

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(2) 590-5071

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**W 20a.**

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE for A-5-MDR-00-478

LOCAL GOVERNMENT: County of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-MDR-01-478

APPLICANT: Goldrich & Kest industries, L.L.C.

PROJECT LOCATION: 13953 Panay Way (Parcel 20), Marina Del Rey, County of Los Angeles

PROJECT DESCRIPTION: Construction of a two-phased project, as follows: (Phase I) a 56-foot tall, 99-unit apartment building (49 one-bedroom and 50 two-bedroom apartment units) over two levels of parking (200 parking spaces total); (Phase II) a 35-foot tall, five-level structure (two levels to be constructed below grade) containing 231 parking spaces, 2,300 square feet of professional office space, and an approximately 6,025 square foot yacht club.

APPELLANTS: California Coastal Commissioners Sara Wan & Pedro Nava, and the Coalition to Save the Marina (John Davis)

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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.

SUBSTANTIVE FILE DOCUMENTS:

1. Marina Del Rey certified Local Coastal Plan, 1995, as amended in January 2002.

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 Permit applications. 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)].

On May 10, 1995, the Commission certified, with suggested modifications, a major amendment to the County's LCP, which affected land uses, development height, recreational boating, public access and traffic circulation. Recently the Commission, on January 7, 2002, approved an amendment to the LCP. 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, in order for the Commission to approve such projects, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

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 December 4, 2001, by the California Coastal Commissioners Sara Wan and Pedro Nava. Subsequently, one additional appeal was submitted by John Davis representing 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. 4 & 5 for the submitted appeals).

The appeal by the California Coastal Commission contends that:

1. The County indicates in their findings for the coastal development permit that the permit will not become effective until a separate LCP amendment is adopted and certified by the Board of Supervisors and the California Coastal Commission. The LCP amendment is necessary for the proposed development to be consistent with the LCP. However, at this time the South Coast Office has not received or certified the LCP amendment (the County is currently processing the LCP amendment).

Based on the certified LCP the proposed parcel is zoned for Marine Commercial. Residential development is not a permitted use under Marine Commercial. Under the current designation of Marine Commercial, the proposed project is inconsistent with the type of uses, pedestrian access, and height requirements of the certified LCP. Therefore, the proposed development is inconsistent with the current policies of the certified LCP.

2. The certified LCP divides the marina into 15 development zones and limits the number of residential units in each zone. The purpose of the zones is to limit traffic impacts and allocate these impacts within the capacity of the streets. The proposed development proposes to transfer 97 units from one zone to the zone in which the development is located. The staff report does not include a traffic analysis to determine what the potential impacts on traffic are, or on the potential mitigation, which may be required due to the transfer of the units. Such a transfer could have adverse impacts on traffic circulation and beach access within the development zone.

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

1. Non-compliance with Sections 2690-2699.6 of the public resource code;
2. Non-compliance with Sections 65590 of the Planning and Zoning Law;
3. Non-compliance with Coastal Act Sections 3001.5c, 30201, 30211, 30212, and 30252 of the Coastal Act, among others;
4. Non-compliance with CEQA and NEPA.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that the appeal of the County's approval of the project raises **no substantial issue** with respect to 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-MDR-01-478 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the

Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-5-MDR-00-478 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

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) a 56-foot tall, 99-unit apartment building (49 one-bedroom and 50 two-bedroom apartment units) over two levels of parking (200 parking spaces total); (Phase II) a 35-foot tall, five-level structure (two levels to be constructed below grade) containing 231 parking spaces, 2,300 square feet of professional office space, and an approximately 6,025 –square foot yacht club.

The proposed project is located on Parcels 20 on the mole road Panay Way, in the northwest portion of the marina, in Marina del Rey. The parcel is rectangular in shape and is approximately 2.2 acres in size (see Exhibit No. 2 & 3). The project site is located in the Panay Development Zone as specified in the Marina del Rey Local Coastal Program.

B. Areawide Description

Marina Del Rey covers approximately 807 acres of land and water in the County of Los Angeles (see Exhibit No. 2). 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.

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.

Recently (January 2002), the Commission approved a second amendment (MDR LCPA 1-01) to the LCP. The amendment involved a change to the Land Use category overlaying parcel 20, which is subject of this permit, from Marine Commercial-Waterfront Overlay Zone, to Residential IV-Waterfront Overlay Zone. The amendment also authorized the transfer of 97 potential development units from Development Zone 1 (Bora Bora Development Zone) to Development Zone 4 (Panay Development Zone).

D. DESCRIPTION OF LOCAL APPROVAL

On August 30, 2000, the County of Los Angeles Regional Planning Commission approved coastal development permit No. 98-172-(4), with conditions. The permit is for land-side redevelopment on Parcel 20 (see County permit, Exhibit No. 6). The Planning Commission's action was appealable to the 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 November 20, 2000.

The County approved the local CDP and submitted it to the Commission prior to Board approval of a LCP amendment that would allow the proposed development to be consistent with the LCP. Therefore, in order to allow the Commission time to review and act on the proposed LCP prior to Commission action on the CDP appeal, the applicant waived the time limits on the appeal of the CDP. In January 2002, the Commission approved the LCP amendment that affects parcel 20 and the allowable land uses on that parcel.

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. The appeal by the Coastal Commission contends:

- a. The County's approved CDP is inconsistent with the currently certified LCP. In the certified LCP, the proposed parcel is zoned for Marine Commercial. Residential development is not a permitted use under Marine Commercial. Under the current designation of Marine Commercial, the proposed project is inconsistent with the type of uses, pedestrian access, and height requirements of the certified LCP. Therefore, the proposed development is inconsistent with the current policies of the certified LCP.

The appeal by the Coastal Commission contends that prior to Commission action on the CDP, an LCP amendment is necessary for the proposed development to be consistent with the LCP. However, at the time of County action on the CDP, and submittal of the County approved CDP to the Commission, the South Coast District Office had not received or certified the LCP amendment.

In the certified LCP at the time the CDP was submitted to the Commission on appeal, the proposed parcel (Parcel 20) was zoned for Marine Commercial. The proposed residential development was not a permitted use under the Marine Commercial zoning. Under the designation of Marine Commercial, the proposed project was inconsistent with the type of uses, pedestrian access, and height requirements of the certified LCP. Therefore, the proposed development was inconsistent with the current policies of the certified LCP.

However, in January 2002, the Commission certified LCP amendment 1-01. The amendment changed the land use designation on Parcel 20 from Marine Commercial (Water Overlay Zone) to Residential IV (Water Overlay Zone). Under Residential IV, residential development is permitted at a maximum density of 45 dwelling units per net acre, with a maximum height limit of 140 feet. On the 2.2 acre project site a maximum of 99 units would be allowed. In addition, under the Waterfront Overlay Zone, marine

commercial uses are permitted. Marine Commercial includes a number of uses including office uses related to boating activities, and yacht clubs.

The applicant is proposing 99 residential units, 2,300 square feet of professional office space, an approximately 6,025 square foot yacht club and a parking structure. Under the currently approved LCP, as amended in January 2002, the proposed uses are consistent with LCP. Furthermore, the County's permit requires the applicant to comply with all other requirements of the LCP, such as height limits, the provision of view corridors, pedestrian accessways, and parking. Therefore, the Commission concurs with the County's analysis and finds that the approved project, as conditioned, will be consistent with all applicable policies of the LCP, including public access and views. Therefore, the proposed project does not raise a substantial issue with respect to land use.

- b. The certified LCP divides the marina into 15 development zones and limits the number of residential units in each zone. The purpose of the zones is to limit traffic impacts and allocate these impacts within the capacity of the streets. The proposed development proposes to transfer 97 units from one zone to the zone in which the development is located. The staff report does not include a traffic analysis to determine what the potential impacts on traffic are, or on the potential mitigation, which may be required due to the transfer of the units. Such a transfer could have adverse impacts on traffic circulation and beach access within the development zone.

Marina del Rey and the roads leading to it have limited capacity for traffic. The certified LCP deals with these limits by allowing new development to create a limited number of peak hour trips. The plan allows 2,812 new evening peak hour trips. In implementing this policy, the LCP converts these trips into residential units and square feet of various uses. The LCP then imposes caps on the number of residential units, hotel rooms and commercial square footage that are allowed in the Marina del Rey as a whole, and allocates those limits among 15 Development Zones. The creation of Development Zones has two functions: One function is to distribute new trips along the principal collector streets-- Via Marina, Admiralty Way and Fiji Way. The second is to spread out opportunities to use the units indicated in the zoning.

The conversion of this parcel to residential use will not result in a significant number of additional trips in the marina. However, the certified LCP addresses both individual and cumulative impacts on the traffic system. The LCP established a limit on the number of trips that can be generated on Panay Way without significant cumulative impacts on the system. That limit has been reached. Exceeding these limits could have significant cumulative impacts on the traffic system and cumulatively on the public's ability to reach and enjoy Marina del Rey and nearby beaches.

To avoid significant cumulative impacts on traffic, the County's recent amendment to the LCP allows a reallocation of "development caps" from one Development Zone (Bora Bora Development Zone) to Panay Way Development Zone, in which the proposed

development is located. The developer on Parcel 20 (Panay Way Development Zone) would use the 97 "units" that could otherwise be generated in the Bora Bora Development Zone. By reallocating development units rather than exceeding traffic limits, the County asserts that it has avoided cumulative impacts on the traffic limitation program, and cumulative impacts on the traffic system would not occur.

In response to staff's questions about the impact of changing the location of the principal traffic generator (the Development Zone unit counts), the County staff prepared a study of impacts of the change along Via Marina. The Bora Bora Development Zone is located at the south end of Via Marina at the southwestern corner of the Marina del Rey. Most trips generated in the Bora Bora Development Zone add to the Traffic stream on Via Marina, and then enter either Admiralty Way or Washington Boulevard in Venice. The County found that the impact of moving the traffic generator nearer Admiralty Way would not be significant. County consultants provided statistics with respect to traffic levels after the development authorized in the LCP builds out with the new configuration of development zone limits (D.Z. units):

Traffic generated at either Bora Bora Way or Panay Way would impact the intersection of the two principal ring roads, Via Marina and Admiralty Way. The County analysis shows the intersections that are south of the key intersection, Via Marina and Admiralty, will be impacted no differently by the old pattern or the new (see chart below).

INTERSECTION	WITHOUT TRANSFER V/C LOS	WITH TRANSFER V/C LOS
Via Marina/ Marquesas Way	.45 A	.44 A
Via Marina/ Tahiti Way	.37 A	.37 A
Via Marina /Bora Bora Way	.37 A	.35 A

The location of the origins of the trips does not change with impacts on the key intersection at Via Marina and Admiralty Way.

The County, for the recently approved LCP amendment, provided evidence that the change in traffic capacity allocation is consistent with the underlying traffic cap in Marina del Rey and is adequate to carry it out. Therefore, based on the information provided by the County with regards to traffic capacity reallocation, the project will not adversely impact traffic and will be consistent with the access policies of the Coastal Act. Furthermore, this issue with regards to traffic was addressed in the LCP amendment and the Commission found such a change would be consistent with the access policies of the Coastal Act. Therefore, the proposed project does not raise a substantial issue with respect to public access.

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

- a. Non-compliance with Sections 2690-2699.6 of the public resource code.

Public Resources Code Section 2690-2699.6 refers to the Seismic Hazards Mapping Act. The regulation requires that seismic hazards shall be evaluated in a geotechnical report and appropriate mitigation proposed.

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. 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.

A geotechnical engineering exploration report was prepared for the site and according to the County's CDP, mitigation measures were incorporated in compliance with the LCP as well as CEQA guidelines and the environmental reporting procedures of the County of Los Angeles. The report addresses the potential hazards, including liquefaction, and makes recommendations to mitigate all potential geologic hazards. 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.

Therefore, the potential hazards of the site have been addressed and mitigation proposed consistent with Public Resources Code Section 2690-2699.6 and with the policies of the LCP. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP.

b. Non-compliance with Section 65590 Planning and Zoning Law.

