to various individuals and entities through long-term ground leases.
7. The subject property is zoned Specific Plan (SP) as provided in Part 3 of Chapter 22.46 of the County Planning and Zoning Code (the Marina del Rey Specific Plan).
8. Parcel 12 is located within the Marquesas Development Zone (DZ) of the certified LCP. The DZ is designated Residential IV, allowing a density of up to 45 dwelling units per acre. Additional land uses allocated to the Marquesas DZ by the certified LCP which have been neither approved nor constructed, are 320 dwelling units, 15,000 square feet of visitor serving commercial space, and 76 boat slips. Parcel 12 is also within the Waterfront Overlay Zone (WOZ) (Los Angeles County Code (LACC) Section 22.46.1700-1730), which permits hotels, visitor serving commercial, open space, boat storage and marine commercial, in addition to uses allowed in the underlying zone. Parcel 12 is further within the Water category (LACC Section 22.46.1660-1690), which permits boat docks and wet slips, in addition to other uses.
9. Parcel 15 is located within the Panay DZ of the certified LCP. The DZ is designated Residential IV, allowing a density of up to 45 dwelling units per acre. Additional land uses allocated to the Panay DZ, which have been neither approved nor constructed, are 182 dwelling units, 10,000 square feet of visitor serving commercial space, and 76 boat slips. Parcel 15 is also within the Waterfront Overlay Zone (WOZ) and Water land use categories of the Specific Plan.
10. A Final Environmental Impact Report for the Project has been prepared in accordance with the California Environmental Quality Act (CEQA), the State Guidelines (CEQA Guidelines) and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles (County CEQA Guidelines). The Final Environmental Impact Report consists of the Draft Environmental Impact Report, the Technical Appendices to the Draft Environmental Impact Report, and the Final Environmental Impact Report including Responses to Comments (collectively referred to as the "FEIR.") A Mitigation Monitoring Plan consistent with the conclusions and recommendations of the FEIR has been prepared and its requirements have been incorporated into

the conditions of approval for this Project. The Regional Planning Commission (Commission) has independently reviewed and considered the FEIR, and it reflects the independent judgment of the County. As stated in the FEIR and the Findings of Fact and Statement of Overriding Considerations regarding the Final Environmental Impact Report, the Project will result in unavoidable potentially significant Project impacts on noise, air quality (construction phase only), visual qualities (project impact only), and solid waste (project and cumulative impact). Such impacts, while potentially significant, have been reduced to the extent feasible and the Commission finds that the benefits of the proposed Project outweigh these unavoidable adverse impacts. Such unavoidable adverse impacts are determined to be acceptable based upon the overriding considerations set forth in the Statement of Overriding Considerations for the Project.

11. The Findings of Fact and Statement of Overriding Considerations regarding the FEIR which have been prepared for the Project are incorporated herein by this reference as if set forth in full.
12. Coastal Development Permit No. 98-134-(4) will ensure the Project complies with applicable policies of the Marina del Rey Land Use Plan and with the Marina del Rey Specific Plan (which together serve as the certified Marina del Rey Local Coastal Program) and policies of the California Coastal Act. The Coastal Development Permit is required to authorize the following two-phase Project in a manner compatible with the policies of the Marina del Rey Land Use Plan and the requirements of the Marina del Rey Specific Plan: **Phase 1:** Demolition of 120 multi-family residential units on Parcel 12, known as the "Deauville Apartments" site; removal of 464 boat slips within the area known as "Deauville Marina"; demolition of 5,600 square feet of commercial space in two buildings; construction of 437 multi-family dwelling units (35 which will be designated as very low-income senior citizen units) in two residential buildings; construction of 969 garage parking spaces; construction of 227 boat slips; and construction of 2,000 square feet of visitor serving commercial space. **Phase 2:** Demolition of 288 multi-family residential units on Parcel 15, known as the "Bar Harbor Apartments" site; removal of 253 boat slips within the area known as "Bar Harbor Anchorage"; demolition of a 4,400 square foot restaurant; construction of 585 multi-family dwelling units (47 which will be designated as very low-income senior citizen units) in two residential buildings; construction of 1,271 garage parking spaces; construction of 212 boat slips; and construction of 8,000 square feet of visitor serving commercial space.
13. Conditional Use Permit 98-134-(4) will authorize on-site grading and grading involving off-site transport of more than 100,000 cubic yards of excavated materials, parking for boating-related uses, a residential density bonus for the provision of 82 units of affordable housing for very low-income senior citizens, development of 10,000 square feet of visitor-serving commercial space uses, and installation of signs.

14. Parking Permit No. 98-134-(4) will allow for up to forty percent (40%) compact parking spaces on Parcels 12 and 15 for the proposed residential units and guest parking. The Project proposes residential compact parking spaces that are 8½' x 17' in size, which, in relative terms, is significantly larger than the 8' x 15' standard required for compact parking spaces in LACC.
15. Variance No. 98-134-(4) will modify development standards on Parcel 12 to provide for a fifty-five foot (55') building height at the end of the Marquesas Way mole road, and front and rear yard setbacks of less than ten feet (10') on portions of Parcels 12 and 15 (including promenade setbacks). The Marina del Rey specific Plan, LACC 22.46.1290, requires front and rear yard setbacks to be a minimum of ten feet, in addition to the required highway and promenade setbacks. LACC 22.46.1070 specifically provides for variances from such development standards pursuant to appropriate application and circumstances.
16. Land use categories in the vicinity of Parcels 12 and 15 include Residential III, providing for a density of up to 35 units per acre, Residential IV, providing for a density of up to 45 units per acre, Residential V, providing for a density of up to 75 units per acre; Marine Commercial; and Parking.
17. The residential density and commercial space provided within each parcel will not exceed the maximum amounts allowed by the Project zoning and the density bonus provisions of the County Code relating to the provision of affordable housing (LACC 22.56.202). The Project provides visitor serving commercial uses in conformance with "Recreation and Visitor Serving Facilities" policies contained in Chapter 2 of the Marina del Rey Land Use Plan.
18. Parcel 12 consists of relatively flat ground that slopes gently to the southeast towards the adjacent small craft harbor. Elevations on Parcel 12 range from 6.5 feet above MSL adjacent to the seawall to 9.0 feet above MSL. Parcel 15 also slopes downward towards the east meeting relatively flat ground adjacent to the small craft harbor. Elevations on Parcel 15 range from 16.5 feet above MSL on the "pan" portion of the Project site at Panay Way and Via Marina to 6.5 feet adjacent to the seawall.
19. The landside portion of the Project site is completely developed, and there is no habitat present on the site that can support special status plant or animal species that are known to occur in the general area. The small craft harbor, which encompasses the waterside portion of the property, supports many species common to shallow-water embayments and is considered a fish nursery and a likely least tern and brown pelican foraging site despite pollution problems created by storm drain outfalls and boat maintenance and operation.
20. The area on which the Project site sits is highly urbanized. Parcel 12 is surrounded by the small craft harbor on three sides, Basin C to the north, the main channel to the east and Basin B to the south. Residential uses are located to the west. The character of existing development on Marquesas Way adjacent

to Parcel 12 is multi-story residential apartment buildings; apartment buildings to the north and west of the subject parcel on Marquesas Way. Immediately north of Parcel 15 is the Racquetball and Fitness building along with the Holiday Harbor Marina building, and a public parking lot serving the adjacent Mothers' Beach. East of Parcel 15 is a restaurant and associated parking, while public parking facilities are located to the south; Basin C of the small craft harbor is located to the south and east. Residential uses are located to the west of Parcel 15 across Via Marina. A newly constructed, multi-story residential apartment, developed with reduced yard setbacks similar to those proposed under the Project, is located adjacent and to the easterly of Parcel 15.

21. Vehicular access to and from the development on Parcel 12 will be taken from five locations. Three points of vehicular access occur along Marquesas Way. Two other points of access are located within the cul-de-sac at the end of Marquesas Way. Access to the waterfront is via a 28-foot landscaped public pedestrian promenade oriented along the waterside perimeter of the site.
22. Vehicular access to and from the development on Parcel 15 will be taken from seven locations. Two points of access are located off Via Marina. The remaining points of access are located along Panay Way. Access to the waterfront is via a 28-foot landscaped public pedestrian promenade that is proposed along the waterside perimeter of the site.
23. The proposed residences are all multi-family units. The units generally range in size from 575 square feet to 1,913 square feet with two units proposed for 3,099 square feet.
24. Consistent with Sections 30210-30212 of the California Coastal Act and Chapter 1 ("Shoreline Access") of the Marina del Rey Land Use Plan, the Project provides public pedestrian access and ensures passive recreational uses to and along the waterfront of Parcels 12 and 15. The Project incorporates a 28-foot wide public pedestrian promenade located along the entire waterfront perimeter of the Project. The overall length of the promenade is approximately 4,050 linear feet. In furtherance of these important shoreline access policies, coastal access signage will also be provided immediately adjacent to three special color-patterned paved walkways on each parcel linking the public roadway with the pedestrian promenade. In total, approximately 3 acres of the Project's 18.3 acres of land are provided for public pedestrian access to the Project's waterfront.
25. To improve public access and visibility, the proposed visitor serving commercial facilities on Parcel 12 have been relocated, as directed by the Commission, from the residential lobby (as provided in the original application) to a location fronting to the public promenade. Access is provided directly from both the promenade and the public parking area located immediately adjacent to the commercial space.

26. Demolition of the existing landside uses will require the off-site export of approximately 66,100 cubic yards of debris, while demolition of the waterside uses will require off-site export of another 13,000 cubic yards of debris. Grading activity associated with the Project will require excavation of approximately 160,000 cubic yards of earth, which will also be transported off-site.
27. As described in the FEIR, sewer, water and utility services are available to serve the Project.
28. The Project is located within, contiguous with, or in close proximity to, existing developed areas, which are able to accommodate it. In addition, the Project is designed to minimize alteration of natural landforms, to be visually compatible with the character of the surrounding areas, and to enhance visual quality. The Project is consequently consistent with Sections 30250 and 30251 of the California Coastal Act and Chapter 8 ("Land Use Plan") of the Marina Del Rey Land Use Plan.
29. The Project is compatible with the scenic and viewshed resources of the area. Presently, the property is developed with long, low-level rectangular buildings that severely limit views from roadways and land uses to the coast and harbor. The Project will cluster the structures on Parcels 12 and 15 to create view corridors where none now exist and provide overall view corridors in compliance with the policies of the certified LCP. The view corridor on Parcel 15 along the Via Marina scenic highway was expanded by the Commission from the design in the original application. Moreover, the Project includes a public pedestrian promenade that provides convenient, unimpeded views of the small craft harbor exceeding those currently available. The Project will also be extensively landscaped with most parking provided below grade. Below grade parking, in particular, eliminates visual blight often associated with open space parking.
30. The Project contemplates a reduction in the number of boat slips at the two subject anchorages from 717 current slips to 439 future slips. The Project's proposed boat slip size mix is, however, such that more than 50% of the boat slips are 35 feet or less. The average slip size for Parcel 12 is 45 feet. The average slip size for Parcel 15 is 33 feet. For ease of maneuverability, the marina design for Parcel 12 provides facilities for boats 35 feet and larger in size immediately adjacent to the main channel. Conversely, the marina design for Parcel 15 provides facilities for boats 40 feet and less because of its location at the end of Basin "C".
31. As noted, the Project will remove and replace existing anchorages, which have aged beyond repair, with new anchorages that incorporate contemporary design features and amenities such as wider slip berths, increased private storage for each slip, and wiring for high speed telecommunications. The proposed reconfiguration of the anchorages will also address current and future needs of the boating public. Several trends are evident:

- There is excess capacity of boat slips of 35-feet or smaller throughout Marina del Rey and Southern California;
 - There is increasing demand from the recreational boating public for slips of larger than 40 feet;
 - New boats, including new small boats, are wider, and require wider berths than existing boats, which, in turn, means that a reduction in the number of slips will be necessary in any reconfiguration to respond to current boating designs;
 - State and Federal regulations regarding access for disabled persons require physical modifications to current dock design practices which lead to an inevitable reduction in the number of slips;
 - Other trends, including the increasing market for powerboats, increased maintenance costs, and greater environmental regulation, will all lead to an actual, as well as proportionate, decrease in the number of "in-water slips"; and
 - New construction of additional "dry stack" storage facilities is anticipated in Marina del Rey, just as such facilities have been expanded elsewhere in Southern California and throughout the nation.
32. A repetition of the number and distribution of existing boat slips would not maintain the present level of service to the boating public. In fact, by adjusting to emerging market demands, boating technology, access requirements, and environmental regulations, the proposed new anchorage will provide a superior level of service to a broader range of the boating public than existing facilities.
 33. A wind study by a qualified expert was prepared for the County, reviewed by the Department of Regional Planning, and found to be sufficient to indicate that the Project will not have an adverse effect on wind patterns.
 34. The Project received conceptual approval from the Design Control Board of the County Department of Beaches and Harbors on February 17, 2000, as provided in the certified LCP.
 35. Consistent with Government Code Section 65590 and Chapter 8 ("Land Use Plan") of the Marina del Rey Land Use Plan, the Project incorporates a very low-income senior citizen housing component. Moreover, pursuant to LACC 22.56.202, the Project is entitled to a density bonus of 25 percent of the maximum density otherwise allowable by the Specific Plan and zoning (823 units) and other incentives or concessions, including a variance to modify development standards on Parcel 12 to provide for a 55-foot building height at the end of the Marquesas Way mole, and front and rear yard setbacks of less than ten feet (10') on portions of Parcels 12 and 15, in that the Project provides at

least 10 percent of the total dwelling units in the development (82 units) to be set aside for very low-income senior citizen households. The density bonus and the incentives and concessions are further justified in that:

- i. The County of Los Angeles has a shortage of affordable housing and, in particular, the high costs of housing in the coastal areas make it economically infeasible for very low-income senior citizen housing to be available without the requested incentives or concessions to offset the lower rental income. There is currently no existing affordable housing for very low-income seniors within Marina del Rey. The increasing population of seniors in the population has exacerbated the need for senior housing accessible to persons of all income levels;
- ii. The Project satisfies Government Code Section 65590.d and Priority Objective No. 10, Chapter 8 of the Marina del Rey Land Use Plan by providing very low-income senior citizen housing within the coastal zone;
- iii. The Project provides affordable senior housing in a desirable location in the Coastal Zone, Marina del Rey, which, because of its attraction and housing costs, would not otherwise be accessible to very low-income persons;
- iv. The Project provides affordable senior housing in an area where construction costs are considerably higher than average due to geotechnical constraints, the nature of the Marina as infill waterside development, and other conditions imposed by the County in Marina del Rey, and therefore affordable housing is even more difficult to construct in an economically feasible manner;
- v. The applicant is providing the affordable senior housing without any federal, state, or local financial subsidies;
- vi. The Marina is especially suitable for senior housing because of its coastal amenities and recreational opportunities, internal shuttle system, large number of dining and social alternatives, and proximity to transportation, medical, shopping and other urban facilities;
- vii. The applicant has provided information satisfactory to the Director of Planning that based on market rental rates for similar dwelling units in the market area of the Project, the requested incentives and concessions are necessary to make the provision of 82 very low-income units economically feasible;
- viii. The permittee will reserve the Project's very low-income units for approximately 60 years (until June 30, 2060), which is nearly double the period required by County ordinance. LACC 22.56.202 I.3. provides: "Affordable housing units shall be reserved for a minimum period of 30 years, if a density bonus and at least one incentive or concession is to be

granted. If only a density bonus is to be granted, the affordable housing units shall be reserved for not less than 10 years...";

- ix. The proposed Project will assist in satisfying the County's affordable housing needs and the integration of affordable housing into market rate units of the nature proposed. The fact that the County is the owner of the land underlying the Project, and that conditions have been imposed to guarantee the affordable nature of the units for 60 years, will insure the viability in terms of continuing availability to meet such housing needs; and
 - x. The Project will be reasonably proximate to public transit, shopping and services essential to senior citizens.
36. To ensure continuing availability of the Project's affordable units, conditions of permit approval require the permittee to enter into a joint covenant and agreement with the Los Angeles County Community Development Commission, the Department of Regional Planning, and the Department of Beaches and Harbors, to be recorded in the office of the County Recorder as a covenant running with the land, guaranteeing that no less than thirty-five (35) of the Project Phase 1 (Parcel 12) apartment units and no less than forty-seven (47) of the Project Phase 2 (Parcel 15) apartment units will have an affordable rent as defined in Health and Safety Code Section 50053 and will be designated for very low-income tenants (as defined in Section 22.08.090 of the Zoning Ordinance), at least one of whom must be 62 years of age and older, for the life of the ground lease (until 2060). Moreover, to provide ongoing monitoring of the Project's affordable units, the permittee will, on an annual basis for the life of the ground lease, be required to submit unit affordability compliance documentation to both the Director of Planning and the Director of the Los Angeles County Community Development Commission.
37. It is appropriate in this instance to waive the requirement, specified in LACC 22.56.202.1.2, that affordable housing units be dispersed throughout the Project. Rather, to facilitate the provision of amenities and support services designed specifically for the Project's very low-income senior citizen tenants, it is necessary to cluster such units in each phase of the development. Moreover, consistent with LACC 22.56.202.1.2, conditions of permit approval insure that the exterior design of the Project's affordable units will be compatible with that of the Project's market rates units in terms of appearance, materials, and finished quality.
38. The Project demonstrates creative and imaginative design including a contemporary, coastal-oriented residential design emphasizing coastal views, public pedestrian promenades and other circulation elements, visitor serving commercial spaces and detailed consideration given to size, scale and bulk which results in a visual quality to complement community character, avoid bulk and monotony, and benefit current and future community residents. In particular, the Project design allows for water views from significantly more units than

traditional design, enhancing the enjoyment of coastal resources by residents and visitors. The vast majority of the residential units have harbor views (100% of the units on Parcel 12 have views of the harbor).

39. The applicant has provided a creative design, which maximizes views of the harbor from the residential units and adds aesthetic diversity to the Marina, where much of the existing housing is traditional large-block, rectilinear buildings. Views of the harbor are considered a significant visual resource. This creative design in conjunction with the density bonus further warrants the requested variance from height and setback development standards.
40. The Conditional Use Permit is required to authorize the following uses in the Residential IV land use classification of the certified LCP:
 - a. On-site grading and grading involving off-site transport of more than 100,000 cubic yards of excavated materials;
 - b. Parking for boating-related uses;
 - c. Residential density bonus to provide for 82 units of very low-income housing for senior citizens;
 - d. Development of 10,000 square feet of visitor-serving commercial space uses; and
 - e. Installation of signs.
41. The uses for which the entitlements are required are integral to the second-generation development projects, consistent with, and encouraged by, the Marina del Rey Specific Plan. Second generation development will renew and/or expand the marine anchorage, and residential uses and visitor serving commercial facilities will replace facilities over thirty years old, prevent blighted conditions, and protect the public health, safety and welfare.
42. The Project, in summary:
 - Provides increased coastal residential opportunities with designs that emphasize coastal views;
 - Provide increased coastal residential opportunities for very low-income senior citizens;
 - Improves coastal recreational access and viewing opportunities;
 - Creates an integrated, self-contained recreational marina boating community with contemporary on-water facilities;

- Preserves visitor-serving commercial space while providing improved public access;
43. Access to the Project is adequate for the needs of the future residents and for the deployment of fire fighting and other emergency equipment in emergency situations.
 44. All of the proposed residential compact parking spaces will be 8 ½' x 17' in size, which is larger than the design standards of the Los Angeles County Code. In addition, a property management program will be implemented to assure an efficient distribution of all residential parking spaces, efficient ingress and egress, and reduce parking congestion. The "oversized" compact stalls provide accommodations for a wide variety of vehicle sizes with increased clearance between cars.
 45. The Project's parking facilities are integrated into the overall design of the development, consistent with the Parking Policies contained in Chapter 2 ("Recreation and Visitor-Serving Facilities") of the Marina Del Rey Land Use Plan.
 46. The Marina del Rey Land Use Plan (the "LUP") states that *"the most significant...visual resources are the waters within the small craft harbor, the boats and the boat related elements"* (LUP, page 9-1). The LUP stresses the enhancement of these visual qualities as goals. Consistent with these LUP goals, the proposed Project has been creatively designed to emphasize harbor views from the units. The vast majority of the residential units have harbor views (100 percent of the units on Parcel 12 have views of the harbor). The resulting design provides articulated buildings in lieu of the rectilinear "block" buildings, which currently dominate the Marina del Rey area and do not achieve this goal. The Project design would also provide aesthetic diversity and enhances the appearance and attractiveness of Marina del Rey. With the combination of the enhanced visual opportunities for the Project's residents, and the provision of the 28-foot pedestrian promenade for the general public, the Project achieves the visual resources and public access goals of the LUP.
 47. In order to accomplish this visual goal consistent with the density to provide for the addition of affordable housing to the Project, a variance from certain setback requirement development standards is necessary. The variance request is consistent with LACC 22.56.202.F.3.a, which provides for modification of development standards, including setbacks, to encourage provision of affordable housing in projects.
 48. A variance is appropriate for the setback along Panay Way and Marquesas Way. A 10-foot landscape setback adjacent to the street is provided per the code requirement. The variance request is only for the three-foot projection from the residential portion of the buildings that cantilevers into the setback and over the landscaped areas. The 10-foot landscape setback at grade meets the visual

intent of the code and is compatible with the surrounding land uses. The periodic cantilevered projection into the landscape setback occurs for less than 40 percent of the length of this yard. Over 60 percent of the residential portions of these buildings have a yard setback in excess of the code requirement of 10 feet. The articulated building includes a combination of 3-foot projections and deep setbacks, which provides for a project with more visual interest and enhanced harbor views than a building with a flat continuous facade. Finally, this condition only occurs at the narrow "mole road" portions along Panay Way and Marquesas Way of the sites, where the yard and promenade setbacks are reducing the useable portions of the site by nearly 33 percent.