Section 65590 of the Planning and Zoning Law addresses the provision of low and moderate income housing within the Coastal Zone for local governments. As a condition of the County's approval, the applicant is required to provide affordable senior housing by reserving 10% (or 10 units) of the proposed apartment units for low-income, senior citizen tenants. However, the provision of low and moderate income housing is not a standard of the certified LCP and is not a Coastal Act issue. 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.

c. Non-compliance with Coastal Act Sections 3001.5c, 30201[actual reference should be 30210], 30212, and 30252 of the Coastal Act, among others.

Section 30001.5 of the Coastal Act states, in part:

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states:

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

Section 30212 states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) Adequate access exists nearby, or,

(3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The Coastal Act requires that development maintain and enhance public access to the coast by assuring that development occurs in areas that can accommodate it and by reserving capacity on access routes for recreational traffic.

As stated above the County conducted traffic analysis for the LCP to determine the development capacity of the marina based on the traffic capacity of the roadway system. The certified LCP deals with these limits by allowing new development to create a limited number of peak hour trips. The plan allows 2,812 new evening peak hour trips. In implementing this policy, the LCP converts these trips into residential units and square feet of various uses. The LCP then imposes caps on the number of residential units, hotel rooms and commercial square footage that are allowed in the Marina del Rey as a whole, and allocates those limits among 15 Development Zones. The creation of Development Zones has two functions: One function is to distribute new trips along the principal collector streets-- Via Marina, Admiralty Way and Fiji Way. The second is to spread out opportunities to use the units indicated in the zoning.

Traffic increases generated by new development, if not properly mitigated, could have an adverse impact on the public's ability to access the beach in and around the Marina by contributing to the congestion of the roadway system and exacerbating access difficulties to public recreational areas. The County found in approving the CDP, that the project

would be consistent with the certified LCP and any potential traffic impact could be mitigated. The County's permit is conditioned requiring the applicant to mitigate cumulative and direct traffic impacts caused by the proposed development by paying traffic mitigation fees of \$5,690 per p.m. peak hour trip, consistent with the certified LCP. Transportation fees are required under the certified LCP, as mitigation to off-set any impacts new projects generate. These fees are used for traffic improvements in and around the Marina. The permit is further conditioned requiring the applicant to participate in a functional transportation systems management program.

With regards to on-site parking, the project will provide 200 parking spaces for the 99 unit apartment building and 231 parking spaces for the yacht club and office use. Parking is provided consistent with the parking standards specified in the certified LCP.

With regards to pedestrian access, the project includes, and is conditioned by the permit to provide, public pedestrian access along all portions of the parcel's bulkhead, including vertical accessways leading to the bulkhead, consistent with the certified LCP. In addition, all accessways will be appropriately signed for public access.

As conditioned by the County, the proposed project is consistent with the certified LCP and with all applicable 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.

d. Non-compliance with the California Environmental Quality Act.

All Coastal Development Permits must comply with the applicable provisions of the California Environmental Quality Act (CEQA). However, this contention raises no specific issues with respect to the project's non-compliance with CEQA and 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.

e. Non-compliance with the National Environmental Protection Act.

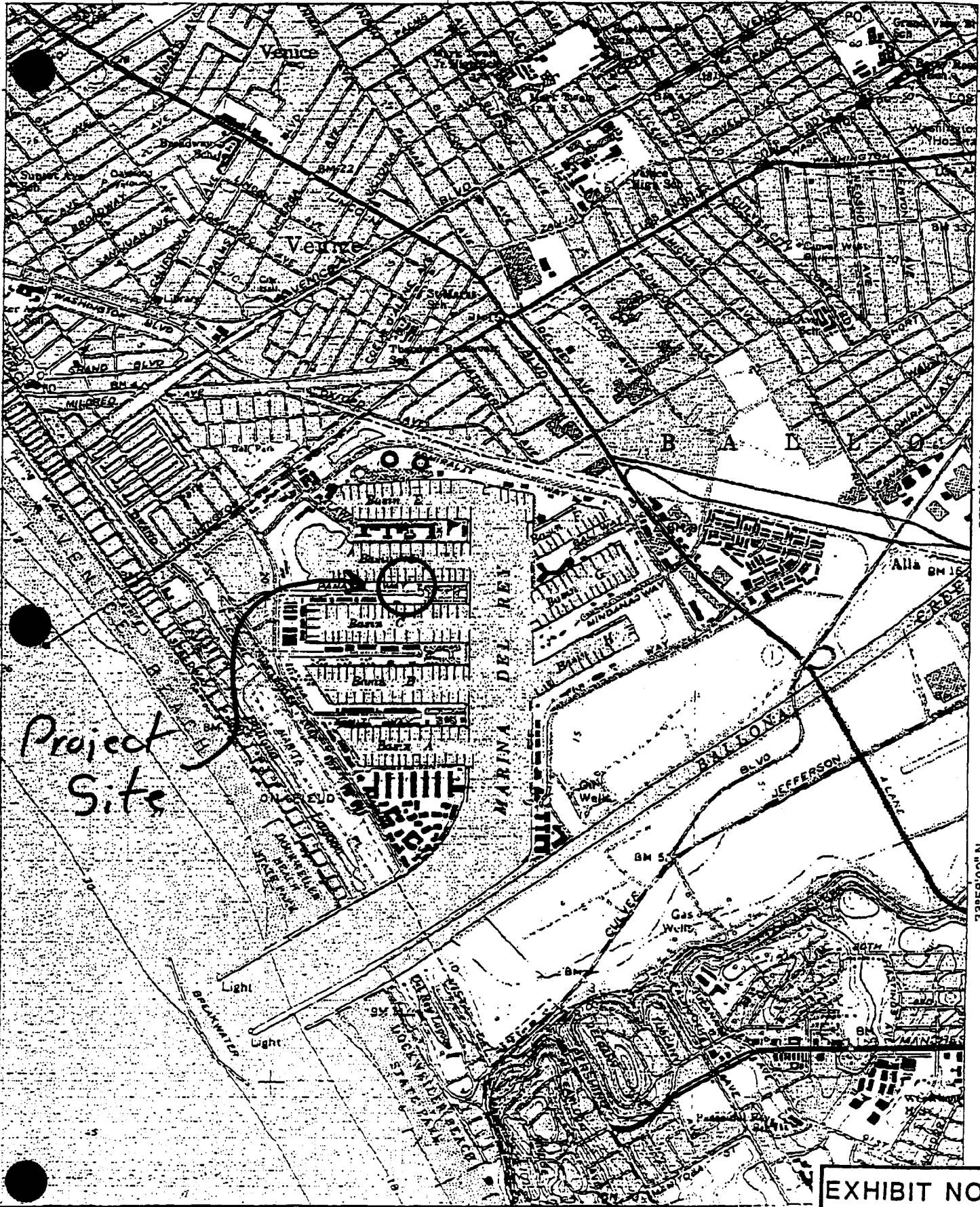
This contention does not address standards of the LCP or the public access policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the standards of the LCP or the access policies of the Coastal Act.

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-00-478 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.

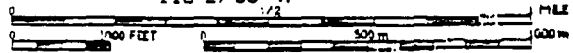


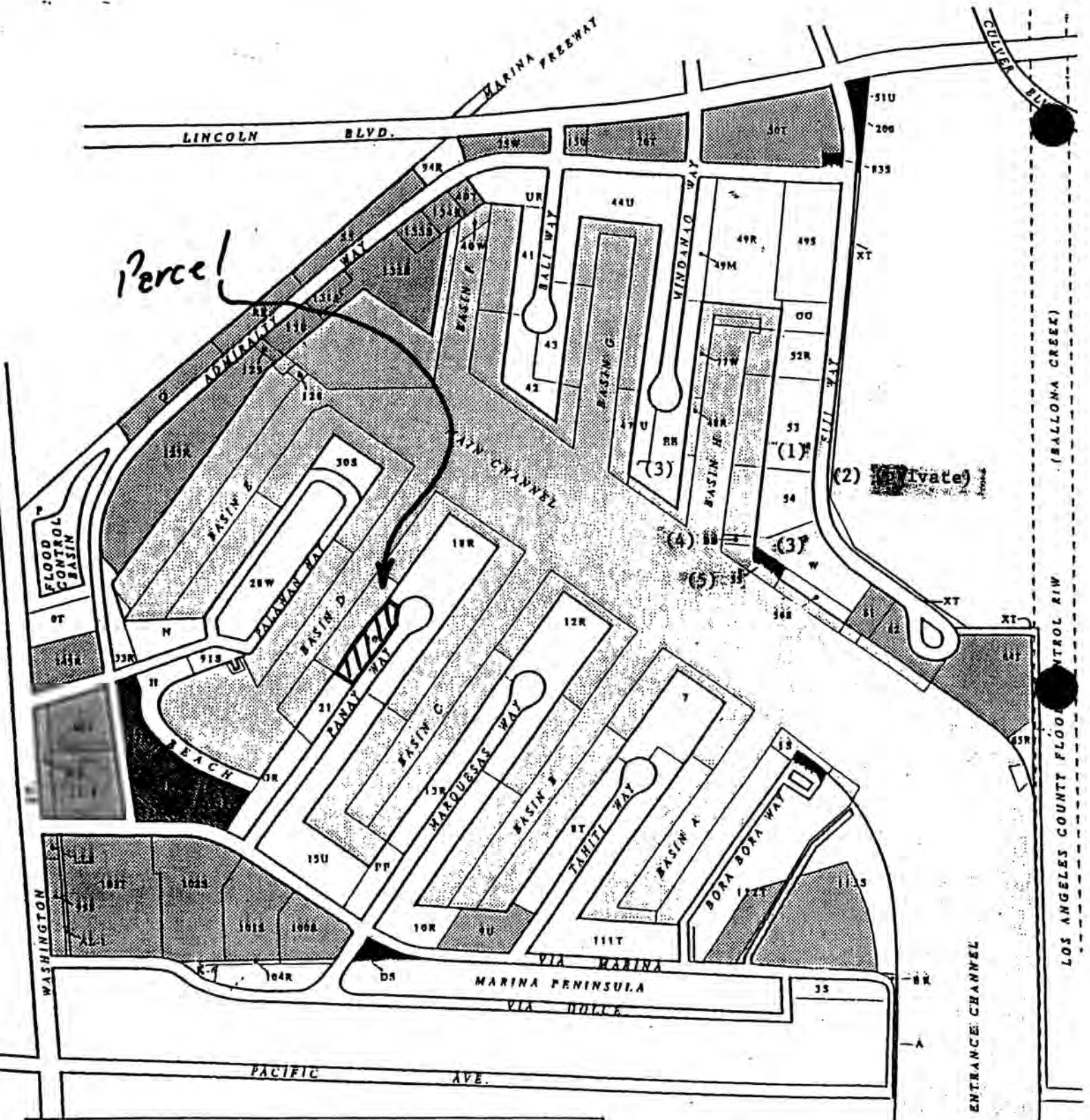


Project Site

N.00.00.4"E
N.00.55.5"E
N.00.15.5"E

EXHIBIT NO. 1
 APPLICATION NO.
 A5-MOR-00-478
 Vicinity Map





Parcel

(2) Private

Flood

LOS ANGELES COUNTY
 DEPT. OF BEACHES AND HARBORS

MARINA DEL REY

PARCEL MAP



PACIFIC OCEAN

EXHIBIT NO. 2

APPLICATION NO.
175-MDR-00-478

Parcel Map

ARCHITECTS

Architects
 Name: [Blank]
 Address: [Blank]
 City: [Blank]
 State: [Blank]
 Zip: [Blank]
 Phone: [Blank]
 Fax: [Blank]

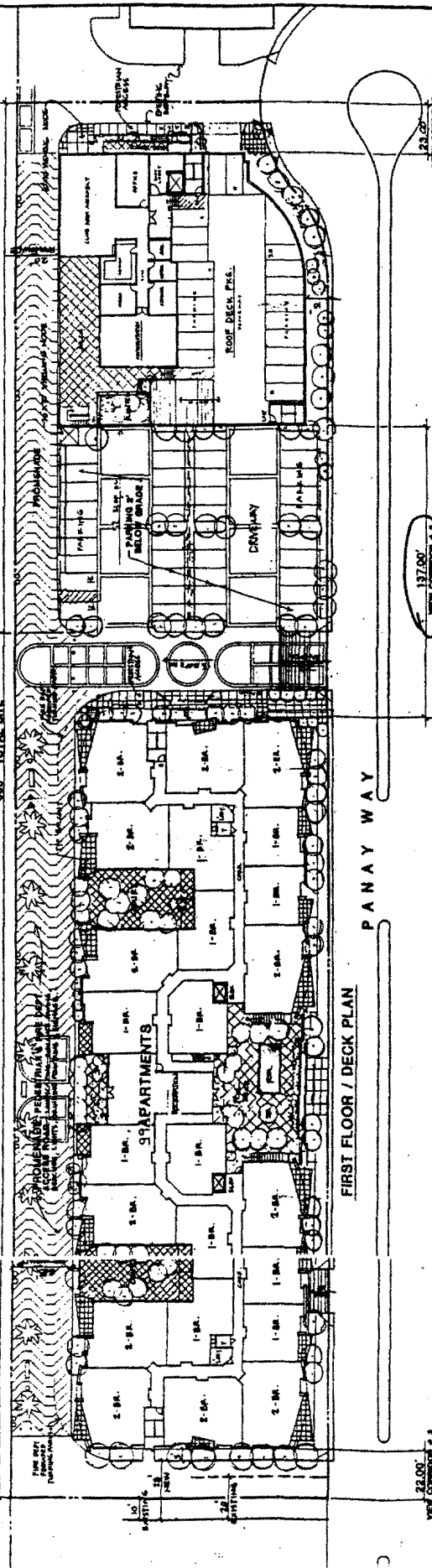
PARCEL #20
 13933 PANAY WAY
 MARINA DEL REY 90232
OWNER:
 PANAY WAY
 MARINA LP
 5150 OVERLAND AVE
 SUITE 100, CA 90236
 TEL (310) 316-0000

DATE	DESCRIPTION
11/15/88	REVISED
11/15/88	REVISED
11/15/88	REVISED
11/15/88	REVISED
11/15/88	REVISED

EXHIBIT NO. 3
 Application Number
A5-MDR-00-478
Site Plan
 California Coastal Commission

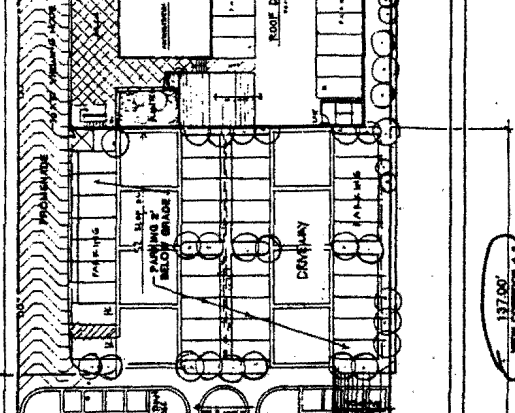
Lot Area Total Lot Area: 100,000 sq ft Total Building Footprint: 10,000 sq ft Total Deck Area: 5,000 sq ft Total Parking: 100 spaces	Phase I Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces	Phase II Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces
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CASE NO. 98-172-(4)
 MARINA



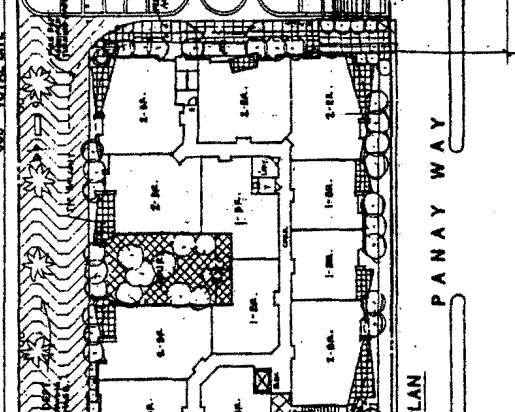
Phase I Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces	Phase II Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces
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PHASE - I
 PHASE - II
 TOTAL SITE



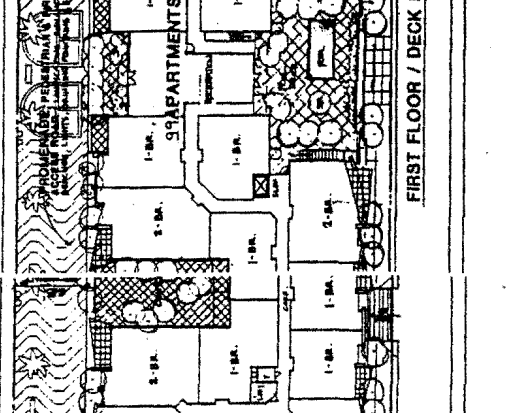
Phase I Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces	Phase II Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces
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PHASE - I
 PHASE - II
 TOTAL SITE



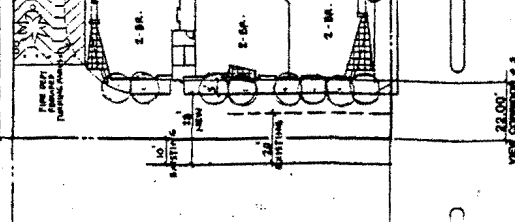
Phase I Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces	Phase II Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces
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PHASE - I
 PHASE - II
 TOTAL SITE



Phase I Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces	Phase II Total Units: 100 Total Deck Area: 5,000 sq ft Total Parking: 100 spaces
---	--

PHASE - I
 PHASE - II
 TOTAL SITE



90 UNITS 4 STORY
 SENIOR DEVELOPMENT
 AS APPROVED
 (FUTURE DEVELOPMENT)
 BLDG. HT.: 84'
 EXISTING RESTAURANT
 EXISTING APARTMENT BLDG.
 BLDG. HT.: 84'
 PANAY WAY
 VIEW CORRIDOR #1
 VIEW CORRIDOR #2
 VIEW CORRIDOR #3

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 PO Box 1450
 200 Oceangate, 10th Floor
 LONG BEACH, CA 90802-4416
 562-990-5071



COMMISSION NOTIFICATION OF APPEAL

DATE: December 5, 2000

TO: Aaron Clark, Planner
 County of Los Angeles, Department of Regional Planning
 320 West Temple Street, Room 1390
 Los Angeles, CA 90012

FROM: Al Padilla, Coastal Program Analyst

RE: **Commission Appeal No. A-5-MDR-00-478**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: cdp 98-172 (4)

Applicant(s): Goldrich & Kest Industries, L.L.C, Attn: Sherman Gardner

Description: Construction of a two-phase project; 1) a 56-foot tall, 99 unit apartment building (49 one-bedroom and 50 two-bedroom apartment units over two levels of parking (200 parking spaces total); 2) a 35 foot tall, five-level structure, etc...

Location: 13953 Panay Way, Marina Del Rey (Los Angeles County)

Local Decision: Approved w/ Conditions

Appellant(s): Commissioners, Sara Wan & Pedro Nava; Coalition To Save The Marina Inc., Attn: John Davis

Date Appeal Filed: 12/04/2000

The Commission appeal number assigned to this appeal is A-5-MDR-00-478. The Commission hearing date has been tentatively set for January 9-12, 2001 in . Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Los Angeles's consideration of this coastal development permit must be delivered to the South Coast Area office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Al Padilla at the South Coast A

EXHIBIT NO. 4
APPLICATION NO. A5-MDR-00-478
Commission Appeal
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

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



December 4, 2000

**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

Pedro Nava
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) a 56-foot tall, 99-unit apartment building (49 one-bedroom and 50 two-bedroom apartment units) over two levels of parking (200 parking spaces total); (Phase II) a 35-foot tall, five-level structure (two levels to be constructed below grade) containing 231 parking spaces, 2,300 square feet of professional office space, and an approximately 6,025 -square foot yacht club.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 13953 Panay Way (Parcel 20), Marina del Rey, County of Los Angeles
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: XX _____
 - 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-00-478

DATE FILED: November 20, 2000

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: October 18, 2000
7. Local government's file number: Case No. 98-172-(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:
- Goldrich & Kest Industries, LLC
5150 Overland Avenue
Culver City, CA 90230
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 County indicates in their findings for the coastal development permit that the permit will not become effective until a separate LCP amendment is adopted and certified by the Board of Supervisors and the California Coastal Commission. The LCP amendment is necessary for the proposed development to be consistent with the LCP. However, at this time the South Coast Office has not received or certified the LCP amendment (the County is currently processing the LCP amendment).

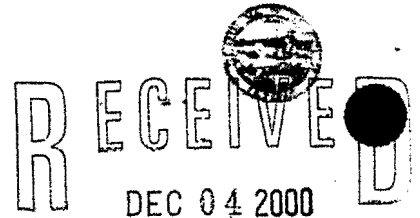
Based on the certified LCP the proposed parcel is zoned for Marine Commercial. Residential development is not a permitted use under Marine Commercial. Under the current designation of Marine Commercial, the proposed project is inconsistent with the type of uses, pedestrian access, and height requirements of the certified LCP. Therefore, the proposed development is inconsistent with the current policies of the certified LCP.

2. The certified LCP divides the marina into 15 development zones and limits the number of residential units in each zone. The purpose of the zones is to limit traffic impacts and allocate these impacts within the capacity of the streets. The proposed development proposes to transfer 97 units from one zone to the zone in which the development is located. The staff report does not include a traffic analysis to determine what the potential impacts on traffic are, or on the potential mitigation, which may be required due to the transfer of the units. Such a transfer could have adverse impacts on traffic circulation and beach access within the development zone.
3. Because of the concerns raised above relating to traffic and public access, a determination of consistency for the project as it relates to public access policies of the California Coastal Act and the certified LCP can not be made at this time.

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)



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

CALIFORNIA
COASTAL COMMISSION

SECTION I. Appellant(s)

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

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: Los Angeles County

2. Brief description of development being appealed: CDP 98-172-(4)

3. Development's location (street address, assessor's parcel no., cross street, etc.): 13953 Panay Way
Marina del Rey CA Parcel 20

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: _____
- 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-00-478

DATE FILED: 12/4/00

DISTRICT: Long Beach

H5: 4/88

EXHIBIT NO.	3
APPLICATION NO.	A5-MDR-00-478
Appeal by Coal. fr. to Save Marina	

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 attachment →

noncompliance with Sections 2690-2699.6 of the public resource code

noncompliance with Section 65590 of the Planning & Zoning Law

noncompliance with Sections 3001.5c, 30201, 30211, 30212, and 30252 of the Coastal Act among others,

Noncompliance with CQUA & NEPA

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.

For the Coalition to Save the Marina

John Davis
Signature of Appellant(s) or Authorized Agent

Date 12/1/2000

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

Section VI. Agent Authorization

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

For the Coalition to Save the Marina, John Davis U.P.
Signature of Appellant(s)

Date 12/1/2000

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

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

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

6. Date of local government's decision: October 2, 2000

7. Local government's file number (if any): CDP-98-172-(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:
Goldrich + Kest Industries, LLC
5150 Overland Av.
Silver City, CA 90230

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) John Davis
P.O. 10152
Marina del Rey
- (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.

INTRODUCTION

The Seismic Hazards Mapping Act (the Act) of 1990 (Public Resources Code, Chapter 7.8 Division 2) directs the California Department of Conservation, Division of Mines and Geology (DMG) to delineate seismic hazard zones. The purpose of the Act is to reduce the threat to public health and safety and to minimize the loss of life and property by identifying and mitigating seismic hazards. Cities, counties, and state agencies are directed to use the seismic hazard zone maps in their land-use planning and permitting processes. The Act requires that site-specific geotechnical investigations be performed prior to permitting most urban development projects within the hazard zones. Evaluation and mitigation of seismic hazards are to be conducted under guidelines established by the California State Mining and Geology Board (1997; also available on the Internet at <http://www.consrv.ca.gov/dmg/pubs/sp/117/>).

The Act also directs SMGB to appoint and consult with the Seismic Hazards Mapping Act Advisory Committee (SHMAAC) in developing criteria for the preparation of the seismic hazard zone maps. SHMAAC consists of geologists, seismologists, civil and structural engineers, representatives of city and county governments, the state insurance commissioner and the insurance industry. In 1991 SMGB adopted initial criteria for delineating seismic hazard zones to promote uniform and effective statewide implementation of the Act. These initial criteria provided detailed standards for mapping regional liquefaction hazards. They also directed DMG to develop a set of probabilistic seismic maps for California and to research methods that might be appropriate for mapping earthquake-induced landslide hazards.