49. A variance to yard setback development standards is also appropriate along the narrow portions of Parcels 12 and 15 along Panay Way and Marquesas Way adjacent to the promenade. The variance request is from the 10-foot rear yard setback requirement from the promenade development standard (no setback from the promenade is required for side yards). At this condition, the applicant provides an 8-foot landscape setback along the 28-foot promenade. The residential portions of the buildings cantilever over the landscaping up to 8 feet. The 8-foot landscape setback along the promenade meets the visual intent of the code and provides more landscaping than surrounding land uses. The cantilevered portions of the buildings that project over the landscaping are not continuous and are separated by deep courtyards, creating an average setback in excess of 10 feet. The articulated building includes a combination of 3-foot projections and deep setbacks, which provides for a project with more visual interest and enhanced harbor views than a rectilinear building with a flat continuous facade. This condition only occurs at the narrow "mole road" portions of the site where the yard and promenade setbacks are reducing the useable portions of the site by nearly 33 percent.
50. A variance is appropriate at the mole terminus of Marquesas Way at Parcel 12 adjacent to the promenade. The variance request is from the 10-foot rear yard setback requirement from the promenade development standard (no setback from the promenade is required for side yards). At this condition, the applicant provides a 6-foot landscape setback along the 28-foot promenade. Residential balconies project over the landscaping up to 3 feet. The 6-foot landscape setback along the promenade meets the visual intent of the code and provides more landscaping than surrounding land uses. The residential balconies that project over the landscaping only affect 5 percent of the length of the promenade landscape setback. The articulated building includes a combination of 3-foot projections and deep setbacks, which provides for a project with more visual interest and enhanced harbor views than a rectilinear building with a flat continuous facade.
51. The physical shape of the parcels and a series of design requirements contained in the certified LCP severely limit the developable area available for the footprint of the proposed Project structures. These required design features include, among others, view corridors, landscaped area, increased pedestrian access

through the site, and 28-foot wide public pedestrian promenades. The required promenade, landscape, hardscape, deck, and yards consume over 60% of the total developable land area of Parcel 12 and Parcel 15. The portion of land area available for the footprint of the proposed buildings is therefore restricted by these required improvements.

52. The variance for reduced yard setbacks is necessary to allow reasonable and adequate building floor area to achieve a significant Project objective of providing a contemporary, coastal oriented residential design that emphasizes coastal views and providing for the density to allow very low-income senior citizen dwelling units pursuant to density bonus provisions of LACC 22.56.202, while preserving water views from each dwelling unit.
53. There are special circumstances applicable to the subject property, including the provision of public space (the Promenade) and affordable housing, the narrow depth of the parcels adjacent to the mole roads, and the physical limits of the land area available due to the parcels abutting the small craft harbor. In each instance, these special circumstances make full implementation of required setbacks impracticable. These special circumstances limit the normal development alternatives of acquiring additional property or adjusting lot lines to create additional developable area.
54. There are special circumstances applicable to the subject property, including the provision of public space (the Promenade), the narrow depth of the parcels, and the physical limits of the land area available to Parcel 12 due to it being abutted by water on three sides. In each instance, these special circumstances make full implementation of the height limits infeasible. These special circumstances limit the normal development alternatives of acquiring additional property or adjusting lot lines to create additional developable area to accommodate very low-income senior citizen dwelling units pursuant to density bonus provisions of LACC 22.56.202.
55. The required promenade, landscape, hardscape, deck and yards consume over 60% of the total developable land area of Parcel 12 and Parcel 15. The portion of land area available for the footprint of the proposed buildings is therefore restricted by these required improvements; therefore, the variance for additional building height is necessary to achieve a significant Project objective of providing a contemporary, coastal oriented residential design that emphasizes coastal views and providing adequate building floor area to accommodate very low-income senior citizen dwelling units pursuant to density bonus provisions of LACC 22.56.202, while preserving water views from each dwelling unit.
56. As noted, a significant Project objective is to provide a contemporary, coastal-oriented residential design that emphasizes coastal views. The market rate component of the Project achieves that goal through an innovative design technique of stacking two townhouse units (two-level interior stair units) and a first floor junior one bedroom flat, or three townhouse units, in a five-story

envelope. The entry to the living areas occurs on the first, third, and fifth floors, while the sleeping areas occur on the second and fourth floors (no pedestrian traffic). The living areas are designed to maximize both water and courtyard views by eliminating the interior corridor entry. This innovative building design is encouraged in the Phase II redevelopment as outlined in the Local Coastal Program.

57. The development of a high-rise apartment building on the mole road portion of Parcel 12 (as opposed to the mole road terminus portion of parcel 12) would not be feasible. The height of the building would be significantly increased above 65', requiring the construction of a concrete or steel-frame structure in lieu of a wood frame building. That change in height would be out of character with surrounding mid-rise apartment buildings and the change in design would make the inclusion of very low-income senior citizen dwelling units economically unfeasible.
58. The variance is necessary to enhance the ability to provide affordable housing in Marina del Rey in accordance with the Marina del Rey Specific Plan, a substantial property right possessed by other lessees and property owners in the area.
59. The multi-story design is compatible with the character of the surrounding development.
60. In order to reduce construction impacts on adjacent residential uses, construction activities for the Project have been limited to the hours between 7:00 a.m. and 5:00 p.m. Pacific Standard Time, and 7:00 a.m. and 6:00 p.m. Pacific Daylight Time. Moreover, grading work, hauling and pile driving will not commence before 8:00 a.m., Monday through Friday, and are prohibited on Saturdays, Sundays and legal holidays. The permittee will also be required to provide neighbors with a pile-driving schedule 10-days in advance of any pile-driving activities, and a three-day notice of any re-tapping activities that may need to occur. To further reduce construction noise impacts, temporary portable noise barriers will be placed in all areas on the Project site where construction equipment is left stationary and operating for more than one day within 100-feet of residential land uses. Finally, the permittee will be required to implement a construction management plan, to maintain a log of all construction-related complaints, and to take appropriate action to minimize noise generated by the offending activity where feasible.
61. To reduce adverse air quality impacts during construction of the Project, the permittee will develop and implement a dust control plan which will include air pollution attenuation measures recommended by the South Coast Air Quality Management District (SCAQMD). To further reduce adverse air quality impacts during construction, all Project construction vehicles will be maintained in compliance with the requirements of the SCAQMD for vehicle emissions.

62. Consistent with Policy No. 5 of Chapter 2 of the Marina del Rey Land Use Plan ("Recreation & Visitor Serving Facilities), the Project will help finance construction of local park facilities in the existing Marina del Rey by contributing its fair share to funding of the mitigation measures described in the Coastal Improvement Fund as specified in LACC 22.46.1950 (County Zoning Ordinance, Marina del Rey Specific Plan – Coastal improvement fund fee).
63. To avoid adverse impacts on the local Marina and greater ocean waters, the permittee will be required to comply with National Pollution Discharge Elimination System requirements of the California Regional Water Quality Control Board, as well as all pertinent stormwater quality management programs of the Federal, State and County agencies.
64. The Project will have minimal detrimental effect on public health and safety, design and/or environmental considerations. The Project's location, size, design, and operating characteristics of proposed uses, as described in the FEIR, have given consideration to harmony in scale, bulk, coverage and density; the availability of public utilities, services and facilities; the generation of traffic and the capacity and physical character surrounding and proposed streets; and the suitability of the site for the type and intensity of use or development which is proposed.
65. The Project site is physically suitable for the type of development and the density being proposed, because the property has adequate building sites to be developed in accordance with the Grading Ordinance, has access to a County-maintained street, shall be served by sanitary sewers, shall be provided with water supplies and distribution facilities with sufficient capacity to meet anticipated domestic and fire protection needs and shall mitigate potential flood hazards and geologic hazards in accordance with the requirements of the Department of Public Works.
66. The necessary drainage improvements will be designed in accordance with the standards of the Department of Public Works. As required by the FEIR for the Project, the applicant will prepare and implement drainage and erosion control plans approved by the Department of Public Works prior to the issuance of grading, demolition or building permits.
67. The Project site is located in a seismically active area and is subject to hazards associated with ground shaking. The site is not located in a high fire hazard or flood hazard area. The Project has been designed so as to protect the safety of current and future residents and visitors, and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, or erosion hazard, and incorporates mitigating measures to reduce such potential impacts to less than significant.

68. The technical and engineering aspects of the Project have been resolved to the satisfaction of the Los Angeles County Departments of Public Works, Fire, Parks and Recreation, Health Services, and Regional Planning.
69. The Commission conducted duly noticed public hearings regarding the requested entitlements and the Draft EIR for the Project on June 21, July 12, August 14, August 23, and October 11, 2000, and received oral testimony and written comments from proponents and opponents. Among others concerns, opposition comments addressed traffic, views, parking, scale/massing, noise impacts during construction, and the proposed boat slip reduction.
70. Opposition comments suggested that the proposal would exacerbate existing traffic and circulation problems in the Marina. The permittee is, however, required to pay trip fees at the rate determined appropriate by the Department of Public Works to finance the project's share of necessary road and traffic improvements. By doing so, the permittee will be participating in the Transportation Improvement Program included in the certified LCP. That program has been determined to provide adequate traffic/circulation mitigation for additional development within the Marina del Rey development zones.
71. The permittee will establish a functional transportation systems management (TSM)/Transportation Demand Management (TDM) program, or will participate in an existing TSM/TDM program.
72. A traffic study analyzing the potential traffic impacts of this Project has been reviewed and approved by the Department of Public Works. As noted, moreover, mitigation measures to reduce to insignificance or offset adverse traffic impacts have been incorporated into the conditions of approval for the Project to the satisfaction of the Department of Public Works.
73. The Project is consistent with the goal of the certified LCP to encourage controlled change in the Marina over the next 30 years (Marina del Rey Land Use Plan, page 8-4). The Project is also consistent with the certified LCP Priority Objective No. 2 (Chapter 8, Marina del Rey Land Use Plan), which encourages private lessees within the Marina to replace and update aging facilities to maintain the physical and economic viability of the Marina.
74. The Project is consistent with the "Phase II" development program approved by the County as part of the certified LCP and currently being pursued by the County Department of Beaches and Harbors in its Marina del Rey Asset Management Strategy, approved by the Board of Supervisors in April 1997.
75. Signage will facilitate the use of the public elements of the Project, including the waterfront promenade, attract the public to visitor serving commercial facilities and direct drivers to on-site parking available to the public.
76. The Project has been designed to be compatible with the surrounding area in terms of land use patterns, designs, and established community character.

77. The Project demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents.
78. The Project design, as modified by the Conditional Use Permit and Variance, complies with the standard requirements of the Project zone.
79. The Project can be provided with essential public services without imposing undue costs on the total community.
80. The Project complies with applicable policies and development standards of the certified LCP, including but not limited to adequate parking, view corridors, public access to the shoreline, provision of new usable public recreation and open space and visitor-serving commercial and recreational uses, provision of adequate traffic capacity, and provision for affordable senior housing as required, consistent with Priority Objective No. 8 of Chapter 8 of the Marina del Rey Land Use Plan.
81. The Project is located and designed so as to protect the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of geologic, seismic, fire, flood or erosion hazard. Each of these factors has been considered in the FEIR and, with the required mitigation measures, the potential impacts will be reduced to a level of insignificance.
82. Approval of the Coastal Development Permit, Conditional Use Permit, Parking Permit, and Variance is conditioned on the permittee's compliance with the attached conditions of approval for Project No. 98-134(4). Additionally, the mitigation measures contained in the FEIR are incorporated into the Conditions of Approval for each of these permits.
83. The Project and the provisions for its design and improvements are consistent with the goals, objectives and policies of the adopted General Plan and the certified LCP, and is in substantial compliance with the general conditions and has met the burden of proof for issuance of a coastal development permit, conditional use permit, parking permit, and variance as set forth in Part 1 of LACC Chapter 22.56, as more specifically set forth in the these Findings.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES:**

WITH RESPECT TO THE COASTAL DEVELOPMENT PERMIT:

- A. That the proposed development will be and is in conformity with the certified Local Coastal Program; and

- B. That 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.

WITH RESPECT TO THE CONDITIONAL USE PERMIT:

- A. That the proposed use will be consistent with the general plan for the area, as amended;
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yard, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, LACC, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the type and quantity of traffic such use would generate, and by other public or private services and facilities as are required;
- E. That the proposed project at the location proposed has been designed to be compatible with the surrounding area in terms of land use patterns, designs, and established community character;
- F. That the proposed project will assist in satisfying affordable housing needs, and is viable in terms of continuing availability to meet such housing needs;
- G. That the proposed project shall be reasonably proximate to public transit and shopping; and
- H. That the requested incentives or concessions are required to make the affordable housing units economically feasible.

WITH RESPECT TO THE PARKING PERMIT:

- A. That there will be no conflicts arising from special parking arrangements allowing compact parking because apartment houses using compact spaces for a portion

of the required Project parking have a management program to assure an efficient distribution of all parking spaces;

- B. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in Title 22, LACC.

WITH RESPECT TO THE VARIANCE:

- A. That there are special circumstances or exceptional characteristics applicable to the subject property which are not generally applicable to other properties in the same vicinity and under identical zoning classification;
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone; and
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

AND, THEREFORE, the information submitted by the applicant presented at the public hearing substantiates the required findings for a coastal development permit as set forth in Section 22.56.2410, for a conditional use permit as set forth in Sections 22.56.090 and 22.56.202, for a parking permit as set forth in Section 22.56.1020, and for a variance as set forth in Section 22.56.290 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

The Regional Planning Commission of the County of Los Angeles hereby:

- 1. Approves the Final Environmental Impact Report (SCH No. 199900407) prepared for the Project and presented to the Commission, certifies that it has reviewed and considered the information contained in that report, prior to approval of the Project, and determines that the proposed Project will have a significant impact on the environment;
- 2. Certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act ("CEQA"), the state CEQA guidelines and the

County's environmental reporting Procedures and Guidelines, and reflects the independent judgment and analysis of the County;

3. Adopts by reference the Findings of Fact regarding the Final EIR and determines that the conditions of approval and mitigation measures discussed in the Final EIR are the only mitigation measures for this Project which are feasible, and the unavoidable significant effects of the Project, after adoption of the mitigation measures, are as described in the Final EIR;
4. Determines that the remaining, unavoidable adverse effects of the Project, as described in the Final EIR, are outweighed by the specific economic, legal, social, technological, and other benefits of the Project as stated in the referenced CEQA Findings and Statement of Overriding Considerations for the Project;
5. Approves and adopts the Mitigation Monitoring Plan for the proposed Project, incorporated in the Final EIR, and pursuant to Section 21081.6 of the Public Resources Code, finds that the Mitigation Monitoring Plan is adequately designed to ensure compliance with the mitigation measures during Project implementation;
6. **APPROVES** Coastal Development Permit No. 98-134-(4), subject to the attached conditions;
7. **APPROVES** Conditional Use Permit No. 98-134-(4), subject to the attached conditions;
8. **APPROVES** Parking Permit No. 98-134-(4), subject to the attached conditions; and
3. **APPROVES** Variance No. 98-134-(4), subject to the attached conditions.

VOTE: 4-0

Concurring: Vargo, Campbell, Valadez, Helsley

Dissenting:

Abstaining:

Absent: Pederson

Action Date: December 6, 2000

AC

**CONDITIONS OF APPROVAL
COASTAL DEVELOPMENT PERMIT NO. 98-134-(4)
CONDITIONAL USE PERMIT NO. 98-134-(4)
PARKING PERMIT NO. 98-134-(4)
VARIANCE NO. 98-134-(4)
[Project No. 98-134-(4)]**

1. Unless otherwise apparent from the context, the term "permittee" shall include the permittee and any other person, corporation, or entity making use of this grant.
2. This grant shall not be effective for any purpose until a duly authorized representative of the property involved has filed at the office of the Department of Regional Planning his/her affidavit stating that he/she is aware of, and accepts, all the conditions of this grant.
3. If any provision of this grant is held or declared to be invalid, the grant shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a condition of this permit that if any condition hereof is violated, the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the permittee has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission may, after conducting a public hearing, revoke or modify this grant, if the Commission 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.
6. The subject property 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 subject property. Failure to the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$3,000.00. The fee shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. **The fee provides for annual inspections for 30 years.**

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7. If any future inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee may be required to reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.
8. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall promptly notify the permittee of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
9. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000.00 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a) If during the litigation process, actual costs incurred reach 80 percent of the amount on the deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to the completion of litigation.
 - b) At the sole discretion of the permittee, the amount of the initial or supplemental deposit may exceed the minimum amounts defined herein.

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

10. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested before the expiration date.

11. This grant authorizes the demolition of all existing residential, commercial and anchorage facilities on Parcels 12 and 15, Marina del Rey; this grant further authorizes: a residential density bonus of 25% to promote the two-phase construction of 1,022 apartment units on Parcels 12 and 15; and construction of a 439-boat slip anchorage, 10,000 square feet of visitor serving commercial space, and 2,240 garage parking spaces with appurtenant facilities on Parcels 12 and 15, subject to the following conditions:

- a. Development authorized under this grant may commence in two construction phases, as follows:

Phase 1 Construction (Parcel 12):

Project Phase 1 development shall consist of construction of a 437-unit (35 units of which shall be designated to very low-income senior citizen tenants) apartment complex, 227-boat slip anchorage, 2,000 square feet of visitor-serving commercial space, 969 garage parking spaces, and appurtenant facilities on Parcel 12.

Phase 2 Construction (Parcel 15):

Project Phase 2 development shall consist of construction of a 585-unit (47 units of which shall be designated to very low-income senior citizen tenants) apartment complex, 212-boat slip anchorage, 8,000 square feet of visitor-serving commercial space, 1,271 garage parking spaces, and appurtenant facilities on Parcel 15.

- b. The permittee shall enter into a joint covenant and agreement with the Los Angeles County Community Development Commission, the County Department of Regional Planning, and the Department of Beaches and Harbors stipulating that no less than thirty-five (35) of the Project Phase 1 (Parcel 12) apartment units and no less than forty-seven (47) of the Project Phase 2 (Parcel 15) apartment units shall have an affordable rent (as defined in Health and Safety Code Section 50053) and shall be designated for very low-income tenants (as defined in Section 22.08.090 of the Zoning Ordinance), at least one of whom shall be 62 years of age and older, for the life of the ground lease (until 2060). Prior to the issuance of any building permits for the project, the permittee shall record said agreement in the office of the County Recorder. The permittee shall, prior to recordation in the office of the County Recorder, submit a copy of said agreement to County Counsel of the Department of Regional Planning, the Department of Beaches and Harbors, and the Community Development Commission for review and approval.

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Once approved by County Counsel, the permittee shall submit a copy of said agreement to the Director of Planning;

- c. The requirement in Planning and Zoning Code 22.56.202.I.2 that affordable housing units be dispersed throughout the proposed project is specifically waived and the applicant shall be permitted to cluster such units in each phase of the development to facilitate the provision of amenities and support services designed specifically for such seniors. Access to such portions of the rental complex may be restricted to seniors, but seniors shall have full access to other portions of the rental complex consistent with the opportunities provided to other tenants. The exterior design of the units reserved for very low income senior citizens shall be compatible with other units in the project in terms of appearance, materials, and finished quality;
- d. The permittee shall on an annual basis, extending through the life of the ground lease (until 2060), submit the following documentation to both the Director of Planning and the Director of the Los Angeles County Community Development Commission:
 - i) Annual Owner's Tenant Certification Form;
 - ii) Proof of compliance with Affirmative Marketing efforts; and
 - iii) Summary of Applicants;
- e. The permittee shall be in compliance with all requirements for a density bonus as specified in Section 22.56.202, Title 22 of Los Angeles Code;
- f. Building setbacks shall be as shown on the approved Exhibit "A";
- g. The permittee shall provide public pedestrian and emergency vehicle access and shall ensure passive recreational use to and along the Parcel 12 and Parcel 15 bulkheads, as depicted on the approved Exhibit "A" on file;
- h. The permittee shall post signage at the subject parcels' Panay Way, Via Marina, and Marquesas Way entrances and one sign at each bulkhead entrance of each public vertical accessway identifying them as public. The permittee shall post signs conspicuously along the length of the bulkhead public accessways (public promenades) identifying such as public. Prior to final building permit approval, the permittee shall submit a signage plan to the Design Control Board of the Department of Beaches and Harbors that is consistent with the

requirements of LACC 22.46.1060.D. Said plan shall include signs that direct the public to the Parcel 12 and Parcel 15 waterfront promenades and all visitor/guest parking areas. A copy of the Design Control Board-approved sign plan shall be submitted Director of Planning for a determination of consistency with the certified Local Coastal Program;

- i. All development authorized under this grant shall be constructed consistent with the view corridors shown on the approved View Corridor Study Exhibit, marked Exhibit "B", in the case file. The permittee shall maintain all view corridors so as to provide an unobstructed view of the bulkhead edge, masts and horizon for pedestrians and passing motorists. Unobstructed views are defined as views with no inhibition of visual access to the water. Project landscaping, pool fencing and other accessory structures and/or facilities shall, to the extent feasible, be placed and maintained so as not to obstruct water views;
- j. The permittee is authorized to demolish the existing 464-slip anchorage located on the waterside portion of Parcel 12 and reconstruct in its place a 227-slip anchorage, as depicted on the approved anchorage reconstruction plan on file, marked Exhibit "C", in Project Phase 1. The permittee is authorized to demolish the existing 253-slip anchorage located on the waterside portion of Parcel 15 and reconstruct in its place a 212-slip anchorage, as depicted on the approved anchorage reconstruction plan on file, marked Exhibit "C", in Project Phase 2. The permittee shall conduct said demolition/reconstruction activities in strict compliance with all applicable development requirements/standards contained in the *Manual for the Specifications and Minimum Standards for Architectural Treatment and Construction*;
- k. Prior to issuance of any building permits, the applicant shall receive joint approval of a final project parking plan from the directors of Regional Planning and Beaches and Harbors and the County Fire Chief, who shall review said plan for consistency with the parking and Fire Department access requirements of this grant, the County Zoning Ordinance, and the certified Local Coastal Program;
- l. Visitor/guest parking for the Project's very low-income senior citizen units shall be located proximate to said units;

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- m. This grant authorizes the development of 40% residential compact parking for the project (729 compact spaces). All residential compact parking spaces authorized under this grant shall be dimensioned 8½' x 17';
- n. Off-site parking shall be prohibited, as shall parking in unmarked spaces and in private driveways;
- o. Fire lanes within the proposed development shall be provided to the satisfaction of the County Fire Department and posted with "no parking" signs to the satisfaction of said department;
- p. Building heights shall be provided as depicted on the approved building sections on file, marked Exhibit "A";
- q. Construction activities shall be restricted to the hours between 7:00 a.m. and 5:00 p.m. Pacific Standard Time, and 7:00 a.m. and 6:00 p.m. Pacific Daylight Time. Grading work, hauling and pile driving shall not commence before 8:00 a.m., Monday through Friday. Grading work, hauling and pile driving shall not occur on Saturdays, Sundays or legal holidays;
- r. The permittee shall maintain the subject property in a neat and orderly fashion and shall maintain free of litter all areas of the premises under which the permittee has control;
- s. 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;
- t. Trash enclosure areas shall be screened from public and private view corridors;
- u. Six months prior to any demolition activity associated with construction of Project Phase 1 (Parcel 12), the permittee shall distribute a notice (a copy of which shall be submitted to the Director of Planning prior to distribution) to all residential tenants occupying Parcel 12 notifying said tenants of the requirement to relocate. The permittee shall, at the time of notice, provide all interested tenants lease availability information on other Marina del Rey properties the permittee currently manages. The permittee shall conduct a lease fair for tenants;

- v. Six months prior to any demolition activity associated with construction of Phase 2 (Parcel 15), the permittee shall distribute a notice (a copy of which shall be submitted to the Director of Planning prior to distribution) to all residential tenants occupying Parcel 15 notifying said tenants of the requirement to relocate. The permittee shall, at the time of notice, provide all interested tenants lease availability information on other Marina del Rey properties the permittee currently manages. The permittee shall conduct a lease fair for tenants;
- w. Six months prior to any demolition activity associated with the existing Parcel 12 anchorage, the permittee shall distribute a notice (a copy of which shall be submitted to the Director of Planning prior to distribution) to all boat slip tenants occupying Parcel 12 (Deauville Marina) informing said tenants of the requirement to vacate. The permittee shall, at the time of notice, provide all boat owners slip availability information for the 16 other anchorages and the associated dockmasters located within Marina del Rey;
- x. Six months prior to any demolition activity associated with the existing Parcel 15 anchorage, the permittee shall distribute a notice (a copy of which shall be submitted to the Director of Planning prior to distribution) to all boat slip tenants occupying Parcel 15 (Bar Harbor Marina) informing said tenants of the requirement to vacate. The permittee shall, at the time of notice, provide all boat owners slip availability information for the 16 other anchorages and the associated dockmasters located within Marina del Rey. In addition, tenants of the Bar Harbor Marina (Parcel 15) shall be given application priority, along with previous tenants of the Deauville Marina slips, for the newly constructed slips within the Deauville Marina;
- y. All development shall comply with the requirements of the Zoning Ordinance and of the specific zoning of the subject property except as specifically set forth in this permit, including the approved Exhibits "A", "B" and "C" on file, or as otherwise authorized by a Revised Exhibit "A" approved by the Director of Planning;
- z. The subject property shall be developed and maintained in substantial compliance with the exhibit maps on file marked Exhibit "A", Exhibit "B" and Exhibit "C". In the event that subsequent revised plans are submitted, the written authorization of the property owner is required. Approval of the revisions to said exhibits shall be at the

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discretion of the Director of Planning, who shall find that such revisions are consistent with the intent and conditions of this grant.

12. All project infrastructure shall be designed and constructed in an environmentally sensitive manner, and shall follow the design and recreation policies of the certified Local Coastal Program, including landscaping standards required by the Design Control Board of the Department of Beaches and Harbors.
13. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
14. The permittee shall obtain all necessary permits from the Los Angeles County Department of Public Works and shall maintain all such permits in full force and effect throughout the life of this grant.
15. Provision shall be made for all drainage to the satisfaction of the Department of Public Works. Drainage plans and grading plans signed by a registered engineer shall be submitted to the Department of Public Works for approval prior to grading. Prior to the issuance of building permits, a final grading plan approved by the Department of Public Works shall be submitted to the Department of Regional Planning. The permittee shall place impervious barriers (e.g., hay bales) around the perimeter of all onshore areas of exposed dirt. The permittee shall grade on-site material to provide for drainage away from the small craft harbor.
16. Parking of construction worker vehicles shall be restricted to areas that do not adversely affect residences located in the vicinity of the subject property.
17. A maximum of 160,000 cubic yards of soil material, or as otherwise authorized by the Department of Public Works, shall be excavated and transported offsite.
18. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Department of Public Works. All material excavated, graded or hauled should be sufficiently watered to prevent excessive amounts of dust. Watering should 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. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

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19. All construction and development within the subject property shall comply with the applicable provisions of the Uniform Building Code and the various related mechanical, electrical, plumbing, fire, grading and excavation codes as currently adopted by the County of Los Angeles. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby offices, residences and neighborhoods. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to nearby residences. Parking of construction worker vehicles shall be restricted to areas that do not adversely affect residences located in the vicinity of the subject property.
20. All construction vehicles shall be maintained in compliance with the requirements of the South Coast Air Quality Board for vehicle emissions.
21. 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 Department of Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses. As the Project is constructed, the use of building structures as noise barrier would be sufficient.
22. The permittee shall provide adjacent owners and tenants with a pile driving schedule 10 days in advance of activities, and a three-day notice of any re-tapping activities that may need to occur. The permittee shall submit a copy of the schedule and mailing list to the County Department of Public Works prior to the initiation of construction activities.
23. All project-related truck hauling shall be restricted to a route approved by the County Department of Public Works. The permittee shall post a notice at the construction site and along the County-approved truck haul route containing information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The permittee shall keep record of all

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complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the County of Los Angeles Department of Environmental Health.

24. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage not authorized by the Los Angeles County Code.
25. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage no later than 72 hours after occurring, weather permitting. The only exception shall be seasonal decorations.
26. Three copies of a landscaping plan, which may be incorporated into the required site plan or plans, shall be submitted to and approved by the Director of Planning prior to the issuance of building permits within the covered area. The landscape plan shall indicate the size, type, and location of all trees, plants and irrigation facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. The permittee shall utilize a watering system, such as drip irrigation, designed to conserve water. Irrigation shall only be used until the plants are well established and, thereafter, only as necessary to maintain the health of the plants.

Project landscaping shall include trees and shrubbery, with adequate ground cover to protect the soil. Landscaped border used to shield obtrusive uses shall have a minimum width of eight (8) feet and shall consist of vegetation of sufficient density to hide said use. Landscaping along site perimeters shall have a minimum width of eight (8) feet as measured along the road frontage and shall allow visual access into the lot, except where the landscaping is being used to screen an obtrusive use, or as excepted by the yard setback variance (per the Exhibit "A" on file). Landscaping includes areas planted with trees, shrubs and improved with walkways incidental to these uses and/or set aside specifically for public viewing, passive recreation and public access. Landscaping does not include sidewalks within roadway rights-of-way, or areas paved for vehicular access such as alleys, driveways, parking area or fire lanes. The aforementioned landscaping standards shall be implemented in a manner consistent with all other provisions of the certified Local Coastal Program standards, including public access requirements found in LACC 22.46.1100-1150, and to encourage unique site design, view corridor

standards, lot coverage standards, and design standards, as found in Sections 22.46.1060.B and E of the certified Local Coastal Program.

27. The permittee shall provide the following improvements to the satisfaction of the Department of Public Works:
 - a. To mitigate traffic impacts, the applicant shall, prior to the issuance of building permits, pay all required Category I and Category III trip mitigation fees as determined by the Department of Public Works. All Category I traffic mitigation improvements required for the project shall be fully funded by the developer to the satisfaction of the Department of Public Works or constructed before issuance of any occupancy permits for the project;
 - b. The permittee shall mitigate all direct impacts on the internal circulation system before occupancy of the development. Prior to this grant becoming effective, the permittee shall demonstrate to the Director of Public Works that adequate funding is available so that all traffic improvements necessary to mitigate the impacts of the development project on the internal Marina del Rey circulation system will be completed before occupancy of project structures. Building permits for the project shall not be issued until the permittee demonstrates that adequate funding of the necessary internal circulation traffic improvement has been guaranteed;
 - c. In lieu of sidewalk, provide for a promenade outside the road right of way on Panay Way and Marquesas Way to the satisfaction of the Department of Beaches and Harbors;
 - d. Construct additional sidewalk for wheelchair access around utility poles and fire hydrants on Via Marina. In addition, construct additional sidewalk around driveway aprons wherever the sidewalk (when adjacent to the curb) is interrupted by an apron with nonconforming cross-slopes, per ADA guidelines;
 - e. Close any unused driveways with standard curb, gutter, and sidewalk (where existing);
 - f. Conform with the following street lighting requirements:
 - The proposed development or portions of the proposed development are within an existing Lighting District and are subject to assessment balloting only. Information on the levy

of assessment process can be obtained by contacting Street Lighting Section at (626) 458-5926.

- The assessment balloting process takes approximately three to four months to complete once information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval;
- g. Repair any broken or damaged improvements on Via Marina, Panay Way, and Marquesas Way abutting the property;
- h. The permittee shall construct a new southbound left-turn pocket on Via Marina at the Parcel 15-access driveway between Panay Way and Marquesas Way. Detailed striping and improvement plans shall be submitted to the Department of Public Works for review and approval. This is considered a site-specific measure and does not qualify for in-lieu credit as part of Category Nos. 1 or 3 trip fees; and
- i. The permittee shall underground all project utility lines to the satisfaction of the Department of Public Works.

The permittee shall enter into a secured agreement with the County of Los Angeles Department of Public Works to provide the aforementioned conditioned offers of this grant or this permit shall be subject to revocation.

28. The applicant shall prepare a Fire Safety Plan in accordance with LACC 22.46.1180 (15) of the Zoning Code and obtain approval by the Fire Department prior to issuance of any building permits.
29. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. The permittee shall provide fire flow, hydrants, gated access width, emergency access, and any other necessary facilities as may be required by said Department.
30. The applicant shall provide fire sprinklers in all structures in accordance with Los Angeles County Building Code, Chapter 38, Sections 3802(b) 5 and 3802(h) to the satisfaction of the Fire Department.

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31. The applicant shall provide, to the satisfaction of the Los Angeles County Department of Health Services, the Department of Public Works and the California Regional Water Quality Control Board (CRWQCB), adequate water and sewage facilities in compliance with County and State requirements.
32. The applicant shall comply with National Pollution Discharge Elimination System requirements (Order No. 96054) of the California Regional Water Quality Control Board (Permit CAS614001) and the Los Angeles County Department of Public Works. The applicant shall comply with all stormwater quality management programs of the Federal, State and County agencies. This shall be ensured and monitored through the filing of the appropriate development permits with the Department of Public Works.
33. The applicant shall provide estimates of the quantity and quality of project wastewater discharge to Wastewater Program Management Division of the City of Los Angeles Department of Public Works prior to the issuance of sewer connection permits.
34. The permittee shall provide public seating (i.e., benches) and drinking fountain facilities along the Parcel 12 and Parcel 15 public promenades. Prior to issuance of any building permits, the permittee shall submit to the Director of Planning evidence of the Design Control Board's approval of final plans for waterside improvements authorized under this grant (i.e., dock system reconfiguration) and project design details including signage, building color and materials palette, landscaping, plant palette, and public seating and drinking fountain facilities referenced above.
35. In accordance with the geologic information submitted with the application for development, project development shall occur in geologically safe areas. Any structure affecting personal safety (e.g., gas lines) shall not transect geologically unstable areas.
36. The proposed development shall utilize earthquake resistant construction and engineering practices. A detailed geotechnical report prepared by a certified engineering geologist shall be submitted for approval by the Department of Public Works, prior to the issuance of any grading or development permits, in accordance with Section 22.24.1180(5) of the Zoning Code.

37. The applicant shall agree to suspend all construction in the vicinity of a cultural, historical or palaeontological resource encountered during development of the site, and leave the resource in place until a qualified archaeologist or palaeontologist can examine them and determine appropriate mitigation measures. The applicant shall also agree to comply with mitigation measures recommended by the archaeologist/palaeontologist and approved by the Department of Regional Planning.
38. To reduce the volume of solid and hazardous waste generated by the construction and operation of the project, the permittee shall develop a solid waste management plan. Said plan shall be reviewed and approved by the County of Los Angeles Department of Public Works. Said plan shall identify methods to promote recycling and re-use of material, as well as safe disposal consistent with the policies and programs contained in the County of Los Angeles Source Reduction and Recycling Element. Methods could include locating recycling bins on construction sites and placing such facilities in proximity to dumpsters used by future on-site residents.
39. The project permittee shall demonstrate that all construction and demolition debris, to the maximum extent feasible, 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 County of Los Angeles Department of Public Works, prior to final building permit issuance.
40. In accordance with the archaeology report submitted with the application for development, resources found in the project area shall be collected and maintained at the nature center planned at the wetland preserve (Area D), or at the Los Angeles County Natural History Museum or as otherwise required by State law.
41. The permittee shall notify the Office of State Historic Preservation and the Native American Heritage Commission of the location of the grading proposed, the proposed extent of the grading and the dates on which the work is expected to take place.
42. The applicant shall notify the State Historic Preservation Office, and the Department of Regional Planning if any resource is discovered during any phase of development, and the applicant shall submit a recovery program as an amendment to the permit.

43. In the event of discovery of Native American remains or of grave goods, Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Sections 5097.98 and 5097.99 of the Public Resources Code apply.
44. To fully mitigate traffic impacts, the permittee shall establish a functional transportation systems management (TSM)/Transportation Demand Management (TDM) program, or to participate in an existing TSM/TDM program. Viable TSM/TDM possibilities include, but shall not be limited to:
 - Carpools;
 - Ridesharing;
 - Vanpools;
 - Modified work schedules/flex time;
 - Increase use of bicycles for transportation;
 - Bicycle racks, lockers at places of employment;
 - Preferential parking for TSM/TDM participants;
 - Incentives for TSM/TDM participants;
 - Disincentives.

Said TSM/TDM program should follow the guidelines in the Transportation Improvement Program contained in Appendix G. An annual report on the effectiveness of the TSM/TDM program shall be submitted to the department of regional planning.

45. Project development shall conform to the phasing schedules in the certified Local Coastal Program. The phasing schedules include requirements for the existing Marina, circulation and public recreation improvements and infrastructure.
46. The permittee shall, to the satisfaction of the Director of Planning, participate in, and contribute his fair share to, funding of the mitigation measures described in the Coastal Improvement Fund as specified in LACC 22.46.1950.
47. The permittee shall implement in a timely manner all mitigation measures in the approved Environmental Impact Report in accordance with the attached approved Mitigation Monitoring Plan. As a means of ensuring the effectiveness of the mitigation measures, which are conditions of approval, the permittee shall submit mitigation monitoring reports to the Department of Regional Planning as follows:
 - a. At the time of building permit issuance for each project phase, including verification of payment of applicable fees.

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- b. Annually; and
- c. Additional reports as deemed necessary by the Department of Regional Planning.

At the time of submittal for the first report noted above, the permittee shall deposit the sum of \$5,000 with the Department of Regional Planning to defray the cost of reviewing and verifying the information contained in the reports required by this condition.

- 48. If any condition of this grant is violated, or if any law, statute or ordinance is violated, the privileges granted herein shall lapse and such approval shall be suspended.
- 49. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel 12 and Parcel 15.

Attachment: Mitigation Monitoring Program

AC

11.0 MITIGATION MONITORING PROGRAM

INTRODUCTION The Mitigation Monitoring Program describes the procedures the applicant and others will use to implement the mitigation measures adopted in connection with the approval of the proposed project and the methods of monitoring such actions. A Monitoring Program is necessary only for impacts which would be significant if not mitigated. The following consists of a monitoring program table noting the responsible agency for mitigation monitoring, the schedule and a list of all project-related mitigation measures.

PURPOSE *The Mitigation Monitoring Program (MMP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act. It is the intent of this program to: (1) verify satisfaction of the required mitigation measures of the EIR; (2) provide a methodology to document implementation of the required mitigation; (3) provide a record of the Monitoring Program; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) utilize existing review processes wherever feasible.*

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES				
General				
4.2-1.	At least 2 to 3 feet of properly-compacted gravel base course shall be placed beneath the proposed building floor slabs to provide a working base for construction and to facilitate dewatering. At least 2 feet of properly-compacted fill shall be placed beneath proposed planters and other slabs and walks at grade.	Applicant (Geotechnical Engineer)	Grading Plan Check Field Verification	1. LACDPW, Geology/Soils Section 2. LACDPW, Geology/Soils Section 3. Prior to Approval of Final Grading Plans
4.2-2.	Because seismically induced liquefaction settlement of the ground surface will most likely result in settlement beneath the lowest basement level floor slab, the lower basement level floor slab shall be structurally supported. In considering placement of structural reinforcing in the floor slab, it should be anticipated that hydrostatic pressures will result in uplift forces; however liquefaction induced settlements will most likely result in gaps beneath the floor slab and subgrade. In addition, differential settlements between the pile-supported structure and the adjacent minor structures and utilities can be expected. Accordingly, flexible connections shall be used where utilities enter the buildings to allow for differential movement and proposed minor structures (planters, swimming pools, etc.) shall be structurally separate from the proposed buildings or structurally supported by the main structure.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction

CSDLAC - County Sanitation Districts of Los Angeles County
FCD - Flood Control Division
LACDPW - Los Angeles County Department of Public Works
LACFPD - Los Angeles County Fire Protection District

LAFCO - Local Agency Formation Commission
RWQCB/LAR - Regional Water Quality Control Board, Los Angeles Region
SCAQMD - South Coast Air Quality Management District

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2	GEOTECHNICAL RESOURCES (cont.)			
	Foundations - Driven Concrete Piles			
4.2.3.	Driven concrete friction piles to provide support for the seven-story apartment buildings shall be used using the axial capacities for driven friction-piles identified in Figure 4.2-1, Driven Friction Pile Capacity. ¹	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction
4.2.4.	Downdrag forces shall be added to the design downward load for each pile when analyzing for compression; downdrag forces could be added to the uplift capacity for each pile when analyzing for tension. In addition, the weight of the pile itself shall be considered when considering uplift resistance.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction
4.2.5.	Piles in groups shall be spaced at least 2.5 diameters on centers. If the piles are so spaced, no reduction in the downward capacities need be considered due to group action.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction
4.2.6.	In general, lateral loads may be resisted by the piles, by soil friction on the floor slabs, and by the passive resistance of the soils. However, to account for liquefaction and potential lateral spreading (in the event of a complete failure of the existing quay wall) in engineering design calculations, the lateral resistance provided by soil friction on the floor slabs, and the passive resistance of the soils against pile caps and grade beams shall be neglected (assumed to be equal to zero) to account for the event of liquefaction and/or lateral spreading of the soils at the anticipated pile cap depths.	Applicant (Project Structural Engineer)	Building Plan Check	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits

¹ Because of the shallow depth to groundwater and potential for caving, the installation of drilled cast-in-place concrete piles is not considered to be an economical option.