In 1996, working groups established by SHMAAC reviewed the prototype maps and the techniques used to create them. The reviews resulted in recommendations that the 1) process for zoning liquefaction hazards remain unchanged and that 2) earthquake-induced landslide zones be delineated using a modified Newmark analysis.

This Seismic Hazard Evaluation Report summarizes the development of the hazard zone map for each area. The process of zoning for liquefaction uses a combination of Quaternary geologic mapping, historic high-water-table information, and subsurface geotechnical data. The process for zoning earthquake-induced landslides incorporates earthquake loading, existing landslide features, slope gradient, rock strength, and geologic structure. Probabilistic seismic hazard maps, which are the underpinning for delineating seismic hazard zones, have been prepared for peak ground acceleration, mode magnitude, and mode distance with a 10% probability of exceedance in 50 years (Petersen and others, 1996) in accordance with the mapping criteria.

This evaluation report summarizes seismic hazard zone mapping for potentially liquefiable soils and earthquake-induced landslides in the Venice 7.5-Minute Quadrangle (scale 1:24,000).



Los Angeles County
 Department of Regional Planning
 Director of Planning James E. Hall, WJCP

*reviewed the
 permit final action*

RECEIVED

OCT 12 2000



CALIFORNIA
 COASTAL COMMISSION

October 3, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Goldrich & Kest Industries, LLC
 c/o Mr. Sherman Gardner
 5150 Overland Avenue
 Culver City, California 90230

EXHIBIT NO. 6
Application Number A5-MDR-00-478
County Permit
California Coastal Commission

RE: LOCAL COASTAL PLAN AMENDMENT 98-172-(4)
 COASTAL DEVELOPMENT PERMIT NO. 98-172-(4)
 CONDITIONAL USE PERMIT NO. 98-172-(4)
 VARIANCE CASE NO. 98-172-(4)

Property address: 13953 Panay Way, Marina del Rey (Parcel 20)

Gentlemen:

Public hearings on Local Coastal Plan Amendment No. 98-172-(4), Coastal Development Permit No. 98-172-(4), Conditional Use Permit No. 98-172-(4), and Variance Case No. 98-172-(4) were held before the Regional Planning Commission on January 12, 2000, March 8, 2000, April 3, 2000, June 5, 2000, June 14, 2000, August 23, 2000, and August 30, 2000.

After considering the evidence presented, the Regional Planning Commission, in its action on October 2, 2000, recommended that the Board of Supervisors **approve** the requested local coastal plan amendment. The Commission also **approved** the related coastal development permit, conditional use permit, and variance in accordance with Los Angeles County Code Title 22 (Zoning Ordinance). The requested local coastal plan amendment is currently pending. The coastal development permit, conditional use permit, and variance are not effective unless and until such time as the Board of Supervisors adopts, and the California Coastal Commission subsequently certifies, the local coastal plan amendment.

The recommended local coastal plan amendment would:

- (a) authorize an amendment to the Land Use Map of the Marina Del Rey Specific Plan and the Land Use Policy Map of the Marina Del Rey Land Use Plan and related text to change the designation on the subject parcel from "Marine Commercial (Water Overlay Zone)" to "Residential FV (Water Overlay Zone)"; and
- (b) amend the Marina Del Rey Land Use Plan and the Marina Del Rey Specific Plan to authorize the transfer of 97 potential development units from Development

LOCAL COASTAL PLAN AMENDMENT NO. 98-172-(4)
COASTAL DEVELOPMENT PERMIT NO. 98-172-(4)
CONDITIONAL USE PERMIT NO. 98-172-(4)
VARIANCE CASE NO. 98-172-(4)

PAGE 2

Zone-1 (Bora Bora Development Zone) to Development Zone-4 (Panay Development Zone).

The action on the coastal development permit authorizes the construction of a two-phase development project, as follows: (Phase I) a 56-foot tall, 99-unit apartment building (49 one-bedroom and 50 two-bedroom apartment units) over two levels of parking (200 parking spaces total); (Phase II) a 35-foot tall, five-level structure (two levels to be constructed below grade) containing 231 parking spaces, 2,300 square feet of professional office space, and an approximately 6,025-square foot yacht club.

The action on the conditional use permit authorizes the construction, operation and maintenance of the above referenced yacht club and also authorizes the sale of a full-line of alcoholic beverages for on-site consumption at the yacht club.

The action on the variance authorizes front and rear yard setbacks of less than ten feet on portions of the relevant parcel for the project.

Your attention is called to the following:

1. Condition no. 2 of the coastal development permit, conditional use permit, and variance 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. Said affidavit may not, however, be filed with the Department of Regional Planning unless and until such time as the Board of Supervisors adopts, and the California Coastal Commission subsequently certifies, the local coastal plan amendment.
2. Condition no. 5 of the coastal development permit, conditional use permit, and variance 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 local coastal plan amendment, coastal development permit, conditional use permit, and variance 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**

LOCAL COASTAL PLAN AMENDMENT NO. 98-172-(4)
COASTAL DEVELOPMENT PERMIT NO. 98-172-(4)
CONDITIONAL USE PERMIT NO. 98-172-(4)
VARIANCE CASE NO. 98-172-(4)

PAGE 3

must be postmarked or delivered in person within 15 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: Regional Planning Commission Local Coastal Plan Amendment Resolution, Findings and Conditions, Affidavit (Permittee's Completion).
c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement; California Coastal Commission (c/o Ms. Deborah Lee, Deputy Director); testifiers.

**A RESOLUTION OF THE REGIONAL PLANNING COMMISSION
OF THE COUNTY OF LOS ANGELES
RELATING TO
LOCAL COASTAL PLAN AMENDMENT NO. 98-172-(4)**

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65350) provides for the adoption of amendments to county general plans; and

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted concurrent public hearings regarding Local Coastal Plan Amendment No. 98-172-(4), Coastal Development Permit No. 98-172-(4), Conditional Use Permit No. 98-172-(4), and Variance No. 98-172-(4) on January 12, 2000, March 8, 2000, April 3, 2000, June 5, 2000, June 14, 2000, August 23, 2000, August 30, 2000, and September 27, 2000; and

WHEREAS, in compliance with the California Coastal Act of 1976, as amended to date, the County of Los Angeles has prepared an amendment to the certified Local Coastal Program for Marina Del Rey; and

WHEREAS, the Marina Del Rey local coastal program consists of a Land Use Plan and Local Implementation Program, which includes a specific plan, a Transportation Improvement Program and related appendices; and

WHEREAS, an amendment to the Marina Del Rey Local Coastal Program element of the Los Angeles County General Plan is necessary at this time to address unique circumstances in the unincorporated territory of Marina Del Rey; and

WHEREAS, the amendment to the Marina Del Rey local coastal program includes modifications to the Land Use Plan and Local Implementation Program and related text, for the unincorporated area of Marina Del Rey commonly known as Parcel "20", and

WHEREAS, a Mitigated Negative Declaration for the project has been completed in compliance with the California Environmental Quality Act and the State and County guidelines relating thereto; and

WHEREAS, the Regional Planning Commission has considered the public testimony, the recommendations and testimony of the Regional Planning Department staff, and the Mitigated Negative Declaration, including the documentation within each file; and

WHEREAS, the Regional Planning Commission finds as follows:

1. The subject property is located at 13953 Panay Way, Marina Del Rey, and within the Panay Development Zone as specified in the Marina del Rey Local Coastal Program (certified LCP).
2. The project site is designated as "Parcel 20" in the certified LCP.
3. The proposed development site is rectangular in shape, level and 2.2 acres in size.
4. The site is accessed via Panay Way, a mole road, and Basin E of the Marina del Rey Small Craft Harbor.
5. Two addresses have been assigned to Parcel 20 that correspond to the existing building improvements: 13593 Panay Way is a one-story office building; 13915 Panay Way is a two-story building occupied by professional offices and the Pacific Mariners Yacht Club. Existing waterside improvements on the property include an anchorage for 157 boats.
6. Sewer, water and utilities services are available to service the property.
7. The subject property's zoning is Specific Plan (SP) as set forth in the Marina Del Rey Specific Plan.
8. The project site is presently designated Marine Commercial (MC) - Waterfront Overlay Zone (WOZ) on the Land Use Policy Map of the certified LCP.
9. Surrounding land use categories in the vicinity of Parcel 20 includes Residential III, which permits 35 units per acre, to the east; Residential IV, which permits 45 units per acre, to the south; and Marine Commercial, which provides for coastal-dependent and/or coastal related uses, to the west. Parcel designations located northerly of Parcel 20 and across small craft harbor Basin E include Marine Commercial and Residential III.
10. The applicant is requesting an amendment to the Land Use Map of the Marina Del Rey Specific Plan and the Land Use Policy Map of the Marina Del Rey Land Use Plan and related text to change the designation on the subject parcel from "Marine Commercial (Water Overlay Zone)" to "Residential IV (Water Overlay Zone)", and to further amend the Marina Del Rey Land Use Plan and the Marina Del Rey Specific Plan to authorize the transfer of 97 potential development units from Development Zone-1 (Bora Bora Development Zone) to Development Zone-4 (Panay Development Zone). This request constitutes a general plan amendment and a change to the zoning ordinance.

11. The requested amendment would transfer 97 dwelling units from the Bora Bora Development Zone, which has a total allocation of 610 dwelling units, to the Panay Development Zone, which currently has a development allocation of 182 dwelling units and 15 congregate care units. The County Department of Public Works' Traffic and Lighting Division has reviewed the unit transfer and has determined that it will not impact traffic or circulation patterns within or outside the Marina.
12. During the public hearing conducted by the Regional Planning Commission regarding the project, numerous speakers testified in opposition. Testifiers expressed concern about the applicant's request to change the Parcel 20 land use designation from Marina Commercial to Residential IV.
13. The applicant submitted evidence that the request satisfies the burden of proof for the local coastal plan amendment, addressing the need for the development, the appropriateness of the amendment, and how the amendment will be in the interest of the public health, safety and general welfare, and in conformity with good planning practices.
14. The Regional Planning Commission also heard and considered the input of staff and other local and state agencies, with respect to the best means of implementing the various objectives of the certified LCP on the subject property.
15. The subject parcel is located near the end of the Panay Way mole road. Most commercial uses in the Marina do not make good neighbors in residential areas and do not succeed financially. As evidence of this fact, there has been a long succession of failed restaurants and under-achieving stores on the Marina's mole roads. Commercial uses, alternatively, perform better in the Marina when they can be seen and found along major thoroughfares, such as Via Marina, Admiralty Way, and Fiji Way.
16. The subject parcel is presently underutilized and is bordered to the east and south by parcels developed with multi-family residential uses. As such, the proposed residential use would be consistent with development in the vicinity of the project site.
17. Increased demand for housing within the region and Marina Del Rey, affordable senior housing in particular, justifies the plan amendment from Marine Commercial (WOZ) to Residential IV.
18. The Water Overlay Zone designation is intended to provide additional flexibility for development of coastal-related, and marine-dependent land uses, primarily on waterfront parcels.
19. The requested amendment is consistent with Water Overlay Zone development standards specified in the certified LCP in that it does not contemplate

development that would displace existing public recreation, visitor serving or coastal dependent boating uses.

20. The proposed transfer of the development allocation among different Development Zones is consistent with the certified LCP in that it will neither result in additional development as contemplated in the certified LCP nor result in additional traffic impacts as contemplated in the certified LCP.
21. The applicant has satisfied the "Burden of Proof" for the requested plan amendment, which is needed and appropriate.
22. The requested amendment is consistent with the goals, policies, and programs of the Los Angeles County General Plan and the certified LCP.
23. Establishment of the proposed land use category for the subject property and the transfer of development units between development zones is in the interest of the public health, safety, and general welfare and in conformity with good planning and zoning practice.
24. Concurrently with the above described local coastal plan amendment, the applicant is requesting a coastal development permit, conditional use permit and variance to authorize development of a two-phase development project, as follows: (Phase I) a 56-foot tall, 99-unit apartment building (49 one-bedroom and 50 two-bedroom apartment units) over two levels of parking (200 parking spaces total); (Phase II) a 35-foot tall, 5-level structure (two levels to be constructed below grade) containing 231-parking spaces, 2,300 square feet of professional office space, and an approximately 6,025-square foot yacht club.
25. The conditional use permit would authorize the construction, operation and maintenance of the above referenced yacht club and will also authorize the sale of a full-line of alcoholic beverages for on-site consumption at said yacht club.
26. The variance would authorize front and rear yard setbacks of less than ten feet on portions of the relevant parcel for the project.
27. There is a need for the proposed local coastal plan amendment to facilitate the construction and operation of the proposed residential use.
28. The proposed development project is permissible in the proposed Residential IV category, subject to issuance of a coastal development permit, conditional use permit, and variance.
29. Adequate vehicular and emergency access to the site would be provided via Panay Way, which fronts the subject property to the south.