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)			
4.2-7. In calculating the maximum bending moment in a pile, the lateral load imposed at the top of the pile given in Table 4.2-5, Recommended Lateral Capacities , may be multiplied by a moment arm of 10 feet. For design, it may be assumed that the maximum bending moment will occur near the top of the pile and that the moment will decrease to zero at a depth of 35 feet below the pile cap for the driven concrete piles. The pile capacities presented are based on the strength of the soils; the compressive and tensile strength of the pile sections should be checked to verify the structural capacity of the piles.	Applicant (Project Structural Engineer)	Building Plan Check	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits
4.2-8. Lateral piles shall be spaced at least 2.5 pile diameters on center to avoid group action. Individual pile caps shall be interconnected by tie-beams or an equivalent floor slab (implementation of mitigation measures 4.2-52 through 4.2-55 would provide sufficient interconnection).	Applicant (Project Structural Engineer)	Building Plan Check & Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits. Verify during construction.
4.2-9. Prior to ordering the production piles, at least ten indicator piles shall be driven on each parcel to evaluate the driving resistance. Indicator piles shall be driven with the same equipment proposed for production pile driving and shall have a pile length 5 to 10 feet longer than the design pile length to allow lengthening of piles if required.	Applicant (Project Structural Engineer)	Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify during construction.
4.2-10. Predrilling for indicator piles will be required to penetrate the dense sand deposits and achieve the desired pile lengths. The predrilled holes shall not be greater than 12 inches in diameter if 14-inch-square precast concrete piles are used.	Applicant (Project Structural Engineer)	Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify during construction.
4.2-11. Indicator piles may be actual foundation piling driven in their final position.	Applicant (Project Structural Engineer)	Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify during construction

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	<ol style="list-style-type: none"> 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)			
4.2-12. Based on the results of the indicator piles, pile driving criteria for the production piles shall be established using a wave equation analysis program (GRL-WEAP). Pile driving criteria shall be established based on the assumption that the pile load will be borne by end bearing in order to account for potential liquefaction of the upper native soils. Adjustments shall be made, if necessary, to the design lengths based on the results of the indicator piles. The installation of the piles shall be observed by personnel of a reputable geotechnical engineering company so that modifications in the driving criteria and the pile lengths can be made as required.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	<ol style="list-style-type: none"> 1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify during construction
Foundations - Spread Footings			
4.2-13. Spread footings for proposed planter retaining walls and proposed swimming pool foundations adjacent to the proposed apartment buildings (but structurally separate) may be established in the upper fill and natural soils and may be designed to impose a net dead-plus-live load pressure of 1,000 pounds per square foot. Spread footings for the proposed minor structures shall extend to a minimum depth of 18 inches below the exterior grade. As an alternative for planters adjacent to the main structure, the planters could be structurally supported by the main structure.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	<ol style="list-style-type: none"> 1. LACDPW, Building & Safety Division 2. LACDPW, Building & Safety Division 3. Prior to Issuance of Building Permits. Verify during construction
4.2-14. Total static settlement of the proposed minor structures established at grade on spread footings is estimated to be on the order of 0.5 inch. Minor structures shall be structurally separate from the adjacent apartment buildings, as seismically induced liquefaction settlement of the soils underlying the foundations of these minor structures may be on the order of several inches.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	<ol style="list-style-type: none"> 1. LACDPW, Building & Safety Division 2. LACDPW, Building & Safety Division 3. Prior to Issuance of Building Permits. Verify during construction

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)			
Swimming Pool			
4.2-15. The proposed bottom elevation of the swimming pools adjacent to Building 2 in Parcel 12 and Building 2 in Parcel 15 is above the assumed high groundwater elevation of 5 feet above MSL. However, the pools could be designed to resist upward hydrostatic pressures on the floor of the pool when the pool is empty with a conservatively high assumed groundwater level of approximately 7 feet above MSL, if so desired.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building & Safety Division 2. LACDPW, Building & Safety Division 3. Prior to Issuance of Building Permits. Verify during construction
4.2-16. To provide a working base during construction and to provide improved support for the pools, existing soils beneath the proposed pools shall be excavated to a depth of 2 to 3 feet below the proposed pool bottom and replaced with crushed rock. Crushed rock shall be compacted in loose lifts not more than one foot in thickness to at least 95 percent of the maximum dry density obtainable by the ASTM Designation D1557-91 method of compaction.	Applicant (Geotechnical Engineer)	Building Plan Check Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Building Permits
Site Coefficient and Seismic Zonation			
4.2-17. The site coefficient, S, may be determined as established in the Earthquake Regulations under Section 1629 of the UBC, 1997 edition, for seismic design of the proposed apartment structures.	Applicant (Geotechnical Engineer)	Grading Plan Check Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits
4.2-18. Based on a review of the local soil and geologic conditions, the site may be classified Soil Profile Type SD as specified in the 1997 code. The site is located within UBC Seismic Zone 4.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)			
4.2-19. According to Map M-32 in the 1998 publication from the International Conference of Building Officials entitled "Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada," the proposed buildings are located approximately 7 kilometers (measured in plan view) from the seismogenic portion of the Palos Verdes fault, a Type B seismic source. At this distance for a seismic source Type B, the near source factors, Na and Nv, are to be taken as 1.0 and 1.12, respectively, based on Tables 16-S and 16-T of the 1997 UBC.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits
Walls Below Grade - Lateral Pressures			
4.2-20. Lateral earth pressures for the case of potential liquefaction and lateral spreading as shown Figure 4.2-2, Lateral Pressures , shall be used for the design of the basement walls.	Applicant (Project Structural Engineer)	Building Plan Check	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety 3. Prior to Issuance of Building Permits
4.2-21. In addition to the recommended earth pressures identified in Figure 4.2-2, Lateral Pressures , the upper 10 feet of walls adjacent to streets or vehicular traffic areas shall be designed to resist a uniform lateral pressure of 100 pounds per square foot, acting as a result of an assumed 300 pounds per square foot surcharge behind the walls due to normal traffic. If the traffic is kept back at least 10 feet from the walls, the traffic surcharge may be neglected.	Applicant (Project Structural Engineer)	Building Plan Check	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety 3. Prior to Issuance of Building Permits
4.2-22. Sufficient lateral resistance shall be provided for the main structures of the existing quay walls such that they may resist the recommended lateral pressures for the case of potential liquefaction and lateral spreading, which, in the "worst-case" scenario, should be applied to one side of the building but not the other to account for potential failure of the quay walls. The lateral load due to unbalanced earth pressure (in the event of failure of the quay wall) shall not be applied simultaneously with seismic loads on the building since failure of the quay wall and movement of the retained soil would occur after the significant shaking has concluded.	Applicant (Project Structural Engineer)	Building Plan Check	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)				
4.2-23.	For the design of minor structures (swimming pools, planter retaining walls), it shall be assumed that the soils above the water level will exert a pressure on retaining walls established at or near existing grades and on the pool walls, when empty, equal to that developed by a fluid with a density of 35 pounds per cubic foot.	Applicant (Project Structural Engineer)	Building Plan Check	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits
Walls Below Grade - Hydrostatic Uplift Pressures				
4.2-24.	Upward hydrostatic forces proportional to the water level height above the bottom of the lowest basement level shall be applied to the proposed lower basement level floor slab. A groundwater surface elevation of 5 feet above MSL shall be assumed for calculation of hydrostatic uplift pressures at both the Parcel 12 and Parcel 15 sites.	Applicant (Project Structural Engineer)	Building Plan Check	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits
Walls Below Grade - Waterproofing				
4.2-25.	Walls below grade shall be waterproofed below the anticipated high groundwater level, since the basement walls are being designed for hydrostatic pressure. Walls below grade above the anticipated high groundwater level could be waterproofed or damp-proofed, depending on the degree of moisture protection required.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits. Verify during construction
Excavations and Shoring - Excavations				
4.2-26.	Dewatering of basement excavations shall occur during grading and construction.	Applicant (Project Contractor)	Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify During Construction
4.2-27.	Where the necessary space is available, temporary unsurcharged slopes above the anticipated high groundwater elevation of 5 feet above MSL may be sloped back at 1.5:1 in lieu of shoring in the unsaturated upper fill soils. The remaining proposed excavation depths will require shoring.	Applicant (Project Contractor)	Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify During Construction

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)			
4.2-28. Excavations shall be observed by a representative of a reputable geotechnical engineering company during construction so that any necessary modifications based on variations in the soil conditions can be made. Traffic or any surcharged loading shall be no closer than 10 feet from the tops of the sloped excavations. A greater setback may be necessary when considering heavy vehicles, such as concrete trucks and cranes; such setbacks should be established by a reputable geotechnical engineering company.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Verify During Construction
4.2-29. If temporary construction embankments are to be maintained during the rainy season, berms shall be constructed along the tops of the slopes where necessary to prevent runoff water from entering the excavation and eroding the slope faces.	Applicant (Project Contractor)	Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify During Construction
4.2-30. All applicable safety requirements and regulations, including OSHA regulations, shall be met.	Applicant (Project Contractor)	Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify During Construction
Walls Below Grade - Shoring			
4.2-31. The shoring may consist of a cantilevered shoring system. The cantilevered shoring may consist of sheet piles with lagging between.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify During Construction
4.2-32. For design of cantilevered shoring, a triangular distribution of lateral earth pressure may be used. It may be assumed that the retained soils with a level surface behind the cantilevered shoring will exert a lateral pressure equal to that developed by a fluid with a density of 35 pounds per cubic foot.	Applicant (Project Structural Engineer)	Building Plan Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Verify During Construction.

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)				
4.2-33.	If drainage of the retained soils behind a sheet pile wall is not provided, then the sheet piles shall be designed to withstand hydrostatic pressures below the anticipated high groundwater level.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction
4.2-34.	In addition to the recommended earth pressure, the upper 10 feet of shoring adjacent to the streets shall be designed to resist a uniform lateral pressure of 100 pounds per square foot, acting as a result of an assumed 300 pounds per square foot surcharge behind the shoring due to normal street traffic. If the traffic is kept back at least 10 feet from the shoring, the traffic surcharge may be neglected.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction
4.2-35.	The shoring system adjacent to the existing structures shall be designed to support the lateral surcharge pressures imposed by the adjacent structure foundations. The shoring system shall also be designed to support the lateral surcharge pressures imposed by concrete trucks and other heavy construction equipment placed near the shoring system.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction
4.2-36.	For the design of sheet piles, the allowable lateral bearing value (passive value) of the soils below the level of excavation may be assumed to be 250 pounds per square foot per foot of depth below the excavated surface, up to a maximum of 2,500 pounds per square foot.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)			
4.2-37. For the design of soldier piles spaced at least 2.0 diameters on centers, the allowable lateral bearing value (passive value) of the soils below the level of excavation may be assumed to be 500 pounds per square foot per foot of depth below the excavated surface, up to a maximum of 5,000 pounds per square foot. To develop the full lateral value, provisions shall be taken to assure firm contact between the soldier piles and the undisturbed soils. As an alternative, the tremie method may be used; however, if the tremie method is used, the compressive strength of the concrete shall be increased by 1,000 pounds per square inch. The concrete placed in the soldier pile excavations may be a lean-mix concrete; however, the concrete used in that portion of the soldier pile which is below the planned excavated level shall be of sufficient strength to adequately transfer the imposed loads to the surrounding soils.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction
4.2-38. Continuous lagging will be required between soldier piles. Soldier piles shall be designed for the full anticipated lateral pressure; however, the pressure on the lagging will be less due to arching in the soils. The lagging shall be designed for the recommended earth pressure, but limited to a maximum value of 400 pounds per square foot.	Applicant (Project Structural Engineer)	Building Plan Check Field Verification	1. LACDPW, Building and Safety Section 2. LACDPW, Building and Safety Section 3. Prior to Issuance of Building Permits and Verify During Construction
Grading			
4.2-39. All required fill shall be uniformly well compacted and observed and tested during placement.	Applicant (Geotechnical Engineer)	Field Investigation	1. LACDPW, Geology/Soils Section 2. LACDPW, Geology/Soils Section 3. Verify During Grading
Grading - Site Preparation			
4.2-40. Paved walks and the pool deck at grade shall be underlain by at least 2 feet of compacted fill. Any required additional fill shall be properly compacted.	Applicant (Geotechnical Engineer & Project Civil Engineer)	Grading Plan Check Field Investigation	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	11.0 Mitigation Monitoring Program		
			1. Enforcement Agency	2. Monitoring Agency	3. Monitoring Phase
4.2 GEOTECHNICAL RESOURCES (cont.)					
4.2-41. To reduce infiltration of water beneath floor slabs and pavement, good drainage of surface water shall be provided by adequately sloping all surfaces.	Applicant (Project Civil Engineer)	Grading Plan Check Field Investigation	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading		
Grading - Compaction					
4.2-42. Any required compacted fills shall be placed in loose lifts not more than 8 inches thick and compacted to at least 90 percent of the maximum density obtainable by the ASTM Designation D1557-91 method of compaction.	Applicant (Geotechnical Engineer & Grading Contractor)	Grading Plan Check Field Investigation	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading		
4.2-43. The moisture content of the on-site clayey soils at the time of compaction shall be between 2 percent below and 2 percent above optimum moisture content.	Applicant (Geotechnical Engineer)	Grading Plan Check Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading		
4.2-44. To reduce settlement of the backfill and to reduce settlement of overlying slabs and paving, all required backfill shall be mechanically compacted in layers; flooding shall not be permitted.	Applicant (Geotechnical Engineer)	Grading Plan Check Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading		
4.2 GEOTECHNICAL RESOURCES (cont.)					
4.2-45. Backfill shall be compacted to at least 90 percent of the maximum dry density obtainable by the ASTM Designation D1557-91 method of compaction.	Applicant (Geotechnical Engineer)	Grading Plan Check Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading		

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.2-46.	Exterior grades shall be sloped to drain away from the foundations to prevent ponding of water.	Applicant (Civil Engineer)	Grading Plan Check Field Verification	1. LACDPW, Building and Safety 2. LACDPW, Building and Safety 3. Prior to Issuance of Grading Permits and Verify During Construction
4.2-47.	Some static and seismic settlement of the backfill should be expected; therefore, any utilities supported therein shall be designed to accept differential settlement, particularly at the points of entry to the building. Provisions shall also be made for some settlement of concrete walks supported on backfill.	Applicant (Geotechnical Engineer)	Grading Plan Check Field Verification	1. LACDPW, LACFCD, Geology/Soils Section 2. LACDPW, LACFCD, Geology/Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading
Grading - Material for Fill				
4.2-48.	On-site soils, less any debris, organic matter, and cobbles larger than 4 inches in diameter may be used in required compacted fills.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, LACFCD, Geology/Soils Section 2. LACDPW, LACFCD, Geology/Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading
4.2	GEOTECHNICAL RESOURCES (cont.)			
4.2-49.	Any required imported fill material shall consist of relatively non-expansive soils with an expansion index of less than 35.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading
4.2-50.	Imported fill materials shall contain sufficient fines (binder material) so as to be relatively impermeable and result in a stable subgrade when compacted.	Applicant (Geotechnical Engineer & Engineering Geologist)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading

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Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase		
4.2-51. All proposed import fill materials shall be reviewed by a reputable geotechnical engineer firm.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading		
Basement Floor Slab, Walkways and Pool Deck Support					
4.2-52. Properly compacted fill soils shall be placed beneath the proposed minor structures, and slabs and walks at grade.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading		
4.2-53. To provide support for concrete slabs on grade, the upper 2 feet of existing fill soils shall be removed and recompacted as recommended under mitigation measures 4.2-42 through 4.2-46.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permits and Verify During Grading		
4.2 GEOTECHNICAL RESOURCES (cont.)					
4.2-54. Because construction activities and exposure to the environment can cause deterioration of the prepared subgrade, the field representative of the soils inspector shall observe the condition of the final subgrade soils immediately prior to slab-on-grade construction, and, if necessary, perform further density and moisture content tests to determine the suitability of the final prepared subgrade.	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Verify During Grading		
4.2-55. The lower level basement floor slab shall be designed for hydrostatic pressure and shall be waterproofed or damp-proofed, depending on the degree of moisture protection required.	Applicant (Civil Engineer)	Building Plan Check	1. LACDPW, Building and Safety 2. LACDPW, Building and Safety 3. Prior to Issuance of Grading Permits and Verify During Construction		
		Field Verification			

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Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
Geotechnical Observation			
<p>4.2-56. Excavation bottoms, reworking of the soils, and the compaction of all required fill shall be observed and tested during placement by a representative of a reputable geotechnical engineer firm. This representative shall perform at least the following duties:</p> <ul style="list-style-type: none"> • Observe the bottom of all excavations and areas to receive fill soil; • Observe temporary construction slopes and/or the installation of any temporary shoring systems; • Evaluate the suitability of on-site and imported soils for fill placement; • Collect and submit soil samples for required or recommended laboratory testing where necessary; • Observe the fill and backfill for uniformity during placement; • Test backfill for field density and compaction to determine the percentage of compaction achieved during backfill placement; and • Observe the installation of driven piles to verify that the desired driving resistance is obtained. 	Applicant (Geotechnical Engineer)	Field Verification	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Verify During Grading
<p>4.2-57. All necessary grading permits shall be obtained prior to commencement of grading activities</p>	Applicant	Grading Plan Check	1. LACDPW, Geology/ Soils Section 2. LACDPW, Geology/ Soils Section 3. Prior to Issuance of Grading Permit
4.3 HYDROLOGY AND DRAINAGE			
<p>4.3-1. A Final Drainage Plan and Final Grading Plan (including an Erosion Control Plan if required) shall be prepared by the applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project site. These plans shall be prepared to the satisfaction of the Los Angeles County Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.</p>	Applicant (Civil Engineer)	Approval of Drainage Plans Field Verification	1. LACDPW, LACFCD 2. LACDPW, LACFCD 3. Prior to Issuance of grading, demolition, or building Permits
<p>4.3-2. Small craft harbor lease agreements shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.</p>	Applicant	Field Verification	1. LACDBH 2. LACDBH 3. Prior to Issuance of Occupancy Permits and post occupancy

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Mitigation Measures/Conditions of Approval		Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.4 BIOTA				
4.4-1.	Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in-place the piles are extracted. During this process turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a Seiche disk) at which time the sediment collar is removed. ² Details shall be provided to and approved by LARWQCB agency staff prior to construction.	Applicant (Marine Engineer)	Field Verification	1. LACDPW, LARWQCB 2. LACDPW 3. Verify During Construction
4.4-2.	In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts.	Applicant (Marine Engineer)	Field Verification	1. LACDPW 2. LACDPW 3. Verify During construction
4.4-3.	Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small craft harbor.	Applicant (Construction Contractor)	Field Verification	1. LACDPW 2. LACDPW 3. Planning. Verify During construction

² Michael Lyons, Dennis Dasker and Mark Purnford of the Los Angeles Regional Water Quality Control Board (LARWQCB) indicate that they are not familiar with the use of sediment collars (these agency staff are familiar with the use of sediment screens but agree silt screens can be problematic). However, the method as described seems acceptable and would limit the area affected by turbidity during construction.

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Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.6 TRAFFIC/ACCESS			

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
<p>4.6-1. The project Applicant shall pay the traffic mitigation fee imposed upon the project based on the County's mitigation fee structure, as modified by any traffic improvement credits that may be accrued by the project</p>	Applicant	Receipt of Fair Share Funding	<p>1. LACDPW 2. LACDPW 3. Prior to Issuance of Building Permits</p>
<p>The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee is the recommended mitigation over the partial construction by this project of any major roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following improvements, which are consistent with the improvements identified in the LUP, are recommended:</p>			
<p>4.6-2. <u>Washington Boulevard and Via Marina</u> -Install dual left-turn lanes on Washington Boulevard for westbound travel at Via Marina to enhance access to Marina del Rey from Washington Boulevard.</p>	Applicant (Traffic Engineer)	Building Plan Check	<p>1. LACDPW, Traffic & Lighting Division 2. LACDPW, Traffic & Lighting Division 3. Prior to Issuance of Building Permits</p>
<p>4.6-3. Admiralty Way and Via Marina -Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a "through roadway," with Via Marina intersecting into Admiralty Way in a "T" configuration. All turning movements at the intersection shall be constructed as dual or right-turning movements. This improvement will enhance flow within Marina del Rey.</p>	Applicant (Traffic Engineer)	Building Plan Check	<p>1. LACDPW, Traffic & Lighting Division 2. LACDPW, Traffic & Lighting Division 3. Prior to Issuance of Building Permits</p>
<p>4.6-4. <u>Admiralty Way and Mindanao Way</u> - Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way to enhance egress from Marina del Rey at Mindanao Way.</p>	Applicant (Traffic Engineer)	Building Plan Check	<p>1. LACDPW, Traffic & Lighting Division 2. LACDPW, Traffic & Lighting Division 3. Prior to Issuance of Building Permits</p>
<p>4.6-5. <u>Lincoln Boulevard and Mindanao Way</u> -Install a video surveillance camera on the signal equipment at this intersection to allow for signal timing adjustments and other manual improvements to the ATSAC system on the Lincoln Corridor.</p>	Applicant (Traffic Engineer)	Building Plan Check	<p>1. LACDPW, Traffic & Lighting Division 2. LACDPW, Traffic & Lighting Division 3. Prior to Issuance of Building Permits</p>

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Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.7 NOISE			
4.7-1. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the applicant shall maintain an equipment log. The 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. The log shall be submitted to the Department of Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses. As the Project is constructed, the use of building structures as noise barrier would be sufficient. The County Building Official or a designee should spot check to ensure compliance.	Applicant (Construction Contractor)	Building Plan Check/Field Verification	1. LACDPW, Building & Safety Division 2. LACDPW, Building & Safety Division 3. Prior to Issuance of Building Permits
4.7-2. The applicant shall pre-drill the locations where piles will be driven prior to driving the piles. Under this approach, the soil is pre-drilled to a depth below the saturation zone (zone of potential liquefaction). Pre-cast piles are then driven into the dense soil strata to the minimum length specified by the project geotechnical engineer. This approach reduces the duration and intensity of pile driving activity to the minimum necessary to ensure adequate structural support.	Applicant (Construction Contractor)	Building Plan Check/Field Verification	1. LACDPW, Building & Safety Division 2. LACDPW, Building & Safety Division 3. Prior to Issuance of Building Permits
4.7-3. The applicant shall provide adjacent owners with a pile driving schedule 10-days in advance of activities, and a 3-day notice of any re-tapping activities that may need to occur. The applicant shall submit a copy of the scheduled and mailing list to the appropriate County regulatory agency prior to the initiation of construction activities. The County Building Official or a designee should spot check and respond to complaints.	Applicant (Construction Contractor)	Building Plan Check/Field Verification	1. LACDPW, Building & Safety Division 2. LACDPW, Building & Safety Division 3. Prior to Issuance of Building Permits
4.7-4. Construction activities shall be restricted to between the hours of 7:00 A.M., and 5:00 P.M. in order to minimize construction activities and use of the haul route that would create noise disturbance on surrounding residential and commercial property. Grading, pile driving, and hauling of material shall not commence before 8:00 A.M. Monday through Friday. Grading, pile driving, and hauling shall not occur on Saturdays or Sundays. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Department of Beaches and Harbors. The County Building Official or a designee should spot check and respond to complaints.	Applicant (Construction Contractor)	Building Plan Check/Field Verification	1. LACDPW, Building & Safety Division 2. LACDPW, Building & Safety Division 3. Prior to Issuance of Building Permits

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Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.7 NOISE (cont.)			
4.7-5. The project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions and complaints. The applicant shall keep record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the applicant and submitted to the County of Los Angeles Department of Environmental Health.	Applicant (Construction Contractor)	Field Verification	1. LACDEH 2. LACDEH 3. Prior to Issuance of demolition and grading permits.