30. The project, as conditioned, would provide a view corridor comprising approximately 28% of the property frontage, which satisfies the view corridor requirements specified in LACC 22.46.1060.E et seq. (County Zoning Ordinance, Marina del Rey Specific Plan – Site Design and Architectural Treatment).
31. Consistent with the Parking Policies contained in Chapter 2 (“Recreation and Visitor-Serving Facilities”) of the Marina Del Rey Land Use Plan, the project’s parking facilities would be integrated into the overall design of the development and are appropriately landscaped. In addition, with regard to the proposed commercial development within the project, multi-use parking facilities would be provided.
32. 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, the project is located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. In addition, the project is designed to protect views to and along the ocean and scenic coastal areas, to minimize alteration of natural landforms, to be visually compatible with the character of the surrounding areas, and, to enhance visual quality.
33. Consistent with Section 30252 of the California Coastal Act and Chapter 8 (“Land Use Plan”) of the Marina Del Rey Land Use Plan, the project provides commercial facilities within or adjoining residential development in order that use of coastal access routes will be minimized.
34. To help finance construction of local park facilities in the existing Marina del Rey, the project applicant will contribute his 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).
35. Consistent with Policy No. 3 of Chapter 3 (“Recreational Boating”) of the Marina del Rey Land Use Plan, the project ensures that replacement of existing boater support and marine commercial uses on Parcel 20 will occur prior to development of the use which displaces them (i.e., construction of project Phase 2) may commence.
36. In conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 (“Shoreline Access”) of the Marina del Rey Land Use Plan, the project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 20 bulkhead. In furtherance of these important policies, the project applicant will provide signage at the subject property’s Panay Way entrance and at each bulkhead entrance of each public vertical accessway identifying them as public. The applicant will also provide signage at conspicuous locations along the length of the bulkhead public accessways (public promenade) identifying such as public.

37. The proposed project has been designed to be compatible with the surrounding area in terms of land use patterns, designs, and established community character.
38. The project will be reasonably proximate to public transit and necessary services and facilities.
39. Consistent with the state planning law and Priority Objective No. 10 of Chapter 8 of the Marina del Rey Land Use Plan, the project provides for affordable senior housing by reserving 10% (or 10 units) of the proposed apartment units for low-income, senior citizen tenants (62 years of age or older) for the life of the ground lease (until 2061). As such, the proposed project will assist in providing badly needed low-income senior citizens' housing and is viable in terms of availability to meet such housing needs. There are currently no residential units reserved exclusively for low-income senior citizens in Marina del Rey.
40. The proposed project incorporates design features intended to reduce impacts of development while at the same time remedying the parcel's currently underutilized condition.
41. The proposed project would preserve and improve appropriate water-oriented uses—the yacht club, boat slips and slip tenant amenities—which are compatible with a residential neighborhood.
42. The addition of new apartment units on Parcel 20, as contemplated under the subject development proposal, will act to reinforce and strengthen the existing residential character of Panay Way.
43. 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.
44. The project is consistent with the goal of the certified LCP to encourage controlled change in the Marina over the next 30 years. The project is also consistent with the certified LCP's goal to encourage private lessees within the Marina to replace and update facilities to maintain the physical and economic viability of the Marina.
45. The project received conceptual approval from the County Department of Beaches and Harbors' Design Control Board on November 18, 1999, as required in the certified LCP.
46. With the exception of the applicant's requested variance to Marina del Rey Specific Plan development standards regulating yard setbacks, and consistent with Priority Objective No. 8 of Chapter 8 of the Marina del Rey Land Use Plan,

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 recreational uses, provision of adequate traffic capacity, and provision for low-and moderate-income senior housing as required.

47. 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.
48. The subject property is of adequate size and shape to accommodate the yards, walls, fences, parking, landscaping and other accessory structures, as shown on the site plan marked Exhibit "A".
49. Compatibility with surrounding land uses will be ensured through the coastal development permit, conditional use permit, variance and environmental controls.
50. There is no evidence that the proposed project will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the project site.
51. The proposed project in summary:
 - (a) Avoids premature conversion of undeveloped land to urban uses;
 - (b) Promotes distribution of population consistent with service system capacity, resources availability, environmental limitations, and accessibility;
 - (c) Directs urban development and revitalization efforts to protect natural and man-made amenities and to avoid severe hazard areas, such as flood prone areas, active fault zones, steep hillside areas, and fire hazard areas;
 - (d) Encourages the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth in the areas of suitable land;
 - (e) Ensures that new development and urban expansion areas will occur in a manner consistent with stated plan policies and will pay for marginal and public costs that it generates; and
 - (f) Focuses intensive urban uses in inter-dependent systems of activity centers located to effectively provide services throughout the urban area, including adequate transportation facilities; and
 - (g) Provides affordable housing.

52. A Mitigated Negative Declaration for the project has been prepared in accordance with the California Environmental Quality Act and the State and County guidelines relating thereto. As stated in the Mitigated Negative Declaration, it was originally determined that the proposed project may exceed established threshold criteria. The applicant has agreed to various project conditions so that it can now be determined that the project will not have a significant adverse effect on the physical environment.
53. The recommended plan amendment will not place an undue burden upon the community's ability to provide necessary facilities and services, as outlined in the preceding findings of fact and the Mitigated Negative Declaration prepared for the project.

WHEREAS, based upon the findings of fact described above, the Regional Planning Commission, having completed an independent review and analysis of the project, concludes that:

1. The site is suitable for the proposed use and intensity.
2. The recommended Local Coastal Plan Amendment will not place an undue burden upon the community's ability to provide necessary facilities and services.
3. The recommended Local Coastal Plan Amendment is consistent with the goals, policies, and programs of the General Plan and will help implement the various objectives identified with respect to the Site.
4. The recommended Local Coastal Plan Amendment is in the interest of public health, safety, and general welfare and is in conformity with good planning practice.

NOW, THEREFORE, BE IT RESOLVED: that the Regional Planning Commission of the County of Los Angeles hereby recommends that the Board of Supervisors:

1. Hold a public hearing to consider the above recommended local coastal plan amendment; and
2. Approve the Mitigated Negative Declaration, dated November 17, 1999, and certify that the Board has considered the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Board that there is no substantial evidence the project will have a significant effect on the environment, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board; and

3. Find that the recommended Local Coastal Plan Amendment is consistent with the goals, policies and programs of the Los Angeles County General Plan and the Marina Del Rey specific plan; and
4. Adopt Local Coastal Plan Amendment No. 98-172-(4), amending the Land Use Map of the Marina Del Rey specific plan and the Land Use policy map of the Marina Del Rey Land Use Plan (and related text) on the 2.2-acre subject parcel from "Marine Commercial (water overlay zone)" to residential "(Water Overlay Zone)", and to further amend the Marina Del Rey Land Use Plan and the Marina Del Rey specific plan to authorize the transfer of 97 potential development units from Development Zone-1 (Bora Bora Development Zone) to Development Zone-4 (Panay Development Zone).

I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on September 27, 2000.

Rosie O. Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION

COUNTY OF LOS ANGELES

COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT AND VARIANCE CASE NOS. 98-172-(4)

COMMISSION HEARING DATES:

January 12, 2000; March 8, 2000; April 3, 2000; June 5, 2000; June 14, 2000;
August 23, 2000; August 30, 2000

SYNOPSIS:

The applicant, Goldrich & Kest Industries, has requested a coastal development permit, conditional use permit and variance to authorize construction of a two-phase development project, as follows: (Phase I) a 56-foot tall, 99-unit apartment building (49 one-bedroom and 50 two-bedroom apartment units) over two levels of parking (200 parking spaces total); (Phase II) a 35-foot tall, five-level structure (two levels to be constructed below grade) containing 231 parking spaces, 2,300 square feet of professional office space, and an approximately 6,025-square foot yacht club.

To allow the development described above, the applicant has further requested amendments to the Land Use Map of the Marina Del Rey Specific Plan and the Land Use Policy Map of the Marina Del Rey Land Use Plan and related text to change the designation on the subject Parcel 20, Marina del Rey, from "Marine Commercial (Water Overlay Zone)" to "Residential IV (Water Overlay Zone)" and to further amend the Marina Del Rey Land Use Plan and the Marina Del Rey Specific Plan to authorize the transfer of 97 potential development units from Development Zone-1 (Bora Bora Development Zone) to Development Zone-4 (Panay Development Zone).

The subject property is located at 13953 Panay Way, Marina del Rey, west of the Marina's main channel, and is commonly referred to as Parcel 20.

PROCEEDINGS BEFORE THE COMMISSION:

January 12, 2000 Public Hearing

A duly noticed public hearing was held. All Commissioners were present. Eight persons were sworn: the applicant, his two agents, and five persons testifying in opposition. Staff presented a detailed description of the applicant's development proposal. Following staff's presentation, the applicant's agents gave testimony in support of the project. The Commission then posed questions of the applicant and staff relating to traffic impacts and mitigation measures, the variety of boating uses within the Marina, public access, view-related issues, additional proposed development in Marina Del Rey, and the environmental documentation prepared for the proposed project. Five

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community members next presented opposition testimony addressing a number of concerns including traffic, congestion, aesthetics, parking, building height, pollution and general comments on negative quality of life impacts that would result from project development. Following this opposition testimony, the Commission continued the public hearing to March 8, 2000.

March 8, 2000 Continued Public Hearing

A continued public hearing was held. All Commissioners were present. Nine persons, all presenting testimony in opposition to the project, were sworn. Opposition testifiers reiterated concerns relating to, among other things, adverse traffic, air quality and water quality impacts that would result from project development. Individuals testifying in opposition also requested the Commission to withhold its consideration of all Marina del Rey development projects pending completion of additional Marina-wide environmental analyses, with particular attention to traffic. The Commission continued the public hearing to April 3, 2000, and requested staff to provide a list of related projects in Marina Del Rey in relation to cumulative traffic impacts of the project.

April 3, 2000 Continued Public Hearing

A continued public hearing was held. All Commissioners were present. Fifteen persons were sworn: one person testifying in favor of the project, 12 persons testifying in opposition, and two staff members of the County Department of Public Works. The hearing began with testimony from one individual residing in the anchorage adjacent to Parcel 20 who expressed support for the proposed project because it does not contemplate a reduction in the number of existing Parcel 20 boat slips. Thirteen persons next testified in opposition to the project, reiterating previously expressed concerns related to negative environmental and quality of life impacts that would result from project development. Two members of the Traffic and Lighting Division of the County of Los Angeles Department of Public Works next presented testimony regarding the traffic analysis conducted for the proposed project and answered traffic-related questions posed by the Commission.

The Commission directed staff to provide an inventory of public parking lots and a report on the cumulative traffic impacts resulting from other projects proposed within Marina Del Rey. The Commission also directed the applicant to provide a revised site plan showing the relocation of the yacht club facilities to the roof of the parking structure. The Commission continued the public hearing to June 5, 2000.

June 5, 2000 Continued Public Hearing

A continued public hearing was held. Four Commissioners were present (Commissioner Feldman was absent). Six persons were sworn: one staff member from the County Department of Beaches and Harbors, one staff member from the County Department of Public Works, one staff member for the County Department of Regional Planning, and three individuals testifying in opposition. County staff provided the Commission with information requested at the April 3, 2000 continued public hearing, including: summary of project revisions and project environmental issues; overview of

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the role of the Department of Beaches and Harbors' Design Control Board; overview of traffic study undertaken in support of creation of certified Marina del Rey Local Coastal Program; additional conditions recommended as part of the mitigated negative declaration; discussion of currently filed development proposals within Marina Del Rey; and clarification of the requested plan amendment. Planning staff also provided an overview of the applicant's revised site plan, depicting the proposed yacht club facility on the top level of the proposed parking structure. Staff noted that the relocation of the yacht club facility will allow an outdoor dining deck and that the project was also revised to provide necessary parking required for the outdoor dining deck. Three community members next presented opposition testimony, reiterating previously raised concerns related to perceived inadequacy of the environmental document prepared for the project.