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Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.8 AIR QUALITY			
<p>4.8-1. Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:</p> <ul style="list-style-type: none"> a. Configure construction parking to minimize traffic interference. b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person). c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable. d. Re-route construction trucks away from congested streets. e. Consolidate truck deliveries when possible. f. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. g. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions. h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts. i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators. j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices. k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices. 	Applicant (Construction Contractor)	Final Plan Check Field Verification	1. Los Angeles County Department of Regional Planning 2. LACDPW 3. During Grading and Construction

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Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.8 AIR QUALITY (cont.)			
<p>4.8-2. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:</p> <ul style="list-style-type: none"> a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more). b. Replace ground cover in disturbed areas as quickly as possible. c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications. d. Water active grading sites at least twice daily. e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. f. 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. g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code. h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available). i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip. j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces. k. Enforce traffic speed limits of 15 mph or less on all unpaved roads. l. Pave construction roads when the specific roadway path would be utilized for 120 days or more. 	Applicant (Construction Contractor)	Final Plan Check Field Verification	<ul style="list-style-type: none"> 1. Los Angeles County Department of Regional Planning 2. LACDPW 3. During Grading and Construction

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	<ol style="list-style-type: none"> 1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.8 AIR QUALITY (cont.)			
4.8-3. In the event asbestos is identified within existing on-site structures, the project applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.	Applicant	Final Plan Check Field Verification	<ol style="list-style-type: none"> 1. Los Angeles County Department of Regional Planning 2. LACDPW 3. During Grading and Construction
4.9 WATER SERVICE			
4.9-1. Prior to the issuance of grading permits, the applicant shall provide to the Los Angeles County Department of Regional Planning a letter from WWD No. 29 stating that it is able to provide water service to the project phase under consideration. Grading permits shall not be issued until such time that WWD No. 29 indicates that the distribution system and water supply are adequate to serve the project.	Applicant	Written Demonstration of Water Availability	<ol style="list-style-type: none"> 1. Los Angeles County Department of Regional Planning 2. LACDPW 3. Prior to Issuance of Building Permit for each Phase
4.10 WASTEWATER DISPOSAL			
4.10-1. Prior to issuance of building permits, the project applicant shall demonstrate sufficient sewage capacity for the proposed project by providing a "will serve" letter from the County of Los Angeles Department of Public Works Waterworks and Sewer Maintenance Division.	Applicant	Final Plan Check	<ol style="list-style-type: none"> 1. LACDPW 2. LACDPW 3. Prior to Issuance of Occupancy Permits for each Phase
4.10-2. The project applicant shall pay a "fair share" amount of the cost to upgrade the downstream segments of the sewer trunk that are identified as inadequate to accommodate effluent generated by the proposed project. These improvements shall be in place prior to the issuance of building permits for Phase 2 of the proposed project (Parcel 15).	Applicant	Receipt of Fair Share Funding	<ol style="list-style-type: none"> 1. LACDPW 2. LACDPW 3. Prior to Issuance of Occupancy Permits for each Phase

11.0 Mitigation Monitoring Program

Mitigation Measures/Conditions of Approval	Party Responsible for Implementing Mitigation	Monitoring Action	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
4.11 SOLID WASTE DISPOSAL			
4.11-1. To reduce the volume of solid and hazardous waste generated by the construction and operation of the project, a solid waste management plan shall be developed by the project applicant. This plan shall be reviewed and approved by the County of Los Angeles Department of Public Works. The plan shall identify methods to promote recycling and re-use of material, as well as safe disposal consistent with the policies and programs contained in the County of Los Angeles Source Reduction and Recycling Element. Methods could include locating recycling bins on construction sites and placing such facilities in proximity to dumpsters used by future on-site residents.	Applicant	Final Plan Check	1. LACDPW, Waste Management Division 2. LACDPW, Waste Management Division 3. Prior to Issuance of Occupancy Permits for each Phase
4.11-2. The applicant shall arrange with a local trash/recyclable hauling company for materials collection.	Applicant	Final Plan Check	1. LACDPW, Waste Management Division 2. LACDPW, Waste Management Division 3. Prior to Issuance of Occupancy Permits for each Phase
4.11-3. The project applicant shall demonstrate that all construction and demolition debris, to the maximum extent feasible, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program will be provided to the County of Los Angeles Department of Public Works.	Applicant	Final Plan Check	1. LACDPW, Waste Management Division 2. LACDPW, Waste Management Division 3. Prior to Issuance of Building Permits
4.18 CULTURAL RESOURCES			
4.18-1. An archaeological monitor shall be present on the site during excavation and grading operations, including surface scraping, trenching, and soil boring. In the event that resources are found during construction, activity shall stop until the resources can be evaluated and appropriate mitigation undertaken.	Applicant (Construction Superintendent)	Field Verification	1. LA County Department of Regional Planning 2. LACDPW 3. During Grading Activity

**FINDINGS OF FACT and
STATEMENT of OVERRIDING CONSIDERATIONS
regarding the MARINA DEL REY APARTMENT COMMUNITY PROJECT**

PROJECT NUMBER: 98-134 (4)
CONDITIONAL USE PERMIT: 98-134-(4)
COASTAL DEVELOPMENT PERMIT: 98-134-(4)
PARKING PERMIT: 98-134-(4)
VARIANCE 98-134-(4)
STATE CLEARINGHOUSE NUMBER: 199900407

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
OCTOBER 2000

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS REGARDING THE FINAL
ENVIRONMENTAL IMPACT REPORT
(STATE CLEARINGHOUSE NUMBER 199900407)
FOR THE MARINE DEL REY APARTMENT COMMUNITY PROJECT
(COUNTY PROJECT NUMBER 98-134)**

The Los Angeles County Regional Planning Commission ("Commission") hereby certifies the Marina Del Rey Apartment Community Project Final Environmental Impact Report, State Clearinghouse Number 199900407 (which consists of the Draft EIR dated May, 2000, Technical Appendices to Draft EIR dated May, 2000, and Final Environmental Impact Report including Responses to Comments dated November, 2000, collectively referred to as the "FEIR") and finds that it has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) ("CEQA") and that the Commission has received, reviewed and considered the information contained in the FEIR, the applications for Conditional Use Permit No. 98-134-(4), the Parking Permit No. 98-134-(4), the Variance No. 98-134-(4), and Coastal Development Permit No. 98 134-(4) (collectively, the "Project") to permit a two-phase redevelopment of landside and waterside uses on Parcels 12 and 15 of the Marina del Rey Local Coastal Plan consisting of 1,022 residential units (82 of which will be designated as very low income senior citizen units) 10,000 square feet of visitor serving commercial space, 439 boat slips and 2,240 garage parking spaces, all hearings, and submissions of testimony from officials and departments of the County, the Applicant (as defined below), the public and other municipalities and agencies. Concurrently with the adoption of these findings, the Commission adopts a Mitigation Monitoring Plan.

Having received, reviewed and considered the foregoing information, as well as any and all other information in the record, the Commission hereby makes findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

BACKGROUND

Marina Two Holding Partnership (the "Applicant") proposes redevelopment of existing landside and waterside uses located on two non-contiguous parcels leased from the

County of Los Angeles within Marina del Rey. The Project site is identified as Parcel 12 and Parcel 15 in the Marina del Rey Specific Plan and is located within, and adjacent to, Basins B, C and the main channel of the small craft harbor. Regional access to the site is provided by Lincoln Boulevard, the Marina Freeway/Expressway, and the San Diego Freeway.

The Applicant's initial development proposal contained 1,201 residential dwelling units (with 241 units designated for low income senior citizens), two visitor serving commercial areas totaling 10,000 square feet, boat anchorage and facilities containing 439 slips, and all necessary infrastructure. Four partial subterranean garages provided a total of 2,460 parking spaces. This represented the proposed Project evaluated in the Draft EIR.

During Planning Commission hearings for the proposed Project, Regional Planning Commissioners expressed a desire to see the Project modified to address environmental issues raised during the public hearing process. In response to this request, the Applicant modified the Project design to reduce density and provide view corridors where presently none exist. The revised Project was evaluated in the FEIR where it was determined that the revisions would not increase the severity of any significant impact nor create a new significant impact. Rather, the Project revisions reduced impacts in many topical categories.

The revised Project consists of 1,022 residential units (of which eighty-two will be designated as very low income senior citizen units), four (4) two-level parking garages consisting of 2,240 total parking spaces, two (2) visitor serving commercial areas totaling 10,000 square feet, and a 439 boat slip anchorage with associated boater facilities, all of which will be developed in two phases.

Phase 1 of the Project will occur on Parcel 12 and consists of 437 residential units (thirty-five of which will be designated as very low income senior citizen units), 227 boat slips, 2,000 square feet of visitor serving commercial space and 969 garage parking spaces. Phase 2 of the Project will occur on Parcel 15 and consists of 585 residential units (forty-seven of which will be designated as very low income senior citizen units), 212 boat slips, 8,000 square feet of visitor serving commercial space and 1,271 garage parking spaces.

Subsequent to County approvals, the following agency discretionary approvals must be obtained: a National Pollutant Discharge Elimination System (NPDES) permit from the California Regional Water Quality Control Board - Los Angeles Region (RWQCB), a State issued Coastal Development Permit from the California Coastal Commission for boat slips and

waterside facilities, and approvals from the U.S. Army Corps of Engineers for any structures and activities in traditional navigable waters.

The Environmental Impact Report

The County of Los Angeles completed an initial environmental review of the Project and determined that an Environmental Impact Report was required. Potentially significant environmental impacts addressed in the DEIR include population and housing, geotechnical and soil resources, hydrology and drainage, biota (marine resources), visual qualities, traffic/access, noise, air quality, water services, wastewater disposal, solid waste disposal, education, libraries, police services, fire protection, parks and recreation, utilities, cultural resources and environmental hazards. The Draft EIR analyzed both project and cumulative effects of the Project on these topics and identified a variety of mitigation measures to minimize, reduce, avoid or compensate for the potential adverse effects of the proposed Project.

The Draft EIR also discussed a number of potential alternatives to the proposed Project, including (1) No Project, (2) Increased Depth of Underground Parking Structures, (3) Reduced Density. Potential environmental impacts of each of these alternatives were discussed at the CEQA-prescribed level of detail and comparisons were made to the proposed Project. This range of reasonable alternatives has permitted as reasoned choice to be made by the Commission in directing specific changes to the Project. The Commission has reviewed each of the alternatives and recommends the Project, as revised during the public hearing process.

After conducting its own internal departmental review and analysis of the proposed Project through the screen check process, the Los Angeles County Department of Regional Planning circulated copies of the preliminary Draft EIR to all affected County agencies for a 45 day review period beginning in May of 2000. Interested County agencies provided written comments on the document, and those comments were appended to and made a part of the Draft EIR.

The Draft EIR was made available for public comment and input for the period set forth by State law. Specifically, the public review period commenced on May 5, 2000, when a notice of completion was sent to the State Clearinghouse. The official review period for state agencies was set from May 5, 2000, to June 19, 2000. The public review period lasted 159 days,

from May 5, 2000 to October 11, 2000. A Publication Notice for Draft EIR was published in *The Argonaut*, *The Daily Breeze*, and *La Opinion* newspapers on May 5, 2000, and was sent to property owners within a 500-foot radius of the proposed Project site and to known interested individuals and organizations. Copies of the Draft EIR were also made available at the Regional Planning Department and in local public libraries.

The Regional Planning Commission held public hearings on June 21, July 12, August 23, and October 11, 2000, when the public hearing before the Commission was closed. The Draft EIR review and comment period was extended to coincide with these hearings. The Commission made a site visit on March 6, 2000.

Detailed responses to the comments received regarding the Project and the analyses of the Draft EIR were prepared with assistance by a private consultant, reviewed, and revised as necessary to reflect the County's independent judgment on issues raised. These Responses to Comments are embodied in the FEIR.

On December 6, 2000, the Commission made the following environmental findings and certified the FEIR and adopted orders approving the Conditional Use Permit, the Variance, the Parking Permit, and the Coastal Development Permit.

The FEIR has been prepared by the County in accordance with CEQA, as amended, and State and County Guidelines for the implementation of CEQA. More specifically, the County has relied on Section 15084(d)(3) of the State Guidelines, which allow acceptance of drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The Department of Regional Planning, acting for the County, has reviewed and edited as necessary the submitted drafts to reflect its own independent judgment, including reliance on County technical personnel from other departments.

Section 1 of these findings discusses the potential environmental effects of the Project which are not significant or which have been mitigated to a level of insignificance. Section 2 discusses the significant environmental effects of the Project, which cannot be feasibly mitigated to a level of insignificance. Section 3 discusses the growth-inducing impacts of the Project. Section 4 discusses the alternatives to the Project discussed in the FEIR. Section 5 discusses the mitigation-monitoring program for the Project. Section 6 contains the Statement of Overriding Considerations. Section 7 contains the Section 15091 and 15092 findings. Section 8

contains the Section 21082.1(c)(3) findings. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

SECTION 1

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LEVEL OF INSIGNIFICANCE

All FEIR mitigation measures (as set forth in the Mitigation Monitoring Plan attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Coastal Development Permit, Conditional Use Permit, Parking Permit, and Variance. In addition, the other conditions of approval for the Conditional Use Permit, Coastal Development Permit, Parking Permit and Variance further mitigate the potential effects of the Project.

The Commission has determined, based on the FEIR, that these mitigation measures and conditions of approval will result in a substantial mitigation of the effects of the Project on population and housing, geotechnical and soil resources, hydrology and drainage, biota (marine resources), traffic/access, water services, wastewater disposal, education, libraries, police services, fire protection, parks and recreation, utilities, cultural resources and environmental hazards and cumulative impacts population and housing, geotechnical and soil resources, hydrology and drainage, biota (marine resources), traffic/access, water services, wastewater disposal, education, libraries, police services, fire protection, parks and recreation, utilities, cultural resources and environmental hazards and that these effects are not significant or have been mitigated to a level of insignificance.

Project Impacts

(1) Population and Housing

Potential Effect: The Project site is presently developed with two apartment complexes containing 408 dwelling units, 10,000 square feet of visitor-serving commercial uses, and 717 boat slips with associated parking and boater facilities. Implementation of the proposed Project would result in removal of the existing uses and construction of two contemporary apartment communities with a total of 1,022 dwelling units, 10,000 square feet of visitor-serving

commercial uses, and 439 boat slips with associated parking and boater facilities. The Project would designate eighty-two (82) of the dwelling units for very low-income senior citizens.

- **Finding:** No significant impacts are anticipated as a result of the Project and no mitigation measures are required.

Facts: The above finding is made for the following reasons:

1. The net increase in housing, population and employment created by the Project is within demographic forecasts as defined by the Southern California Association of Governments ("SCAG") and Los Angeles County for the area.
2. The Project provides a tenant dislocation plan which will inform tenants, in advance, of the proposed project's timing of construction and will provide all interested tenants lease availability information on other Marina del Rey properties the Applicant currently manages. This plan also incorporates on-site lease fairs for Deauville and Bar Harbor apartment tenants.
3. The Project is consistent with the Marina del Rey Specific Plan, which provides for the net increase in housing (including the provision of very low-income housing), population, and employment created by the Project.

(2) **Geotechnical and Soil Resources**

Potential Effect: The existing fill and upper native soils are not suitable for support of the proposed structures. In addition, due to high groundwater, de-watering will be required within the proposed excavation area during construction. The Project site is not traversed by any known active fault; however, the site is in a seismically active area and has a potential ground acceleration of 0.5g that could occur during a seismic event. Comments to the FEIR identified the presence of a "proposed" fault, termed the "Proposed" Lincoln Boulevard Fault, parallel to and east of Lincoln Boulevard. The reference for this fault is apparently taken from a "Subsurface Geochemical Assessment of Methane Gas Occurrences" report, dated April 17, 2000, by Exploration Technologies, Inc. The "Lincoln Boulevard Fault" is not shown on any

current seismic safety element maps, nor is it shown on the State Alquist-Priolo hazard maps. The main argument for the presence of the fault is the geo-chemical data (high methane along an apparent linear alignment); however, this hypothesis has yet to be proved, only speculated. During a moderate or major earthquake occurring close to the site, proposed Project improvements would be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction within the less dense silty sand, sand, and silt soils.

Soil liquefaction within the dense soils on the site is likely during a moderate or major earthquake. The proposed structures, subterranean parking facilities, underground utility lines, and associated improvements can be adversely affected by the results of ground liquefaction unless measures are incorporated into the Project design.

Unless mitigated, these impacts would have a potentially significant effect on the environmental and could expose people or structures to major geologic hazards.

- **Finding:** With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, potential geotechnical and soil resource impacts from the proposed Project will be reduced to a less than significant level.

Facts: The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts:

1. At least 2 to 3 feet of properly-compacted gravel base course shall be placed beneath the proposed building floor slabs to provide a working base for construction and to facilitate dewatering. At least 2 feet of properly compacted fill shall be placed beneath proposed planters and other slabs and walks at grade.
2. Because seismically induced liquefaction settlement of the ground surface will most likely result in settlement beneath the lowest basement level floor slab, the lower basement level floor slab shall be structurally supported. In considering placement of structural reinforcing in the floor slab, it should be anticipated that hydrostatic pressures would result in uplift forces; however, liquefaction induced settlements will most likely result in gaps beneath the floor slab and subgrade. In addition, differential settlements between the pile-supported structure and the adjacent minor structures and utilities can be

expected. Accordingly, flexible connections shall be used where utilities enter the buildings to allow for differential movement and proposed minor structures (planters, swimming pools, etc.) shall be structurally separate from the proposed buildings or structurally supported by the main structure.

3. Driven concrete friction piles to provide support for the seven-story apartment buildings shall be used using the axial capacities for driven friction-piles identified in FEIR **Figure 4.2-1, Driven Friction Pile Capacity.** "(Because of the shallow depth to groundwater and potential for caving, the installation of drilled cast-in-place concrete piles is not considered to be an economical option.)"
4. Downdrag forces shall be added to the design downward load for each pile when analyzing for compression; downdrag forces could be added to the uplift capacity for each pile when analyzing for tension. In addition, the weight of the pile itself shall be considered when considering uplift resistance.
5. Piles in-groups shall be spaced at least 2.5 diameters on centers. If the piles are so spaced, no reduction in the downward capacities need be considered due to group action.
6. In general, lateral loads may be resisted by the piles, by soil friction on the floor slabs, and by the passive resistance of the soils. However, to account for liquefaction and potential lateral spreading (in the event of a complete failure of the existing quay wall) in engineering design calculations, the lateral resistance provided by soil friction on the floor slabs, and the passive resistance of the soils against pile caps and grade beams shall be neglected (assumed to be equal to zero) to account for the event of liquefaction and/or lateral spreading of the soils at the anticipated pile cap depths.
7. In calculating the maximum bending moment in a pile, the lateral load imposed at the top of the pile given in **Table 4.2-5, Recommended Lateral Capacities**, may be multiplied by a moment arm of 10 feet. For design, it may be assumed that the maximum bending

moment will occur near the top of the pile and that the moment will decrease to zero at a depth of 35 feet below the pile cap for the driven concrete piles. The pile capacities presented are based on the strength of the soils; the compressive and tensile strength of the pile sections should be checked to verify the structural capacity of the piles.

8. Lateral piles shall be spaced at least 2.5 pile diameters on center to avoid group action. Individual pile caps shall be interconnected by tie-beams or an equivalent floor slab (implementation of mitigation measures 4.2-52 through 4.2-55 would provide sufficient interconnection).
9. Prior to ordering the production piles, at least ten indicator piles shall be driven on each parcel to evaluate the driving resistance. Indicator piles shall be driven with the same equipment proposed for production pile driving and shall have a pile length 5 to 10 feet longer than the design pile length to allow lengthening of piles if required.
10. Predrilling for indicator piles will be required to penetrate the dense sand deposits and achieve the desired pile lengths. The predrilled holes shall not be greater than 12 inches in diameter if 14-inch-square precast concrete piles are used.
11. Indicator piles may be actual foundation piling driven in their final position.
12. Based on the results of the indicator piles, pile-driving criteria for the production piles shall be established using a wave equation analysis program (GRL-WEAP). Pile driving criteria shall be established based on the assumption that the pile load will be borne by end bearing in order to account for potential liquefaction of the upper native soils. Adjustments shall be made, if necessary, to the design lengths based on the results of the indicator piles. The installation of the piles shall be observed by personnel of a reputable geotechnical engineering company so that modifications in the driving criteria and the pile lengths can be made as required.

13. Spread footings for proposed planter retaining walls and proposed swimming pool foundations adjacent to the proposed apartment buildings (but structurally separate) may be established in the upper fill and natural soils and may be designed to impose a net dead-plus-live load pressure of 1,000 pounds per square foot. Spread footings for the proposed minor structures shall extend to a minimum depth of 18 inches below the exterior grade. As an alternative for planters adjacent to the main structure, the planters could be structurally supported by the main structure.
14. Total static settlement of the proposed minor structures established at grade on spread footings is estimated to be on the order of 0.5 inch. Minor structures shall be structurally separate from the adjacent apartment buildings, as seismically induced liquefaction settlement of the soils underlying the foundations of these minor structures may be on the order of several inches.
15. The proposed bottom elevation of the swimming pools adjacent to Building 2 in Parcel 12 and Building 2 in Parcel 15 is above the assumed high groundwater elevation of 5 feet above MSL. However, the pools could be designed to resist upward hydrostatic pressures on the floor of the pool when the pool is empty with a conservatively high assumed groundwater level of approximately 7 feet above MSL, if so desired.
16. To provide a working base during construction and to provide improved support for the pools, existing soils beneath the proposed pools shall be excavated to a depth of 2 to 3 feet below the proposed pool bottom and replaced with crushed rock. Crushed rock shall be compacted in loose lifts not more than one foot in thickness to at least 95 percent of the maximum dry density obtainable by the ASTM Designation D1557-91 method of compaction.
17. The site coefficient, S , may be determined as established in the Earthquake Regulations under Section 1629 of the UBC, 1997 edition, for seismic design of the proposed apartment structures.

18. Based on a review of the local soil and geologic conditions, the site may be classified Soil Profile Type SD as specified in the 1997 code. The site is located within UBC Seismic Zone 4.
19. According to Map M-32 in the 1998 publication from the International Conference of Building Officials entitled "Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada," the proposed buildings are located approximately 7 kilometers (measured in plan view) from the seismogenic portion of the Palos Verdes fault, a Type B seismic source. At this distance for a seismic source Type B, the near source factors, N_a and N_v , are to be taken as 1.0 and 1.12, respectively, based on Tables 16-S and 16-T of the 1997 UBC.
20. Lateral earth pressures for the case of potential liquefaction and lateral spreading as shown **Figure 4.2-2, Lateral Pressures**, shall be used for the design of the basement walls.
21. In addition to the recommended earth pressures identified in **Figure 4.2-2, Lateral Pressures**, the upper 10 feet of walls adjacent to streets or vehicular traffic areas shall be designed to resist a uniform lateral pressure of 100 pounds per square foot, acting as a result of an assumed 300 pounds per square foot surcharge behind the walls due to normal traffic. If the traffic is kept back at least 10 feet from the walls, the traffic surcharge may be neglected.
22. Sufficient lateral resistance shall be provided for the main structures of the existing quay walls such that they may resist the recommended lateral pressures for the case of potential liquefaction and lateral spreading, which, in the "worst-case" scenario, should be applied to one side of the building but not the other to account for potential failure of the quay walls. The lateral load due to unbalanced earth pressure (in the event of failure of the quay wall) shall not be applied simultaneously with seismic loads on the building since failure of the quay wall and movement of the retained soil would occur after the significant shaking has concluded.

23. For the design of minor structures (swimming pools, planter retaining walls), it shall be assumed that the soils above the water level will exert a pressure on retaining walls established at or near existing grades and on the pool walls, when empty, equal to that developed by a fluid with a density of 35 pounds per cubic foot.
24. Upward hydrostatic forces proportional to the water level height above the bottom of the lowest basement level shall be applied to the proposed lower basement level floor slab. A groundwater surface elevation of 5 feet above MSL shall be assumed for calculation of hydrostatic uplift pressures at both the Parcel 12 and Parcel 15 sites.
25. Walls below grade shall be waterproofed below the anticipated high groundwater level, since the basement walls are being designed for hydrostatic pressure. Walls below grade above the anticipated high groundwater level could be waterproofed or damp-proofed, depending on the degree of moisture protection required.
26. Dewatering of basement excavations shall occur during grading and construction.
27. Where the necessary space is available, temporary unsurcharged slopes above the anticipated high groundwater elevation of 5 feet above MSL may be sloped back at 1.5:1 in lieu of shoring in the unsaturated upper fill soils. The remaining proposed excavation depths would require shoring.
28. Excavations shall be observed by a representative of a reputable geotechnical engineering company during construction so that any necessary modifications based on variations in the soil conditions can be made. Traffic or any surcharged loading shall be no closer than 10 feet from the tops of the sloped excavations. A greater setback may be necessary when considering heavy vehicles, such as concrete trucks and cranes; such setbacks should be established by a reputable geotechnical engineering company.

29. If temporary construction embankments are to be maintained during the rainy season, berms shall be constructed along the tops of the slopes where necessary to prevent runoff water from entering the excavation and eroding the slope faces.
30. All applicable safety requirements and regulations, including OSHA regulations, shall be met.
31. The shoring may consist of a cantilevered shoring system. The cantilevered shoring may consist of sheet piles with lagging between.
32. For design of cantilevered shoring, a triangular distribution of lateral earth pressure may be used. It may be assumed that the retained soils with a level surface behind the cantilevered shoring will exert a lateral pressure equal to that developed by a fluid with a density of 35 pounds per cubic foot.
33. If drainage of the retained soils behind a sheet pile wall is not provided, then the sheet piles shall be designed to withstand hydrostatic pressures below the anticipated high groundwater level.
34. In addition to the recommended earth pressure, the upper 10 feet of shoring adjacent to the streets shall be designed to resist a uniform lateral pressure of 100 pounds per square foot, acting as a result of an assumed 300 pounds per square foot surcharge behind the shoring due to normal street traffic. If the traffic is kept back at least 10 feet from the shoring, the traffic surcharge may be neglected.
35. The shoring system adjacent to the existing structures shall be designed to support the lateral surcharge pressures imposed by the adjacent structure foundations. The shoring system shall also be designed to support the lateral surcharge pressures imposed by concrete trucks and other heavy construction equipment placed near the shoring system.

36. For the design of sheet piles, the allowable lateral bearing value (passive value) of the soils below the level of excavation may be assumed to be 250 pounds per square foot per foot of depth below the excavated surface, up to a maximum of 2,500 pounds per square foot.
37. For the design of soldier piles spaced at least 2.0 diameters on centers, the allowable lateral bearing value (passive value) of the soils below the level of excavation may be assumed to be 500 pounds per square foot per foot of depth below the excavated surface, up to a maximum of 5,000 pounds per square foot. To develop the full lateral value, provisions shall be taken to assure firm contact between the soldier piles and the undisturbed soils. As an alternative, the tremie method may be used; however, if the tremie method is used, the compressive strength of the concrete shall be increased by 1,000 pounds per square inch. The concrete placed in the soldier pile excavations may be a lean-mix concrete; however, the concrete used in that portion of the soldier pile which is below the planned excavated level shall be of sufficient strength to adequately transfer the imposed loads to the surrounding soils.
38. Continuous lagging will be required between soldier piles. Soldier piles shall be designed for the full anticipated lateral pressure; however, the pressure on the lagging will be less due to arching in the soils. The lagging shall be designed for the recommended earth pressure, but limited to a maximum value of 400 pounds per square foot.
39. All required fill shall be uniformly well compacted, observed, and tested during placement.
40. Paved walks and the pool deck at grade shall be underlain by at least 2 feet of compacted fill. Any required additional fill shall be properly compacted.
41. To reduce infiltration of water beneath floor slabs and pavement, good drainage of surface water shall be provided by adequately sloping all surfaces.

42. Any required compacted fills shall be placed in loose lifts not more than 8 inches thick and compacted to at least 90 percent of the maximum density obtainable by the ASTM Designation D1557-91 method of compaction.
43. The moisture content of the on-site clayey soils at the time of compaction shall be between 2 percent below and 2 percent above optimum moisture content.
44. To reduce settlement of the backfill and to reduce settlement of overlying slabs and paving, all required backfill shall be mechanically compacted in layers; flooding shall not be permitted.
45. Backfill shall be compacted to at least 90 percent of the maximum dry density obtainable by the ASTM Designation D1557-91 method of compaction.
46. Exterior grades shall be sloped to drain away from the foundations to prevent ponding of water.
47. Some static and seismic settlement of the backfill should be expected; therefore, any utilities supported therein shall be designed to accept differential settlement, particularly at the points of entry to the building. Provisions shall also be made for some settlement of concrete walks supported on backfill.
48. On-site soils, less any debris, organic matter, and cobbles larger than 4 inches in diameter may be used in required compacted fills.
49. Any required imported fill material shall consist of relatively non-expansive soils with an expansion index of less than 35.
50. Imported fill materials shall contain sufficient fines (binder material) so as to be relatively impermeable and result in a stable subgrade when compacted.

51. All proposed import fill materials shall be reviewed by a reputable geotechnical engineer firm.
52. Properly compacted fill soils shall be placed beneath the proposed minor structures, and slabs and walks at grade.
53. To provide support for concrete slabs on grade, the upper 2 feet of existing fill soils shall be removed and recompacted as recommended under mitigation measures 4.2-42 through 4.2-46.
54. Because construction activities and exposure to the environment can cause deterioration of the prepared subgrade, the field representative of the soils inspector shall observe the condition of the final subgrade soils immediately prior to slab-on-grade construction, and, if necessary, perform further density and moisture content tests to determine the suitability of the final prepared subgrade.
55. The lower level basement floor slab shall be designed for hydrostatic pressure and shall be waterproofed or damp-proofed, depending on the degree of moisture protection required.
56. Excavation bottoms, reworking of the soils, and the compaction of all required fill shall be observed and tested during placement by a representative of a reputable geotechnical engineer firm. This representative shall perform at least the following duties:
 - Observe the bottom of all excavations and areas to receive fill soil;
 - Observe temporary construction slopes and/or the installation of any temporary shoring systems;
 - Evaluate the suitability of on-site and imported soils for fill placement;
 - Collect and submit soil samples for required or recommended laboratory testing where necessary;
 - Observe the fill and backfill for uniformity during placement;

- Test backfill for field density and compaction to determine the percentage of compaction achieved during backfill placement; and
- Observe the installation of driven piles to verify that the desired driving resistance is obtained.

57. All necessary grading permits shall be obtained prior to commencement of grading activities.

(3) **Hydrology and Drainage**

Potential Effect: The Project site is presently developed and generates surface runoff that is discharged into an existing stormwater drainage collection and conveyance system. No increase in surface water runoff is anticipated during a twenty-five year storm event in post-Project condition. Future on-site storm drainage improvements would be designed to accommodate post-development flows during a twenty-five year storm event, so no significant flood impact is expected. The Project, however, could result in potentially significant impacts with respect to erosion, sedimentation, and water quality impacts (pollution from non-point sources) during demolition, construction and operation.

➤ **Finding:** With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, potential flooding, erosion, sedimentation or water quality impacts from the proposed Project will be reduced to an insignificant level.

Facts: The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts:

1. A Final Drainage Plan and Final Grading Plan (including an Erosion Control Plan if required) shall be prepared by the Applicant to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after redevelopment of the project site. These plans shall be prepared to the satisfaction of the Los Angeles County

Department of Public Works, Flood Control Division prior to the issuance of grading, demolition, or building permits.

2. Small craft harbor lease agreements shall include prohibitions against engine maintenance and boat painting or scraping activities while on the premises.

(4) Biota (Marine Resources)

Potential Effect: The landside portion of the Project site is completely developed, and there is no habitat present on the site that can support special status plant or animal species that are known to occur in the general area. The small craft harbor supports many species common to shallow water embayments and is considered a fish nursery and a likely least tern and brown pelican foraging site despite pollution problems created by existing storm drain outfalls and boat maintenance.

Landside construction of the Project would not directly impact biological resources due to the lack of native habitat and any terrestrial animal life. In-water construction would have potentially significant impact on water quality and related biological resources in the small craft harbor due to the re-suspension of sediments associated with removal and replacement of piles unless mitigated.

- **Finding:** With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, the potential impacts on biological resources identified in the FEIR will be reduced to an insignificant level.

Facts: The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts:

1. Secure siltation collar around each pile prior to removal and replacement (water surface to seafloor) and assure that the ends seal the area to preclude re-suspended sediments from entering other areas of the small craft harbor. Sedimentation collars are used similar to silt screens as a means of controlling or reducing turbidity in the vicinity of the construction zone. The collars are placed around piles to be removed and extend from the bottom of the marina to above the water line. Once the collars are in-place, the piles are

extracted. During this process turbidity is increased. Sediment collars would be left in place until the clarity of water inside the sediment collar approaches normal conditions in the marina (measured via the use of a Seiche disk) at which time the sediment collar is removed. Details shall be provided to and approved by RWQCB agency staff prior to construction.

2. In the event a pile should break during removal, use divers to cut the broken pile at the mudline to reduce the resuspension of deeper sediments that are possibly more contaminated than the surficial material. While diver-generated turbidity would be expected during cutting operations, the reduction of sediment resuspension from this removal method would be expected to reduce degradation of water quality and seafloor impacts.
3. Place impervious barriers (i.e., hay bales) around the perimeter of all onshore areas of exposed dirt. Grade the dirt to provide for drainage away from the small craft harbor.

(5) Traffic/Access

Potential Effect: Upon completion, the Project will generate approximately 1,784 net new daily trips, with approximately 173 net new trips coming occurring during the AM peak hour and 151 net new trips coming during the PM peak hour. A total of 1,822 resident and visitor parking spaces will be provided for the 1,022 residential units. An additional 330 parking spaces would be provided for boat slip parking and 88 parking spaces for guests and patrons of the visitor serving commercial uses, for a total of 2,240 spaces. Project traffic volumes could produce significant traffic impacts at four local intersections; Washington Blvd./Via Marina, Admiralty Way/Via Marina, Admiralty Way/Mindanao Way and Lincoln Blvd./Mindanao Way unless mitigated.

- **Finding:** With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project, the potential impacts on traffic identified in the FEIR will be reduced to an insignificant level.

Facts: The above finding is made in that the following mitigation measures will be made conditions of Project approval so as to mitigate the identified impacts:

1. The traffic generated by the Project and the mitigation measures adopted for traffic impacts are consistent with the Marina del Rey Specific Plan.
2. The project Applicant shall pay the traffic mitigation fee imposed upon the project based on the County's mitigation fee structure, as modified by any traffic improvement credits that may be accrued by the project. The County Department of Public Works prefers to implement the Marina del Rey roadway improvements funded by the trip mitigation fees as a single major project in order to minimize traffic disruptions and construction time. Therefore, payment of the fee is the recommended mitigation over the partial construction by this project of any major roadway improvements. However, should the County decide that some roadway improvement measures are necessary immediately, the following improvements, which are consistent with the improvements identified in the LUP, are recommended:
 - (i) Washington Boulevard and Via Marina -Install dual left-turn lanes on Washington Boulevard for westbound travel at Via Marina to enhance access to Marina del Rey from Washington Boulevard.
 - (ii) Admiralty Way and Via Marina -Participate in the reconstruction of the intersection to provide for a realignment of Admiralty Way as a "through roadway," with Via Marina intersecting into Admiralty Way in a "T" configuration. All turning movements at the intersection shall be constructed as dual or right-turning movements. This improvement will enhance flow within Marina del Rey.
 - (iii) Admiralty Way and Mindanao Way - Install dual left-turn lanes on Admiralty Way for southbound travel at the approach to Mindanao Way to enhance egress from Marina del Rey at Mindanao Way.
 - (iv) Lincoln Boulevard and Mindanao Way -Install a video surveillance camera on the signal equipment at this intersection to allow for signal timing adjustments and other manual improvements to the ATSAC system on the Lincoln Corridor.

(6) Water Services

Potential Effect: Water is provided to the Project site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District. Construction of the proposed Project would result in water consumption of approximately sixteen-acre feet over the course of Project buildout. Due to the temporary nature of construction activity and the fact that construction water consumption would occur over a long period (approximately sixty-six months), construction related water demand is not considered significant.

Operation of the proposed Project would generate a net increase in water demand estimated at 67,008 gallons per day. Currently, the existing water delivery system is not able to serve any significant new development. Capital improvements are presently underway, however, that would meet all demand for water at buildout of Phase 2 of the Project. With completion of these capital improvements and inclusion of water conservation measures into the Project design, no significant Project impacts are anticipated.

- **Finding:** With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project will reduce the potential impacts on water resources identified in the FEIR to an insignificant level.

Facts: The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts:

1. Prior to the issuance of grading permits, the Applicant shall provide to the Los Angeles County Department of Regional Planning a letter from Water Works District No. 29 stating that it is able to provide water service to the project phase under consideration. Grading permits shall not be issued until such time that Water Works District No. 29 indicates that the distribution system and water supply are adequate to serve the Project.

(7) **Wastewater Disposal**

Potential Effect: Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant ("HTP"). Operation of the proposed Project would generate a net increase of approximately 114,250 gallons per day of wastewater. The HTP has the capacity to treat this increase in wastewater. Therefore, no significant impacts to wastewater treatment facilities are anticipated.

The existing collection and conveyance system is adequate to accommodate Phase 1 of the Project (Parcel 12). The relocation of existing 15" and 8" lines are necessary to accommodate Phase 2 of the Project (Parcel 15). Absent the relocation, a significant impact to the collection and conveyance network would occur during Phase 2.

- **Finding:** With implementation of the measures identified in this section, conditions of approval and design features incorporated into the Project will reduce the potential impacts identified in the FEIR to an insignificant level.

Facts: The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts:

1. Prior to issuance of building permits, the Project Applicant shall demonstrate sufficient sewage capacity for the proposed Project by providing a "will serve" letter from the County of Los Angeles Department of Public Works Waterworks and Sewer Maintenance Division.
2. The Project Applicant shall pay a "fair share" amount of the cost to upgrade the downstream segments of the sewer trunk that are identified as inadequate to accommodate effluent generated by the proposed Project. These improvements shall be in place prior to the issuance of building permits for Phase 2 of the proposed Project (Parcel 15).

(8) **Education**

Potential Effect: The Project site is served by the Los Angeles Unified School District. Students generated by the Project can be accommodated by local schools without the need for capital improvements. The Project, however, will be required to pay standard development fees that would aid in offsetting the cost of student education and local school improvements should they be required.

- **Finding:** Conditions of approval for required payment of school impact fees incorporated into the Project will reduce the potential impacts identified in the FEIR to an insignificant level.

Facts: The above finding is made in that no additional mitigation measures are necessary to mitigate Project related school impacts.

(9) **Libraries**

Potential Effect: The increased demand for library services resulting from the Project is considered potentially significant unless mitigated. The Project, however, is required to pay Library Facilities Mitigation Fee imposed by the County of Los Angeles to offset any significant adverse impacts of increased residential development upon public library facilities.

- **Finding:** Conditions of approval for required payment of Library Facilities Mitigation Fees incorporated into the Project will reduce the potential impacts identified in the FEIR to an insignificant level.

Facts: The above finding is made in that no additional mitigation measures are necessary to mitigate Library related school impacts.

(10) **Police Services**

Potential Effect: Construction and operation of the Project would result in an increase in calls for police protection services to the Los Angeles County Sheriff's Department. Police protection impacts, however, would be potentially reduced through Project amenities and design features including private courtesy patrol, controlled access via a 'smart card' systems to areas such as gated parking, Project entries and elevators, common and parking area lighting, pre-wiring of residential units for installation of alarm systems and deadbolts at each residential entry door.

- **Finding:** Conditions of approval and design features incorporated into the Project will reduce the potential police services impacts identified in the FEIR to an insignificant level.

Facts: The above finding is made in that no additional mitigation measures are required.

(11) **Fire Protection**

Potential Effect: Construction and operation of the Project would result in an increase in calls for fire protection services to the Los Angeles County Fire Department. Fire protection impacts, however, would be reduced through compliance with applicable building codes as well as incorporation of access requirements outlined in the Marina del Rey Specific Plan.

- **Finding:** Conditions of approval and design features incorporated into the Project will reduce the potential impacts identified in the FEIR to an insignificant level.

Facts: The above finding is made in that no additional mitigation measures are required.

(12) **Parks and Recreation**

Potential Effect: There is an existing shortage of improved park and recreational facilities within Park Planning Area No. 28 (encompassing the Project site). Therefore, impacts on parks and recreation would be considered significant. The Project, however, is subject to the

requirements of the Marina del Rey Specific Plan that call for parkland dedication, payment of fees to the Coastal Improvement Fund in lieu of land dedication or some combination thereof. The proposed Project also includes both public and private recreational amenities.

- **Finding:** Conditions of approval and design features incorporated into the Project will reduce the potential impacts identified in the FEIR to an insignificant level.

Facts: The above finding is made in that no additional mitigation measures are required.

(13) Utilities

Potential Effect: Southern California Edison ("SCE") and the Southern California Gas Company ("SCGC") supply electricity and natural gas to the Project site. Both SCE and SCGC have indicated that the existing distribution network can accommodate the projected increase in demand for service without adverse impact to existing customers. In addition, the proposed Project will comply with all Energy Building regulations adopted by the California Energy Commission to reduce energy consumption.

- **Finding:** No potentially significant impacts are identified in the FEIR. Conditions of approval and design features incorporated into the Project will reduce any potential impacts to an insignificant level.

Facts: The above finding is made in that no additional mitigation measures are required:

(14) Cultural Resources

Potential Effect: No direct impacts to cultural resources are anticipated as a result of implementation of the proposed project. A Phase I archeological survey and evaluation of the site did not show the presence of cultural resources on the site.

- **Finding:** No potentially significant impacts will occur and implementation of measures identified in this section would reduce any potential impacts identified during the development to an insignificant level.

Facts: The above finding is made in that the following measures will be made conditions of Project approval so as to mitigate the identified impacts:

1. An archaeological monitor shall be present on the site during excavation and grading operations, including surface scraping, trenching, and soil boring. In the event that resources are found during construction, activity shall stop until the resources can be evaluated and appropriate mitigation undertaken.

(15) Environmental Hazards

Potential Effect: No significant impacts during construction are anticipated. Construction activities, however, are nevertheless still subject to numerous regulations pertaining to environmental hazards, including Southern California Air Quality Management District ("SCAQMD") Rule 1402 for demolition activity and any conditions placed on the Groundwater Discharge Permit by the Regional Water Quality Control Board for dewatering activities. Further, the nature of the Project is not such that it would create potentially significant impacts. Hazardous substances typical of residential areas are neither of a nature nor used in quantities on-site that would result in a significant release of hazardous substances or risk of upset.

- **Finding:** Conditions of approval and design features incorporated into the Project will reduce the potential impacts identified in the FEIR to an insignificant level.

Facts: The above finding is made in that no additional mitigation measures are required.

Cumulative Impacts

(1) Potential Cumulative Population and Housing Impact: A number of development projects are pending or approved in the vicinity of the Project site. The effect of these projects, in conjunction with the Project, could have a significant cumulative impact on population/housing/employment.

➤ **Finding:** No significant cumulative impacts are anticipated and no mitigation is required.

Facts: The above finding is made in that cumulative increases in population, housing and employment are all within demographic forecasts as defined by SCAG and Los Angeles County.