The Commission closed the public hearing and scheduled the matter for discussion and possible action on June 14, 2000, and directed staff to provide information regarding affordable housing policies and requirements as they relate to the proposed project.

June 14, 2000 Regional Planning Commission Item for Discussion and Possible Action

The case was placed on the June 14, 2000 Regional Planning Commission Agenda as an Item for Discussion and Possible Action. Three Commissioners were present (Commissioners Feldman and Pederson were absent). No persons were sworn. Staff provided the Commission an overview of affordable housing requirements in relation to the proposed project. Staff also recommended to the Commission that the public hearing be reopened, continued, and readvertised to include the following additional requests: (1) a variance to the Marina Del Rey Land Use Plan's Residential IV development standards to allow front and rear yard setbacks of less than ten feet on portions of Parcel 20; and (2) a revision to the applicant's Local Coastal Plan Amendment application to include a request for a transfer of 97 potential development units from Development Zone 1 (Bora Bora Development Zone) to Development Zone 4 (Panay Development Zone).

The Commission, following discussion, reopened the public hearing, directed staff to readvertise the case to reflect the aforementioned additional requests, and scheduled the case for a continued public hearing on August 23, 2000.

August 23, 2000 Continued Public Hearing

A duly noticed public hearing was held. Four Commissioners were present (Commissioner Campbell was absent; newly appointed First Supervisorial District Commissioner Esther Valadez was in attendance). Eleven persons were sworn: the applicant's agent, two persons testifying in support of the project, and eight persons testifying in opposition. Staff provided an overview of information submitted relating to the applicant's variance request and plan amendment modifications, and further explained the applicant's proposal to dedicate 10% of the proposed apartment units to low-income senior citizen tenants. The applicant's agent next testified in support of the

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project and answered the Commission's questions relating to both the proposed low-income component of the project and the variance request. Two individuals representing Marina del Rey lessee interests next testified in support of the project. Eight community members then testified in opposition to the requested variance and reiterated previously raised concerns regarding perceived inadequacies in the environmental document prepared for the project.

There being no further testimony, the Commission closed the public hearing and, by a 2-1-1-1 vote (Commissioners Vargo and Pederson voted for approval, Commission Feldman dissented, Commissioner Valadez abstained, and Commissioner Campbell was absent), directed staff to return with findings and conditions for approval of the subject coastal development permit, conditional use permit and variance with the following additional condition:

- That five feet be added to the pedestrian walk adjacent to the easterly side of the apartment building (this will expand "view corridor #2" to a width of 137 feet and will increase the project's total view corridor width to 182 feet, or 28% of the property frontage).

The Commission voted to continue consideration of the plan amendments until its August 30, 2000 meeting.

August 30, 2000 Regional Planning Commission Item for Discussion and Possible Action

The case was placed on the August 30, 2000 Regional Planning Commission Agenda as an item for Discussion and Possible Action. Four Commissioners were present (Commissioner Valadez was absent). Commissioner Vargo clarified her previous motion (carried by the Commission at the August 23, 2000 public hearing) to approve the subject coastal development permit, conditional use permit, and variance. On motion of Commissioner Vargo, seconded by Commissioner Pederson and carried, the Commission directed staff to prepare a Resolution recommending that the Board of Supervisors approve the local coastal plan amendment, and to prepare the final environmental documentation for its subsequent adoption.

REGIONAL PLANNING COMMISSION FINDINGS:

1. The requested coastal development permit, conditional use permit, and variance were considered concurrently with Local Coastal Plan Amendment No. 98-172-(4). The applicant requested an amendment to the Land Use Map of the Marina Del Rey Specific Plan and the Land Use Policy Map of the Marina Del Rey Land Use Plan and related text to change the designation on the subject parcel from "Marine Commercial (Water Overlay Zone)" to "Residential IV (Water Overlay Zone)" and to further amend the Marina Del Rey Land Use Plan and the Marina Del Rey Specific Plan to authorize the transfer of 97 potential development units

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from Development Zone-1 (Bora Bora Development Zone) to Development Zone-4 (Panay Development Zone).

2. The Regional Planning Commission, on September 27, 2000, recommended approval of the requested plan amendments. The coastal development permit, conditional use permit and variance will not become effective unless and until the plan amendments recommended by this Commission for this project have been adopted and certified by the Board of Supervisors and the California Coastal Commission.
3. The subject coastal development permit, conditional use permit, and variance will authorize development of a two-phase development project, as follows: (Phase I) a 56-foot tall, 99-unit apartment building (49 one-bedroom and 50 two-bedroom apartment units) over two levels of parking (200 parking spaces total); (Phase II) a 35-foot tall, five-level structure (two levels to be constructed below grade) containing 231 parking spaces, 2,300 square feet of professional office space, and an approximately 6,025-square foot yacht club.
4. The conditional use permit will authorize the construction, operation and maintenance of the above referenced yacht club and will also authorize the sale of a full-line of alcoholic beverages for on-site consumption at the yacht club.
5. The variance will authorize front and rear yard setbacks of less than ten feet on portions of the relevant parcel for the project.
6. The subject property is located west of the Marina's main channel at 13953 Panay Way, Marina Del Rey, and within the Panay Development Zone as specified in the Marina del Rey Local Coastal Program (certified LCP).
7. The project site is designated as "Parcel 20" in the certified LCP.
8. The proposed development site is rectangular in shape, level and 2.2 acres in size.
9. Access to the site is provided via Panay Way, a mole road, and Basin E of the Marina del Rey small craft harbor.
10. Two addresses have been assigned to Parcel 20 that correspond to the existing building improvements: 13593 Panay Way is a one-story office building; 13915 Panay Way is a two-story building occupied by professional offices and the Pacific Mariners Yacht Club. Existing waterside improvements on the property include an anchorage for 157 boats that would remain as part of the project.
11. Sewer, water and utilities services are available to service the property.

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12. The subject property's zoning is Specific Plan as set forth in the Marina Del Rey Specific Plan.
13. The existing site-specific land use designation for Parcel 20 is Marine Commercial (MC) - Waterfront Overlay Zone (WOZ).
14. The Water Overlay Zone designation is intended to provide additional flexibility for development of coastal-related, and marine-dependent land uses, primarily on waterfront parcels.
15. The proposed project is consistent with Water Overlay Zone development standards specified in the certified LCP in that it does not contemplate development that would displace existing public recreation, visitor serving or coastal dependent boating uses.
16. As noted, the applicant is requesting, and the Regional Planning Commission has recommended approval of, a local coastal plan amendment to, among other things, change the Parcel 20 land use designation to Residential IV, which permits a maximum density of 45 dwelling units per net acre. Under the proposed Residential IV land use classification, a maximum of 99 dwelling units would be allowed on the 2.2-acre subject parcel; the applicant's 99-unit development proposal is consistent with this density standard.
17. The requested amendment would transfer 97 dwelling units from the Bora Bora Development Zone, which has a total allocation of 610 dwelling units, to the Panay Development Zone, which currently has a development allocation of 182 dwelling units and 15 congregate care units.
18. Surrounding land use categories in the vicinity of Parcel 20 includes Residential III, which permits 35 units per acre, to the east; Residential IV, which permits 45 units per acre, to the south; and Marine Commercial, which provides for coastal-dependent and/or coastal related uses, to the west. Parcel designations located northerly of Parcel 20 and across Marina Basin E include Marine Commercial and Residential III.
19. The revised site plan (Exhibit "A") depicts a 99-unit apartment building sited on the western one-half of the Parcel. Surface parking facilities are depicted in the center portion of the Parcel (depressed two feet below grade). The proposed five-level structure, containing parking facilities, yacht club and professional offices, is shown on the eastern one-third of the Parcel. Open space areas (landscaping, courtyards, pool and pedestrian promenade) are shown covering approximately 33% of the parcel. Access is depicted via Panay Way to the south.

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20. The applicant has requested a variance to current development standards to allow front and rear yard setbacks of less than ten feet on portions of Parcel 20. Los Angeles County Code Section 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. The applicant has requested a two-foot rear yard setback for the apartment building for Phase I of the project, a five-foot front yard setback for the surface parking lot, and no rear yard setback for the proposed parking/yacht club/office structure for Phase II of the project.
21. There are special circumstances applicable to the subject property, including the provision of public space (the Promenade), the narrow depth of the parcel, and the physical limits of the land area available to the parcel due to it being abutted by water on one side, which 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.
22. A series of design requirements contained in the certified LCP limit the area available to the footprint of the proposed project structures. These required design features include, among others, marina view corridors, building height limits, landscaped area, increased pedestrian access through the site, and 28-foot wide pedestrian promenades. The required promenade, landscaping and yards consume approximately 27% of the total developable land area of the parcel. The portion of land area available for the footprint of the proposed buildings is therefore restricted by these required public improvements. Reduced yard setbacks are necessary in this case to allow reasonable and adequate building floor area.
23. The character of existing development at the Panay Way mole terminus is multi-story residential apartments; apartment buildings to the south and east of the subject parcel on Panay Way have been developed with similarly reduced yard setbacks.
24. A wind study was submitted by the applicant, reviewed by the Department of Regional Planning, and found to be sufficient to indicate the project will not have an adverse effect on wind patterns.
25. The project has been conditioned to require strict adherence to a construction schedule that will ensure timely construction of both project phases.
26. Consistent with Policy No. 3 of Chapter 3 ("Recreational Boating") of the Marina del Rey Land Use Plan, the project ensures that replacement of existing boater support and marine commercial uses on Parcel 20 will occur prior to development of the use which displaces them (i.e., construction of project Phase 2) may commence.

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27. The project received conceptual approval from the County Department of Beaches and Harbors' Design Control Board on November 18, 1999, as provided in the certified LCP.
28. Consistent with the state planning law and Priority Objective No. 10 of Chapter 8 of the Marina del Rey Land Use Plan, the project provides for affordable senior housing by reserving 10% (or 10 units) of the proposed apartment units for low-income, senior citizen tenants (62 years of age or older) for the life of the ground lease (until 2061). As such, the proposed project will assist in providing badly needed low-income senior citizens' housing and is viable in terms of availability to meet such housing needs. There are currently no low-income senior citizen dwelling units located in Marina del Rey.
29. To ensure continuing availability of the project's low-income units, the applicant has agreed to enter into a joint covenant and agreement with the Los Angeles County Community Development Commission and the Department of Regional Planning, to be recorded in the office of the County Recorder as a covenant running with the land, guaranteeing that no less than ten (10) of the project's 99 apartment units will be allocated to low-income tenants (as defined in Section 22.08.090 of the Zoning Ordinance) 62 years of age and older for the life of the ground lease (until 2061). Moreover, to ensure ongoing monitoring of the project's affordable units, the applicant 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.
30. In conformance with Sections 30210-30212 of the California Coastal Act and Chapter 1 ("Shoreline Access") of the Marina del Rey Land Use Plan, the project provides public pedestrian access and ensures passive recreational use to and along all portions of the Parcel 20 bulkhead. In furtherance of these important policies, the project applicant will provide signage at the subject property's Panay Way entrance and at each bulkhead entrance of each public vertical accessway identifying them as public. The applicant will also provide signage at conspicuous locations along the length of the bulkhead public accessways (public promenade) identifying such as public.
31. 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, the project is located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. In addition, the project is designed to protect views to and along the ocean and scenic coastal areas, to minimize alteration of natural landforms, to be visually compatible with the character of the surrounding areas, and to enhance visual quality.

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32. Consistent with Section 30252 of the California Coastal Act and Chapter 8 ("Land Use Plan") of the Marina Del Rey Land Use Plan, the project provides commercial facilities within or adjoining residential development in order that use of coastal access routes will be minimized.
33. Adequate vehicular and emergency access to the site will be provided via Panay Way, which front the subject property to the south.
34. The project provides a view corridor comprising approximately 28% of the property frontage, which satisfies the view corridor requirements specified in LACC 22.46.1060.E et seq. (County Zoning Ordinance, Marina del Rey Specific Plan – Site Design and Architectural Treatment).
35. Consistent with the Parking Policies contained in Chapter 2 ("Recreation and Visitor-Serving Facilities") of the Marina Del Rey Land Use Plan, the project's parking facilities are integrated into the overall design of the development and are appropriately landscaped. In addition, with regard to the proposed commercial development within the project, multi-use parking facilities have been provided.
36. The project will include 431 parking spaces on-site in conformance with parking standards specified in LACC 22.52.1000 et seq. (County Zoning Ordinance – Vehicle Parking Space). Moreover, the project applicant has been conditioned to provide off-site replacement parking facilities for all existing boater support (i.e., boat slips) and marine commercial uses (i.e., yacht club) that will be temporarily displaced during project construction.
37. 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 applicant 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 applicant 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.
38. 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

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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.

39. To help finance construction of local park facilities in the existing Marina del Rey, the permittee will contribute his 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).
40. 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.
41. 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.
42. An Initial Study was prepared on this project in compliance with the CEQA guidelines and the environmental reporting procedures of the County of Los Angeles. During the initial study process, staff identified a number of environmental issues including geotechnical, fire, water quality, cultural, visual, and traffic. Mitigation measures were incorporated in the project which will reduce impacts in the above areas to below levels of significance. The mitigation measures reflected in the Mitigated Negative Declaration are incorporated as conditions of approval of the variance, coastal development permit, and conditional use permit.
43. There were public protests to the approval of the project, both written and verbal. Testifiers expressed concern about traffic, congestion, aesthetics, parking, building height, and pollution. Testifiers also expressed concern about the applicant's request to change the Parcel 20 land use designation from Marina Commercial to Residential IV.
44. The permittee will mitigate cumulative and direct traffic impacts caused by the proposed development by paying traffic mitigation fees of \$5,690 per p.m. peak-hour trip (ppmpt), to be allocated as follows:
 - a. \$1,592 ppmpt into the Transportation Improvement Program as identified in Appendix G of the certified LCP; and

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- b. \$4,090 ppmpt into a fund specifically allocated for mitigation of the applicant's proportional share of the cumulative impacts of Marina development on the subregional transportation system (Category 3 improvements in the certified LCP).

The permittee will also establish a functional transportation systems management (TSM)/Transportation Demand Management (TDM) program, or will participate in an existing TSM/TDM program.

- 45. Opposition comments suggested that the proposal would exacerbate existing traffic and circulation problems in the Marina. As noted, however, the permittee is 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 applicant 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.
- 46. The permittee's compliance with the mitigation conditions deemed necessary to ensure that the project will have no significant adverse impact upon the environment will be monitored by the County's Department of Public Works, Regional Planning, Department of Health Services and by other involved county agencies through periodic development inspections and, if appropriate, by state and other agencies. This monitoring program provides adequate assurances that these mitigation measures will be implemented during project implementation.
- 47. The proposed project has been designed to be compatible with the surrounding area in terms of land use patterns, designs, and established community character.
- 48. There is no evidence that the proposed project will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the project site.
- 49. The project will be reasonably proximate to public transit and necessary services and facilities.
- 50. 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.
- 51. The project is consistent with the goal of the certified LCP to encourage controlled change in the Marina over the next 30 years. The project is also

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consistent with the certified LCP's goal to encourage private lessees within the Marina to replace and update facilities to maintain the physical and economic viability of the Marina.

52. With the exception of the applicant's requested variance to Marina del Rey Specific Plan development standards regulating yard setbacks, and consistent with Priority Objective No. 8 of Chapter 8 of the Marina del Rey Land Use Plan, 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 recreational uses, provision of adequate traffic capacity, and provision for low-and moderate-income senior housing as required.

BASED ON THE FOREGOING, THE COMMISSION CONCLUDES:

WITH RESPECT TO THE COASTAL DEVELOPMENT PERMIT:

- A. That the proposed development will be and is in conformity with the Local Coastal Program and California Coastal Act;
- B. That the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the 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 this title, 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

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use would generate, and by other public or private services and facilities as are required.

WITH RESPECT TO THE VARIANCE:

- A. That there are special circumstances or exceptional characteristics applicable to the subject property, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification; and
- 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 Section 22.56.090, and for a variance as set forth in Section 22.56.290 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION:

- 1. The Regional Planning Commission has considered the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Mitigated Negative Declaration.
- 2. In view of the findings of fact presented above, Coastal Development Permit No. 98-172-(4), Conditional Use Permit No. 98-172-(4), and Variance No. 98-172-(4) are granted, subject to the attached conditions of approval.

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VOTE: 2-1-0-2

Concurring: Vargo, Pederson

Dissenting: Valadez

Abstaining

Absent: Campbell, Helsley

Action Date:

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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.**
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.

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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.

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11. This grant authorizes the demolition of existing land-side facilities on Parcel 20, Marina del Rey, and the phased construction, operation and maintenance of a 99-unit apartment building, a yacht club/professional office/parking structure, public promenade, and parking facilities for the aforementioned uses, and marina boat slip parking on the subject property, subject to the following conditions:

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

Phase 1 Construction:

This grant authorizes the permittee to construct the subject 99-unit apartment building and appurtenant facilities, including all public promenade improvements, in project Phase 1. The permittee shall commence construction of project Phase 1 within 12 months from receipt of requisite land use entitlements from the County and/or California Coastal Commission. The permittee shall complete construction of all Phase 1 improvements within 1½ years from commencement of construction of project Phase 1.

Phase 2 Construction:

This grant authorizes the permittee to construct the subject yacht club/professional office/parking structure and appurtenant facilities in project Phase 2. If the existing Parcel 20 yacht club and professional office tenants agree to abandon their current Parcel 20 subleases (the latest of which is scheduled to expire September 30, 2000) to facilitate construction of project Phase 2, then the permittee shall commence Phase 2 construction within six (6) months of issuance of Certificate of Occupancy for the subject apartment building. Construction of all Phase 2 improvements shall be completed no later than 12 months after Phase 2 construction commences. Prior to this grant becoming effective, the permittee shall submit to the Director of Planning an affidavit signed by the existing Parcel 20 yacht club and professional office tenants confirming their intent with respect to abandonment of their current Parcel 20 subleases and subsequent temporary relocation within the Panay Development Zone. In no event shall the permittee's completion of Phase 2 of the project occur later than December 21, 2007.

The permittee shall conform to the aforementioned phased construction schedule or this grant shall be subject to revocation.

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- b. Prior to issuance of any building permits for construction of project Phase 2, the permittee shall have relocated all existing Parcel 20 coastal-dependent boating uses (i.e., boater parking and access), marine-commercial uses (i.e., yacht club) and professional office uses, which, with affected tenants' prior written consent (see condition no. 11(a) above), will be temporarily displaced during construction of the project. The permittee shall temporarily replace said uses at another location affording equal operational efficiency within the Panay Development Zone. The permittee shall provide the Director of Planning a site plan showing the location and dimensions of all temporary relocation structures as well as the location and number of all appurtenant parking spaces.
- c. The permittee shall enter into a joint covenant and agreement with the Community Development Commission of Los Angeles County and the County Department of Regional Planning stipulating that no less than ten (10) of the subject apartment units will be allocated to low-income tenants (as defined in Section 22.08.090 of the Zoning Ordinance) 62 years of age and older for the life of the ground lease (until 2061). 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 and the Community Development Commission for review and approval. Once approved by County Counsel, the permittee shall submit a copy of said agreement to the Director of Planning;
- d. The permittee shall on an annual basis, commencing from the date of issuance of the Certificate of Occupancy for the apartment building and extending through the life of the ground lease (until 2061), 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 subject apartment building shall be limited to 99 dwelling units (49 one-bedroom and 50 two-bedroom);

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- f. The subject property shall be developed and maintained in substantial compliance with the exhibit maps on file marked Exhibit "A". 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 discretion of the Director of Planning, who shall find that such revisions are consistent with the intent and conditions of this grant;
- g. 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, or as otherwise authorized by a plot plan or revised exhibits approved by the Director of Planning;
- h. The permittee shall provide public pedestrian and emergency vehicle access and shall ensure passive recreational use to and along the Parcel 20 bulkhead, as depicted on the approved Exhibit "A" on file;
- i. The permittee shall post one sign at the subject property's Panay Way entrance 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 promenade) identifying such as public;
- j. All development authorized under this grant shall be constructed consistent with the view corridors shown on the approved Exhibit "A" on file. The total width of the view corridors shall be no less than 182 feet, as shown of the approved Exhibit "A" on 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 shall be placed and maintained so as not to obstruct water views.
- k. Building setbacks shall be provided and maintained as shown on the approved Exhibit "A";
- l. Prior to issuance of any building permits, the applicant shall submit a final parking plan for the review and approval by the Department of Regional Planning and the Los Angeles County Fire Department, who shall review said plan for consistency with the parking and Fire

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Department access requirements of this grant and the certified Local Coastal Program (LCP). Said plan shall demonstrate that the leasehold area subject to this grant contains no less than **431 parking spaces** to accommodate the following uses:

- 1) **Existing boater parking: 118 spaces.** The permittee shall retain no fewer than 118 spaces (0.75 spaces per existing boat slip) for boater use on the site. No fewer than one (1) legal loading space shall be located within 50 feet of each gangway. No boater spaces may be permanently assigned to any individual boater but such spaces may be restricted to boat owners, if necessary, to assure availability for that use.
 - 2) **99-unit apartment building: 199 spaces.** Of the 199 spaces allocated to the apartment building, no more than 174 shall be assigned, numbered spaces reserved for exclusive use by the apartment building tenants. The permittee shall allocate the 25 remaining spaces to apartment tenant guest parking and shall mark them as such.
 - 3) **Yacht club: 108 spaces.** The permittee shall retain no fewer than 108 spaces for the yacht club. Said spaces shall be designated for exclusive use by the yacht club only when said club is open. At all other times, such spaces shall be available to the general public use, except that the club may restrict overnight use. The yacht club tenant shall be responsible for providing appropriate signage indicating when said parking spaces are available for public use.
 - 4) **Marine-related professional offices: 6 spaces.** The permittee shall retain no more than six (6) spaces for the on-site professional office uses. Said spaces shall be designated for exclusive use by the office tenants only when said offices are open. At all other times, such spaces shall be available to the general public use, except that the office tenants may restrict overnight use.
- m. The permittee shall maintain **206 parking spaces** on adjacent Parcel 21 during project construction to accommodate the following temporarily-displaced uses:

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- 120 parking spaces for boater use;
- 80 parking spaces for use by members of the existing Parcel 20 yacht club. Said spaces shall be designated for exclusive use by the yacht club only when said club is open. At all other times, such spaces shall be available to the general public use, except that the club may restrict overnight use;
- Six (6) parking spaces for use by existing Parcel 20 professional office tenants. Said spaces shall be designated for exclusive use by the office uses only when said offices are open. At all other times, such spaces shall be available to the general public use, except that the office tenants may restrict overnight use;

If any such temporary parking spaces are sited on any parcel other than Parcel 21 within the Marina during project construction, then the permittee shall institute a 24-hour, seven-day per week, valet parking system to service said spaces.