(2) Potential Cumulative Geotechnical and Soil Resources Impact: A number of development projects are pending or approved in the vicinity of the Project site. Geotechnical impacts, however, are generally site specific rather than cumulative in nature. Each development site is subject to, at a minimum, uniform development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. Development of each would have to be consistent with Los Angeles County requirements as they pertain to protection against known geologic hazards.

➤ **Finding:** No potentially significant cumulative impacts to geotechnical and soils resources will occur and cumulative mitigation measures are not required.

Facts: Development of each development projects are pending or approved in the vicinity of the Project site would have to be consistent with Los Angeles County requirements as they pertain to protection against known geologic hazards.

(3) Potential Cumulative Hydrology and Drainage Impact: A number of development projects are pending or approved in the vicinity of the Project. The effects of those projects, in conjunction with the Project, could have a significant cumulative impact on hydrology and drainage.

- **Finding:** Project mitigation measures, conditions of approval and design features incorporated into the Project will avoid or substantially lessen the Project's contribution to the potential flood, erosion and sedimentation effects identified in the FEIR. The cumulative impacts of related projects are not significant.

Facts: All cumulative projects within the tributary watershed are required to meet the same general flood control and water quality requirements as the Project. The requirements will be identified by the local jurisdiction and the Regional Water Quality Control Board and will include prohibitions on significant increases in post-development stormwater flows and stormwater velocities into the small craft harbor. Since the Project would not represent a significant change in hydrological or drainage conditions, its contribution to cumulative impact is negligible. Other projects can be expected to be similarly conditioned such that no significant impact will occur.

(4) Potential Cumulative Biota Impact: The Project site and surrounding area is largely developed with urban uses and little in the way of native wildlife exists in the area. No special status species associated with terrestrial environments are known to occur on or near the Project site north of Ballona Creek. One project in the vicinity, however, is proposed that would effect marine environments through the rehabilitation of boat slips. Should construction of that project occur at the same time as the Project, effects on the marine environment could be greater in magnitude than each project considered individually. Potential cumulative effects could effect marine resources and terrestrial species that use marine environments such as the California brown pelican and the California least tern. Because these species forage over a large area, however, and available forage sites occur near the site and in the region cumulative impacts are not considered significant.

- **Finding:** Mitigation measures, conditions of approval and design features incorporated into the Project will avoid or substantially lessen the Project's contribution to impacts on biological resources. The cumulative impacts of related projects are not significant.

Facts: Development of each development project pending or approved in the vicinity of the Project site would have to be consistent with Los Angeles County and other possible responsible agency requirements as they pertain to protection against impacts on biological resources.

(5) Potential Cumulative Traffic/Access Impact: Traffic resulting from pending and approved projects in the vicinity of the project could have a potentially significant impact on area traffic and access.

➤ **Finding:** Mitigation measures, conditions of approval and design features incorporated into the Project will avoid or substantially lessen the Project's contribution to impacts on traffic and access. The cumulative impacts of related projects can be mitigated to a less than significant level.

Facts: All projects identified in the cumulative projects list in the FEIR will be required to undergo a traffic impact analysis similar to the analysis prepared for the Project. Such analysis would include mitigation measures (similar to those recommended for the Project) that would reduce the traffic impact to a less than significant level on both project and cumulative project levels. Moreover, additional trips generated by the density bonus units granted to this Project for the inclusion of affordable housing have been mitigated through improvements to the Automated Traffic Surveillance and Control (ATSC) technology that is identified as a Category 1 traffic improvement in the certified LCP. The inclusion of Adaptive Traffic Control (ATC) technology into the ATSC system has created at least 3 percent additional traffic capacity at each signalized intersection in Marina del Rey. This additional capacity is more than sufficient to accommodate additional trips generated by units granted by the density bonus under the cumulative buildout scenario.

(6) Potential Cumulative Water Services Impact: Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase development intensity and water demand. Buildout of those projects would increase water demand to a level that cannot be supported by the existing water system, resulting in a potentially significant impact to water services. The system is near capacity and new development cannot

be served without physical improvements to the water delivery system. Water Works District No. 29 is presently planning and implementing capital improvements that are designed to meet the future water demand and maintain necessary flows. The entire system upgrade is anticipated to be completed by 2010. Future projects within Marina del Rey would not significantly impact the water supply and distribution network if projects are completed after completion of the improvements planned for Water Works District No. 29.

- **Finding:** Project mitigation measures, conditions of approval and features incorporated into the Project design will avoid or substantially lessen the Project's contribution to the potential water service effects identified in the FEIR. Feasible mitigation measures to address the cumulative impacts of related projects will reduce those impacts to a less than significant level.

Facts: The above finding is made in that the following mitigation measure is feasible to reduce the cumulative impact to water service to a less than significant level:

1. Prior to the issuance of grading permits, the applicant for each future project within Marina del Rey shall provide to the Los Angeles County Department of Regional Planning a letter from Water Works District No. 29 stating that the District is able to provide water service to the project under consideration. Grading permits shall not be issued until such time that the District indicates that the distribution system and water supply are adequate to serve the project under review. Alternatively, the applicant of each future project under consideration Marina del Rey may construct that phased improvement identified in the Water Works District No. 29 Backbone Water Distribution Master Plan that provides sufficient water supply and fire flows to accommodate the project under consideration.

(7) Potential Cumulative Wastewater Disposal Impacts: Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of effluent requiring collection and treatment. Treatment capacity at the Hyperion Treatment Plant is available to serve the wastewater estimated to be generated by cumulative projects within Marina del Rey. In addition, each future project is required to

provide adequate capacity to convey sewage to a safe point of discharge and pay fees to connect to the sewage system. In this manner, the existing sewage collection and conveyance system would be upgraded to accommodate sewage created by the development of future projects.

- **Finding:** Mitigation measures, conditions of approval and design features incorporated into the Project will avoid or substantially lessen the Project's contribution to impacts on traffic and access. The cumulative impacts of related projects are not significant.

Facts: The above finding is made in that each project is required to ensure that adequate capacity in the receiving truck sewers and receiving water reclamation plant exists to accommodate the effluent generated by that use. Additionally, each project is required to pay a connection fee used to fund expansions needed to accommodate growth. If each project constructs the improvements necessary to accommodate that use and pays connection fees to cover the costs for operation of facilities, sewerage infrastructure would be upgraded as necessary to accommodate sewage created by the development of future projects.

(8) Potential Cumulative Education Impact: The addition of students generated by cumulative development would exceed the capacity of the primary school serving the Project area. Without mitigation, the Project's cumulative impact would be considered significant.

- **Finding:** Conditions of approval will avoid or substantially lessen the Project's contribution to the potential cumulative impacts to education identified in the FEIR. The cumulative impacts of related projects are not significant.

Facts: As developments provide their required share of school funding through payment of fees pursuant to conditions similar to those imposed on the Project or through other agreements with the affected school district, cumulative impacts will be less than significant.

(9) Potential Cumulative Library Services Impact: A number of development projects are pending or approved in the vicinity of the Project site. The effects of those projects, in conjunction with the Project, could have a significant cumulative impact on library services.

- **Finding:** Conditions of approval will avoid or substantially lessen the Project's contribution to the potential cumulative impacts on library services identified in the FEIR. The cumulative impacts of related projects are not significant.

Facts: As developments provide their required share of the Los Angeles County Library Facilities Mitigation Fees pursuant to conditions similar to those imposed on the Project cumulative.

(10) Potential Cumulative Police Services Impact: Increased development intensity within Marina de Rey will increase the demand for law enforcement, and could create a potentially significant impact. The demand would be met, though, by increases in law enforcement staffing and equipment, funded by increased revenues from property and sales taxes and motor vehicle registration fees paid by residents and businesses in those projects. Moreover, each project is subject to review by local law enforcement to ensure that adequate access, visibility and security is provided.

- **Finding:** Conditions of approval will avoid or substantially lessen the Project's contribution to the potential cumulative impacts on police services identified in the FEIR. The cumulative impacts of related projects are not significant.

Facts: Implementation of conditions on related projects similar to those imposed on the Project would reduce the impact on police services to a less than significant level.

(11) Potential Cumulative Fire Services Impact: Increased development intensity within Marina de Rey will increase the demand for fire protection facilities and personnel, and could create a potentially significant impact. The demand would be met, though, by increases in staffing and equipment, funded by increased revenues from property taxes special tax revenue. Moreover, each project is subject to review to ensure compliance with all applicable fire codes and regulations.

- **Finding:** Conditions of approval will avoid or substantially lessen the Project's contribution to the potential cumulative impacts on fire protection services identified in the FEIR. The cumulative impacts of related projects are not significant.

Facts: Implementation of conditions on related projects similar to those imposed on the Project would reduce the impact on fire protection services to a less than significant level.

(12) Potential Cumulative Parks and Recreation Impact: A number of development projects are pending or approved in the vicinity of the Project site: The effects of those projects, in conjunction with the Project, could have a significant cumulative impact on parks and recreation.

- **Finding:** Conditions of approval and features incorporated into the project design will avoid or substantially lessen the Project's contribution to the potential cumulative effects on parks, recreation and trails identified in the FEIR. The cumulative impacts of related projects are not significant.

Fact: Implementation of conditions of approval similar to those imposed on the Project will reduce cumulative impacts on parks and recreation to a less than significant level.

(13) Potential Cumulative Utilities Impact: A number of development projects are pending or approved in the vicinity of the Project site: The effects of those projects, in conjunction with the Project, could have a significant cumulative impact on utilities. The electrical and natural gas system, though, can be modified to meet increase demand as a result of cumulative projects. Each individual project is also required to incorporate energy conservation features into its design.

- **Finding:** Conditions of approval and design features incorporated into the Project design will avoid or substantially lessen the Project's contribution to the potential cumulative effects on utilities identified in the FEIR. The cumulative impacts of related projects are not significant.

Fact: Implementation of conditions of approval similar to those imposed on the Project will reduce cumulative impacts on utilities to a less than significant level.

(14) Potential Cumulative Cultural Resources Impact: A number of development projects are pending or approved in the vicinity of the Project site: The effects of those projects, in conjunction with the Project, could have a significant cumulative impact on cultural resources. Each project, however, must comply with the policies of the Local Plan by contacting the Office of Historic Preservation and Native American Heritage Commission, and must undertake a Phase I reconnaissance survey if deemed necessary by County staff.

- **Finding:** Project mitigation, Conditions of approval and features incorporated into the Project design will avoid or substantially lessen the Project's contribution to the potential cumulative effects on cultural resources identified in the FEIR. The cumulative impacts of related projects are not significant.

Facts: Implementation of mitigation measures and conditions of approval similar to those imposed on the Project will reduce cumulative impacts on cultural resources to a less than significant level.

(15) Potential Cumulative Environmental Hazards Impact: A number of development projects are pending or approved in the vicinity of the Project site: The effects of those projects, in conjunction with the Project, could have a significant cumulative impact on environmental and man made hazards.

- **Finding:** Conditions of approval and features incorporated into the project design will avoid or substantially lessen the Project's contribution to the potential cumulative effects on environmental hazards identified in the FEIR. The cumulative impacts of related projects are not significant.

Facts: Implementation of conditions of approval similar to those imposed on the Project will reduce cumulative impacts on environmental hazards to a less than significant level.

SECTION 2
SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS WHICH
CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The County has determined that, although FEIR mitigation measures, design features included as part of the Project, and conditions of approval imposed on the Project will provide a substantial mitigation of the following effects, these effects cannot be feasibly or effectively mitigated to a level of insignificance. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 6) to substantiate the County's decision to accept these unavoidable substantial, adverse environmental effects because of the benefits afforded by the Project.

(1) Visual Qualities

Potential Effects: Site development would significantly alter the visual character of the site and would obstruct views of the small craft harbor presently available from a portion of the existing apartments within the Villa del Mar complex. These units would also be subject to shadows cast by project structures. The Marina del Rey Land Use Plan identifies water views as a priority. Consequently, obstruction of existing water views as observed by a number of residential units in the Villa del Mar apartment complex is considered significant.

➤ **Finding:** The impact identified in the FEIR cannot be mitigated to a level of insignificance.

Facts: The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6). No feasible mitigation exists to reduce this impact to a less than significant level. However, it is noted that while the Project would adversely impact the harbor views of one existing residential complex, the Project would result in creating harbor views for a substantially greater number of new residential units and would substantially increase the total number of residential units with harbor views compared to the current developments on and near the Project site. In addition, the Project will enhance public views from Via Marina, a designated Scenic Corridor, which are currently obstructed by the existing residential units.

(2) Noise

Potential Construction Related Effects: Implementation of the Project would generate construction-related noise. Construction-related noise would affect residential uses proximal to the site and noise sensitive uses along the haul route. Noise levels generated from the Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction would still periodically exceed County standards for exterior noise levels.

Potential Operation Related Effects: The primary source of noise during Project operation would be associated with vehicular traffic. Noise level increases generated by Project generated traffic at off-site locations would be in amounts hardly perceptible to the human ear.

- **Finding:** The construction-related noise impacts identified in the FEIR cannot be mitigated to a level of insignificance. However, conditions of approval will reduce, to the extent feasible, the adverse environmental impacts of construction-related noise. Operation related noise impacts would be less than significant.

Facts: The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

1. All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. To ensure that mobile and stationary equipment is properly maintained and meets all federal, state, and local standards, the Applicant shall maintain an equipment log. The 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. The log shall be submitted to the Department of Public Works for review and approval on a quarterly basis. In areas where construction equipment (such as generators and air compressors) is left stationary

and operating for more than one day within 100-feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses. As the Project is constructed, the use of building structures as noise barrier would be sufficient. The County Building Official or a designee should spot check to ensure compliance.

2. The Applicant shall pre-drill the locations where piles will be driven prior to driving the piles. Under this approach, the soil is pre-drilled to a depth below the saturation zone (zone of potential liquefaction). Pre-cast piles are then driven into the dense soil strata to the minimum length specified by the Project geotechnical engineer. This approach reduces the duration and intensity of pile driving activity to the minimum necessary to ensure adequate structural support.
3. The Applicant shall provide adjacent owners with a pile driving schedule 10-days in advance of activities, and a 3-day notice of any re-tapping activities that may need to occur. The Applicant shall submit a copy of the scheduled and mailing list to the appropriate County regulatory agency prior to the initiation of construction activities. The County Building Official or a designee should spot check and respond to complaints.
4. Construction activities shall be restricted to between the hours of 7:00 A.M., and 5:00 P.M. in order to minimize construction activities and use of the haul route that would create noise disturbance on surrounding residential and commercial property. Grading, pile driving, and hauling of material shall not commence before 8:00 A.M. Monday through Friday. Grading, pile driving, and hauling shall not occur on Saturdays or Sundays. The work schedule shall be posted at the construction site and modified as necessary to reflect deviations approved by the Department of Beaches and Harbors. The County Building Official or a designee should spot check and respond to complaints.
5. The Project Applicant 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 telephone number where people can register questions and complaints. The Applicant shall keep record of all complaints and take appropriate action to minimize noise generated by the offending activity where

feasible. A monthly log of noise complaints shall be maintained by the Applicant and submitted to the County of Los Angeles Department of Environmental Health.

(3) Air Quality

Potential Construction-Related Effects: Implementation of the Project would generate construction-related pollutant emissions. Construction-related emissions would take the form of fugitive dust generated by grading activity and air pollutants generated by on-site stationary sources, heavy equipment, construction vehicle use and energy use.

Potential Operation Related Effects: The net increase in site development would not cause an exceedance in the threshold of significance of any of the five air emissions evaluated using Southern California Air Quality Management District methodology nor would increase carbon monoxide hotspots at affected intersections in the Project study area.

- **Finding:** The construction-related air quality impacts identified in the FEIR cannot be mitigated to a level of insignificance. However, conditions of approval and design features incorporated into the Project will reduce, to the extent feasible, the adverse environmental effects. Operation related impacts on air quality would be less than significant.

Facts: The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

1. Develop and implement a construction management plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
 - a. Configure construction parking to minimize traffic interference.
 - b. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
 - c. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
 - d. Re-route construction trucks away from congested streets.
 - e. Consolidate truck deliveries when possible.

- f. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
 - g. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
 - h. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.
 - i. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
 - j. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
 - k. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
2. Develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the SCAQMD:
- a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
 - b. Replace ground cover in disturbed areas as quickly as possible.
 - c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.
 - d. Water active grading sites at least twice daily.
 - e. Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
 - f. 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.
 - g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance

between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.

- h. Sweep streets at the end of the day if visible soil material is carried over to adjacent roads (recommend water sweepers using reclaimed water if readily available).
 - i. Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
 - j. Apply water three times daily or chemical soil stabilizers according to manufacturers' specifications to all unpaved parking or staging areas or unpaved road surfaces.
 - k. Enforce traffic speed limits of 15 mph or less on all unpaved roads.
 - l. Pave construction roads when the specific roadway path would be utilized for 120 days or more.
3. In the event asbestos is identified within existing on-site structures, the Project Applicant/developer shall comply with SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). Compliance with Rule 1403 is considered to mitigate asbestos-related impacts to less than significant.

(4) Solid Waste Disposal

Potential Effects: Implementation of the proposed Project would generate 3,893 pounds/day of solid waste. Alternative solid waste disposal technologies may reduce landfill disposal, but it has not been demonstrated that in the foreseeable future approved landfill space or other disposal alternatives will be adequate to serve both existing and future uses.

- **Finding:** The impacts identified in the FEIR cannot be mitigated to a level of insignificance. However, conditions of approval incorporated into the Project will reduce, to the extent feasible, the adverse environmental effects.

Facts: The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

1. To reduce the volume of solid and hazardous waste generated by the construction and operation of the project, a solid waste management plan shall be developed by the Project Applicant. This plan shall be reviewed and approved by the County of Los Angeles Department of Public Works. The plan shall identify methods to promote recycling and re-use of material, as well as safe disposal consistent with the policies and programs contained in the County of Los Angeles Source Reduction and Recycling Element. Methods could include locating recycling bins on construction sites and placing such facilities in proximity to dumpsters used by future on-site residents.
2. The Applicant shall arrange with a local trash/recyclable hauling company for materials collection.
3. The Project Applicant shall demonstrate that all construction and demolition debris, to the maximum extent feasible, will be salvaged and recycled in a practical, available, and accessible manner during the construction phase. Documentation of this recycling program will be provided to the County of Los Angeles Department of Public Works.

SECTION 3

GROWTH INDUCING IMPACTS OF THE PROJECT

CEQA identifies a project as growth inducing (i.e., a project involving spatial, economic or population growth in a geographic area) if it could foster economic or population growth or construction of additional housing either directly or indirectly.

- **Finding:** The proposed Project does not meet a growth-inducing criterion specified under CEQA, and, therefore, the proposed Project may be considered as not growth inducing.

Facts: The following facts support the above finding:

(1) Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth. In this context, physical growth impediments may involve non-existent or inadequate access to an area or lack of essential public services. As it relates to the Project, a network of electricity, water, sewer, stormwater, communication, roads and other supporting infrastructure is already in place. The Project would connect to existing infrastructure, with some off-site improvements necessary to meet Project demands. These off-site improvements include increasing the size of a sewer truck line and construction of a waterline in Panay Way adjacent to Parcel 15. These improvements are consistent with the policies of the Marina del Rey Specific Plan to promote the recycling of Phase I Marina del Rey development with more intensive uses. Therefore, the Project would not be considered growth inducing pursuant to this criterion.

(2) Urbanization of Land in Remote Locations

The Project is a redevelopment of improved property and is situated in an existing developed urban community. As a result, the proposed Project will not "leapfrog" over any undeveloped area or introduce development into a previously undeveloped area.

(3) Economic Growth

Project development would increase population, housing and employment opportunities within Marina del Rey. Short-term construction employment opportunities, however, are likely to be filled by the existing Los Angeles metropolitan labor market. Moreover, increases in population, housing and employment generated by the Project at completion would not result in increases above that anticipated by SCAG or planned for in the Marina del Rey Specific Plan. On those bases, the Project is not considered growth inducing. Rather, it can be considered growth accommodating.

(4) Precedent Setting Action

The proposed Project requires a number of discretionary actions on the part of the Los Angeles County Department of Regional Planning, Regional Planning Commission and the Board of Supervisors. Approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the Project is not growth inducing under this criterion.

SECTION 4

FINDINGS REGARDING ALTERNATIVES

Alternatives to the proposed Project described in the Draft EIR were analyzed and considered. The alternatives discussed in the FEIR constitute a reasonable range of alternatives necessary to permit a reasoned choice. The FEIR concluded that the Reduced Density Alternative was the environmentally superior alternative, but instead recommended the proposed Project with the FEIR mitigation measures. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Consideration is hereby adopted (see Section 6) to substantiate the County's decision to reject the environmentally superior alternative because of the benefits afforded by the Project, as well as other reasons set forth in section 6.

♦ **Alternative 1** - The "No Project" Alternative

Description of Alternative: An analysis of this alternative is required by the CEQA Guidelines. Under this alternative, the Project site would remain in its present condition with improvements as they exist.

Comparison of Effects: None of the potential Project-related impacts identified in the FEIR would occur under the "No Project" alternative. The selection of the "No Project" alternative, however, is not consistent with policies defined in the Marina del Rey Specific Plan. The Specific Plan is directed towards guiding and encouraging recycling, intensification, or conversion of Phase I development consistent with policies that place high priority on development of boating and visitor-serving facilities. The purpose behind encouraging the change and expansion of selected land uses within Marina del Rey includes implementation of the policies of the California Coastal Act, encouragement of controlled change over the next thirty years rather than face the prospect of major simultaneous change when the bulk of the leases expire after the year 2020, correcting existing problems and replacing physically obsolete structures. The objectives are designed to build upon the success of existing uses in Marina del Rey via the creation of opportunities for selective reconstruction at higher intensities and enhancing visitor-serving uses, public access and coastal views.

- **Finding:** The "No Project" alternative is not preferred because this alternative fails to meet the objectives identified in the FEIR or provide any of the benefits as set forth therein and is not consistent with the policies defined in the Marina del Rey Specific Plan.