- n. On-street 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. The 99-unit apartment building (Phase 1) shall not exceed a height of 56 feet, as depicted on the approved elevations, marked Exhibit "A", on file. The yacht club/professional office/parking structure (Phase 2) shall not exceed a height of 35 feet, as depicted on the approved elevations, marked Exhibit "A", on file;
- 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;

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- s. All ground- and roof-mounted equipment shall be fully screened from public view. All roof-mounted facility screening materials shall be of high-quality construction and shall be fully integrated into the building architecture;
 - t. Trash enclosure areas shall be screened from public and private view corridors.
12. Prior to this grant becoming effective, the permittee shall provide three (3) copies of revised plans to the Director of Planning, similar to Exhibit "A" as presented at the public hearing and conforming to such of the following additional conditions as can be shown on a plan:
- a. Provide one (1) Type A loading space (24' long x 12' wide) as specified in LACC 22.52.1084;
 - b. Identify location, type and dimensions of all fences;
 - c. Identify location of all exterior lighting;
 - d. Expand "view corridor #2", as depicted on the Exhibit "A" presented at the public hearing, by adding five (5) feet to the pedestrian walk adjacent to the easterly side of the apartment building. This will expand view corridor #2 to a width of 137 feet and will increase the project's total view corridor width to 182 feet (28% of the property frontage);
 - e. Identify compact parking space percentages on the plan.
13. This grant further authorizes the sale of a full line of alcoholic beverages for on-site consumption incidental to the operation of the yacht club, subject to the following conditions:
- a. The service of alcoholic beverages on the premises shall be limited to on-site consumption only;
 - b. Hours that alcoholic beverages may be consumed on the premises shall be limited to between 8:30 a.m. and 1:30 a.m., Monday through Sunday;
 - c. Alcoholic beverage advertisements shall be prohibited on the exterior walls or windows of the establishment;

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- d. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
 - e. Said yacht club assembly room shall not exceed an occupancy load of 199 persons as determined by the Division of Building and Safety of the County Department of Public Works;
 - f. No amplified music or speakers shall be permitted on the outdoor deck;
 - g. The doors connecting the interior facility to the outdoor deck shall be closed Sunday through Thursday at 10:00 p.m. and Friday and Saturday at Midnight to prevent excess noise;
 - h. There shall be no outdoor activities which cause loud noises by employees, such as dumping bottles and trash, after 10:00 p.m.;
 - i. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises, such as parking lot or public promenade areas, in accordance with State of California Alcoholic Beverage Control regulations;
 - j. The permittee shall post signs on the premises prohibiting loitering or drinking alcoholic beverages in the parking lot areas or on adjacent properties;
 - k. The permittee shall post signs on the premises reminding yacht club members and their guests of the close proximity of resident boaters and apartment tenants and requesting said members and their guests not to disturb said residents with loitering and loud noises.
14. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
15. All project infrastructure shall be designed and constructed in an environmentally sensitive manner, and shall follow the design and recreation policies of the certified LCP, including landscaping standards required by the Department of Beaches and Harbors' Design Control Board.

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16. 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.
17. 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. A final approved grading plan 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.
18. 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.
19. 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 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 (i.e., surrounding residential uses). As the Project is constructed, the use of building structures as noise barrier shall be sufficient.

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21. 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.
22. The permittee shall post a notice at the construction site and along the proposed truck haul route containing information on the type of project, anticipated duration of construction activity, and providing a phone number where people can register questions and complaints. The permittee shall keep record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the permittee and submitted to the County of Los Angeles Department of Environmental Health.
23. The permittee shall develop and implement a construction management plan, approved by the County Department of Public Works, 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. Consolidate truck deliveries when possible.
 - e. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
 - f. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
 - g. Suspend use of all construction equipment operations during second stage smog alerts. Contact the SCAQMD at 800/242-4022 for daily forecasts.

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- h. Use electricity from power poles rather than temporary diesel- or gasoline-powered generators.
 - i. Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
 - j. Use propane- or butane-powered on-site mobile equipment instead of gasoline if readily available at competitive prices.
24. The permittee shall develop and implement a dust control plan, as approved by the County, which includes the following measures recommended by the South Coast Air Quality Management District (SCAQMD), or equivalently effective measures approved by the SCAQMD:
- a. Apply approved non-toxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for four days or more).
 - b. Replace ground cover in disturbed areas as quickly as possible.
 - c. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, dirt) according to manufacturers' specifications.
 - d. Water active grading sites at least twice daily.
 - 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.

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- h. Sweep streets at the end of the day if visible soil material is carried onto 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.
25. 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.
26. 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.
27. All construction vehicles shall be maintained in compliance with the requirements of the South Coast Air Quality Board for vehicle emissions.
28. 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

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along site perimeters shall have a minimum width of eight (8) feet and shall allow visual access into the lot, except where the landscaping is being used to screen an obtrusive use. 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 LCP 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 LCP.

29. The permittee shall provide the following improvements to the satisfaction of the Department of Public Works:
 - a. Comply with traffic mitigation measures as stated in the attached memorandum dated April 13, 1999, from the Traffic and Lighting Division of the County 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.

30. 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.
31. 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.
32. 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.
33. 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

**COASTAL DEVELOPMENT PERMIT NO. 98-172-(4)
CONDITIONAL USE PERMIT NO. 98-172-(4)
VARIANCE NO. 98-172-(4)**

CONDITIONS

water and sewage facilities in compliance with County and State requirements.

34. The permittee 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.
35. The permittee 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.
36. Prior to issuance of building permits, the permittee shall submit to the Director of Planning, evidence of the Design Control Board's approval of final plans for design details including signage, building color and materials palette, landscaping and plant palette.
37. 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.
38. 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.
39. The permittee 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 permittee shall also agree to comply with mitigation measures recommended by the archaeologist/palaeontologist and approved by the Department of Regional Planning.

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40. 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 prior to the issuance of any grading permits for the project. 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.
41. 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 the issuance of the Certificate of Occupancy for the subject apartment building.
42. 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.
43. 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.
44. The permittee 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 permittee shall submit a recovery program as an amendment to the permit.
45. 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.

**COASTAL DEVELOPMENT PERMIT NO. 98-172-(4)
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CONDITIONS

46. 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 shall follow the guidelines in the Transportation Improvement Program contained in Appendix G (Transportation Improvement Program, pages G-6 through G-8) of the Local Implementation Program. An annual report on the effectiveness of the TSM/TDM program shall be submitted to the Director of Planning.

47. Project development shall conform to the phasing schedules in the certified LCP. The phasing schedules include requirements for the existing Marina, circulation and public recreation improvements and infrastructure.
48. 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.
49. 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.

COASTAL DEVELOPMENT PERMIT NO. 98-172-(4)
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VARIANCE NO. 98-172-(4)

CONDITIONS

50. The permittee shall implement in a timely manner all mitigation measures in the approved Mitigated Negative Declaration (contained in the attached Project Changes/Conditions due to Environmental Evaluation form). 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;
 - 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.

51. The aforementioned conditions shall run with the land and shall be binding on all lessees and sublessees of Parcel 20.
52. Coastal Development Permit, Conditional Use Permit and Variance Case Nos. 98-172-(4) shall not become effective unless and until Local Coastal Plan Amendment No. 98-172-(4) has been adopted and certified by the Board of Supervisors and the California Coastal Commission.

DCC:AC



PROJECT CHANGES/CONDITIONS DUE TO ENVIRONMENTAL EVALUATION

Project: 98-172 (PA, CUP, CDP)

The Department of Regional Planning staff has determined that the following conditions or changes in the project are necessary in order to assure that the proposed project will not cause significant impacts on the environment.

A mitigation monitoring program implementing the conditions below shall be submitted to the Department of Regional Planning (DRP) for review and approval prior to the approval of the Plan Amendment, Conditional Use Permit and Coastal Development Permit by the Regional Planning Commission. The permittee shall deposit the sum of \$3,000.00 with the Department of Regional Planning within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the mitigation monitoring program.

GEOTECHNICAL

The applicant shall comply with all County Code requirements that mitigate potential impacts due to geotechnical characteristics of the project site as identified in the Initial Study. The applicant shall process a grading plan for the new buildings with the Department of Public Works (DPW) prior to any permanent construction. This shall be ensured and monitored through the filing of the appropriate development permits with the DPW.

The proposed development shall utilize earthquake resistant construction and engineering practices. A detailed geotechnical report prepared by certified engineering geologist shall be submitted for approval by the DPW, prior to the issuance of any grading or development permits, in accordance with Section 22.46.1180(5) of the Zoning Code.

FIRE

The applicant shall comply with all County Fire Department code and ordinance requirements for construction, access, water mains, fire flows and hydrants that mitigate potential impacts due to fire hazard characteristics of the project site as identified in the Initial Study and the Fire Department comment letter of April 23, 1999. The applicant shall provide 28-foot wide "Fire Lane", and designated as such, along the water's edge, designed to tie into similar fire lanes planned to eventually encircle the entire mole. Fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration are required for multiple residential projects. All on-site driveways shall provide a minimum unobstructed width of 28 feet clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior wall of the first story of any building. The applicant shall participate in an appropriate financing mechanism to provide funds for fire protection facilities which are required by new residential development in an amount proportionate to the demand created by this project. The applicant shall contact the Los Angeles County Fire Department at (213) 881-2404 to discuss mitigation arrangements.

The applicant shall provide sprinklers in all structures in accordance with Los Angeles County Building Code, Chapter 38, Sections 3802(b)5 and 3802(h).

WATER QUALITY

The applicant shall provide, to the satisfaction of the Los Angeles County Department of Health Services, the DPW and the California Regional Water Quality Control Board (CRWQCB), adequate water and sewage facilities in compliance with County and State requirements.

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 DPW. 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 DPW.

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.

CULTURAL

The applicant shall agree to suspend 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 agree to comply with the mitigation measures recommended by the archaeologist/palaeontologist and approved by the DRP.

VISUAL

The applicant shall provide an uninterrupted view corridor(s) from Panay Way to the harbor consisting of 27.33% of the project width for the proposed 56 feet height building.

TRAFFIC

In order to mitigate traffic impacts, the applicant shall pay, prior to the issuance of a building permit for each phase, all required trip mitigation fees at a rate to be determined by the DPW but not less than of \$5,690 per p.m. peak period trip (ppmpht) for 41 ppmpht, in order to help finance necessary road improvements, as determined by the DPW. Prior to the issuance of the grading permit, applicant shall make payment to Public Works, Fiscal Division, Attention: Claudia Hinojos.


The applicant shall provide parking in accordance with the Los Angeles County Planning and Subdivision Code.

GENERAL

The applicant shall take measures to provide uninterrupted public access to the harbor.

The applicant shall design the project to enhance wind circulation throughout Marina del Rey, as prescribed in the Marina del Rey Local Implementation Plan, unless the burden of proof for a plan amendment allowing a modification can be met.

As the applicant, I agree to incorporate these changes/conditions into the project, and understand that the public hearing and consideration by Planning Commission will be on the project as changed/conditioned.



Applicant

11/29/99

Date

No response within 10 days. Environmental Determination requires that these changes/conditions be included in the project.

Staff

Date

James E. Hartl
November 16, 1999
Page 2

We recommend the following conditions be made for this project:

- Prior to issuance of the building permit for this project, the applicant shall pay a mitigation fee of \$5,690 per p.m. peak-hour trip (ppmpt). The funds shall be allocated as follows: a) \$1,592 ppmpt into the Transportation Improvement Program as identified in Appendix G of the certified Local Coastal Plan (LCP); and b) \$4,098 ppmpt into a fund specifically allocated for mitigation of the applicant's proportional share of the cumulative impacts of Marina development on the subregional transportation system (Category 3 improvements in the certified LCP). The subregional system includes major collector streets which provide transportation to and along the coast and transportation to the Marina.

The corresponding traffic mitigation fee for this project is \$233,290 (41 ppmpt).

Payment should be made to Public Works and mailed to Fiscal Division, Attention Ms. Claudia Hinojos.


 VC:vm

CUP98172

df 11/17
Attach.

cc: Department of Beaches and Harbors (Jim Fawcett)

bc: Brian T. Sasaki
Fiscal (Hinojos)
Land Development (Ondrozeck)
Planning (Schales)
Traffic and Lighting (Barbe)



November 16, 1999

TO: James E. Hartl, Planning Director
Regional Planning Department

Attention Hsiao-Ching Chen

FROM: Harry W. Stone *Harry W. Stone*
Director of Public Works

**TRAFFIC IMPACT ANALYSIS (AUGUST 1999)
CONDITIONAL USE PERMIT 98172
PARCEL 20, 13953 PANAY WAY
MARINA DEL REY AREA**

As requested, we have reviewed the Traffic Analysis submitted by the Traffic Consultant, ~~Grain and Associates~~. ~~The proposed project is located at 13953 Panay Way east of Via Marina in the unincorporated area.~~ The memo supersedes our April 13, 1999, memo (copy attached).

The proposed project consists of the construction of 100 market-rate apartments and 6,885 square feet of visitor-serving commercial use, including a 1,385-square-foot club room/assembly area for the Pacific Mariners Yacht Club located on Parcel 20. Parcel 20 is currently developed with boat anchorage and office uses and will remain operational with the project. The project, at its build out Year 2003, is estimated to generate approximately 41 new vehicle trips during the p.m. peak-hour.

The project requires a land use plan amendment; therefore, the developer may need to submit an area build out cumulative traffic analysis. Your Department needs to review the proposed project to determine if this analysis is required.

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