Facts: The "No Project" Alternative would not provide increased coastal residential opportunities with designs that emphasize coastal views, would not provide coastal residential opportunities for low income senior citizens, would not increase coastal recreational access and viewing opportunities, would not create an integrated self-contained recreational marina boating facility with contemporary on-water facilities, would not decrease service and delivery congestion on public streets, and would not provide development to replace the aging first phase of development from the 1960's in Marina del Rey with new development which better serves the current demand for housing..

♦ **Alternative 2** – Increased Depth of Underground Parking Structures

Description of Alternative: This alternative involves the construction of two levels of underground parking. The number of units proposed would remain the same. Building heights in Alternative 2 would be 53 feet, slightly lower than the Project. A variance that would allow structures to exceed the 45-foot height limit at the mole terminus of Parcel 12, however, would still be required.

Comparison of Effects: Alternative 2 would substantially increase the amount of Project-related grading and dewatering. Removal of over 400,000 cubic yards of earth would be required, an increase of 150% over the Project. The construction-related dewatering process would be the same as for the Project, but the duration would be substantially increased due to construction well below the depth of groundwater. Permanent post-construction dewatering would also be required. The overall construction period would increase due to the increase in site grading requirements, which in turn would exacerbate construction-related noise impacts, air quality impacts and impacts to water quality. The net effect of the alternative would be to reduce overall visual impacts somewhat while substantially increasing grading requirements and associated grading related impacts.

- **Finding:** This alternative was not selected because, while most of the basic objectives of the proposed Project are met under Alternative 2, the alternative is environmentally inferior to this alternative because the substantially greater impacts from grading, dewatering, and construction impacts exceed the potential benefit to visual resources compared to the Project.

Facts: Alternative 2 would greatly exacerbate significant construction related impacts to air quality noise and export of dirt while only reducing visual impacts in a limited manner

♦ **Alternative 3** – Reduced Density

Description of Alternative: This alternative would reduce the density of residential development by thirty-one percent (31%), decreasing the number of dwelling units to 823 the density allowed by the Specific Plan without any density bonus for affordable housing. The Reduced Density Alternative would also reduce the height of the building along Marquesas Way in order to eliminate the need for a height variance. The remainder of the site plan would be similar to the Proposed project. Similar building types would be utilized under this alternative. The amount of parking would be similar and would remain underground. However, this alternative would provide no low-income senior citizen housing.

Comparison of Effects: This alternative would involve a similar amount of demolition and construction activity, as all existing buildings would be removed under both the alternative and the proposed Project. Construction methods, including dewatering, would be similar. The duration of construction would be less as a result of the less intensive development, but only slightly. As such, construction related noise impacts and impacts to air quality would not be significantly reduced.

Operational impacts (traffic, air quality, public utilities and services, solid waste generation) would be less because of the smaller increase in population associated with fewer units. The significant impact of solid waste disposal facilities would be reduced, but any increase in the volume of solid waste generated within the County is considered significant until such time as adequate landfill space or other disposal alternatives are provided to serve existing and future uses.

The primary benefit of this alternative is a reduction in the impact on visual resources. Increased visual compatibility with existing Phase I Marina del Rey uses is created by

a reduction in building height; however, as existing nearby structures are redeveloped pursuant to the policies of the Marina del Rey Specific Plan the comparative visual incompatibility of the Project with surrounding uses will diminish. Moreover, The Marina del Rey Specific Plan also places a high priority on water views. The proposed Project already meets the intent of the Marina del Rey Specific Plan with respect to water views through provision of view corridors in excess of County requirements and the inclusion of public promenade along the waterfront.

- **Finding:** The Reduced Density Alternative is not preferred because, while many environmental impacts are somewhat avoided or lessened, several basic objectives of the proposed Project are not fully met or are impeded, and some benefits associated with the Project would not be maximized. Finally, this alternative does not achieve a major objective of the Project and the Marina del Rey Specific Plan in that it fails to provide affordable housing in an area where no low-income senior housing exists currently.

Facts: The benefits of reducing the development intensity and structure height are offset by the alternative's failure to meet Project objectives and its hindrance to the attainment of basic County goals encouraging affordable housing and its failure to provide as much new housing responsive to market demand in an appropriate area. The Reduced Density Alternative would not provide coastal residential opportunities for low-income senior citizens, would not increase coastal viewing or housing opportunities

SECTION 5
FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1), codified as Section 2081(a) of the Public Resources Code, the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the Mitigation Monitoring Program, which is attached as Exhibit A to these Findings, and incorporated in the Project's Conditional Use Permit, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects.

SECTION 6

STATEMENT OF OVERRIDING CONSIDERATIONS

The FEIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures discussed in the FEIR, these effects can be mitigated to levels of insignificance except for unavoidable significant Project impacts on visual qualities, noise, air quality and solid waste disposal and except for unavoidable significant cumulative impacts on visual qualities, noise, air quality and solid waste disposal, as identified in Section 2 of these findings.

Having reduced the significant adverse environmental effects of the proposed Project by approving the Project and adopting the conditions of approval and the mitigation measures identified in the FEIR, and having balanced the benefits of the Project against the Project's potential unavoidable significant adverse impacts, the Commission hereby determines that the benefits of the Project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable, based on the following overriding considerations:

- (1) The Project will increase coastal housing opportunities that meet projected needs in Marina del Rey by replacing existing, dated development with contemporary multi-family dwelling units with designs that emphasize coastal views, as called for in the Marina del Rey Specific Plan.
- (2) The Project will assist in the attainment of basic County goals for the provision of affordable housing by creating coastal housing for very low-income senior citizens.
- (3) The Project will improve coastal recreational access and viewing opportunities.
- (4) The Project will replace aging and obsolete boating facilities and create an integrated, self-contained recreational boating community with contemporary on-water boater facilities.

- (5) The Project will improve visitor-serving commercial space while providing improved public access to the waterfront through a 28'-wide promenade.
- (6) The Project will decrease service and delivery congestion on public streets by providing on-site loading/off-loading areas and providing for or making other improvements to the area circulation system.
- (7) During the construction of the Project, construction related employment would be created. Permanent employment will also be created by the residential and visitor serving commercial uses.
- (8) The Project will earn a reasonable return on investment for the County of Los Angeles as the underlying landowner of the property and lessor of the property to the Applicant.

SECTION 7
SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Commission has made one or more of the following findings with respect to each of the significant adverse effects of the Project:

- a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the FEIR.
- b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the FEIR.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing:

- a. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.
- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations set forth in the foregoing Statement of Overriding Considerations.

SECTION 8

SECTION 21082.1(c)(3) FINDINGS

Pursuant to Public Resource Code § 21082.1(c)(3), the Commission hereby finds that the FEIR reflects the independent judgment of the lead agency.

Parcel 9, Parcel 111 (western portion) -- Height category 5: Building height not to exceed 140 feet, unless an expanded view corridor is provided in accordance with Section 22.46.1060 in which case the height shall not exceed a maximum of 225 feet.

22.46.1820 Marquesas Development Zone 3 (Exhibit 7)

Parcels 10, 12, 13, FF

Development Allocation: 320 Dwelling Units
15 KSF Retail
76 Boat Slips
Conversion Potential

- Parcel 10

Categories:

Residential V (western portion)
Residential III (mole portion)
Water
Waterfront Overlay

- Parcel 12

Categories:

Residential IV
Water
Waterfront Overlay

- Parcel 13

Categories:

Residential III
Water
Waterfront Overlay

- Parcel FF

Category:

Open Space

Required Public Improvements:

- A continuous 28-foot-wide pedestrian promenade shall be provided and maintained along all bulkheads. Seating and landscaping shall be provided along the bulkheads consistent with Section 22.46.1060 of this Specific Plan.

Special Development Considerations:

- Parcel FF -- Height category 1: Building height not to exceed 25 feet.
- Parcel 12 (mole terminus portion) -- Height category 2: Building height not to exceed 45 feet.
- Parcel 10 (mole portion), Parcel 12 (western portion on mole), Parcel 13 (mole portion) -- Height category 3: Building height not to exceed 45 feet, unless an expanded view corridor is provided in accordance with Section 22.46.1060 in which case the height shall not exceed a maximum of 75 feet.
- Parcel 10 (non-mole portion) -- Height category 5: Building height not to exceed 140 feet, unless an expanded view corridor is provided in accordance with Section 22.46.1060 in which case the height shall not exceed a maximum of 225 feet.

On Parcel FF, development of uses other than public parking shall be

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A-5-MDR-01-014

LCP Height

Standards

California Coastal Commission

conditioned to provide replacement public parking on-site, or elsewhere in the marina on a one-to-two basis.

22.46.1830 Panay Development Zone 4 (Exhibit 8)

Parcels 15, 18, 20, 21, 22, GR

Development Allocation: 250 Dwelling Units
75 Congregate Care Units
10 KSF Retail
76 Boat Slips
Conversion Potential

- Parcel 15

Categories: Residential IV
Water
Waterfront Overlay

- Parcel 18

Categories: Residential III (mole terminus)
Residential IV (south side of mole road)
Water
Waterfront Overlay

- Parcel 20

Categories: Marine Commercial
Water
Waterfront Overlay

- Parcel 21

Categories: Marine Commercial
Water
Waterfront Overlay

- Parcel 22

Categories: Hotel
Waterfront Overlay

- Parcel GR

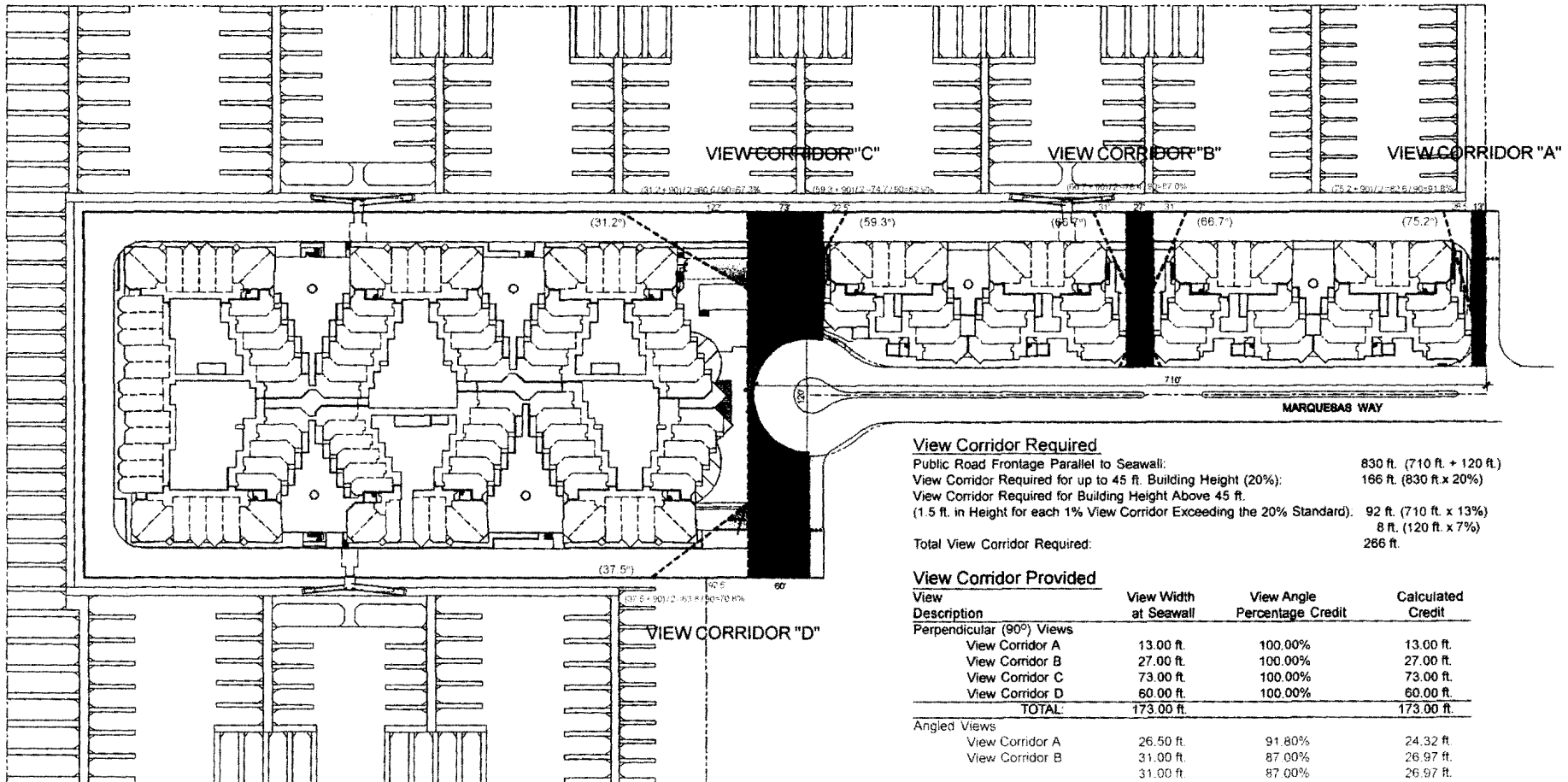
Category: Parking

Required Public Improvements:

- A continuous 28-foot-wide pedestrian promenade shall be provided and maintained along all bulkheads. Seating and landscaping shall be provided along the bulkheads consistent with Section 22.46.1060 of this Specific Plan.

Special Development Considerations:

- Parcel 18 (mole terminus portion), Parcel 22, Parcel GR --Height category 2: Building height not to exceed 45 feet.
- Parcel 15, Parcel 18 (western portion along mole), Parcel 20, Parcel 21 -- Height category 3: Building height not to exceed 45 feet, unless an expanded view corridor is provided in accordance with Section 22.46.1060 in which case the height shall not exceed a maximum of 75 feet.
- Development on Parcel 22 shall provide shadow studies indicating the



View Corridor Required

Public Road Frontage Parallel to Seawall: 830 ft. (710 ft. + 120 ft.)
 View Corridor Required for up to 45 ft. Building Height (20%): 166 ft. (830 ft. x 20%)
 View Corridor Required for Building Height Above 45 ft.
 (1.5 ft. in Height for each 1% View Corridor Exceeding the 20% Standard). 92 ft. (710 ft. x 13%)
 8 ft. (120 ft. x 7%)
 Total View Corridor Required: 266 ft.

View Corridor Provided

View Description	View Width at Seawall	View Angle Percentage Credit	Calculated Credit
Perpendicular (90°) Views			
View Corridor A	13.00 ft.	100.00%	13.00 ft.
View Corridor B	27.00 ft.	100.00%	27.00 ft.
View Corridor C	73.00 ft.	100.00%	73.00 ft.
View Corridor D	60.00 ft.	100.00%	60.00 ft.
TOTAL:	173.00 ft.		173.00 ft.
Angled Views			
View Corridor A	26.50 ft.	91.80%	24.32 ft.
View Corridor B	31.00 ft.	87.00%	26.97 ft.
	31.00 ft.	87.00%	26.97 ft.
View Corridor C	22.50 ft.	82.90%	18.65 ft.
	122.00 ft.	67.30%	82.11 ft.
View Corridor D	92.50 ft.	70.60%	65.49 ft.
TOTAL:	325.50 ft.		244.51 ft.
View Corridor Provided:	498.50 ft.		417.51 ft.

CASE NO. 98-134

ESPRITSM
MARINA DEL REY

COASTAL COMMISSION

VIEW CORRIDOR STUDY
Parcel 12

0 2 4 6 8 10 12 14 16 18 200 FEET

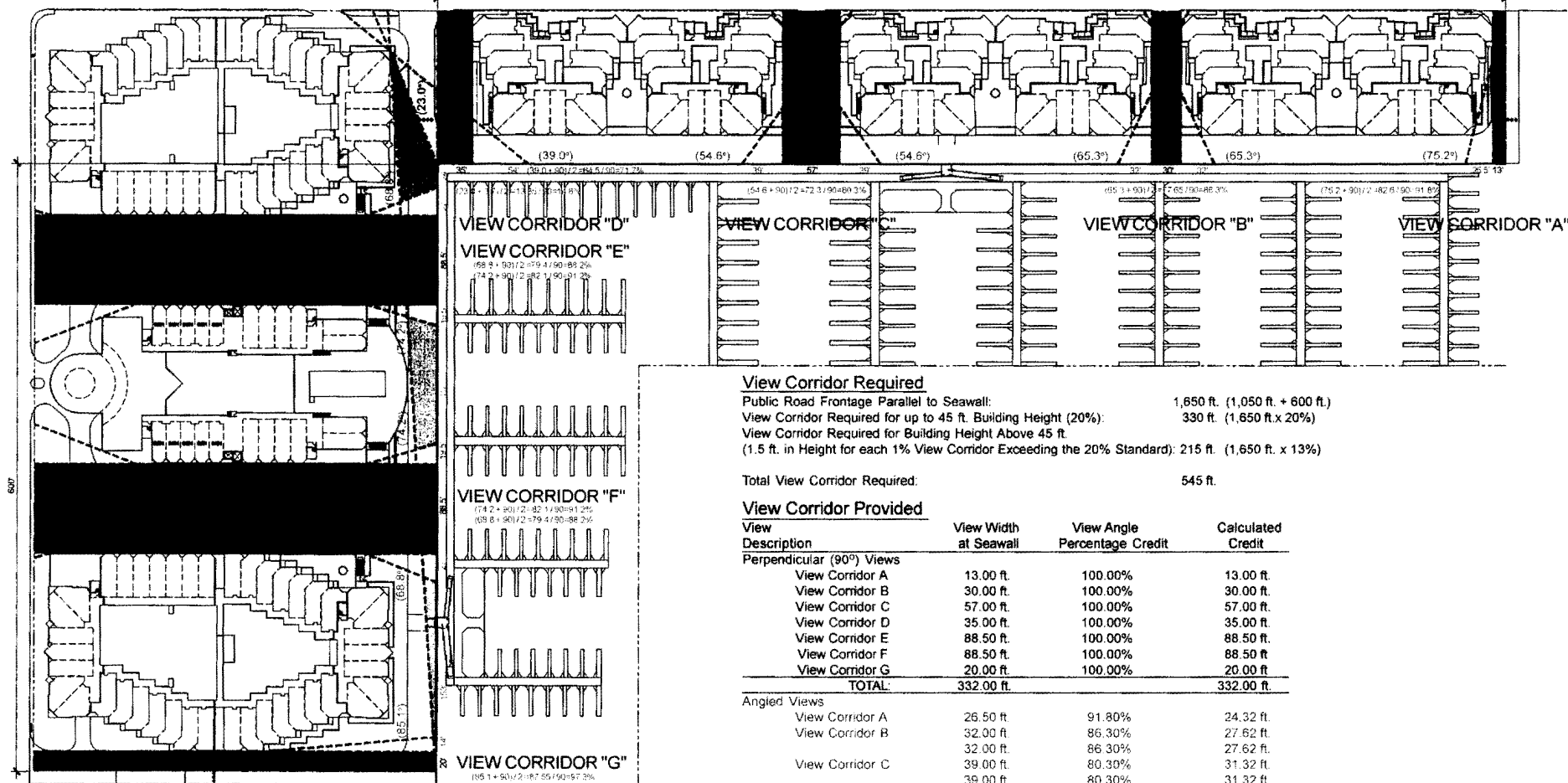


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11.1.00/REVISED

EXHIBIT # 5
PAGE OF

PANAY WAY

VIA MARINA



View Corridor Required

Public Road Frontage Parallel to Seawall: 1,650 ft. (1,050 ft. + 600 ft.)
 View Corridor Required for up to 45 ft. Building Height (20%): 330 ft. (1,650 ft. x 20%)
 View Corridor Required for Building Height Above 45 ft.
 (1.5 ft. in Height for each 1% View Corridor Exceeding the 20% Standard): 215 ft. (1,650 ft. x 13%)

Total View Corridor Required:

545 ft.

View Corridor Provided

View Description	View Width at Seawall	View Angle Percentage Credit	Calculated Credit
Perpendicular (90°) Views			
View Corridor A	13.00 ft.	100.00%	13.00 ft.
View Corridor B	30.00 ft.	100.00%	30.00 ft.
View Corridor C	57.00 ft.	100.00%	57.00 ft.
View Corridor D	35.00 ft.	100.00%	35.00 ft.
View Corridor E	88.50 ft.	100.00%	88.50 ft.
View Corridor F	88.50 ft.	100.00%	88.50 ft.
View Corridor G	20.00 ft.	100.00%	20.00 ft.
TOTAL:	332.00 ft.		332.00 ft.
Angled Views			
View Corridor A	26.50 ft.	91.80%	24.32 ft.
View Corridor B	32.00 ft.	86.30%	27.62 ft.
View Corridor C	32.00 ft.	86.30%	27.62 ft.
View Corridor D	39.00 ft.	80.30%	31.32 ft.
View Corridor E	39.00 ft.	80.30%	31.32 ft.
View Corridor F	54.00 ft.	71.70%	38.72 ft.
View Corridor G	294.00 ft.	14.80%	43.51 ft.
View Corridor E	27.00 ft.	88.20%	23.81 ft.
View Corridor F	19.50 ft.	91.20%	17.78 ft.
View Corridor G	19.50 ft.	91.20%	17.78 ft.
View Corridor F	27.00 ft.	88.20%	23.81 ft.
View Corridor G	14.00 ft.	97.30%	13.62 ft.
TOTAL:	623.50 ft.		321.23 ft.

View Corridor Provided:

955.50 ft.

653.23 ft.

CASE NO. 98-134

ESPRITSM
MARINA DEL REY

COASTAL COMMISSION

VIEW CORRIDOR STUDY
Parcel 15

ARCHITECTS

EXHIBIT # **6**

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0 2 4 6 8 10 12 14 16 18 200 FEET



8.2.00
11.1.00/REVISED

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11-11-11